

4959. By Mr. SWING: Petition of Sons of Revolution of the State of California protesting against heavy reduction in the personnel of the United States Navy; to the Committee on Naval Affairs.

4960. Also, telegram of American Legion Post of Riverside, Calif., urging adequate appropriation for maintenance of Organized Reserves Army training camps; to the Committee on Military Affairs.

4961. Also, telegram of the Chamber of Commerce of Riverside, Calif., urging adequate appropriations for maintenance of Organized Reserve Army training camps; to the Committee on Military Affairs.

4962. By Mr. YOUNG: Petition of the Brotherhood of Railway Clerks, Freight Handlers, Express, and Station Employees, urging the acceptance of Henry Ford's offer in connection with the Muscle Shoals project; to the Committee on Interstate and Foreign Commerce.

## SENATE.

TUESDAY, April 4, 1922.

(Legislative day of Monday, April 3, 1922.)

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

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes; receded from its disagreement to the amendments of the Senate numbered 47, 50, 51, 55, 72, 73, and 112; receded from its disagreement to the amendments of the Senate numbered 53, 54, 56, 58, 59, and 113, and concurred therein severally with amendments; insisted upon its disagreement to the amendments of the Senate numbered 43, 70, 71, 74, 75, 76, 77, 78, 79, 80, 82, and 91; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon and that Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER were appointed managers at the further conference on the part of the House.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 10478. An act to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County of California for certain lands, and for other purposes;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920";

H. R. 10673. An act to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. R. 10941. An act authorizing the Postmaster General to grant permission to use special canceling stamps or post-marking dies.

### ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of

the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes, and it was subsequently signed by the Vice President.

### SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. 177).

The PRESIDING OFFICER (Mr. TOWNSEND in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, War Department, fiscal year 1923, for mileage of officers and contract surgeons, \$500,000, in addition to the \$2,000,000 included in the 1923 Budget, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate a memorial of minority members (Socialist Party) of the Municipal Assembly of Juncos, Porto Rico, remonstrating against the course pursued by the presidents of the Senate and House of Delegates of Porto Rico in the political and personal campaign waged against Gov. E. Mont Reilly, and indorsing the administration of Governor Reilly, whom the memorialists state is held in high esteem by the majority of the Porto Rican people without party distinction, which was referred to the Committee on Territories and Insular Possessions.

Mr. SIMMONS presented a memorial of sundry citizens of Hamlet, N. C., protesting against inclusion in the pending tariff bill of increased duties on women's leather gloves, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution unanimously adopted by the Kansas City (Kans.) Chamber of Commerce, favoring placing on the free list in the pending tariff bill of vegetable oils and fats, which was referred to the Committee on Finance.

Mr. CAMERON presented the following joint memorial of the Legislature of Arizona, which was referred to the Committee on Agriculture and Forestry:

### FIFTH STATE LEGISLATURE, STATE OF ARIZONA, First Special Session.

#### Senate joint memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the fifth State Legislature of the State of Arizona, in special session assembled, respectfully represent:

Whereas under the act of Congress of August 24, 1921, entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," it is provided that advances may be made until July 1, 1922; and

Whereas the cattle interests of Arizona have suffered during the past few years in a manner whereby acceptance of the provisions of the said act of Congress offers material aid and relief; and

Whereas the singular climatic conditions existing throughout the State of Arizona make it impossible to round up and count cattle in the winter months, and of delay in forming companies to receive applications, will prevent many worthy producers from obtaining much needed relief by being unable to make formal application on or before July 1, 1922, the final date fixed by the said act of Congress for receiving applications: It is therefore

Resolved by the Fifth Legislature of the State of Arizona, in special session assembled, acting upon petition of the Arizona Cattle Growers' Association, praying for aid and relief, That Congress be memorialized to grant to the said War Finance Corporation full powers to extend the time set until July 1, 1923, as vital to the life and interests of many of the cattle raisers of the State of Arizona: It is further

Resolved, That suitably engrossed copies of this memorial be forwarded to the President of the Senate of the United States, the Speaker of the National House of Representatives, the Hon. HENRY F. ASHURST, the Hon. RALPH CAMERON, United States Senators for Arizona, Hon. CARL HAYDEN, Member of Congress for Arizona, praying them to do their utmost to secure, in the interests of the cattlemen of Arizona, the extension of time so vital to their several and joint interests, and a copy to the chairman of the War Finance Corporation, Washington, D. C.

Adopted by unanimous vote of senate, March 2, 1922.

H. B. WILKINSON,  
President of the Senate.  
ROY N. DAVIDSON,  
Secretary of the Senate.

Adopted by the house March 3, 1922, by unanimous vote.

P. C. KEEFE,  
Speaker of the House.  
OSCAR ZAPP,  
Chief Clerk of the House.

Approved March 3, 1922.

THOMAS E. CAMPBELL,  
Governor of Arizona.

Filed in the office of the secretary of state of Arizona this 3d day of March, A. D. 1922, at 3.23 p. m.

ERNEST R. HALL,  
Secretary of State.  
By JOHN MCK. REDMOND,  
Assistant Secretary.

### BILLS INTRODUCED.

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

By Mr. TOWNSEND:

A bill (S. 3391) granting an increase of pension to Kate Buman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3392) to designate a building site for the National Conservatory of Music of America; to the Committee on the Library.

By Mr. CAMERON:

A bill (S. 3393) for the relief of the Indians of the Gila River and Papago Reservations in the State of Arizona; to the Committee on Indian Affairs.

A bill (S. 3394) to provide for the development of the lands within the Colorado River Indian Reservation for the benefit of the Indians and of veterans of the World War; to the Committee on Irrigation and Reclamation.

By Mr. NEW:

A bill (S. 3395) granting an increase of pension to Frances Ann Weddell (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 3396) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor; to the Committee on Appropriations.

By Mr. SUTHERLAND:

A bill (S. 3397) granting a pension to A. J. Cline; to the Committee on Pensions.

#### ADDITIONAL DISTRICT JUDGES.

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, which was ordered to lie on the table and to be printed.

#### AMENDMENTS OF AGRICULTURAL APPROPRIATION BILL.

Mr. JOHNSON submitted an amendment proposing to appropriate \$5,000 for the investigation and determination of the best varieties of potatoes and the best sources of seed-potato supply for and the most effective methods of fertilizing and cultivating the potato crop in California, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

He also submitted an amendment proposing to appropriate \$40,000 for the establishment and maintenance of a forest experiment station in cooperation with the University of California, to conduct silvicultural, dendrological, and other experiments and investigations, and so forth, to determine the best methods for the conservative management of forests and forest lands and for the protection and handling of brush or chaparral growth on watersheds important in the supply of water for irrigation and other purposes, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon; and

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 10478. An act to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School; to the Committee on Indian Affairs.

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920"; and

H. R. 10673. An act to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama; to the Committee on Agriculture and Forestry.

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. R. 10941. An act authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies; to the Committee on Post Offices and Post Roads.

#### ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States,

to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. FLETCHER obtained the floor.

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

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Secretary will call the roll.

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

Ashurst	Gooding	New	Spencer
Ball	Hale	Norbeck	Stanley
Borah	Harrell	Norris	Sterling
Bursum	Harris	Oddie	Swanson
Cameron	Harrison	Overman	Townsend
Capper	Heflin	Page	Trammell
Caraway	Hitchcock	Pepper	Underwood
Colt	Jones, N. Mex.	Phipps	Wadsworth
Culberson	Jones, Wash.	Poindexter	Walsh, Mass.
Cummins	Kendrick	Pomerene	Walsh, Mont.
Dial	Keyes	Ransdell	Warren
du Pont	Lenroot	Rawson	Watson, Ga.
Elkins	McKinley	Sheppard	Williams
Ernst	McNary	Shields	Willis
Fernald	Moses	Shortridge	
Fletcher	Nelson	Simmons	

Mr. DIAL. My colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may continue through the day.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOR], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business. I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, will the Senator from Florida yield to me for a few minutes?

Mr. FLETCHER. I am very glad to yield to the Senator from Idaho.

#### THE COAL MINERS' STRIKE.

Mr. BORAH. Mr. President, we are again in the midst of a coal catastrophe. It is perhaps too early to discuss the subject matter in its entirety, because it is too large a subject to master in any reasonable length of time, and particularly the intricacies of the present situation. But there is one feature of the situation which I think ought to be accentuated, and the importance of which can not be overestimated, and that is the question of the contractual relations between the operators and the miners.

I regard the situation as a very serious one for many reasons. It would be serious under any circumstances and under any conditions in the country, because the public is largely at the mercy of this industry; it can not live and thrive without the industry; but it is particularly serious at this time. It is said there are from 4,000,000 to 5,000,000 men out of employment in the country, generally speaking; that is to say, aside from this industry. Now to throw out of employment some 500,000 or 600,000 men in addition to the already idle men makes the situation an exceedingly serious one. It is a crisis, industrially speaking.

The contract under which the miners were working up until the 1st day of April of this year, last Saturday, had in it the following clause:

*Resolved*, That an interstate joint conference be held prior to April 1, 1922. The time and place for holding said meeting is referred to a committee of two operators and two members from each State herein represented, together with the international officers of the United Mine Workers of America.

This was a part of the contract which had been made a long time previously and under which they had been working for many months. This particular clause of the contract had in no sense been abrogated, modified, or changed. It was binding upon the parties until the 31st day of March, 1922. So we have, Mr. President, the extraordinary situation that those who control this great industry either can not or will not perform the solemn obligations of their contract.

I am perfectly aware that there has been some contention to the effect that the contract had been abrogated or disregarded by the miners themselves. I think there have been some

changes in the contract from its original terms, but it is not necessary to discuss those changes, for the reason that, whatever misunderstandings may have occurred or whatever changes may have taken place, the contract was regarded as still binding and still obligatory. The miners continued to work under the contract and the mine operators continued to regard the contract as binding. So whatever disputes had arisen or whatever infringement or modification had taken place, they were not deemed to have abrogated the contract. We find, therefore, that the contract is a binding obligation though wholly disregarded in this respect by the mine operators.

Mr. President, there is another feature of this question. Suppose there had been no contract; suppose that the contract, in other words, had been wholly abrogated, and was in no sense binding upon the operators, still the highest obligation rested upon them to secure a conference or to avail themselves of the benefits of a conference with the miners. The industry, Mr. President, the mine owners, owed something to the public; they owed it to the public to use their utmost efforts to bring about an understanding between themselves and the miners. If the miners had refused to confer, the criticism would have been upon them; but neither the miners nor the mine owners, neither the operators nor the workers, can, in view of the interest which the public has in this matter, afford for a moment to take the position that, contract or no contract, they will decline, disregard, or refuse an opportunity for a conference in regard to the future working of the mines. So, it is immaterial, in my opinion, in the larger aspect of the case, as to whether the contract was technically binding or not. However, for fear that I should be misunderstood, I will say that, in my opinion, it was technically binding.

We have reached a point with reference to this industry where the contractual relation between the mine owners and the operatives seems to have broken down; and nothing could be more serious to the country than such a situation. If it comes to be understood that the mine owners and the miners can no longer enjoy the benefit of a conference by the results of which they shall both be bound and which in good faith they will carry out, we have reached the point where the public, in its own defense, must take some drastic measures in order to control the industry. That, to my mind, is the most important feature of the controversy as it is now presented to us.

There has not been, Mr. President, very much dispute upon the part of the operators as to the fact that they have violated their contract. Some have offered one excuse and some another, some have offered one justification and some another; but that the contract was binding upon them and that they have disregarded it is practically conceded upon the part of those who control this great industry. For instance, the statement of Mr. Penna, who is at the head of the Indiana Coal Operators' Association, according to the public print, is as follows:

I do not think the operators of the central competitive field will meet the miners to make a new agreement before April 1.

Mr. President, if the mine owners refuse to meet with the miners to deal with the question of wages, it is perfectly apparent that one of two things must follow: Either a strike is inevitable and the miners cease to work, or the miners go back to work for wages absolutely dictated by the mine owners themselves. If there can not be consideration of and regard for each other's rights through the medium of a conference, then it is perfectly apparent that they must pull apart entirely or one surrender absolutely to the other.

That is a condition in this great industry, Mr. President, to which the American people will not submit. In my judgment they will neither permit the men who work in the mines to control the industry, nor the men who own the mines to dictate the terms upon which the men who work in the mines shall labor.

The third party in this controversy is the one who is always lost sight of, and that is the public. It does not make any difference what the circumstances are or the causes which give rise to the conflict, nor how long the conflict is carried on, nor the amount of loss that ensues, the third party, the public, is the party which must in the end bear the brunt of the loss, because it will finally be passed up to the public either by an increased price of coal or in other ways.

I should read further, however, from Mr. Penna's statement, because I have read only a part of it, and I do not desire to do Mr. Penna or anyone else any injustice by stating only a portion of his position. Mr. Penna proceeds:

I can not answer for Pennsylvania and Southern Ohio, unless it is that the miners' demands are so impossible that the operators of those districts regard it a waste of time and money to meet to discuss them.

All operators share this opinion, especially in view of the fact that we were in almost six months' continuous conference in 1920—discussing the same absurdities, practically all of which were denied by the Federal Commission.

There is no reply to the mine workers' charge—that the operators have violated the agreement in refusing to meet them except to admit the fact, and the only excuse is that a contract with the United Mine Workers is of no value. Under the present contract we have had more than 200 strikes in Indiana, each of which is admitted by the miners' officers a violation of the contract by the miners.

Whether the fault be here or there, with the miners or the mine operators, it appears that they have lost confidence in each other, are unwilling to meet, are unwilling to contract, and when a contract is made they regard it as wholly worthless. If that comes to be the settled policy with reference to this great industry, then it devolves upon the Congress of the United States and the Government, and particularly the party in power, to find a remedy which will protect the public interest. It is simply inconceivable that the industry can continue to serve the public if contractual relations between the two factors, those who own the mines and those who work them, have broken down.

I am perfectly aware, Mr. President, that the public will hesitate a great while before adopting the drastic measure of public ownership; and there are many things which may be done this side of public ownership in the way of regulation which might effectuate a cure; but, whether it be by drastic regulation and control or by public ownership, the mine operators of this country ought to understand that they are inviting the public to take that step by refusing to comply with the solemn obligations of their contract in assisting to find a solution of the difficulty.

It has been said, Mr. President, in the public prints that the Government at this time finds itself helpless and powerless to remedy the situation. It may be that, owing to the law as it now stands and the situation as we find it, the Government is in a sense helpless, but certainly the Government is not going to remain helpless; certainly we are not going to consent to a recurring catastrophe, which happens about once a year, all of the expense of which is finally borne by the public. We are not going to continue to consent to such a condition of affairs.

Mr. FLETCHER. Mr. President—

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

Mr. BORAH. I yield.

Mr. FLETCHER. I should like to inquire of the Senator whether the investigation which was made not long since of the conditions in the West Virginia coal fields, in connection with which a report was submitted, as I remember, by Senator Kenyon, would be helpful in the present situation? Did that investigation develop any facts or reach any conclusions which would tend to solve the present problem of which the Senator is speaking?

Mr. BORAH. I do not know that it threw very much light upon the situation. Of course, beyond the question which I am discussing to-day is the controverted field involving the question of profits and the question of wages, both of which will at the proper time come up for legislative consideration and discussion.

Mr. NELSON. Mr. President, may I ask the Senator a question for information?

Mr. BORAH. Certainly.

Mr. NELSON. Have we not provided by law a board of arbitration to act in the case of such controversies as that at present existing? My impression is that we created such a board some years ago, I think at the instance of Senator Newlands, who was very much interested in the legislation.

Mr. STERLING. Mr. President—

Mr. BORAH. I yield to the Senator from South Dakota.

Mr. STERLING. If the Senator from Idaho will allow me, I think the Senator from Minnesota must refer to the Board of Mediation and Conciliation.

Mr. NELSON. Yes; that is what I had in mind—the Board of Mediation and Conciliation.

Mr. STERLING. The question is whether such a board would have jurisdiction over the subject which the Senator from Idaho is now discussing. As I understand—and I have just come into the Chamber—the Senator from Idaho is referring to the coal situation.

Mr. BORAH. Yes, sir.

Mr. STERLING. Of course, the Board of Mediation and Conciliation has primarily to do with interstate commerce and disputes between employers and employees engaged in interstate commerce.

Mr. BORAH. Mr. President, I think the Senator from South Dakota is correct in his construction of the law.

I am not assuming to-day to place the responsibility for the exorbitant and outrageous price which we have to pay for coal, nor to dissect and analyze the entire coal situation. Undoubtedly, when we arrive at an analysis of the entire situation there will be justification for difference of view, but I do want to say that the mine operators of this country, the mine owners, must take responsibility for the situation as it exists up to this time when they refuse to carry out their contract to confer with the men, who are willing and ready to confer with them. A conference might not result in a solution, but certainly, until the first step is taken and a conference is had and good faith is disclosed, there is no possibility of a reconciliation, and the refusal to take that step, it seems to me, lies at the door of the operators and not at the door of the miners.

APPOINTMENTS TO AND REMOVALS FROM OFFICE.

Mr. CARAWAY and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas is recognized. Does he yield to the Senator from North Carolina?

Mr. OVERMAN. I thought the Senator from Florida [Mr. FLETCHER] had the floor yesterday evening at the time the Senate recessed, and he agreed to yield to me.

Mr. CARAWAY. Does the Senator desire to consume much time?

Mr. OVERMAN. I do not care to occupy much of the time of the Senate.

Mr. CARAWAY. Let me yield to the Senator, then, and I will take the floor later.

Mr. OVERMAN. The Senator from Florida [Mr. FLETCHER] was recognized this morning, and yielded the floor to the Senator from Idaho.

Mr. FLETCHER. That is correct, Mr. President. If I am recognized now, I am willing to yield to either of these Senators.

Mr. NORRIS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. NORRIS. The point of order is that the Senator from Florida is not entitled to the floor at the present time. He yielded it to the Senator from Idaho.

Mr. OVERMAN. I had forgotten that.

Mr. NORRIS. If he had the floor then, he lost it by that yielding.

Mr. OVERMAN. That is correct.

Mr. NORRIS. The Senator from Arkansas having been recognized, he is entitled to the floor.

Mr. FLETCHER. I have an amendment pending to the bill, and I want to get to it as soon as I can. I am perfectly willing to accommodate other Senators, and I am not claiming any rights.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CUMMINS. What is the pending question?

The VICE PRESIDENT. It is the amendment offered by the Senator from Florida [Mr. FLETCHER] to the judicial bill.

Mr. OVERMAN. I did not know that the Senator from Arkansas desired to address himself to that amendment.

Mr. CARAWAY. I will say to the Senator that I shall be through in a few minutes.

Mr. President, yesterday I had nearly concluded some remarks I was desirous of making touching the Executive order that the President issued Friday, discharging from the public service the Director of the Bureau of Engraving and Printing and 31 chiefs of bureaus of that institution, when the Senator from Illinois [Mr. McCORMICK] felt compelled to protect the record of the administration by taking me off the floor. I am conscious of the unpleasant situation, and I have, therefore, nothing but sympathy for the Senator from Illinois, who wanted, as far as he could, to shut off discussion of this extraordinary order of the President.

Men with services ranging all the way from 20 to 39 years, services that had been acceptable to both Republican and Democratic administrations, men against whom no charge has ever been made, either of inefficiency or of dishonor, were removed from their positions and discharged from the public service by an Executive order. I venture the assertion that no President in the history of this country since civil service has become the law of this Nation ever dared so autocratically to disregard the law and disregard the rights of human beings as did the President by this Executive order.

The law is plain. It required the President—and he is not above the law—to follow a certain procedure under which these men could at least have protected their reputation by denials. The President ignored that. He ignored this law with the Attorney General in conference with him. Therefore there is no reason, if there was any knowledge of the law in the Attorney General's office, why the President should have run roughshod over the rights of these men and wholly disregarded the law of the land.

I think the gravest hurt is to the public morale. When men and women lose confidence in the justice of their Government and in the men who are charged temporarily with the administration of law, they have been done a great injury. I do not care how a man may apologize in his heart for the administration; he may assert that the President was within his rights; but I say that there is no man with any human kindness in his heart who can read that order and not know that it was an inhuman order, and no man with any knowledge of the law of his land can read it and not know that it was a violation of the law by the President when he issued it.

The first play, I think, that I ever witnessed was *Blanche Bates in The Darling of the Gods*. One line in that play has stayed with me all these years. She was caught in a rather compromising position, and by misrepresenting the facts escaped, and with a cynical smile said: "It is better to lie a little than to be unhappy much." But death came, and she was denied admission into Paradise; and then, turning, she said: "There is a little word called 'honor,' and I had it not, and for that reason I am condemned for a thousand years to wander in outer darkness."

There is a little word called "honor." It is as binding upon the President of these United States as upon the humblest citizen of this land; and it is all the more regrettable when the President shall forget it and deny justice to men upon whom he has the power to inflict an irremediable injury.

Here are men who have been destroyed, their reputations of a lifetime swept away, by an Executive order, and, forsooth, the President says that he has no explanation to make. Later on he may find some reason that he hopes the public will accept; but I think the President does the public a grave injustice. They are not going to accept a reason that it takes the Executive days and days, with all the machinery and all the agencies and all the ingenuity of the administration at his back, to conjure up to offer to the public for this drastic and unjust order that he issued on Friday.

He attempts now to do, by having his secretary write a private letter to one of these injured parties, what he ought to do publicly. These men who have been summarily dismissed, with an appointment, as I understand, called on the President, but the President, of course, was compelled to be away—to play golf, perhaps; and what is the call of justice, and why should he refrain from his amusements that men and women might have justice done to them and to their reputations? So he was absent, and the secretary of the President writes this letter to one of them. It is dated April 3, 1922:

THE WHITE HOUSE, Washington.

MY DEAR MR. DEVINY: I have shown to the President the statement left by you and your associates on the occasion of your call at the White House this afternoon. He asks me to make reply and say that he would have been very glad to meet your delegation had he been present at the time of your call—

But, of course, he saw fit not to be present—

Though he is not yet prepared to make his statement relative to his Executive order which was made effective on Friday evening, March 31.

Not yet prepared to tell why he destroyed the reputations of these men, and denied them a right to make an honest living—not yet prepared!

The President has had no wish to reflect upon the character of any Government employee, but he did hold that a sweeping change in the bureau was essential for the good of the service. He regrets the insinuating publicity no less than those do who have been discontinued from the public service.

Yours sincerely,

GEORGE B. CHRISTIAN, JR.,  
Secretary to the President.

Oh, well, Mr. President, it is a great thing to be President of these United States and hold more or less in the hollow of your hand the destiny of a hundred and ten millions of people; but, if I may be permitted to say so, it is a despicable thing to do a great injury to a number of them, or to one of them for that matter, and then decline to say to them privately or to say to the public why he did it. He knows; he must know; and, therefore, to deny them the right to be told of the offense, if any they have committed, that justified him in destroying their reputations that they have been a lifetime in building is inexcusable; and there is a stronger word that I would use if it were

not for the proprieties of the occasion. It is regrettable! It is going to bring the blush of shame to every man and woman that voted to make him President of these United States. I do not care what they may say by way of apology; they are bound to feel humiliated by this act of his.

Mr. Hill, who profited by this order, I never saw, and I am frank to say I hope I never shall. He belongs to that class of people about whom I have known all that I want to know—men who seek their own ends, who are satisfied if they triumph, even if everyone else perishes. He gave out an interview day before yesterday in which he said that "of course the Democratic Senators were going to howl when good Republicans get jobs." That satisfied him day before yesterday. Yesterday afternoon he rushed into print again. He loves to talk.

Mr. WILLIAMS. Mr. President, before the Senator reads that would he mind a slight interruption?

Mr. CARAWAY. I yield to the Senator, with pleasure.

Mr. WILLIAMS. Suppose Mr. Hill had stood upon what he said, and suppose the President had said frankly that they wanted to turn out a certain lot of Democrats and put in a certain lot of Republicans; then that would not have hurt the reputations of the people who were removed.

Mr. CARAWAY. Oh, no; it would have been to their credit that they were Democrats.

Mr. WILLIAMS. And a good many of us not very much in love with the civil service might have thought that probably in the same fix we might have done the same thing. In that connection, did the Senator from Arkansas ever read "Martin Chuzzlewit"? I suppose he has.

Mr. CARAWAY. I did.

Mr. WILLIAMS. The Senator remembers the death scene of old Martin, when they were all gathered around waiting for what they could get, and Pecksniff, in his characteristic and inimitable way, made a speech, and old Anthony interrupted him after a while—Anthony was a plain, blunt old scoundrel—and said: "Pecksniff, Pecksniff, let's not have any hypocrisy." Does the Senator recall that scene?

Mr. CARAWAY. I recall that; but to do that you would have to abolish this administration.

Mr. President, I started to read some of Hill's interview; and, incidentally, I hope that everybody who would like to know Mr. Hill will observe his picture. When he had succeeded to the desk of a man whose disgrace, as I now understand, he helped to bring about, his first official act was to have his picture taken with a smile that spread from ear to ear and disclosed every false tooth in his head.

Mr. Hill says:

I understand there will be further lay offs in other branches of the Treasury Department than this, which will divert public attention from us.

In other words, in order to cover up this wrong and divert the public attention the administration has in contemplation other outrages upon the civil service. Other men and other women are to have their reputations destroyed so that the public may forget the incident by which Hill and his crowd crawled into place last Friday.

Mr. President, I ask unanimous consent to have published in the RECORD, as a part of my remarks, this story, "Harding to explain."

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Is there any objection? The Chair hears none.

The matter referred to is as follows:

[From the Washington Daily News of Monday, April 3, 1922.]

**HARDING TO EXPLAIN—TO CLEAR UP MYSTERY OF UNWARNED DISMISSALS AT ENGRAVING BUREAU—SENATOR CARAWAY OFFERS RESOLUTION DEMANDING EXPLANATION—JUSTICE DEPARTMENT AGENTS SCRUTINIZED PLANT, HILL SAYS—OTHER DISCHARGES COMING.**

It was intimated by Department of Justice officials that a White House statement within a week would clear up the mystery which still surrounds the dismissal without warning of 28 employees of the Bureau of Engraving and Printing.

Director Hill, of the bureau, said the fact the Department of Justice had admitted an investigation had been going forward and that there was an additional probe of the bureau now under way in connection with an inventory of stock, should indicate to the public the reason for the President's summary action.

The United States Secret Service Department denied knowledge of wrongdoing at the bureau. It was suggested at the Capitol to-day that the President's going over the head of William Moran, Chief of the Secret Service, and calling on William J. Burns's agents indicated changes due in the Secret Service and favorable consideration by the President of the proposal to combine all investigating agencies of all departments under Burns.

ASKS PRESIDENT TO EXPLAIN.

Senator CARAWAY, of Arkansas, to-day introduced the following resolution:

"Whereas without notice, as required by law, and without warning the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the

Bureau of Printing and Engraving, and 31 other chiefs and assistant chiefs of divisions of that bureau; and

"Whereas all of said persons were in the classified service; and "Whereas the law permits the dismissal of persons within the classified service only after written notice and an opportunity to reply to such charge should be given the accused: Now, therefore, be it

"Resolved, That the President of the United States be requested to report to the Senate, if it be not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned on the classified service, (b) on what authority and by what authority he dismissed these employees from the service in the manner followed."

Senator CARAWAY pointed out the case of E. H. Ashworth, which he considered as one of particular injustice.

A similar resolution was introduced in the House by Representative MOORE of Virginia, except that MOORE proposed the appointment of a House committee to ascertain the facts. He suggested that the known attitude of Attorney General Daugherty toward the civil service incapacitates his office for a proper investigation.

COMMENDED AT 4 P. M.; FIRED AT 6.45.

"Mr. Ashworth was for over 28 years custodian of dies, rolls, and plates. On January 3 a committee from the Treasury Department was appointed to check over his work and supplies.

"This committee reported on Friday at 4 p. m. that Mr. Ashworth's work was found in splendid shape and commended him for his business methods and faithful service.

"At 6.45 he was dismissed from the service by the Executive order of President Harding without notice."

NO POLITICS, HILL DECLARES.

Politics had nothing to do with the changes made in the Bureau of Engraving and Printing, Louis A. Hill, new director, said to-day.

"I have been 21 years a workman here. I came in as a workman and know nothing of politics. Not a man advanced is a politician. They are all technical men promoted on merit. As many Republicans as Democrats were put out, and I imagine as many Democrats as Republicans have been promoted. I don't know the politics of the men, but selected them to speed up production," he said.

"The bureau can not have political appointees in it. The work is too technical," he added. "My predecessor, James L. Wilmeth, is the only nontechnical man who has been connected with the work here."

OTHER LAY OFFS WILL DIVERT ATTENTION.

"The change was for efficiency. The fact that Saturday was the biggest production day the plant has had in months proves the wisdom of the change and the smoothness with which it was made."

Questioned as to hints at wrongdoing, Hill said merely that the special agents of the Department of Justice, under direction of William J. Burns, were making an inventory of the plant for him.

"I asked the inventory as a business man taking over a big business. What the agents will find I am not at liberty to say. I believe that the President's action in making the drastic change was founded on facts discovered in a special Department of Justice scrutiny of the plant. Those facts I can't talk of now. Mr. Burns's office or the President are the ones to issue statements.

"I understand there will be further lay offs in other branches of the Treasury Department than this, which will divert public attention from us," he concluded.

Hill does not believe civil service laws were violated. He said the men were likely removed for cause, "for the good of the service," and that was legal under civil-service regulations.

Mr. CARAWAY. There is still another story, more remarkable. It appears under the headline "White House ax soon to fall on Treasury Department."

It was published yesterday afternoon in the Times—and let me say, while comparisons are invidious, and sometimes odious, the Times at least has had independence. I mean, it has had entire independence. It is not like one other paper published in the District of Columbia, which always finds that the President is right about what he has done, and will be right whatever he may do. The Times has this story:

**BLOW DUE IN INCOME-TAX UNIT—THREESCORE OFFICIALS ON LIST—E. H. BATSON AND MAPES INCLUDED.**

The end of the scrapping of unsympathetic bureau organizations by the White House is not yet.

Threescore officials of high and low degree in the income-tax section of the Treasury Department were getting ready to-day to look for new jobs.

President Harding has called for a list of the deputy commissioners and division heads in the Income Tax Bureau and others with a view to removing those who do not qualify as "Harding Republicans."

God bless his soul, if he turns out everybody who in his heart is not a Harding Republican there will not be enough men to act as custodians for the building. The article continues:

E. H. BATSON ON LIST.

E. H. Batson, Deputy Commissioner of Internal Revenue, in charge of the income-tax unit, will be one of the first to go. He will be succeeded by E. W. Chatterton, assistant in that unit, it was stated to-day by those in close touch with the movement of the Harding resurfacing machine—

Whatever that particular kind of a machine may be.

Chatterton was formerly a clerk in the Post Office Department, but was taken to the Income Tax Bureau when Dan E. Roper was promoted from First Assistant Postmaster General to Commissioner of Internal Revenue.

On the same list of those slated for discharge is Carl A. Mapes, solicitor of the Bureau of Internal Revenue. Mapes was appointed by President Harding a few days after the inauguration. It was a hurry-up appointment, it is said, that has never met with general approval by party leaders—

Whoever they are.

It was learned to-day that President Harding has already tentatively agreed on a prominent Ohio Republican to succeed Mapes.

I would like to know, Mr. President, how many prominent Republicans there are in Ohio. If they have not all been given jobs—I am talking about the Republicans—there is some mistake in the census enumeration of the Republican population of that State.

Mr. POMERENE. There were a great many more of them in 1920 than there ever will be again.

Mr. CARAWAY. Of course, and there are a great many of them now who would insult you if you accused them of having voted that way in 1920, and I would not blame them; a man has a right to protect his reputation. This article continues:

The income-tax unit has given the White House great concern, it is said, because so many division heads and subordinates there have failed to give the Harding administration the "party support" that was expected. In fact, some of them are said to be so lukewarm in support of the President's policies as to be classed as "friends of the Democratic Party."

Mr. President, without taking up the time of the Senate to read the entire article, I shall make it a part of my remarks if there is no objection.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

#### WHITE HOUSE HAS NAMES.

Some time ago steps were taken to reorganize the income-tax unit, and the names of several officers who could not be regarded as "Harding Republicans" were sent to the White House.

A high official of the Treasury Department, in close touch with the administration, declared to-day that Internal Revenue Commissioner Blair would not be dropped. It was further stated that the administration felt that with sympathetic officials in charge the task of cleaning up back work would be speeded up in a way that would reflect great credit on the administration and make good the pre-election promises of the party of a business policy.

Nine heads in the income-tax unit are being carefully checked up and dismissal or transfer faces each. In some cases, it is said, their present assistants will succeed them. In three or more divisions there will be a clean sweep, both the division head and his assistant being slated for removal.

#### THOSE NOW ON THE LIST.

The nine division heads are: B. E. Hunsinger, staff division; C. B. Allen, administrative division; B. S. Kimbrell, personal audit division; F. R. Clute, corporation audit division; C. M. Justice, field division; S. Alexander, special audit division; A. H. Fay, natural resources division; W. R. Campbell, review division; and Edward White, statistical division.

The assistants who are being considered for either dismissal or promotion are: F. M. Woodward, administrative division; Oliver Kinsel, corporation audit division; J. L. McGrew, field division; P. F. Cain, special audit division; H. L. Sincoe, natural resources division; F. A. Urice, review division; and J. T. Jamison, statistical division.

The nine division heads constitute what is known as the executive committee, with Deputy Batson as chairman. It was pointed out to-day that should the deputy and a majority of the members of the executive committee be out of harmony with the policies of the administration their rulings would completely demoralize the work of the unit.

Under the direct supervision of the nine division chiefs are two subordinates, who, in turn, direct a staff. A dozen of these subchiefs, it is said, are slated for removal.

"There is no cause for alarm," said a leading Harding Republican to-day. "To get the best results and to give the country a thoroughgoing business administration it is necessary to have officials all along the line who will work in harmony and keep an eye on the wishes of the Chief Executive."

Mr. CARAWAY. It is all interesting, and I rather think every word of it is true. If I may be permitted to go back to the statement of the senior Senator from Mississippi [Mr. WILLIAMS], I have not been so unalterably wedded to the civil service. I do believe, however, that the administration ought to have the courage to disclaim any reasons other than politics for thus demoting and degrading and dismissing from the service these men and women. If it feels that it is in such a precarious condition, and that its conduct of public affairs has so absolutely fallen down, that if the public should find it out it would be itself retired at the first opportunity, so that it wants to surround itself by people who will keep secret its failures to properly administer public affairs, it ought to be permitted to do it. However, as I have said, every Republican Member of both the House and Senate ought to demand that the administration shall have the courage to say, "We are removing these men and women simply because they are not of the political faith of this administration; we have secrets which we do not want the public to learn, and we are afraid to have near us honest people who are not partisans. Therefore we want to discharge them all and surround ourselves with people who will swear we are right whether we be right or wrong." If they will do that, I shall not complain much. I rather imagine the American people, however, will complain very bitterly.

Here is another article; a most remarkable one. It has appeared twice, and the administration has not denied it. It is headed, "Why Wilmeth was fired—Clean-up in Treasury outcome of charges filed with Congress." I want to read this, because it affects the honor of at least one Member of the Senate.

Mr. WILLIAMS. In what paper does that appear?

Mr. CARAWAY. This is in the Times.

Mr. STANLEY. What is the issue?

Mr. CARAWAY. Yesterday afternoon's issue. It reads:

Mystery surrounding the discharge of James Wilmeth, Director of the Bureau of Engraving and Printing, and several other employees by Executive order was partly cleared up to-day when it was learned a large number of charges, supported by affidavits, involving the director and many employees of the bureau had been in the hands of the Department of Justice and Members of Congress for several months.

As I said, Mr. President, this affects vitally the honor of one Member of the Senate, and I want to call it to the attention of the Senate, because the Senator reflected upon may know. I do not know who he is. It is said:

#### ACTION PROMPTED BY THREATS.

A demand for immediate action, under threat of newspaper exposé, caused the precipitate action of the administration. This situation tends to disprove thoroughly the charges of "playing politics" made against the administration.

Accusations involving the director of the bureau and certain other employees, it was learned to-day, were filed with the Department of Justice and with members of the House Committee on Finance more than a year ago.

I presume it evidently meant the House Committee on Ways and Means. The article continues:

No apparent action was taken by the Department of Justice. Members of Congress, seeking to eliminate the abuses charged, it is understood, met with insurmountable obstacles in obtaining official action or official cooperation.

Late in December, 1921, or early in January, 1922, employees of the bureau and public-spirited citizens interested in the case filed further supporting affidavits with the Treasury Department, the Department of Justice, and Members of Congress.

As a result of this action the Treasury Department ordered an investigation of the bureau. This inquiry, which was conducted in secret, was made, it is charged, by persons who had long been associated with Director Wilmeth in his work as chief clerk of the Treasury Department.

Apparently no action was taken as the result of the investigation, and it was assumed the bureau was given a clean bill by the investigating committee.

#### SECOND INVESTIGATION.

Shortly after this, additional affidavits supporting the charges against the bureau management were filed with the Treasury Department, Department of Justice, and Members of Congress.

At this time, it is learned, the charges reached the ears of the President.

President Harding immediately ordered the Secretary of the Treasury to conduct a thorough inquiry into the charges.

Comptroller of the Currency D. R. Crissinger—

That is another Ohioan—

was directed by Secretary Mellon to make a personal investigation.

Again there was no apparent action resulting from the inquiry. Director Wilmeth continued in office. However, intimations were made that a considerable number of employees were to be discharged by the director. Employees who were concerned in the charges against Director Wilmeth state that most of their number were to be included in the proposed dismissals.

The threatened discharge of these employees, it is believed, led to the summary action forced upon the administration in the dismissal of the director and many of his assistants.

Here is the story:

#### SUMMARY ACTION TAKEN.

Last Thursday employees of the bureau and others who have made charges against the director visited Comptroller Crissinger and members of the Finance Committee of the House and at least one Member of the Senate.

They stated that unless Director Wilmeth and certain other employees of the bureau were discharged at once, galley proofs of the charges with a detailed account of alleged abuses at the bureau would be immediately released for publication.

Treasury officials asked for one week's delay.

This was refused, and 24 hours was given for action, with a threat of immediate publication in case no action was taken.

#### STORY IN TYPE.

The galley proofs shown to Members of Congress and to the Treasury officials are said to have contained accusations of such astounding nature as to cause Treasury officials to fear for the reputation, not only of the Bureau of Engraving and Printing but of the Treasury Department, and even the entire financial fabric of the Government.

Intimations are made, it is understood, concerning the duplication of Government securities of large denominations.

It is charged that during the war large numbers of Liberty bonds were printed in duplicate, and that these bonds, or coupons therefrom, are being received at the Treasury Department every day, and are being redeemed without question.

Treasury officials fear, it is said, the effect that would be produced through widespread publication of charges of duplicated bonds—that is, securities without compensating reserves.

It is believed that is the reason action has not been taken previously on the charges brought against the bureau.

I do not know whether it is true or not. I am frank to say it sounds to me to be unreasonable, but here is the charge, made in a reputable newspaper published in the Capital City, that irregularities, which of course amounted to forgeries and frauds, had been committed by employees in the Bureau of Engraving and Printing, and that the knowledge of the felonious acts had been brought to the attention of Members of the House, to the attention of at least one Member of the Senate, and laid before the President of the United States, the Secretary of the Treasury, the Attorney General, and employees in that office; but, in order to hush up this story, they permitted these people who had a knowledge of the facts to drive out of office the men who held the places, and presumably to take the places themselves. That would be a compounding of a felony, and every

man who assented to it, every man who for any reason at all agreed that he would keep secret these acts of this administration, in order to get a place himself, or in order to protect the administration from criticism, himself would have committed a crime. It is such a vicious charge that I say I do not lend credence to it; but at least it has found its way into the public print, and some Member of the Senate, if he was actually approached and does have information of this, and some Members of the House, if the story is correct; the President of the United States, the Secretary of the Treasury, and the Attorney General of the United States, at least, are technically guilty of a felonious crime if this statement is true.

Therefore, in order to prove that it is not true, at the conclusion of my remarks I shall introduce a resolution of investigation. I know that no Senator can afford to object to its immediate consideration, because no man can afford himself to be suspected as being the one who had this information and agreed to hush it up. No man who is a friend of this administration, and no man who is a lover of his country, can afford to let a story which would involve the honor and integrity of the highest officials in this land go unanswered, and the only way to hush it up is to show there is no truth in it, and the way to do that will be to grant this request for an immediate investigation of the entire matter, so that everything pertaining to the removal of these people from office, and the foundation of this story, may be known. The honor of the administration, the honor of the Senate, the honor of the House, are all involved, and the confidence of the American people in the integrity of their Government could not and should not be shaken. Therefore I say that I am sure no Senator will object to an investigation. I can not conceive of anyone doing it.

Mr. President, I have another newspaper story, which comes from "the organ," and it would be highly offensive to the administration to question anything which appears in this paper, and I would not do it. I know that it is either what the President said or what the President is going to say. It will make no difference which said it first, the other will adopt it. If the Post happens to get ahead of the President and declares what the President intends to do, the President will back up the Post and do it, or if the President does a thing the Post will say that is the thing the President ought to do. I am not criticizing the Post; I am just talking about it.

Anyway the article in the Post reads:

Bureau order clear. Leaders see no reason for Harding to explain terms.

I do not know who the leaders are. It is always such a handy thing, do not you know, when you want to back up a thing to say, "The leaders." Anybody is the "leader" who happens to be on the side doing the thing that the Post wants done.

Leaders see no reason for Harding to explain terms.

That means that the President has no intention of doing it, because, with all due deference to the President, I know that after the Post has said he was not going to do it he will not do it. He never has changed his mind when it comes to backing up the Post, although he has been rather inclined to change his mind about other things and even go away to Florida in order to keep from being harassed by the leaders when they were trying to settle whether the soldiers should be given a real bonus or be handed a gold brick. The decision was finally made in favor of the gold brick, and the President came back.

The article continues:

Disloyalty rampant in all departments, Senator asserts.

I do not know what Senator that is—oh, yes; I do. That was the junior Senator from Oklahoma [Mr. HARRELD].

Declares some hold-overs are reporting more frequently to Tumulty than to administration.

I do not know why an employee should report to either. It might be that if he did it would be a cause for removal, because he does not owe his allegiance to the administration nor does he owe it to Mr. Tumulty. He owes it to the American people, whose dollars pay his salary and whose Government he serves.

The article says:

Impatient Republicans in Congress—

And God knows they have a right to be impatient. The country is impatient with them.

Impatient Republicans in Congress and disgruntled Democrats who are insisting that the President disclose the reason for the Executive order issued on Friday making sweeping changes in the personnel of the Bureau of Engraving and Printing are not likely to get a great deal of information from the Chief Executive, it is said.

Oh, well, I presume I am a disgruntled Democrat, but if any Democrat is disgruntled with the political situation now he is an awfully hard man to please, if "disgruntled" means we are

dissatisfied with the political outlook. I think it might be said that every Democrat and every self-respecting citizen of the American Republic is disgruntled with the administration. I know that every justice-loving man and woman everywhere is "disgruntled" with the Executive order which the President issued last Friday, and for which he has not been able to find a reason that would justify him in the minds of the American people, and therefore he declines to give any.

Mr. President, I shall not delay the Senate by reading all of this article, but if I may I will include it in my remarks. It appears in the Washington Post of April 4, 1922, under the head of "Bureau order clear."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

BUREAU ORDER CLEAR—LEADERS SEE NO REASON FOR HARDING TO EXPLAIN TERMS—CHARGES MADE BY HARRELD—DISLOYALTY RAMPANT IN ALL DEPARTMENTS, SENATOR ASSERTS—DECLARES SOME HOLD-OVERS ARE REPORTING MORE FREQUENTLY TO TUMULTY THAN ADMINISTRATION—DEMOCRATS STIRRING UP POLITICAL ROW, OTHERS ASSERT—CARAWAY INTRODUCES RESOLUTION.

[By Harry N. Price. Copyright, 1922, by the Washington Post Co.]

Impatient Republicans in Congress and disgruntled Democrats who are insisting that the President disclose the reasons for the Executive order issued on Friday making sweeping changes in the personnel of the Bureau of Engraving and Printing are not likely to get a great deal of information from the Chief Executive, it is said. The President, according to administration officers, knew when he issued the order the consternation that would result. It has been repeatedly said there was no politics involved.

If a few Republicans are doubtful of the President's reasons for the order, it is because they have little faith in their chief, or because they may desire to embarrass him. As for the Democrats, it is only natural, Republican leaders say, that they should attempt to kick up a political row for their own benefit. During the Democratic administration, Republicans say, the Democrats were not so keen about the observance of civil service rules and regulations, but now that they are out they are insisting that Democrats under civil service must be retained, even if they are inefficient. As one Republican put it yesterday: "Why can not the Democrats be game?"

ORDER BASED ON KNOWLEDGE.

President Harding, as has been said, had full knowledge of conditions in the Bureau of Engraving before he issued his Executive order. To give to Members of Congress, Republicans or Democrats, the details of the reasons for his order at this stage of the inquiry, other than what he stated in the order, that it was "for the good of the service," obviously would interfere in all probability with the inquiry.

It has been common gossip for months that under the Democratic administration there was built up in the Treasury a Democratic machine which controlled the most important positions. Many of the men still retain their positions. Senator Harreld, of Oklahoma, commenting upon the conditions yesterday, said:

"Disloyalty is rampant in the departments of the Government in Washington. It is not confined solely to any one department. We have found that a great many of the men who hold positions because of their support of previous administrations have lately reported more frequently to Joseph P. Tumulty (former President Wilson's secretary) than to the Harding administration."

CHARGE DEMOCRATIC CONTROL.

Secretary Tumulty and Mr. McAdoo are the closest personal and political associates, and it is openly charged by Republicans in Congress that they still retain control of some of the most important Government departments through their appointees.

An instance is cited where Mr. McAdoo recently appeared as counsel in a Shipping Board case and was successful where Republicans had failed. He is said to have secured for his services, involving only one day's work, a fee of \$10,000.

It is further charged that retention of McAdoo appointees in bureaus of the Treasury Department has resulted in delays of years in auditing income tax returns because of the obstructive methods of the Democrats.

Mr. CARAWAY. Now, I am being entirely fair with everybody, so I have asked to publish what the friends of the administration say and what those who do not agree with the administration say, but the junior Senator from Oklahoma [Mr. HARRELD] is so clear and convincing in his statement and so candid that I want to single him out for particular honor. I want to read a part of his interview:

Disloyalty is rampant in the departments of the Government in Washington. It is not confined solely to any one department. We have found that a great many of the men who hold positions because of their support of previous administrations have lately reported more frequently to Joseph P. Tumulty (former President Wilson's secretary) than to the Harding administration.

And, therefore, in the mind of the distinguished Senator from Oklahoma, the reputation of a lifetime, a character for honesty and uprightness, a wife and children who love the employee, are not to be considered or taken into consideration because he has been disloyal to the Harding administration. Brush it all aside, damn them now and hereafter, and let their children and their children's children who come after them live under the stigma and disgrace in order to put somebody in their places who will be loyal to the Harding administration.

Mr. WILLIAMS. And who will not talk to Joe Tumulty.

Mr. CARAWAY. Yes; who will not talk to Mr. Tumulty. There is a rather disconcerting thing about this interview, but I

just want to read one other little extract. The Secretary of the Treasury, Mr. Mellon, apparently in an interview, said:

Nothing was now pending in the bureau, Mr. Mellon stated, involving the honesty of any group of former employees, and there was nothing pointing to any individual. He said that while the politics of the former officials were known in a general way, in reality most of the employees of the bureau could be said to have no politics as they had no vote.

I read that much of his statement to show that the Secretary of the Treasury, under whose jurisdiction this bureau is, knew of no charge affecting the integrity of these men.

Let me call attention to this, and with it I shall close. There were four women who went down under this drastic and unjustifiable order of the President, women who had gone into the bureau years and years ago, who had toiled upward against all the obstacles that have been placed in the way of women's advancement in public employment through all the years, who had kept their reputations pure, who had perfected their efficiency and had finally come to places of responsibility and places that paid them well. Without an opportunity to be heard, without opportunity to utter one word in their own defense, and now with the statement from the Secretary of the Treasury that there was not a charge against them, they were all dismissed from the public service. They were turned out, their reputations destroyed, and the Post says, and it speaks for the administration, or always has, that the President does not intend ever to tell why he dismissed and disgraced these women.

I imagine that the women will also notice that not only did the President dismiss these women but filled their places with men. This administration shuts the door of hope in the face of women, who through long years of faithful service had toiled upwards to places of responsibility. They were summarily discharged and disgraced, and four good Republicans whose reputation will pass muster even with the junior Senator from Oklahoma, are given their places, and these four good Republicans are men.

I do not know, Mr. President, whether the President can afford to maintain his avowed intention of destroying the reputation of these men and women publicly and answering them privately by saying, "I am sorry if I hurt you, but I can not help it. I can not afford to make any public statement because I have no statement that the public would accept, and therefore you must bear your injury and love me as best you may."

With that, in conclusion, I have a resolution which I wish to ask unanimous consent out of order to introduce and have considered at this time. It is a resolution that deals with the article which I have read. I am sure no Senator can afford to object to it, because it involves the honor of the Senate and the House and the administration. I do not believe that the charges are true, and I want to give a chance to have them disproved.

Mr. STERLING. Mr. President, I have no objection to the presentation of the resolution. That much may be done out of order and not against the regular order, but I shall object to the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the presentation of the resolution at this time? The Chair hears none.

Mr. CARAWAY. Mr. President, at the request of several Senators I will ask that the resolution may be read, although it is a literal copy of the resolution introduced by Congressman Moore of Virginia yesterday, with the exception that it adds a statement with reference to this article that charges there were irregularities amounting to fraud committed by men in the Treasury and that knowledge of that fact came to the administration and it was hushed up, and these men were dismissed and their places filled by others. That is the only new charge there is in it. I will ask to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read the resolution.

The Assistant Secretary read as follows:

Whereas pursuant to an—

Mr. NELSON. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Objection is made.

Mr. CARAWAY. There had already been a request for permission to have it read and no one had objected, and the Assistant Secretary had commenced to read. Objection can not come in the midst of reading the resolution.

The PRESIDING OFFICER. It is the opinion of the Chair that objection lies at any time in the form of a point of order.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Does objection to the present consideration constitute an objection to the reading of the proposed resolution?

Mr. STERLING. Mr. President, I objected to the present consideration of the resolution, but the Senator from Minnesota [Mr. NELSON] calls now for the regular order.

The PRESIDING OFFICER. Which means an objection to the presentation of the resolution.

Mr. CARAWAY. Well, I still have the floor, and I will read it myself:

Whereas, pursuant to an order of the President—

I will inflict the Senate now because I can not read so melodiously as the Assistant Secretary.

Whereas, pursuant to an order of the President issued—

Mr. STERLING. Mr. President, if the Senator will permit me?

Mr. CARAWAY. I yield.

Mr. STERLING. I do not know the rule, but I call for the regular order.

Mr. CARAWAY. I did not yield for that. I heard that very question tested out when the Senator from North Dakota [Mr. McCUMBER] had the floor in order to explain the bonus matter and saying he would not yield, and the Chair held that he, having the floor, could not be taken off of the floor in that way.

Mr. STERLING. During the course of the Senator's remarks on yesterday the regular order was called for—

Mr. CARAWAY. Oh, yes.

Mr. STERLING. And the Senator from Arkansas yielded.

Mr. CARAWAY. Yes; I did that. I did that not because I thought it was right, but because it was so painful to some Senators on the other side of the Chamber that out of consideration for their feelings I quit.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. CARAWAY. Yes, sir; I do.

Mr. NORRIS. The Senator from Arkansas refers to what happened yesterday. When the Senator was taken off the floor on yesterday it was because there was not anything then pending before the Senate. Now there is a bill pending before the Senate and there is also a pending amendment. The Senator from Arkansas is speaking to that amendment. He may talk about the Holy Bible if he desires to do so; nor is there anything to prevent him talking about the resolution. He is strictly in order under the rules of the Senate.

Mr. STERLING. Mr. President, I understood that the bill providing for the appointment of additional district judges was the business before the Senate at the time the regular order was called for.

Mr. NORRIS. No.

Mr. CARAWAY. No.

The PRESIDING OFFICER. The Chair is of the opinion that the objection was made during the morning hour.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. Did the Senate adjourn or take a recess upon yesterday?

The PRESIDING OFFICER. The Senate then took a recess.

Mr. CARAWAY. Mr. President, I shall again commence at the beginning and read the resolution. Senate Resolution 269 is as follows:

Whereas pursuant to an order of the President, issued the afternoon of March 31, and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law, which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience, who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which shows that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question; and

Whereas it is also now charged that irregularities amounting to theft have occurred in said bureau; and

Whereas it is in the public press charged that the people were dismissed to prevent those who sought their dismissal from exposing these irregularities; and

Whereas it is charged that a Member of this Senate knew of said irregularities; and

Whereas if said statement in said publications be true, said acts would in fact be a compounding of a felony: Therefore be it

Resolved, That the President of the Senate appoint a committee of five Members, who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law. Also find what, if any, basis of fact there is in the story of irregularities charged and the compounding thereof.

Mr. President, I shall ask immediate consideration for the resolution, hoping that the Senator from South Dakota, realizing the impropriety of permitting the charge to go forth that the administration had compounded a felony and that a Member of the Senate had knowledge of it, will not object to its immediate consideration.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. STERLING. Mr. President, I note what the Senator from Arkansas has said and the implication contained in his words with reference to the President, that the President had assisted in compounding a felony, and so forth. Of course, I resent anything like that.

Mr. CARAWAY. Well, let us resent it by permitting the investigation to be immediately had and prove that it is not true. I do not think it is true; but it is charged.

Mr. STERLING. I object to the present consideration of the resolution and ask that it go over under the rule.

The PRESIDING OFFICER. Objection is made to the present consideration of the resolution.

Mr. NELSON. I ask for the regular order.

Mr. CARAWAY. The regular order is that I have the floor. I am not going to have anything more to say about the resolution, except that, inasmuch as the Senator from South Dakota [Mr. STERLING] says he resents the imputation of the charge against the President, I resent it, too; I do not believe it is true. The President is not a member of my party, but if he were I would not by an objection of mine prevent the facts being immediately known. If a charge is made against the President of these United States, whether the President is of my party or not, I should be anxious to develop from what facts he deduced the charges. If it is not true—and I do not believe it is—let us denounce the charge by ascertaining the facts and not sit here in the Senate and say "I resent it," and at the same time "I object to the consideration of the resolution."

Mr. NEW. Mr. President, for the greater part of two mornings the Senate has now listened to what, at times at least, has degenerated into the character of a personal diatribe directed against the President of the United States. The President is uninjured by anything of the kind, especially coming from the source from which it emanates.

Mr. President, there are times when not even the President of the United States can take—I did not quite catch the remark of the Senator from Utah. Was it directed to me?

Mr. KING. I was not addressing myself to the Senator, but if the Senator is very anxious to know what I said I shall be glad to advise him.

Mr. NEW. It was the remark about which I inquired.

Mr. KING. I repeat, I was not addressing myself to the Senator, but I have no objection to telling him what I said.

Mr. NEW. The remark was uttered in such an audible tone that I thought it might have been addressed to me; that was all.

Mr. President, as I have said, there are times when not even the President of the United States may make public every motive that actuates him and every reason which impels action on his part; and the action which was taken two or three days ago with reference to removals in the Bureau of Engraving and Printing falls within that category. There were good and sufficient reasons for the President's action; but whether or not they will be given to the public, I can not say. Much depends upon circumstances; but reasons exist just the same and are amply sufficient to warrant the action taken by the President.

Mr. President, I do not believe that the indignation of the Senator from Arkansas is based entirely upon the removal of

the Chief of the Bureau of Engraving and Printing and a few other employees who were removed concurrently with him.

A voice was heard in Ramah, lamentation, bitter weeping.

It appears that some of the faithful are about to be separated from the public service, and it creates great indignation on the other side of the Chamber. If in the spring of 1913 Senators on this side of the aisle had taken notice of events of a similar character to those of which the Senator from Arkansas now so vociferously complains, there would not have been room in the CONGRESSIONAL RECORD for anything else. Mr. President, I undertake to say and to attempt to justify by the facts that there never was so partisan an administration as the one which closed on the 4th day of March, 1921. That administration filled up the departments here with incompetents to the point where if a caller on business wanted to reach the head of one of the departments he had to elbow his way through a crowd, like getting up to the ticket wagon of a circus; it was almost like a salmon run in Alaska in the spring, when the fish, seeking the upper stretches of the fresh water, so fill the streams that they crowd each other out on the banks. That was the condition in regard to the departmental offices; the appointees fairly crowded each other out on the sidewalk. Ten thousand of them have, very happily, been separated from the service since the present administration came in; a great many more thousands can be separated to the very great benefit of the service; and, speaking for myself, I very earnestly hope they may be; but whether or not they shall be, I do not undertake to say. I can, however, at least express the hope that they may be.

Mr. President, I do not know that I have anything more to say on this subject. The reason for the removals in this case was stated to be for the benefit of the public service. As I said in the beginning, and now repeat, there are times and circumstances when all the reasons which actuate the Executive can not with propriety be stated, and this is one of them.

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

Mr. NEW. Certainly.

Mr. STANLEY. Does the Senator regard the removal of a Democrat and the placing in his stead a good loyal Republican as a sufficient reason for the change?

Mr. NEW. It certainly would be to me, if that question is addressed to me personally.

Mr. STANLEY. I admire the Senator for the candor of his utterances, and, although I hold no brief for the civil service, I presume he speaks for his chief.

Mr. NEW. That is merely the Senator's presumption, of course.

Mr. HITCHCOCK. Mr. President, I am very much surprised at the open statement of the Senator from Indiana that in order to give a place to a Republican it would be a sufficient reason to discharge without any allegations and without any hearing a Democrat under the protection of the civil service law. The civil service law is a statute of the United States, just as much entitled to be respected and observed as any other law; and yet the Senator from Indiana deliberately says to the Senate and to the country that it would be a sufficient reason, as far as he is concerned, to discharge a man under the supposed protection of the civil service law because he was a Democrat and could be replaced by a Republican.

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

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

Mr. HITCHCOCK. I yield.

Mr. NEW. The Senator from Indiana said nothing of the kind. The Senator from Kentucky asked the Senator from Indiana if he would regard it as a good and sufficient reason to replace a Democrat with a Republican, and I said that to me it certainly would. No mention was made of the civil service law.

Mr. HITCHCOCK. Mr. President, we are dealing now with the cases of men who were under the protection of the civil service law; and the Senator from Indiana has avowed, apparently referring to them, that so far as he is concerned it would be a sufficient reason to violate the law, discharge the men, and put in other men for political reasons.

But, Mr. President, what the Senator from Indiana thus frankly avows has been since the very advent of this administration apparently the deliberate purpose of this administration, particularly in one department of the Government. I refer to the Post Office Department. It is a matter of common knowledge, held by all men who have come in contact with the subject, that for more than a year the Post Office Depart-

ment has been run and operated as a political machine, and under the Executive order issued by the President of the United States all postmasters have been appointed wholly upon the consideration of political reasons.

The pretense of an examination has been continued—examinations which during the administration of Woodrow Wilson were strictly lived up to; examinations which were lived up to to the extent of appointing the man who received the highest rating under his civil-service examination, even if the Congressman protested against it, and even if the Senator protested against it; those appointments were made under the civil-service ratings nevertheless. In fact, my judgment is that the matter was carried to too great an extreme, because in that way presidential appointments were virtually transferred to the comparatively obscure examiners who made these examinations and reports. I think it was carried to too great an extreme; but under the present administration we have gone to the other extreme, and it has been almost the rule in making appointments that men or women with high ratings have been ignored, and men or women with inferior ratings have been preferred.

That is not all, Mr. President. It is susceptible of proof that when no available Republican was found upon the list after a civil-service examination the Post Office Department has required the Civil Service Commission to go back and rerate the men or the women in order that a Republican applicant might be put upon the list. I think that is a matter which is susceptible of proof, and, if necessary, it can be produced.

Mr. President, I want now to refer the Senator from Indiana to a case of which I have personal knowledge in my State.

Mr. NEW. Mr. President—

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

Mr. HITCHCOCK. I yield.

Mr. NEW. I merely want to say that I hope there are instances in which that can be proven. It would be a great relief to me, at least, to be able to prove it.

Mr. HITCHCOCK. I will say this of the Senator from Indiana: At least he is not a hypocrite; and one of the charges which can be brought against this administration is that it is proceeding in a hypocritical manner. It is holding out to the great mass of the people who believe in the civil-service law that it is living up to the civil-service law, and here in Washington, in responding to the demands of politicians in the House and in the Senate, the civil-service law is being deliberately and systematically violated.

Mr. STANLEY. Mr. President—

Mr. HITCHCOCK. I yield.

Mr. STANLEY. The President of the United States could not do a better thing to save his face in his present sad predicament than to come out boldly and say what the Senator from Indiana has the courage and the manhood to say, but which he will never say. Better, a thousand times better, to proclaim himself a bold and an honest spoilsman than to "wear the livery of God to serve the devil in."

Mr. HITCHCOCK. Mr. President, there are a number of instances that have come under my observation, and there are, as I happen to know, a large number of instances that have come under the observation of all Senators, particularly on this side of the aisle, who felt that at some time the matter should be aired and that public opinion should be appealed to. I am going to take up one case in my State—the case of the postmaster at Clay Center, Nebr., a comparatively small town, a postmaster who served four years and was reappointed by the previous administration, and who still had two years to serve. Charges were brought against him, and two inspectors were sent out to Clay Center for an investigation. They made a lengthy report, of which I have a copy, which I read with care, and as a matter of fact the report recited facts which were to the man's credit, and if time afforded I could give extracts from that report here; but it wound up with the statement that for the good of the service and the town they recommended his removal.

I took up that matter with the department, with the then Assistant Postmaster General, and later with the Postmaster General, at that time Mr. Hays; and they admitted in my presence that it was so weak a report that it was very doubtful whether it would be acted upon. The facts stated in the report were so insufficient that Postmaster General Hays in my presence stated to the Assistant Postmaster General that he did not think that report would warrant a removal; but, Mr. President, the postmaster was summarily removed a few weeks later, and I am going to read now to the Senate some letters which will indicate the real reason of his removal. I have not all of the matter here, but I have hastily gathered a few letters.

I hold, first, in my hand a copy of a letter written by Fred B. Howard—a Republican editor of that town, Clay Center,

Nebr.—dated October 4, 1921. It is addressed to Hon. W. E. ANDREWS, the Congressman from that district, and reads as follows:

MY DEAR MR. ANDREWS: By the use of the party whip, by the use of business threats, and by the use of misstatements in their petitions, it seems that the Thompson faction—

Thompson was the postmaster in question, in Clay Center—

That the Thompson faction have been able to make such a showing in the post-office matter here that it is about to be reopened. Positively, this must not be. After what has taken place there can be no back up without completely discrediting the party in this territory and making our delegation in Congress as well as ourselves the laughing-stock of the district. It is inconceivable that Senator HITCHCOCK should be able to override the judgment of the department based on an official investigation; and if this should prove to be true it will be a sad day for our workers in this district. I trust you will see the necessity of bringing every power possible to bear, not merely for the obtaining of needed relief in Clay Center, but in the final analysis for the saving of a bunch of faithful men from humiliation that will spell defeat for them and their friends in the approaching campaign.

Yours truly,

FRED B. HOWARD.

That letter was addressed, as I say, to the Republican Congressman from that district, and it was followed by another, written by the Republican governor of Nebraska, and it reads as follows:

Hon. W. E. ANDREWS.

MY DEAR CONGRESSMAN ANDREWS: I am writing you regarding the post-office situation in Clay Center. I expect you are aware of the fact that the present postmaster is a Democrat; has served off and on in that position for a number of years.

It was always "on"; it was not "off." He has been postmaster for six continuous years.

I do not think he has been popular in the place, and I know he has carried his partisanship to the extreme. In fact, that has been the nucleus of a little organization of Democrats in that community that has been unwavering in its opposition to the Republican Party and its representatives. I am wondering if something can not be done to bring about a change there. It should be done. I will greatly appreciate anything you can do to help out this situation. If there is any influence that I can use, please command me.

SAMUEL R. MCKELVIE, Governor.

About that time there appears in the files of the Postmaster General relating to Clay Center this official memorandum:

Under date of September 8, Representative ANDREWS telegraphed from Nebraska his recommendation for the appointment of an acting postmaster, and within past few days has repeatedly telephoned the department insisting that action be taken to displace the postmaster and appoint an acting postmaster there.

Under date of October 4, Congressman ANDREWS telegraphed Hon. Will H. Hays, Postmaster General, Washington, D. C., as follows:

MY DEAR MR. HAYS: I am greatly embarrassed by the unexpected delay of the department action in the appointment of an acting postmaster at Clay Center, Nebr.

W. E. ANDREWS.

Then, under date of October 7, the same Congressman, W. E. ANDREWS, addressed a long letter to Mr. Hays, Postmaster General. I shall read only a part of it:

WASHINGTON, D. C., October 7, 1921.

Hon. WILL H. HAYS,  
Postmaster General, Washington, D. C.

MY DEAR MR. HAYS: I hand you herewith a letter which I have just received from Mr. Fred B. Howard, congressional committeeman for Clay County, Nebr. You will observe that he is editor of the Clay County Sun. He is one of the most effective newspaper men in the fifth congressional district of Nebraska. He publishes a good paper, and has a wide range of influence. His letter states the facts correctly from the party standpoint. It is very unfortunate for the Republican Party and that locality to be compelled to endure the last 20 days of this man Thompson. Thompson's political activity has been well known to everybody and can not be truthfully denied. Senator HITCHCOCK is battling for votes for next year for himself. The retention of Thompson as postmaster means the humiliation of Republicans in that locality, and it may count heavily in the matter of the senatorial election.

Then I quote now from a letter written by the same Fred B. Howard to the First Assistant Postmaster General, December 5, 1921:

A bunch of men who have never been found wanting when the party made an appeal are now in a most embarrassing position, and if you would save the organization, which has been and will continue to be effective if treated just fairly, you will enforce the original order of the department without further delay. If the situation did not warrant this urgent request, I would not make it.

Mr. President, there had been no original order. All there had been was a report of two inspectors who had been sent to Clay Center, and that report, by the confession of the Postmaster General in my presence, and in the presence of the then Assistant Postmaster General, had been so weak that he could not remove the man, and he did not remove the man until this insistent political demand came from Clay Center.

I have said that I have some regard for an outspoken, defiant attitude, like that of the Senator from Indiana, against the civil-service law, but who can defend an administration which stands apparently for the enforcement of the civil service, which

stands apparently for the appointment of postmasters after a civil-service examination, which stands apparently for the idea that when a postmaster is appointed he shall hold his office for four years, as the law provides he shall, and then, after making all that pretense to the country, secretly yields to this political influence for the removal of a man two years before his term expires?

Mr. President, I have stated that the Post Office Department, using its great influence, and evidently with the backing of the President of the United States, had compelled the Civil Service Commission to go over its ratings when it had reported a number of candidates for a post office and none of them happened to be a Republican. Let me read a letter, of which I hold the original in my hand, from the Hon. MOSES P. KINKAID, a Representative from the State of Nebraska in the Lower House, and, of course, a Republican. It is dated November 12, 1921, at Washington, addressed to a citizen of his district. I believe I will omit his name. It reads:

FRIEND SO-AND-SO: I am in receipt of your esteemed favor of the 5th instant, written in behalf of the candidacy of the former resident of your city, Mr. O. O. Howard, for the postmastership at Ericson. Will say Howard himself wrote me recently in the premises, and in the acknowledgment I made of the receipt of his letter I informed him of the status, which is that a civil-service examination has already been conducted of candidates for the Ericson office, with the result that but one candidate was reported as eligible, he the Democratic editor at Ericson.

Consequently, if that report is to stand, we would have no recourse but to permit the appointment of this Democratic editor; but I have secured an order to be made for the examination papers to be reviewed, and inasmuch as the Republican candidate barely failed to come up to the requirements it is possible that she may yet be found eligible. If so, she should receive the appointment, as she has been indorsed by the Republican patrons. In the event of the case being opened up to new candidates, what you say of the worthiness of Mr. Howard, and that fortified by so many signers of your letter, all old acquaintances of Mr. Howard, will be given due consideration.

With best wishes, I remain,  
Sincerely yours,

M. P. KINKAID.

I may say, furthermore, that the papers were rerated, and Mrs. Patrick was appointed, evidently under the dictation of the Post Office Department. I took the liberty of holding up that nomination when it came to the Senate, and finally the Committee on Post Offices and Post Roads notified the Post Office Department that the nomination was subject to very serious objection, and it was abandoned. But that letter shows and the act shows that there is a deliberate attempt to subvert and to destroy the civil service as applied, at least, to the post offices of the country. I think it is perfectly proper to cite that at this time, while it has nothing to do with the Treasury Department, as an evidence that the Treasury Department is not the only department in which this hypocritical attempt is being made to observe the law while in reality it is being destroyed.

Mr. DIAL. Mr. President, the Senator will not forget that the Post Office Department, although an advantage of five points is supposed to be given to ex-soldiers in their markings, is turning them down.

Mr. HITCHCOCK. I have received a great many complaints from ex-soldiers who claim that while they were given preference under the former administration, they appear now to be discriminated against, and I heard of a case this morning in which an ex-soldier who had received the highest rating and who required no favor of five points was refused the appointment.

Mr. DIAL. Even Republican ex-soldiers are being discriminated against.

Mr. HITCHCOCK. So I say that if there is in this country any sentiment which holds that the civil service law should be made a fact and not a farce it is about time for that sentiment to develop itself, and it is about time for this administration to either fish or cut bait in the matter.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. Does the Senator contend that the civil service law is applicable to the appointment of postmasters of the first, second, and third classes?

Mr. HITCHCOCK. I do not, but I contend that prior to the election of 1916 the Civil Service Association of the United States addressed a letter to Woodrow Wilson and an identical letter to the Republican candidate for President, asking them whether they would take the necessary steps by Executive order to place those post offices of the country under the protection of the civil service, in order to remove the scandal which had grown up as a result of the spoils system, and both those candidates, one representing the Republican Party and the other representing the Democratic Party, replied to the Civil Service Association that they would do so. Woodrow Wilson was

elected, and he carried out to the letter the promise which he made. I furthermore say that when this administration came into office President Harding issued an Executive order in which he stated that the practice would be followed to this extent, that an examination would be held under the authority of the Civil Service Commission; that the commission should report to the Post Office Department the highest three as eligible. I am not certain how much further that order went, but I know that the Civil Service Commission, which ought to stand up and fight for the law under which it exists, has yielded to the importunities of the Post Office Department in many cases and has revised its ratings. I would like to inquire also what has become of the resolution which the Senate adopted a while ago authorizing and directing a committee of the Senate to inquire into that abuse. Have any meetings been held? Have any facts been developed? Has any report been made?

Mr. LENROOT. Does the Senator state that President Wilson placed all these offices in the classified service?

Mr. HITCHCOCK. I did not say he placed them in the classified service. He issued an Executive order directing that all appointments should be made after the Civil Service Commission had caused an examination to be held and had placed upon the eligible list the names of the three having the highest rating, and the man or the woman with the highest rating would receive the appointment, and that was done.

Mr. LENROOT. Was it placed in the Executive order that the person having the highest rating should get the appointment?

Mr. HITCHCOCK. It was.

Mr. LENROOT. Will the Senator state when that was done?

Mr. HITCHCOCK. It was done almost immediately after Woodrow Wilson began his second term of office.

Mr. LENROOT. I shall be glad if the Senator will put in the Record any such order issued at that time.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. Certainly.

Mr. NORRIS. Was my colleague in favor of the civil-service arrangement for postmasters when President Wilson put it in practice?

Mr. HITCHCOCK. I thought it was too extreme, and I told the President so. I said so here.

Mr. NORRIS. What was the part of it which the Senator thought was too extreme?

Mr. HITCHCOCK. I thought it left no discretion at all to the President of the United States. The Constitution vests in the President of the United States the power to appoint, and he should be left some discretion; but he made the order so rigid, in order to live up to the promise which he had made to the Civil Service Association, that if one person were given a rating of 94 by a civil-service examiner and another person were given a rating of 93, he could not exercise any discretion at all. I think there should be a discretion exercised, but I think there should not be a pretense made and an almost universal rule followed of disregarding those ratings, and then subordinating the commission to be a mere tool of the Post Office Department, by compelling it to rerate and rerate until a Republican shall get on the list; and I do not believe my colleague believes that is right.

Mr. NORRIS. I am going to express myself on the subject just as soon as I can get the floor in my own right.

Mr. HITCHCOCK. I will yield the floor.

Mr. NORRIS. But I want to ask my colleague another question. I take it, then, that my colleague prefers the order of President Harding to that made by President Wilson, because President Harding did retain the discretionary power as to the three highest on the list, instead of none, as President Wilson had made it.

Mr. HITCHCOCK. I think there should be some discretion left to the appointing power, but I do not think that by that means the civil service should be made a farce, and I do not believe that the Civil Service Commission should be degraded, as it has been degraded, into a mere tool of Republican politicians, and that their ratings should be made farcical, and revised and revised until a Republican could get on the list. That is what I believe.

Mr. NORRIS. Going back to my question again, so that the Senator will have it recalled to him, he then prefers the order of President Harding to the order of President Wilson, as far as the order is concerned?

Mr. HITCHCOCK. I am not complaining of the order. I am complaining of its execution. I am complaining of the hypocrisy of making such an order under the pretense that it is for the purpose of allowing men of any party to take examina-

tions and have a chance of being appointed, and then, if no Republican is on the list, sending the papers back time and time again to the Civil Service Commission with orders to revise and rerate. That is the practice I object to.

Mr. NORRIS. I go back again to my question, and repeat it—

Mr. HITCHCOCK. And I answer it in the same way.

Mr. NORRIS. The Senator has not answered it yet. I would like to know definitely whether the Senator prefers the order made by President Harding to the order made by President Wilson.

Mr. HITCHCOCK. I answer it in the same way that I did before, but I do not believe in having it applied in such a farcical and practically hypocritical way as it has been applied.

Mr. NORRIS. Mr. President, I have said before, and I want to repeat now, so that my opinion may be understood for whatever it may be worth, I never agreed with the order of President Harding where he provided that postmasters should be selected from the three highest on the list. I preferred the order made by President Wilson, which took away the discretionary power that was given to politicians. I am going to demonstrate by reciting some things which have happened that my colleague not only did not believe in civil service as far as appointments to post offices were concerned, but that he went so far as to make very serious charges against the Postmaster General under President Wilson because he took these post offices off the political pie counter. He is complaining now, and I think with justification, that the Republican President is putting them on the pie counter. The only difference between my colleague and myself is that I believe in the civil service when my party is in power as well as when the other party is in power, and he believes in the civil service when the Republican Party is in power, and that "to the victors belong the spoils" when the Democrats are in control; and I am going to prove it.

The tears he is shedding now for the civil service were tears of stone when Woodrow Wilson was in the White House. He is now anxious that postmasters should be selected on a competitive basis, and is complaining because the officials are putting Democrats out and Republicans in; but when Woodrow Wilson was in power, and before my colleague's reelection to the Senate was so close at hand, he was demanding that Democratic politicians be placed in the post offices, and that the Civil Service Commission should be scrapped. He even went so far, as I said, to make serious charges, through his private secretary, against the Postmaster General.

Mr. President, lest I be misunderstood, I want to say here that I think President Harding made a mistake when he changed the order. He has made a mistake in every case since wherever he or anybody under him has permitted political influence to interfere in the appointment of postmasters.

But when Woodrow Wilson was President and that order was made it was quite a common thing, after the postmaster had been selected according to the examination, to have it held up in the Senate of the United States by the political influence of my colleague in my State of Nebraska. It was my colleague who, after the order had been obeyed and the postmaster selected according to the civil service, got from the Committee on Post Offices and Post Roads of the Senate the papers in the case, stuck them in his pocket, and carried them there for the balance of the session, so that when Congress adjourned another appointment had to be made, and who then, when it was made again, repeated the operation and carried the papers during another session of Congress. Oh, he was anxious then to enforce the civil service law. Oh, he was then performing a piece of statesmanship that would put the whole Harding administration back into the ditch and make them look like 30 cents. Then it was that there was no virtue in the civil service law. Then it was that the only way to get good administration was to turn men out and put men in—turn them out because they were Republicans, put them in because they were Democrats.

It was during that administration, in a case where the civil-service examination in Nebraska showed that a contest between a Republican and a Democrat resulted in the Republican getting the highest standing on the list, that my colleague went to the Post Office Department and asked that an inspector be sent out there. It was in answer to my colleague's request that a post-office inspector be sent out there that one went there, went into the town where this thing had taken place, and went to see only men who were personal enemies of the Republican successful aspirant. It was in that case where they adopted the cowardly and inhuman method of charging the successful man with being pro-German, and there is something in some of the letters which I shall read later which will indicate that that

did not originate in the department but originated here in the Capitol; not only in the Capitol but in my colleague's office in the Capitol, where his secretary, who signed the letters, had charge and full sway. A charge was made because of the lack of pains on the part of the President to make a personal investigation.

I said it was inhuman. It was not only inhuman but it was cowardly. The man never had the right or the opportunity to defend himself, and yet it was shown in the investigation that I made—and I defy any man to investigate and show to the contrary—that in every activity during the war this man led. He subscribed for more Liberty bonds than his quota called for. He was charged with making, at a meeting of the Eastern Star lodge, a mean remark about the President of the United States, and it was demonstrated and proven that the charge was absolutely false and without any foundation whatever.

Then, under that kind of régime, when I went down to ask for the papers, when I went into the First Assistant Postmaster General's office in the city of Washington and asked that I be given the papers, that I be allowed to see what this report was, what investigation the inspector had made, I was denied the right to see the papers, and I did not see them, either.

I was denied that right when, as a matter of fact, everybody knows the Senate has a constitutional duty to pass on the confirmation of postmasters. That was under an administration where the civil-service rule had been complied with, but the officials of the Post Office Department and my colleague, conniving together, had brought about in the Senate of the United States, by his carrying the papers away with him, the defeat of the civil-service rule adopted by President Wilson.

I thought, Mr. President, when I was denied access to these papers, that if I called attention to it in the Senate of the United States an investigation would be immediately demanded and unanimsously put through, but it was not. I did that; I told about it on the floor of the Senate, that I had been denied that right. I know of one of these cases that happened in my State, and I would not bring my State in here if my colleague had not done it. He has brought the dirty linen out, and I am going to give it another dose or two of soap. That is all I am trying to do.

It seemed to me humiliating that while the order was made all right and the Civil Service Commission carried it out all right, in these cases in the State of Nebraska, at least, the First Assistant Postmaster General, in connection with my colleague and with the chairman of the Committee on Post Offices and Post Roads of the Senate, who was a Democrat, prevented, whenever they did not like it, the carrying out of President Wilson's order.

Now, let us see how my colleague, who is such a great civil-service reformer now, felt when he was not running for reelection and when his party was in power. At the time these letters, which I am about to read, were written there was a man here by the name of Earl B. Gaddis, who was private secretary to my colleague. Gaddis was also at that time Washington correspondent of the Omaha World-Herald, a great Democratic newspaper printed in Omaha, owned, edited, and published by my colleague. Other newspapers who had their representatives here had them admitted to the Senate press gallery, but the representative of the Omaha World-Herald could not be admitted to the press gallery because he was being paid by Uncle Sam and held a job at the pleasure and good will of my colleague, and it was contrary to the rules to admit such men to the press gallery. So he could not be admitted there. But he had an advantage which the men sitting in the press gallery of the Senate did not have. By virtue of the appointment given him by my colleague he was admitted right on the floor of the Senate, so he had an opportunity to get the inside every time, and he did.

But while acting in this capacity, as my colleague's private secretary, Gaddis had some correspondence in regard to this very post office out in the State of Nebraska. There had been a civil-service examination held out there, and the favored Democrat did not get in. He was defeated in the examination and lost the office. In one case it was a woman, so he had some correspondence with this woman, and he wrote her as follows. The letter is dated, "United States Senate, Washington, D. C., May 31, 1919," and addressed:

MY DEAR MRS. WEEKES:

I have your letter and hasten to reply.

Burleson says: "Result of examination is only thing that will count—no politics—makes no difference if a Republican is chosen."

That is the kind of a Postmaster General we have, and this is what makes the Democrats boiling hot and has caused numbers of them to band together to insist upon Burleson's removal.

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

Think of it! There he sits, the only man in the Senate who had the courage to attack the great Burleson and denounce him as a tyrant. Here are his praises being sung by another great man of his own choosing, his private secretary, his newspaper correspondent, his newspaper editor, drawing a salary and getting his pay from Uncle Sam.

I continue the reading:

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

We will likely suffer distinct embarrassment one of these days of seeing a Republican newspaper man who writes bitterly partisan copy being chosen to supplant a Democrat in one of our good Nebraska towns. We held the appointment up for a long time—

I told you a while ago how—

by checkmating confirmation, but will be unable to do so with a Republican majority.

In other words, this faithful follower of the World-Herald and of the senior Senator from Nebraska and financially of Uncle Sam, says, "We did the work all right by having HITCHCOCK prevent confirmation." He saved the country for civil service notwithstanding "Burleson, the tyrant," but now we are about to have a Republican majority, and he can not do it any longer, powerful though he may be.

Again reading from the letter:

All of this is a burning shame, but Burleson, the tyrant, has the upper hand and proposes to keep it.

I hope Burleson will take notice in his retirement.

There is one ray of light, however, and it may penetrate the dark recesses to Democratic advantage before the Norfolk postmaster is chosen.

This letter is directed to Mrs. Weekes, who lives in Norfolk, and was a candidate for postmaster there. Continuing:

If Burleson is removed before the appointment comes, it may be that his successor will see to it that justice is done—

He has disclosed the kind of justice he wants—

I will watch developments closely and will keep you advised.

Again I say Burleson should be "strafed," then Democracy would stand at least an even chance of survival. Otherwise I fear the sins of this tyrant will be visited upon our party for years to come.

Cordially and sincerely yours,

EARL B. GADDIS,  
Secretary to Senator Hitchcock.

Mr. President, I think I ought to continue the reading. There is some more along the same line. That letter was written May 31, 1919; and on the 31st of July, of the same year, Mr. Gaddis wrote another letter, which I think I ought to read, because it throws some light upon my colleague's conversion to civil-service reform, under a Republican administration, which he so much despised under a Democratic administration. The letter starts out:

UNITED STATES SENATE,  
Washington, D. C., July 31, 1919.

MY DEAR MR. WEEKES—

This letter was apparently written to Mr. Weekes, although the previous letter was addressed to "Mrs. Weekes"—

Have your letter of the 19th, and hasten to reply to it. Reference to the Ainsworth matter—

That was another postmastership case where the sleight-of-hand performance took place by which a Republican was put out and a Democrat put in—

the Ainsworth matter, which you mention as having been cited to you in the Senator's letter of May 31—the Senator could not obtain the appointment of a man there friendly to the Democratic cause.

Now the Senator is trying to get postmasters appointed according to the civil service, but it seems then that he was trying to get postmasters who were "friendly to the Democratic cause." Now listen to this:

When a Republican was named he managed to hold up the appointment—

Consider that in connection with the Senator's denunciation to-day of Republicans trying to prevent the operation of the civil-service rule. The Republicans learned their lesson from the Senator from Nebraska [Mr. HITCHCOCK]; that is the reason they do it so well. He is condemning them now because they will not let the civil-service rule be put in force, and yet his secretary says that he was then trying his best to prevent its enforcement, but did not always succeed, as is shown here, but he held up the appointment for a long time.

The Senator could not obtain the appointment of a man there friendly to the Democratic cause.

When a Republican was named he managed to hold up the appointment. That was all he could do.

That, in other words, was interfering with the rule, but the Senator now condemns others for interfering with the rule.

But now, under a Republican Senate, he will be forced to give up that and must see a shameless Republican named for the place. At no time, under this new system of Burleson's, did the Senator have the remotest chance of naming a Democratic friend.

Too bad, was it not?

Also with reference to the Scottsbluff matter—

Scottsbluff is another post office in Nebraska—mentioned in Arthur Mullen's office—

Arthur Mullen is the Democratic national committeeman from the State of Nebraska, and is a very fine man—

mentioned in Arthur Mullen's office in Mrs. W.'s presence—we did not wire for the name of a man to name there. We merely suggested to Arthur that he get some Democrats in the examination there who might stand strong chances of passing the examination.

It seems that my colleague was in doubt whether or not Democrats could pass the examination.

We made it perfectly plain to Arthur that our only hope lay in getting some Democrat in the race there who could stand the examination.

I might add that the outlook now is that a Republican topped the list and must be named for the place. HITCHCOCK has no more chance of getting a Democrat in there than a snowball has in August weather in Nebraska.

That is too bad, especially in the case of a man who is now such a great and ardent admirer of the civil service!

So you see, with these facts in your possession, there is anything but politics being indulged in by the administration in naming of postmasters.

Senator HITCHCOCK has agreed with few things which this man Burleson has done since taking office, particularly since the war came on. And he has voiced that disagreement, as many other Democrats have done. But not a Democrat here in Washington has the least thing to do with the naming of postmasters. All they can do is get their friends to take examinations and pray that civil-service marks will lead later to their elevation to the places. That is all the good Lord could do if He were a Democrat now and here trying to get justice for His party in the naming of His postmasters.

If Gentle, at Norfolk, is not a loyal American—

Now, here is a hint; here is a way to hold up a nomination. Gentle was a Republican; he was a candidate for postmaster, and Senator HITCHCOCK's private secretary says this is the way to hold up the nomination. He says:

If Gentle, at Norfolk, is not a loyal American or is an immoral citizen, his appointment can be held up. But these are the only grounds upon which there is the slightest show of keeping him out of the place.

I agree with what you say about the damned inconsistencies in running the Post Office Department this way. It is a shame that we must endure it, the Lord knows; but the game can not be beaten the way it is played just now. Thank Heaven, there may be a way opened up later whereby it can be beaten; but when that time comes it may be too close to the time the Republicans will take the administration away from us simply because they play politics up to the limit all the time.

Arthur Mullen understands the difficulties precisely. Talk the matter over with him some time, or if you are in Omaha on July 24, when the national chairman and his party are there, join them and hear what they've got to say on the subject.

With kind regards and best wishes,

EARL B. GADDIS,  
Secretary to Senator Hitchcock.

Mr. President, it will be noted that a suggestion is here made as to how appointments can be prevented. The civil-service rule is in force and there is no way to prevent the appointment, but the senior Senator from Nebraska [Mr. HITCHCOCK], the great civil-service statesman, is here ready and willing and able, if the evidence is furnished him, to prevent confirmation. A charge must be made that the successful Republican aspirant is not a true American or that his character is immoral, and the senior Senator from Nebraska will hold the nomination up and prevent confirmation. As I said awhile ago, he succeeded over two sessions of Congress in holding them up, without any charges being filed, simply by putting the papers in his pocket and carrying them away.

Mr. President, I have some more letters of a similar import, but I am not going to take the time of the Senate to read them at this moment. I wish to repeat what I said the other day, that for the man who says, "I am against the civil service in the Post Office Department or any other department and I believe when the opposition party is in power they have the right to wipe the slate clean and put their people in and the other fellows out for partisan reasons," I have nothing but admiration. I do not agree with him; I think he is wrong; but that is only my opinion. He may be right and I may be wrong; but, Mr. President, any party, no matter what party, and any man, no matter what man, who stands for civil-service enforcement when the opposition party is in power and for the abolishment of civil service when his own party is in power is, in my judgment, not a good public servant; he is not consistent; he is asking something of his enemies which he himself is not willing to concede. So when my colleague talks at length in the Senate condemning Republican officials for disobeying the civil service law, I agree with him in every instance where it can be shown that they have disregarded the law, and when any Senator says in his place here that he thinks such a violation has been committed, I will by my vote assist him in securing an investigation if he wants it; but, Mr. President, it seems to me—

Mr. REED. Mr. President—

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

Mr. REED. I have not heard all of the Senator's remarks, but I should like to get his opinion frankly as to this state of affairs: We have what is called a civil-service examination for postmasters; and if only one person takes the examination and passes, instead of appointing him they order a new examination. When the new examination comes on, if there are two or three who take the examination, and any Republican gets across the dead line he is appointed, and the Democrat who first took the examination alone and passed, who in the second instance has passed at the head of the list, is denied the place. What does the Senator think of that kind of civil service?

Mr. NORRIS. I do not think it is any good. I condemn it. I think it is wrong. I am not defending it.

Mr. REED. I know the Senator is not.

Mr. NORRIS. I do not intend to defend it. I condemn it just as quickly when it is done by my party as though it were done by the Senator's party.

Mr. REED. Let me say to the Senator that that is the regular practice now. I am not defending it, and I am not particularly criticizing it, for I think we had some of that kind of thing in a degree, at least, under a previous administration.

Mr. NORRIS. Yes; we did.

Mr. REED. But it seems to me that that kind of a civil service is a mere bit of contemptible chicanery.

Mr. NORRIS. I think it is, and nobody condemns it more severely than I do.

Mr. CUMMINS. Mr. President—

Mr. NORRIS. Will the Senator just let me comment for a moment upon that?

Mr. CUMMINS. If the Senator will permit me, I want to observe that the Committee on Civil Service, of which I am a member, but whose meetings I have not been able to attend, has been for the last two or three weeks conducting an investigation upon a resolution introduced either by the junior or by the senior Senator from Arkansas. It has taken very considerable testimony. It has received the report of the Civil Service Commission upon every case that has been referred to by either of these Senators and possibly others. That committee is meeting this afternoon for the purpose of formulating its report, as I understand. It seems to me that before condemning the Civil Service Commission we ought to await the coming in of this report.

Mr. NORRIS. I am not willing for the Senator to put me in the attitude of condemning the Civil Service Commission. I have not done it.

Mr. CUMMINS. No; I know the Senator from Nebraska has not. The Senator from Missouri has.

Mr. NORRIS. I do not understand that the Senator from Missouri has. I think the Senator is entirely mistaken.

Mr. CUMMINS. If not the Senator from Missouri, then the senior Senator from Nebraska [Mr. HITCHCOCK] has condemned it.

Mr. NORRIS. Yes; I think he has.

Mr. CUMMINS. I venture to say that whatever may have been the derelictions of the Post Office Department—I think they have not been investigated—so far as the Civil Service Commission is concerned, I do not believe that it has been guilty of the things which have been charged against it.

Mr. NORRIS. Mr. President, I am not making a charge against the Civil Service Commission. My colleague has done so. I do not know what the facts are that he has ascertained in regard to the Civil Service Commission. If they are true, then I will join with him in their condemnation. He says, in effect, that the Post Office Department has compelled—that is the word he used, I think—the Civil Service Commission to have another examination, or something of that kind.

Mr. CUMMINS. I do not believe that is true; but it will all appear in the report of the committee.

Mr. NORRIS. I am very glad the committee is investigating.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

Mr. NORRIS. Yes.

Mr. REED. I have not been talking about the Civil Service Commission, and I did not know that there was an investigation. I am talking about the administration of this law as it applies to the Post Office Department. I think that I can produce letters from the Postmaster General or his assistant bearing out the statement that I made in regard to their ordering new examinations when only one person took the examination. I think I can take the record then and show that after the second examination had been called they had appointed a man who stood lower on the list than the man who first took

the examination, and who took it the second time. I think that is the regular practice.

As I said, I am not rising to criticize anybody particularly; but I wanted to get the opinion of the Senator from Nebraska as to whether that kind of a civil service was any civil service at all, in the proper meaning of the word.

Mr. CUMMINS. Mr. President, there may have been some irregularities. I do not know. I am not familiar with the testimony adduced, and I do not know what the report will be.

Mr. REED. I am not talking about irregularities. I am talking about customs.

Mr. CUMMINS. Under the Executive order, as has been stated here many times, the Postmaster General may appoint one of the three persons receiving the highest ratings in the examination. What the Postmaster General has done in these instances, I do not know.

Mr. NORRIS. Mr. President, as I understand the practical working of the order, it is this: President Harding modified the order of President Wilson so that it now provides that in the case of first, second, and third class offices the Civil Service Commission shall hold an examination, and the President will appoint from the three highest on the list. In order for the President to know which one of those to appoint, the Post Office Department submits the three highest on the list to the Republican Congressman of the district in which the post office is located, if there is a Republican Congressman; if there is not a Republican Congressman in that district, he submits the name to somebody else connected with the party machinery, and the selection is made, and that is certified to the President by the Post Office Department, and he makes that appointment.

Mr. OVERMAN. Mr. President—

Mr. NORRIS. Let me finish first. I want to say that, in my judgment, that is entirely a nullification of the spirit of civil-service appointment of postmasters. There was talk about it very soon after President Harding went in; and, so that there might be no mistake about it, I wrote a letter to Postmaster General Hays calling his attention to that fact, and told him what I believed would be a serious result if they made such an order. It will in time result in Democrats refusing to take the examinations, because they will understand that if one Republican goes over the line they will stand no show.

Mr. MOSES. Mr. President, does the Senator think that is going to do any great harm to the public service?

Mr. NORRIS. Yes; I do think it is going to do great harm. If we, as Republicans, are going to pretend to the people of the country that we are going to put the Post Office Department upon a nonpartisan basis, then we ought to have the courage of our convictions and carry out an order that will do it. If, on the other hand, we are going to appoint men because they are Republicans, then we ought to be brave enough and courageous enough to say so, and do away with this farce and this flim-flam of going through the theory of an examination. We ought to take one course or the other.

Mr. OVERMAN. Mr. President—

Mr. NORRIS. We are practicing deception under this rule, I think, to pretend to the people that it is nonpartisan when it is not anything but partisanship.

Mr. SWANSON, Mr. OVERMAN, and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield, and if so, to whom?

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to state to the Senator a case in my own county. Under President Wilson's administration they held an examination. The Republican assistant postmaster stood first. He had been assistant there for years. He was efficient. He was promoted by President Wilson as a Republican. He was not confirmed, but I want to show you how the President acted. Then they put in an acting postmaster, and then held an examination. The acting postmaster had served for three or four months, and he could not stand the examination and get on the eligible list, but this Republican was first. Now, this acting postmaster has been in the service for five or six months—he had been in the service several months before and could not qualify—and they are holding him in and saying they are going to set aside this examination, and they hope he will be able to stand the second examination. I should like to ask the Senator whether that is carrying out even in a remote degree the President's order?

Mr. NORRIS. Oh, the Senator knows that that is not carrying it out. Anybody who will be honest with his own conscience will say that; but, Mr. President, I do not care to go into individual cases. I do know that under the prior administration in one way or another the nonpartisanship of the selec-

tion of postmasters was to a great extent nullified. I know it from personal observation in my own State—cases where I came in personal contact with the office. I have told you about some of them this afternoon that came under my personal observation, where my colleague was the Democratic means by which a Republican who had passed the highest examination was prevented from going in. But, Mr. President, I am not willing in one breath to condemn Democrats for doing that and condone Republicans for doing the same thing under a Republican administration; and while Senators say, as has been intimated here this afternoon, that it would be a good thing to put all the Democrats out and put Republicans in, we did not get into office by making that kind of a campaign. We did not say that out in the campaign, when we were running and trying to get votes.

Mr. MOSES. I did, Mr. President.

Mr. NORRIS. Then the Senator ought to have been defeated, if he did that.

Mr. MOSES. I was not. I had the largest majority ever had in New Hampshire.

Mr. NORRIS. Then the Senator can keep on.

Mr. MOSES. I am going to.

Mr. NORRIS. The Senator can be a spoilsman all his life.

Mr. MOSES. I am going to.

Mr. NORRIS. I am not finding fault with him. If he went out and made that kind of a fight, then he can go on with perfect consistency and carry it out. I did not make that kind of a fight. The Democratic Party did not make that kind of a fight. The Republican Party did not make that kind of a fight. There was not anything of that kind in any of the platforms.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield to the Senator.

Mr. REED. I want to state—and I have no quarrel with my friend from New Hampshire—that if he made that kind of a fight, the frank and manly thing to do, it seems to me—and he always does the frank and manly thing—would be to introduce a bill here to repeal the civil-service farce and say, "We are going back to the old system. If we win the election, we are going to take the offices. If the other side win the election, let them take the offices." Let us have done with the civil pension list, keeping a lot of people here until they are superannuated.

Mr. NORRIS. Exactly; any party that got into office on that kind of a platform would be justified in carrying out that kind of a project. I will concede their right to do it, as I concede now and always have conceded the President's right under the law to make any provision he pleases in regard to the appointment of postmasters.

Mr. MOSES. Mr. President—

Mr. NORRIS. In just a moment I will yield to the Senator. What I have condemned is making a campaign through the country and getting into office on the theory that you are going to enforce the civil service law in spirit and in letter, and then, when you get into office, turning your back on it and turning the offices over to the victors, regardless of civil-service merit.

I yield to the Senator from New Hampshire.

Mr. MOSES. If the Senator will permit me, I will say to him that any party that will make a campaign on that plank will sweep the country. I wish to say to him, further, that I do not care what pretense others may make, and I may be repeating myself. I have said more than once on this floor, that, so far as I am concerned, I make no pretense whatever. I think the administration should be surrounded by its friends, and in view of the performance that has gone on here on the floor of the Senate during the last two days, I merely wish to say—

The PRESIDING OFFICER. The Senator will suspend while the Senate receives a message from the President of the United States.

[A message in writing from the President of the United States was transmitted to the Senate by Mr. Latta, one of his secretaries.]

Mr. MOSES. I hope the message contains the names of a lot of good Republicans nominated for office. I want to say, further, Mr. President, apropos of the performance that has gone on here on the floor of the Senate for the last two days, because of what is described as an outrage, the "murder" of 27 officeholders, if Republican Senators eight and nine years ago had devoted their time and taken the time of the Senate in the discussion of questions of that character, there would have been no legislation whatever, because we saw the Democratic administration come in and absolutely ravage every department of the public service, and when they had filled the post offices

with their own selections, then they put over them the blanket of the civil service law. They violated the civil service law after they adopted it, both in the letter and in the spirit.

I have seen a Democratic postmaster pass out of this life and out of his office, and I have seen the chairman of the Democratic State Committee appointed as an acting postmaster, and held there while he educated himself, at the expense of the Government, until he could take the examination of whatever character was then given, and of course he came out No. 1 and was appointed, the result being that the Democratic incumbency of those post offices ran not only over the eight years of the Democratic administration but two or three years more, because of the hiatus that was occasioned. I wish to say that the whole pretense here about this matter in the Bureau of Engraving and Printing is absolutely futile and childish and ridiculous. We have up in New England a verb—

Mr. NORRIS. I hope the Senator will not make a speech.

Mr. MOSES. I am not making a speech.

Mr. NORRIS. The Senator has not made one yet, but I hope he will not. I yielded to the Senator to ask a question.

Mr. MOSES. I am sorry to have trespassed on the Senator's time, and I thank him for the time he has yielded to me.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I can not yield now.

Mr. HARRELD. I wanted to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. HARRELD. I wanted to put a question to the Senator.

Mr. NORRIS. I will yield after a while, but not now. I can not answer two Senators at once.

What the Senator from New Hampshire has described as happening under a Democratic administration I have been narrating, perhaps, before he came into the Chamber. I know that was going on, but that is no excuse for Republicans doing the same thing. If it is, then there will never be a reform or improvement in government, though we may live a million years. If we are going to justify crime by pointing to Democratic crime as a precedent there will be nothing but crime forever and eternally. The Senator complains of Democrats putting Republicans out, when, as a matter of fact, he stands on a platform of getting Democrats out and putting Republicans in.

Mr. MOSES. May I correct the Senator?

Mr. NORRIS. He ought to praise the Democratic Party for doing that, instead of condemning them.

Mr. MOSES. May I correct the Senator?

Mr. NORRIS. I yield; I do not want to misstate anything.

Mr. MOSES. I am not complaining because Democrats put Republicans out. What I am complaining of is this childishness of the Democrats, who are now complaining because we are putting Democrats out.

Mr. NORRIS. It makes a great deal of difference whether you are putting Republicans out or whether you are putting Democrats out.

Mr. MOSES. No; we took our medicine, and I think they should take theirs.

Mr. NORRIS. No; we did not take our medicine.

Mr. MOSES. I did; I do not know about the Senator from Nebraska.

Mr. NORRIS. Mr. President, the Senator had to take it sometimes, and I had to take it sometimes.

Mr. STANLEY. Mr. President—

Mr. NORRIS. I protested against it then, and I protest against it now.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I do not yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. I would feel myself disqualified, after I had promised in every campaign I had ever made to be true to the Republican platform, which declared in favor of civil-service reform, if I violated the pledge after I was elected to office. A man who does not believe in it has a perfect right to condemn it, and I am not finding fault with my genial friend, the Senator from New Hampshire. He is a political spoilsman, according to his own definition. He believes in that doctrine.

Mr. MOSES. That is correct, Mr. President.

Mr. NORRIS. Certainly; there is no doubt about that.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I am not going to yield to anyone for the present.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. The Senator from New Hampshire has a perfect right to take that position. He is perfectly consistent when he takes it and carries it out, and I said at the beginning that I was not against that kind of people and that kind of officials. I have no complaint to make against them. I think they are wrong. But they may be right and I wrong. At least they have a right to believe that way if they want to.

Mr. HARRELD and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield? And if so, to whom?

Mr. NORRIS. I yield first to the Senator from Oklahoma. He sought to ask me a question some time ago.

Mr. HARRELD. The Senator admits now that some fellows got into office by criminal procedure, and I want to know if the Senator thinks they ought to be confirmed in those offices and allowed to hold them?

Mr. NORRIS. No; I do not think so.

Mr. HARRELD. That is what I am complaining about. Now, I want to ask another question.

Mr. NORRIS. Let me answer that question first. Because a good many men got their offices by a violation of the law, I am not in favor of taking the mantle of the civil service law away, and saying we will put the whole thing on the political pie counter. If that is the question the Senator wants to ask—

Mr. HARRELD. No; but suppose an individual got an office in that way, should he be allowed to hold the office he secured by crooked methods?

Mr. NORRIS. No; he ought to be removed.

Mr. HARRELD. Does not the Senator know that the law of 1916 had a provision in it to the effect that appointments under that law should be made, but that the civil-service rules should not apply for two years?

Mr. NORRIS. Yes.

Mr. HARRELD. And that during that time thousands and thousands of people were blanketed in under that law?

Mr. NORRIS. Yes.

Mr. HARRELD. Does the Senator think they ought to be allowed to hold their offices?

Mr. NORRIS. Yes; I would say they ought to hold them. That was the law. They went in under the law. We made the law, and that has been the practice of every President, Democrat or Republican, who has ever issued an order extending the civil service. President Taft did the same thing; President Wilson did the same thing; President Roosevelt did the same thing. It is a common thing, after they get all the offices filled, for them to issue an order putting them under the civil service. They ought to put them under the civil service and have them filled by examination. I said so when the last order was made. I said so when President Taft made his order. I said so when President Wilson came in the second time, after he had been in office four years, and by order extended the civil service to cover the whole Post Office Department. I said then he would have been entitled to great credit if he had made the order at the beginning instead of at the end of his term, rather before he filled the offices with men of his party than afterwards. But I would rather take it then than not take it at all.

The Senator from Oklahoma [Mr. HARRELD] intimated by his question that whenever that is done, the next President ought to revoke that order. Where would we get under such a practice? You would get one President in and he would fill the offices with Republicans, and after he got them filled he would issue an order extending the civil service over those offices.

Mr. HARRELD. No, Mr. President—

Mr. NORRIS. Then a Democratic President would come in, and he would say, "These fellows came in under a false pretense," and he would revoke that order; he would fill the offices with Democrats, and when he got them all filled with Democrats he would put them again under the civil service; and so on forever, and you never would have any civil service. There is only one way to get it, if you intend to have it—when you get something put under the civil service keep it under the civil service. I thank God for every extension anybody makes, whether it puts in a Democrat or a Republican. There must be somebody in the office when the order is extended covering those offices, and Republicans can not object because the officeholders happen all to be Democrats or the Democrats because they happen to be Republicans. If that rule is carried out, then the civil service will never amount to anything. I yield now to the Senator from Minnesota.

Mr. NELSON. I may be somewhat tardy in my question, but it seems to me the Senator has departed from the discussion, and I shall be glad to hear him or some one else tell us whether the civil-service law and regulations have given us a better and more efficient service than we had before.

Mr. NORRIS. I think the question is a very proper one. Men will disagree about that. I have no hesitancy in stating where I stand. I think it has given us much more efficient Government, and it has met with many difficulties. There are a good many things done under it which are wrong. Mistakes are often made under it; there is no doubt about that. But if we should repeal the civil service law to-day and put every office in the United States on the political pie counter we would almost stop the wheels of Government. It would be almost an impossibility to carry it on.

I forgot to refer to the offices in the Bureau of Engraving and Printing, about which the Senator from New Hampshire spoke. I have not said anything about them, I do not know anything about it. I hear all kinds of rumors, but I do not know why those men were removed, though I do think we ought to know. I think there ought to be publicity given to the reasons. I hope the President will tell the Congress and the country why it was done. If he does not do that, if these things are to be done in secret and covered up, then we never will get anywhere with it. Publicity is one of the greatest cures of Government evils.

Mr. MOSES. Will the Senator yield for a question?

Mr. NORRIS. I yield first to the Senator from Kentucky, who arose first.

Mr. STANLEY. Mr. President, I apprehend that the Senator from New Hampshire [Mr. MOSES] fails to see, or, seeing, inadvertently misstates, the position taken upon this side by the Senator from Arkansas [Mr. CARAWAY] as well as by myself. There is very little difference of opinion between those on this side and on the other side who believe in rewarding faithful party service. I admire the candor and the nerve of the Senator from New Hampshire. I like to fight by the side of that sort of men when they are with me and to measure swords with them when they are against me. But I do not see how any honest man who believes that his party platform is binding upon him can escape from the very just condemnation of the Senator from Nebraska, and I wish to ask if either the Senator from New Hampshire or the Senator from Nebraska holds that a man admitting his allegiance to the principles of his party, and elected upon its platform, can repudiate it:

We renew our repeated declaration that the civil service law shall be thoroughly and honestly enforced, and extended wherever practicable. The recent action of Congress in enacting a comprehensive civil service retirement law and in working out a comprehensive employment and wage policy that will guarantee equal and just treatment to the army of Government workers, and in centralizing the administration of the new and progressive employment policy in the hands of the Civil Service Commission, is worthy of all praise.

We condemn the present administration for its destruction of the efficiency of the Postal Service and the telegraph and telephone service when controlled by the Government, and for its failure to properly compensate employees whose expert knowledge is essential to the proper conduct of the affairs of the postal system. We commend the Republican Congress for the enactment of legislation increasing the pay of postal employees, who up to that time were the poorest paid in the Government service.

I call upon the gentleman to repudiate his own platform or to stand on it. He can not do both.

Mr. NORRIS. The Senator can get the same thing in the Democratic platform, running back all the way through the history of the party. It is almost a rubber-stamp proposition in both parties.

Mr. MOSES. Mr. President—

Mr. NORRIS. Now I am going to answer the question of the Senator from Kentucky for myself.

Mr. BORAH. The Senator would not apply his remark to that one plank only?

Mr. NORRIS. No.

Mr. MOSES. The Senator from Kentucky connected me in his statement with the Senator from Nebraska, and I want to answer him.

Mr. NORRIS. I think, since I have the floor, I ought to have the privilege of answering first.

Mr. MOSES. Certainly.

Mr. NORRIS. Then I will yield to the Senator from New Hampshire. I agree with that platform and with that plank. I have always said so. If I did not believe in civil service, however, and had been nominated as a Republican, and had immediately in my campaign said that I did not believe in it, and concealed nothing in regard to it from my people, and had been elected, I would not feel that I was bound by the platform. The Senator from New Hampshire, running on the same platform, did not believe in it, thought civil service was a farce, and if he said to his people in his campaign that he did not believe in it, that he believed that to the victors belonged the spoils, and that he was going to get the offices for the faithful, just so they were Republicans, regardless of whether they were yellow dogs or not—

Mr. MOSES. We do not have any of that kind of Republicans in New Hampshire.

Mr. NORRIS. And was elected, then he had a perfect right, I think, to repudiate that plank in the platform. He practiced no deception. I believe in it. The party as a party has always thus gone on record and so has the Democratic Party, and both parties have always violated it.

Mr. STANLEY. Can the President repudiate it and practice no deception?

Mr. NORRIS. He could not, anyway. He did not repudiate it in the campaign, I will say that. But I am not going to answer for anybody else. I would not feel as though I could.

I yield now to the Senator from New Hampshire—

Mr. MOSES. For a reply to the Senator from Kentucky?

Mr. NORRIS. Yes; though I do not want to be interrupted by Senators who want to have a debate of their own.

Mr. MOSES. The Senator from Kentucky addressed a question jointly to the Senator from Nebraska and myself.

Mr. NORRIS. I think I ought to yield for that reason, and I do so.

Mr. MOSES. I want to say to the Senator from Kentucky that I stand on the plank which he has read. I base my position on that plank upon the two words "when practicable," and I believe that the application of the civil service law is practicable when we put Democrats out and put Republicans in.

Mr. NORRIS. That answer will always appeal to the politician. It will always appeal to the fellow who wants office. It will always appeal to the machine.

Mr. STANLEY. Mr. President, does the Senator—

Mr. NORRIS. I will not yield to the Senator to have a debate with the Senator from New Hampshire.

Mr. STANLEY. I want to ask the Senator a question.

Mr. NORRIS. The Senator may ask me, but not the Senator from New Hampshire.

Mr. STANLEY. I mean the Senator from Nebraska. Does the Senator from Nebraska read the words "when practicable" in the platform the way the Senator from New Hampshire read it?

Mr. NORRIS. Oh, no; I do not agree with the Senator from New Hampshire on that.

Mr. STANLEY. Does the Senator from Nebraska know anybody who understands the English language who would read it in that way except the Senator from New Hampshire?

Mr. NORRIS. There may be others. I suppose it would depend on how badly they want an office.

Mr. STANLEY. Ordinarily the Senator from New Hampshire does not make statements that are not creditable to the Senate.

Mr. NORRIS. Mr. President, after all, no man can deny that we appealed to the people of America, and so did the Democratic Party—we have been appealing to them for 20 years—on the ground that we would enforce the civil service law, that we would extend it, and we have equally condemned the other party because they do not enforce it in good faith. When it is violated by Republicans we have Republicans standing up and saying, "That is the best thing we can do; let us violate it all the more. We ought not to have it." And yet we come back to the people with another platform and another promise that if we are elected to office we will enforce it in good faith. The Democrats have done the same thing. It is not a square deal for the people of America.

When a man comes into the Senate like my colleague did—and that is the reason why I took the floor—condemning Republicans because they are not enforcing in good faith the civil service law, I cite to him and to all like him the old common-law maxim that those who want equity must do equity; that you can not come in here and denounce us while your own hands are tarnished with the slime of deceit and corruption that you have been practicing when you were in power. That applies equally to the Republicans who are doing the same thing. My colleague complains because we Republicans are not enforcing in good faith the civil service law. I join with him in the condemnation of Republicans for not enforcing it in good faith. But the charge does not come from his lips with any consistency, because they are tainted with the very crime that he charges against us.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. Does the Senator from Nebraska contend that both parties are equally committed to the civil service and have an equal right to claim credit for inaugurating the system?

Mr. NORRIS. I am not going into a discussion of that question. I think I could claim, and perhaps could substantiate, but

I would have to look the matter up some, that the Republican Party had probably done more for it than the Democratic Party. I may be wrong about that. I am not making any claim of that kind to-day, as I should want to look it up before I asserted it.

Mr. STANLEY. The Republican Party claims to be the mother and father, the grandmother and grandfather, of civil service, and we have been denied the credit for inaugurating that system. I am not making any claim for the Democratic Party for the paternity of the institution now. I just wanted to get the attitude of the Senator from Nebraska.

Mr. NORRIS. I have not made that kind of a charge against the Democratic Party. I will say that I think there are some things done by the Democratic Party, or by Democratic leaders, that have helped very materially in the civil service law. While I have nothing whatever in common with the late President Wilson and he has no use for me, any more than I have for him, I think, although he did some things that seemed to me were entirely wrong about it, that on the whole he did a great deal for civil service. He made a rule in regard to postmasters that I have always thought was better than the modification President Harding has made of it, and I said so to-day.

But I do not care particularly where civil service was born or who was its father or who its grandmother or what relation it has to this party or that. I am not looking for technicalities. I am not pointing them out. I am trying to talk about the practical application of the theory. While it has many things about it that sometimes result in wrong, and serious mistakes are made lots of times in its name, yet, in my judgment, it is so much better than the old spoils system that no thinking man would go back to the old system. Notwithstanding the opinion of my friend from New Hampshire, I believe that any party that would go out before the people of America and make a campaign on the theory that they were going to wipe the civil service law and rules off the books and go back to the pie-counter system would be swept out of existence with an avalanche of votes from which they would never recover.

Mr. MOSES. Mr. President, will the Senator yield to me?

Mr. NORRIS. If agreeable to the Senator, I will yield the floor and he can proceed.

Mr. MOSES. Mr. President, I merely wish to say to the Senator from Kentucky, if history is as I recall it, that the civil service law was written and pressed through Congress by a Democratic Senator from Ohio, George H. Pendleton. It was put into operation by a Republican President, Chester A. Arthur, and therefore, though sired by a Democrat, it has been damned by every practical man ever since.

Mr. STANLEY. Mr. President, the Senator does not do his party credit. An examination of the platforms of the various parties will show him that the principle of civil service was advocated by Republican platforms long before Chester A. Arthur was ever inaugurated. That will come up later.

Mr. President, I wish to say that the Senator from Arkansas [Mr. CARAWAY], notwithstanding the lucidity and force of his statement, and the Senator from Kentucky, myself, have totally failed to make themselves understood by the Senator from New Hampshire and by many of his colleagues. I am not disturbed by the firing of four or forty or four hundred Democrats. Call them all out of the service to-day and solemnly indict them for their loyalty to the principles of Jefferson, and Madison, and Jackson, and Tilden, and then stand them up against your rotten political wall and shoot them, and they will take their medicine like soldiers and like men. It is a death any Democrat may be proud to suffer. He can wear your charge and your dismissal as a badge of eternal honor, and in my country his children and his children's children will cherish his willingness to suffer in such a cause as more precious than all the honors and emoluments of office.

But that you will not, dare not, do. We are not complaining that you shoot. We are denouncing you for your infamous cowardice in shooting us in the back. Is that plain enough? You play the spoilsman not like old Jackson or Cleveland, but like a political Pecksniff; you whine and palaver and pray and simper before long-haired men and short-haired women about your devotion to civil service—

Mr. MOSES rose.

Mr. STANLEY. Not the Senator personally, but the party which he represents, because he is a bigger man and a better man than his party.

Mr. MOSES. Mr. President, I have seen no Pecksniffian whining at the White House about the firing of these 27 people. They were employed; they were fired; they are fired, and they are going to stay fired; and there would have been no complaint on the floor of the Senate from anyone on the other side of the Chamber if it had been done by a Democratic President.

This is a matter of opinion which I can not prove, but I hold steadfastly to the opinion that if it had been done by a Democratic President no voice would have been raised on the other side of the aisle, and, so far as I am concerned, no voice would have been raised on this side of the aisle. I would have taken my medicine. Why do you not take yours?

Mr. STANLEY. I only wish that the Senator from New Hampshire or the Senator from Indiana [Mr. New] were in the White House. I only wish that your chief would dare to speak as you do. He can understand the English language, he can read and write, but he will never, in this world or in the world which is to come, O. K. what either one of you have said.

I am not condemning the action of the Senator from New Hampshire; I am not condemning the action of the Senator from Indiana—brave, clean, fearless spoilsmen. I am condemning the action of him who says that he does it for the good of the service if he does it for the good of his party.

Mr. MOSES. I think that is good doctrine, Mr. President.

Mr. STANLEY. These Democrats are not complaining that they have lost their places. They are not complaining of the pecuniary loss. Under a civil service honestly administered no man can be deprived of his place except for unworthiness, inefficiency, or moral turpitude. He is either incompetent, corrupt, or indecent, or he is entitled to stay. Every man and every woman who goes out under this shadow is stamped as corrupt, incompetent, or indecent. Wipe out the stain. Charge us with being Democrats and we will wear your charge like a halo, a badge of distinction to be coveted and treasured, and you will hear no complaint from the Senator from Kentucky or any of his ilk. But fire us like men! Let us out like men! Come out and fire us, and quit this sniping from the rear, under the flimsy pretense of civil service, which the Senator from New Hampshire and the Senator from Indiana have the decency to disown, and I commend your example to the other end of the Avenue.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. FLETCHER. Mr. President, I believe we are now ready to proceed with the consideration of the bill which is the unfinished business?

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from Florida to the amendment reported by the committee.

Mr. FLETCHER. Mr. President, as the Chair has stated, the pending question is on the amendment which I have offered to the amendment in the nature of a substitute which has been reported by the Committee on the Judiciary to the bill as it came from the other House. My amendment, if agreed to, would provide an additional judge for the southern district of Florida. I desire to submit a few observations on that question, and to show, if I may, the actual situation in the southern district of Florida and the need for the additional judge provided for in my amendment. I propose to analyze the tables which are attached to the report of the committee, and I am quite sure I will be able to show that there is not a district in the whole list for which 19 judges are to be created where the need is so great, where the claim is so just, and the merit so pronounced as in the southern district of Florida.

Mr. President, let me call the attention of the Senate, first, to this fact: I introduced in the Senate in 1917, as I recall, a bill which provided for an additional judge for the southern district of Florida. The bill passed the Senate, went to the other House, was referred to the Judiciary Committee of the House, was reported favorably there, and went on the calendar. It was, however, never reached; and, therefore, never passed the House. In 1919 I introduced a similar bill here; that bill was reported out of the Judiciary Committee favorably; it passed the Senate, went to the House, was referred to the Judiciary Committee, again reported favorably there, and placed on the calendar; but, unfortunately, on account of the immense amount of business accumulated in that body, the calendar was not reached and the bill was never passed in the House.

The House passed the pending bill providing for 22 additional judges. Included in that bill was one judge for the southern district of Florida. That bill came to the Senate and was referred to the Judiciary Committee, and now that committee has reported back a substitute providing for 19 judges and entirely omitting the judge for the southern district of Florida.

So we are in this position: The Senate having on two different occasions and in two different Congresses passed a bill providing for an additional judge for the southern district of Florida, which received the favorable action of the Judiciary Committee of the other House and went on the calendar there, but because of the pressure of business and the lack of time was not reached, at last the House having taken up the subject and included this additional judge in the bill which they passed, when that bill comes to the Senate the Senate reverses its action taken twice deliberately heretofore and strikes out the provision for the additional judge for the southern district of Florida. In doing that the committee acts very strangely, because the conditions have not improved in the southern district of Florida; the congestion continues there; it is greater now than it ever was; the table which the committee attaches to its report shows pending in that court 1,336 cases on June 30, 1921, whereas, according to the hearings before the House committee, the actual number of cases pending and undisposed of in that district to-day is 1,633. Such a condition practically amounts, in considerable degree, to a denial of justice to litigants.

We have in the southern district of Florida one of the best-qualified judges on the Federal bench in this country, a man who has had some 30 years' experience as a circuit court judge in that State and as a Federal judge for the past 10 years. He is overworked, he gets no vacation, he devotes himself entirely to his duties there; but it is simply impossible for any one man to accomplish all that is required to be accomplished in order that litigants may have justice in that district. The cases are increasing all the while; the congestion continues; the conditions, as I have stated, have grown worse year after year; and yet, in spite of the action of the Senate in 1917 and again in 1919, now, in this year, we are asked to decide that we will leave out the southern district of Florida and grant no relief whatever to that district. It is not fair. If the conditions had improved, if circumstances had changed so that litigants could have their business disposed of with reasonable dispatch, then there would have been some reason and some sort of excuse or justification for this action by the committee; but, on the contrary, as I have stated, the conditions have grown worse, the congestion has increased. Now, in spite of the laborious efforts of the sitting judge and in spite of the help that may be sent to him from time to time—and judges have been sent into that district to assist—in spite of all that, it has almost reached the point where it is scarcely worth while to go into the Federal court. We are almost in as bad a situation as are the people of Borneo, where, I believe, when one person sues another the custom requires that the litigants shall each put a live clam into a bowl of lime water, and the owner of the clam which winces first or keels over first loses; or parties in court are much like the contestants in these days of modern war, the nation that wins the war loses.

Now, Mr. President, let me analyze the tables, which, as I have said, are attached to the report of the Senate committee showing the business pending in all the district courts of the United States on June 30, 1921. As I have heretofore stated, the House hearings show that in the southern district of Florida there are 1,633 cases pending instead of 1,336 as indicated by the tables; but I will deal with the tables as I find them here.

Beginning with Massachusetts, the following is the situation: At this time Massachusetts has one district and one judge. The Senate Committee on the Judiciary proposes to add two more judges. The table shows the number of cases pending on June 30, 1921, in Massachusetts, as follows:

United States civil.....	206
Criminal, including prohibition.....	286
Admiralty.....	142
All other civil cases.....	923
Total.....	1,457

It is true there are bankruptcy cases pending to the number of 1,434 and draft cases to the number of 3,943, and prohibition cases amount to 68. Bankruptcy and draft cases, however, need not require a great deal of time or labor on the part of the judge, and we may for the present lay them to one side.

Compare the figures which I have given of the business pending in Massachusetts with the situation in the southern district of Florida. We find that the southern district of Florida has one judge and there are pending and undisposed of, according to the tables attached to the Judiciary Committee report—

United States civil.....	250
Criminal, including prohibition.....	594
Admiralty.....	165
All other civil cases.....	327
Total.....	1,336

As I have said, the House hearings show that there are to-day pending 1,633 cases in the southern district of Florida.

There are also 235 bankruptcy cases pending there, 18 draft cases, and the prohibition cases number 247. So there are as many civil cases pending, less 44, in the court of the southern district of Florida as are pending in Massachusetts; and yet it is proposed to give to Massachusetts two judges and deny the southern district of Florida one additional judge.

In the southern district of Florida there are considerably more than three times as many criminal cases pending as are pending in the Massachusetts district; there are 23 more admiralty cases than are pending in the Massachusetts court and there are more than one-third as many other cases as in the Massachusetts district. The total number of cases in the southern district of Florida, 1,336, according to the committee's table, compares with a total in Massachusetts of 1,357. Yet the committee proposes, as I have said, to give Massachusetts two additional judges and denies any relief whatever to the southern district of Florida.

Take New York: The committee proposes to provide an additional judge for the eastern district of New York and two additional judges for the southern district of New York. There are at present four districts in New York; with nine judges, and it is proposed to give New York three more judges. To be sure, there is a certain amount of congestion in the eastern and southern districts of New York, but it will be observed that in the northern and western districts—the northern district now having two judges and the western district one judge—there are pending in the northern district 1,251 cases and in the western district 855 cases, or a total for the two districts of 2,092 cases, where they have three judges, against a total of 1,336—which should be, really, 1,633—cases in the southern district of Florida, where there is only one judge.

It is argued that the northern district of Florida has pending only a total number of cases of 209, and that the judge of that district could assist in the southern district. Why can not three judges in the northern and western districts of New York, with the amount of business shown by the table, assist in the eastern and southern districts of New York? In the northern and western districts of New York we find three judges handling a little more business than the one judge has to attend to in the southern district of Florida, and yet the committee proposes to provide three additional judges in New York, one for the eastern and two for the southern district.

Take Pennsylvania. Coming to Pennsylvania, they have now in the eastern district two judges. The total number of cases pending in that district is 2,788. This is a little over twice the business in a district where they have two judges that there is in the southern district of Florida, where there is only one. The committee proposes to give the eastern district another judge.

In the western district of Pennsylvania the total number of cases is 2,449, and they have two judges now. This is less than twice the number of cases that are pending in the southern district of Florida. They have, however, two judges to attend to them. The committee proposes to add another judge there, making three, but does not recommend another judge for the southern district of Florida.

Take Texas. The northern district of Texas shows pending 140 civil cases, 557 criminal cases, no admiralty cases, and 523 of all other civil cases; total, 1,220. They have two judges in that district. The committee proposes to give them one more.

Think of that! In that district, with only 1,220 cases pending, as against 1,336 in the southern district of Florida, they have two judges now and we have one, and the committee proposes to give them another judge.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. I do not know whether or not the Senator from Florida is informed with regard to the situation in the northern district of Texas. The committee was advised that one of the judges in the northern district of Texas had been disabled by illness for quite a while, and probably would not be able soon to do all the work that a well man might be expected to do. The Senator from Texas [Mr. SHEPPARD] is here. He knows whether or not that is true.

Mr. FLETCHER. Mr. President, I do not mean to criticize this allowance to Texas. That is not my purpose at all. I am showing the discrimination. I am simply pointing out a comparison of the situation in the districts; and I say I am not arguing but that Texas is entitled to this judge. I am simply saying that if Texas, where at present they have two judges in this district, with only 1,220 cases pending, is entitled to

another judge, the southern district of Florida, where there are 1,336 cases pending, certainly ought to have an additional judge.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I do.

Mr. WALSH of Massachusetts. Is the Senator arguing not only that there is discrimination but that there is not a need of these judges in these various districts?

Mr. FLETCHER. No; I am not arguing that there is not need. I will touch on that point a little later. I am simply comparing the business in these courts with the business in the southern district of Florida. I am not contending but that the need is as the committee found; but if the need is there in the cases where they have allowed the judge, the need is certainly plain and clear in the southern district of Florida.

Mr. WALSH of Massachusetts. I think I understand the point which the Senator is raising, and I rather sympathize with it in view of the statistics which he has read; but I understood the Senator from Tennessee [Mr. SHIELDS] to argue strenuously that there is not need of these additional judges. Am I correct in that?

Mr. OVERMAN. That is so, and I think I shall be able to demonstrate it.

Mr. FLETCHER. The Senator from Tennessee may take that position, but I am not arguing that at all.

Mr. WALSH of Massachusetts. But the contention of the Senator from Florida is that there is a need of mere judges, but that the allotment has not been made without discrimination?

Mr. FLETCHER. Precisely. I contend that if there is any case anywhere in this whole list where it is clear that an additional judge should be provided, that case is the southern district of Florida; but, at any rate, whether it is the plainest, clearest case or not, it certainly is one case where this remedy ought to be applied. The business in that district—I am speaking now with reference to the northern district of Texas—does not approach the amount of business in the southern district of Florida, where there is only one judge, and yet they already have two in the northern district of Texas, and the committee proposes to add another.

I will admit that the number of cases is not a conclusive test. The character of the cases ought to be considered. Among the important cases in the jurisdiction of these courts are the admiralty cases. These require much time, careful consideration, and a great deal of labor. The admiralty cases pending in the southern district of Florida are 165. It will undoubtedly require much more time and labor to dispose of these cases than it would to dispose of three times the number of criminal cases or bankruptcy cases. There are no admiralty cases in the northern district of Texas. If there were only one judge in that district there might be some reason for adding another. Even then there would not be the need that there is in the southern district of Florida; but there are two judges there, and the committee proposes to give another, and omit a judge for the southern district of Florida.

Take Michigan: There are two districts and two judges in Michigan. The committee proposes to add one in the eastern district of Michigan. The table shows that in that district the pending business is, civil cases 109, criminal cases 378, admiralty cases 16, all other civil cases 251; total, 754. There is not one-half the business congested and pending in that court that there is in the southern district of Florida, and yet the committee proposes to add a judge in Michigan and refuses to add one for the southern district of Florida.

Take Ohio: There are two districts and four judges now. In the northern district, where they have two judges, there are pending civil cases 155, criminal cases 579, admiralty cases 21, other cases 656; total, 1,411. The business in that district is not as great as the business in the southern district of Florida. They already have two judges to attend to it, and the committee proposes to add another.

There are only 21 admiralty cases pending in that district, whereas in the southern district of Florida there are 165. The United States civil cases are 94 less in that district than in the southern district of Florida. There are two judges to take care of that business now. There is one judge to take care of the business in the southern district of Florida. The committee proposes to give the northern district of Ohio another judge.

Take Illinois: There are three districts in Illinois and four judges. There is a great deal of business in the northern district—not twice as much as in the southern district of Florida—but they have two judges now. The committee proposes to add another. The pending United States civil cases are 229, as against 250 in Florida. The criminal cases, including prohibition, are 1,092, as against 594 in Florida. The admiralty

cases are 10 in the northern district of Illinois, as against 165 in the southern district of Florida. The total number of cases in the northern district of Illinois are 2,184, as against 1,336, according to this table—really, 1,633—in Florida. They have two judges in the northern district of Illinois to take care of that business. They have one in Florida. The committee proposes to add another in Illinois, and refuses any relief in Florida.

Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I yield to the Senator.

Mr. SHIELDS. The Senator doubtless has also observed that the seventh circuit has, I believe, either four or five circuit judges. It has only three States in it—Indiana, Illinois, and Wisconsin—and in all of them except Illinois the business is light. Two of those circuit judges live in the city of Chicago, which is the chief point of the northern district, and assist in the district courts there.

Mr. FLETCHER. I am much obliged to the Senator for mentioning that. It had for the moment escaped me. It only shows that the supply of judges there is very considerable. Certainly if they need another one, that need is not as great as in the southern district of Florida.

Now, take Minnesota. Minnesota has one district and two judges. There are pending, United States civil cases, 399; criminal cases, including prohibition, 382; admiralty cases, 29; all other civil cases, 1,130; total, 1,940, with two judges to attend to the business.

Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida further yield to the Senator from Tennessee?

Mr. FLETCHER. I yield.

Mr. SHIELDS. The Senator from Minnesota [Mr. NELSON] is here, and I have noticed that there are in his State a thousand and some civil cases other than those in which the United States is interested. I am very curious to know the nature of those cases. It looks to me as though it must be a class of cases involving one question. Can the Senator inform us what those cases are—something over a thousand civil cases in Minnesota in which the United States is not interested?

Mr. NELSON. Minnesota, with two and a half million people, is only one district, and we have two judges, and for a long series of years we have had to have outside judges to help them. Judge Amidon, of North Dakota, before he became disabled, spent more of his time in Minnesota in helping our judges than any other judge.

Mr. SHIELDS. I am curious to know the character of those cases.

Mr. NELSON. The Senator means those in which the Government is not interested?

Mr. SHIELDS. Yes.

Mr. NELSON. They are mostly of a commercial character. St. Paul and Minneapolis, the two cities having a population of over 600,000, constitute a great railroad center—outside of Chicago, perhaps the greatest railroad center in the West. Then we have Duluth, a city of about 100,000 people, up on Lake Superior. There probably are more vessels coming into that port than any other port of the United States outside of New York, because the number of ships that pass through the Sault Ste. Marie Canal is far greater than the number of vessels that pass through the Suez Canal. Then we have in the Duluth country the greatest iron mines in America. Minnesota produces, perhaps, 70 per cent of all the iron ore in the United States.

Mr. SHIELDS. I did not want to interrupt the Senator from Florida too much. I thought perhaps that was a class of cases like we find in some of the Western States, growing out of some particular matter.

Mr. NELSON. No; it is the general commercial business there.

Mr. SHIELDS. That is all I wanted to know.

Mr. NELSON. I want to say, if the Senator will allow me, that St. Paul and Minneapolis are the great jobbing towns for all that northwestern country, and they do a tremendous amount of business. Minneapolis is the great milling center of the country, and produces more flour than any other city in America.

I shall not take up the time of the Senator from Florida any further.

Mr. FLETCHER. I am taking up these States in the order in which they appear in the bill. I am not picking out any particular State nor any particular district. I am taking them up in the order in which they appear, and this is one instance

where they have allowed an additional judge. I grant all that my good friend has said about the great State of Minnesota. It is a magnificent State. They have great enterprises there, and an enormous amount of business, undoubtedly, in those two great cities, and in Duluth also. As to the number of admiralty cases, however, there are only 29 appearing on this list.

They have, as he has said, two judges now. There is one district in the whole State, and the number of cases pending is 1,940, according to this list. The committee proposes to add another judge, and that would mean about one-half the amount of business for each judge that the judge of the southern district of Florida has before him. There are only 29 admiralty cases pending there, as I have said, as against 165 in the southern district of Florida. There are only 382 criminal cases pending there, as against 594 in the southern district of Florida. There are two judges, and the committee proposes to give them another, but denies any relief to the southern district of Florida.

Mr. DIAL. Mr. President, will the Senator tell us about how long these cases have been pending? Is there any great congestion?

Mr. FLETCHER. Some of them have been pending for two years or more. I have communications from attorneys to that effect. They are not all recently docketed cases. A great many of them have been pending a year and a half or two years; some longer than that.

Mr. DIAL. If they would put on more steam it may be that they could get rid of some of them.

Mr. FLETCHER. There is more business there than any man, no matter how well qualified he may be, and no matter how vigorous and strong he may be, can attend to.

Mr. DIAL. I was not referring to Florida alone, but to all the districts.

Mr. FLETCHER. Perhaps there is something in that suggestion, but as to this condition in the southern district of Florida, it is utterly impossible for any one man to keep up with that business.

Let us take Missouri next: There are two districts in that State and two judges. In the eastern district there are pending, United States civil cases, 46; criminal cases, including prohibition, 257; admiralty cases, 3; all other civil cases, 316; total, 622. They have one judge. The committee proposes to give an additional judge. With 622 cases on their docket undisposed of, the committee proposes to give them another judge, while the southern district of Florida has 1,633 cases undisposed of on the docket, and they deny an additional judge.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. CUMMINS. Just a suggestion. The Senator is using the figures 1,633 as applied to the total number of cases.

Mr. FLETCHER. I will confine it to 1,336.

Mr. CUMMINS. In order to be comparative, the Senator would have to treat the number pending as of June 30, 1921.

Mr. FLETCHER. The Senator is correct. I should call that figure 1,336 as the total shown, but I am merely saying that really the fact is that to-day there are some 1,633 cases pending.

Mr. CUMMINS. I have no doubt the other districts would show a like increase.

Mr. FLETCHER. They might show a similar increase, that is true; so I will say that the comparison would be as between 622 cases pending in that court in Missouri and 1,336 pending in the southern district of Florida.

Mr. POMERENE. Mr. President, has any Senator thus far suggested that one judge ought to be able to take care of that large docket in Florida?

Mr. FLETCHER. I have not heard of it. I only know that they have stricken out the provision in the bill as it passed the House which gave this additional judge to that district. I can not understand why. I think my good friend from Minnesota has some suggestion to offer. Perhaps he thinks Florida ought to be treated something like Minnesota, the whole State put in one district, and two judges appointed for the one district. We now have a northern and southern district, with a judge in each district; but that would not remedy the situation. I will deal with that a little later.

Just compare the business in that district in Missouri with the business in the southern district of Florida. For instance, of United States civil cases there are 46 in the eastern district of Missouri, as against 250 in the southern district of Florida. Of criminal cases, there are 251 in the eastern district of Missouri, as against 594 in the southern district of Florida. Of admiralty

cases, in Missouri there are 3, as against 165 in Florida. Of all other cases, there are 316 in Missouri, as against 327 in Florida.

The total in the Missouri district is 622, as against 1,336 in the southern district of Florida. Yet the eastern district of Missouri is to have an additional judge, and the southern district of Florida is denied one. The total number of cases pending in both districts of Missouri, with two judges, is only 1,137, as against 1,336 in the southern district of Florida, with one judge.

Let us turn to Oklahoma. In the eastern district of Oklahoma the table shows that there are pending United States civil cases 233, as against 250 in the southern district of Florida. Criminal cases, including prohibition, 764, as against 594 in the southern district of Florida. Admiralty cases none, as against 165 in the southern district of Florida. All other civil cases in the eastern district of Oklahoma 394, as against 327 in the southern district of Florida. Total in the eastern district of Oklahoma, 1,399, as against 1,336 in the southern district of Florida. Yet, with admiralty cases entirely eliminated and with civil cases less in number, the committee proposes to add another judge for the eastern district of Oklahoma, and denies consideration to the southern district of Florida.

Let us take Montana. Montana has one district and one judge. The cases pending are: Civil cases, 81, as against 250 in the southern district of Florida; criminal cases, including prohibition, 309, as against 594 in the southern district of Florida; admiralty cases, none, as against 165 in the southern district of Florida; all other cases, 135, as against 327 in the southern district of Florida. Total, 525 in Montana, as against 1,336 in the southern district of Florida. The committee proposes to give an additional judge to take care of this business in Montana, and denies relief to the southern district of Florida.

California now has two districts and four judges. The committee proposes to add one judge in the northern district and one in the southern district, giving them six judges in their two districts.

Take the latter district, which now has two judges. There are pending, United States civil cases, 129, as against 250 in the southern district of Florida. Criminal cases, including prohibition, 538, as against 594 in the southern district of Florida. Admiralty cases, 22, as against 165 in the southern district of Florida. All other cases, 490, as against 327 in the southern district of Florida. Total, 1,179 in that district of California as against 1,336 in the southern district of Florida. Yet the committee proposes to add one judge to that district in California, where they already have two, and denies any relief to Florida.

Mr. KING. Are these instances to which the Senator is calling our attention evidences of mistakes, or of unwarranted discrimination?

Mr. FLETCHER. I will have to leave the Senator to draw his own conclusion.

Mr. KING. Of course, I am opposed to the Senator from Florida getting an extra judge, and I am opposed to the whole bill. I wanted to say that to the Senator.

Mr. FLETCHER. That does not give me very much comfort. I am giving the total number of cases as furnished by the committee, and the amount of business pending, as shown by the committee's report. These figures unquestionably demonstrate that they are allowing judges in districts where the amount of business nowhere approaches the business in the southern district of Florida. Why they have done that I leave for the Senator to reason out.

Mr. KING. Of course, it must be a mistake.

Mr. FLETCHER. It occurs to me that it is a mistake.

Mr. KING. I think we ought to recommit the bill with instructions to correct these mistakes and report a bill perhaps providing for four or five judges altogether.

Mr. FLETCHER. I think there is a real need for judges in a number of these districts.

Mr. SHIELDS. There might be need for an additional judge in four or five districts in the United States, but not 25 or 30, as is proposed in this bill. I want to call the attention of the Senator from Utah to one very instructive thing about the figures which the Senator from Florida is presenting. It shows the standard the committee set when they struck out of the bill the additional judge which the House of Representatives gave to Florida. Although there was that amount of business, it was not thought that on account of its docket it needed a new judge. That was the standard they set as to that, and they set a similar standard in Tennessee by striking out the provision for the judge which the House had granted Tennessee. And yet, although they set that standard, they went along and allowed about a dozen judges in districts where they

did not have nearly as much business as the southern district of Florida had, and they provided for additional judges in six or eight districts where they did not have nearly as much business as the court in Tennessee had.

Mr. KING. I think the first standard was right, and if they had adhered to it, I would have been entirely satisfied.

Mr. CUMMINS. Would it not be well for the Senator from Utah to defer final judgment until he hears some of the considerations, at any rate, which led to the exclusion of the southern district of Florida?

Mr. KING. Mr. President, I think perhaps that inquiry of the Senator is quite proper, although, may I say to the Senator, I listened with great pleasure to the instructive and able address of the Senator from Iowa, as I always listen to his addresses, and I say to the Senator now, and I do not want him to regard it as flattery, that there is no man in the Senate I regard with higher favor and friendship than he, and there is no man more honest in his legislative work than the Senator from Iowa. I listened to all he said in defense of this bill, and I have listened to the admirable address of the Senator from Tennessee [Mr. SHIELDS], and I am rereading it, as I am rereading the speech of the Senator from Iowa, and I shall vote on this bill in the light of what I have heard and what I shall hear in the future.

Mr. CUMMINS. If the Senator will allow me, I am not speaking of the Senator's ultimate judgment with regard to the merit of the proposition to add to our judicial force. I have said everything I have to say upon that subject. But the Senator from Utah seemed to be drifting to the conclusion that the committee had been guilty of some kind of discrimination—

Mr. KING. That they had made a mistake.

Mr. CUMMINS. Either intentional or otherwise, in the distribution that is proposed to be made of the additional judicial force. There is something to be said in favor of this distribution. It does not suit me entirely, because I was overruled more than once in the committee; but there are reasons which ought to be heard relative to the exclusion of the southern district of Florida from this distribution.

Mr. KING. I stated to the Senator from Florida that I was against his proposition, so the Senator from Iowa ought to be satisfied with my attitude.

Mr. OVERMAN. The Senator from Utah spoke of recommitting this bill for the purpose of bringing in districts where additional judges were needed, rather than to have a general bill like this.

Mr. KING. Somewhat of a pork-barrel bill.

Mr. OVERMAN. Yes; something in the nature of a pork-barrel bill. Would it not be better and wiser to let the bills the Senate has already passed, among them a bill providing for a new judge for Florida, be acted on by the House of Representatives, to let each district stand on its own bottom, rather than for us to put in a lot of bills in this pork-barrel fashion. We have provided, where we conceive it is necessary, to meet this so-called emergency by this bill. Let a Senator introduce a bill for his State, and let us take up each bill on its merits.

Mr. KING. I want none for my State, I assure the Senator.

Mr. OVERMAN. But would not that be wiser than a general bill like this?

Mr. KING. I agree with the Senator.

Mr. CUMMINS. Mr. President, I must be allowed to interrupt a moment more. The suggestion of a pork barrel is one that ought to be taken, I think, in a Pickwickian sense. So far as I know there is no such motive in the mind of any Senator. I take it that the Senator from North Carolina will vote his real conviction upon the subject. I take it the Senator from Florida will do likewise, and the Senator from Utah has assured us that he will. I would like to know what Senators are to be induced to vote for the bill upon consideration that somebody else will vote for the bill?

Mr. OVERMAN. It has every earmark of a pork-barrel bill. It starts in to create 19 new judges in 19 States, and that means 38 votes to start with. Is not that a pork-barrel bill? That is my idea of a pork-barrel bill.

Mr. CUMMINS. The Senator has a very low conception of the honor and integrity of his brother Senators. I am sorry they have fallen so low in his estimation.

Mr. OVERMAN. The Senator knows what a pork-barrel bill means.

Mr. CUMMINS. No; I do not.

Mr. OVERMAN. He has been here and heard them called pork-barrel bills before.

Mr. CUMMINS. I do not know what it is—

Mr. OVERMAN (interposing). His former colleague knows.

Mr. CUMMINS. Except that it is stated sometimes that they trade votes, and a Senator votes for a thing he does not believe in, in order to get somebody else to vote for a thing that he does believe in. Is that going to happen in connection with this bill?

Mr. OVERMAN. When we make 19 new judges we are apt to find 38 members of the Senate voting for them, and that looks a little like pork to me.

Mr. CUMMINS. While I was not in favor of the plan—I was in favor of the plan of appointing two judges in each circuit—the Senator from North Carolina was more influential than anybody else in the committee in changing that plan into something else, although I know that he does not want to add any judges to the already large judicial force.

Mr. OVERMAN. No; and I voted against the bill in the subcommittee and in the committee, taking the ground that it was unwise legislation, unusual legislation, and all wrong, as I expect to show later on the floor of the Senate.

Mr. FLETCHER. Mr. President, I did not frame the bill, and I am dealing with it as I find it. If we pursued the course indicated by the Senator from North Carolina, I would not have any fears about an additional judge for the southern district of Florida, because we have twice passed a bill in the Senate providing for such additional judge.

Mr. OVERMAN. I voted for such a bill twice in the Senate, and it is in the House now, where it sleeps. Instead of passing that bill as they ought to have done they sent to us this pork-barrel bill.

Mr. FLETCHER. They did not reach it. The committee, as I stated before, reported out favorably both bills on different occasions, and they were on the calendar, but the House had to adjourn before they reached that item on the calendar. The House finally did put that provision in the pending bill, and the bill came over to the Senate providing for an additional judge for the southern district of Florida. So that substantially both Houses of Congress have declared in favor of an additional judge for the southern district of Florida, but now the bill comes here and the Senate committee sees fit to strike out the provision for an additional judge for the southern district of Florida, thus reversing the action they had twice before taken—in 1917 and 1919—and then when the House agrees with them they will not agree with the House.

Referring again to the item about the condition in California, the committee proposes to add one judge for that district when they already had two and denies any relief in Florida.

Dividing the number of cases by 3, you will have 393 cases in the southern district of California pending before each judge as against 1,336 cases before the judge in the southern district of Florida.

The situation is somewhat similar in the northern district of California where they already have two judges.

Now, let us consider Arizona. I have heretofore favored the bill that was passed by the Senate providing for an additional judge in Arizona. At that time the separate bill providing for the additional judge for Florida was also passed. Now, Arizona is given an additional judge by the provisions of the pending bill.

Arizona has one district and one judge. There are pending in Arizona:

United States civil cases, 16, as against 250 in southern district of Florida.

Criminal cases, including prohibition, 122, as against 594 in southern district of Florida.

Admiralty cases, 0, as against 165 in southern district of Florida.

All other civil cases, 160, as against 327 in southern district of Florida.

Total cases, 310, as against 1,336 in southern district of Florida.

The committee proposes to give Arizona one more judge and denies to the southern district of Florida any relief.

I submit that there is not an instance or district in this whole table and provided for in this bill that has claims for an additional judge equal in merit to the claims of the southern district of Florida.

And now I come—and I am sorry the Senator from Utah [Mr. KING] is not present—to the only arguments I know of ever having been proposed against the amendment or for any opposition to an additional judge for the southern district of Florida. One is that the northern district of Florida is practically without any congestion, that the business in the northern district of Florida is not even sufficient to occupy the whole time of the judge in that district, and therefore it is argued that the judge in the northern district of Florida ought to be sent down to the southern district of Florida to help out. That has been done from time to time and is being done from time to time. Judges from other districts, from Alabama, for instance, have been sent to the southern district of Florida, but that does not meet the situation.

In the first place, it is no economy to do that, because when a judge goes out of his own district into another district he is allowed \$10 a day for his subsistence, and there are other expenses which he is allowed, so that we are not saving any money by sending judges from outside districts into the district where the time required to keep up with the business would be so great as in the southern district of Florida.

The other argument is that we make the whole State of Florida into one district and thereby we would have two judges in the one district. In that case we would have one clerk with an office located somewhere, say in Jacksonville, and he would have 10 different offices, because we have 10 different places for holding court in the two districts, 10 different deputies or assistants, and 10 different officers conducting business throughout the State, with headquarters for all the papers and all the files in the chief office, and that would be very inconvenient to litigants.

Florida is peculiarly situated. From Key West to Tallahassee is just about as far as from Jacksonville to Washington. It is 900 miles from Key West, the extreme southern end of the State, to Pensacola, on the western end of the State. The only way to reach those two extremes is by rail, proceeding from Key West north to Jacksonville and then due west to Pensacola. There is no way of shortening the distance. That would not relieve the situation and it would not be economical. We would not accomplish any relief practically at all by making the whole State into one district and reassigning the judges who are there now in the northern and the southern districts.

It is true that the northern district of Florida has not an overburdensome amount of business, and the judge of that district does help in the southern district and elsewhere throughout the country. He is frequently sent to New York and other States. That practice would continue even if Florida is allowed an additional judge. It would still be necessary to have the help of the judge of the northern district. There is more work in the southern district of Florida than two judges can do, and they would need the assistance of the judge from the northern district for as much time as he could spare if an additional judge is granted.

Right in the face of the previous action of the Senate and the recent action of the House this injustice is proposed to be done the southern district of Florida.

The tables which I have quoted show the rankest discrimination in the proposals of the committee.

No matter what the situation or conditions may be in other States, and let it be understood that I am not criticizing the judgment of the committee with respect to the necessity for additional judges elsewhere, but I am much better informed with reference to the true situation and condition in Florida than the committee, having practiced law there for 30 years before coming to the Senate and being constantly in touch with attorneys and litigants. I say to you, Senators, and in all candor, that it would be a great wrong and an inexcusable blunder for you to refuse to adopt the amendment which I have proposed, providing for an additional judge for the southern district of Florida.

The situation as given in statements to me by those who know and as I have personal knowledge of in the southern district of Florida, and in fact in the entire State of Florida, is peculiar, more peculiar than that of any other State or district in the country, and for that reason its condition can not be compared with that of any other district or State, because there is no other part of the country having a situation or surroundings comparable with Florida.

The shape of the State, its geographical location, its coast line of practically 1,200 miles, and the directions of its lines of transportation all emphasize its peculiarities.

The five largest cities in the State in and around which litigation arises and is tried are: Jacksonville in the northeast corner, Pensacola in the northwest corner, Miami in the southeast corner, Key West at its southern extremity, and Tampa on its west coast. Pensacola is 400 miles west of Jacksonville, Miami is 335 miles south of Jacksonville, and Key West is 500 miles south of Jacksonville. Tampa is more than 200 miles from Jacksonville and 240 miles from Key West by steamer. By the necessary lines of transportation Pensacola is as far from Key West as New York is from Chicago or Tampa is from Washington. Tampa is just 24 hours from Pensacola and Key West is 36 hours from Pensacola.

Florida has a coast line of about 1,200 miles, indented with bays and harbors, most of them shallow, but in which small boats may land, and since the enactment of the prohibition amendment and the Volstead Act it is the mecca of violators of that law. Its proximity to the English isle, and within 40 miles, on the east, of Bemini, and Cuba within 100 miles on the south, offer peculiar inducements of easy access to the United States

by bootleggers, smugglers, and those who wish to violate the immigration laws.

In this connection I call attention to the headlines of a copyrighted article which appeared in the New York Herald and in the Tampa Times of February 13, 1922, showing the tremendous opportunities and the advantage taken of them by violators of the Federal laws. The headlines are:

Is Florida open door to Chinks?  
Large scale smuggling of orientals is charged.  
Vessels slip in from Cuba.  
Tampa and west coast ports places of entry.

Another headline reads:

Five hundred orientals smuggled in, officials say.  
Five thousand more wait in Cuba for entrance into United States.

That is one kind of business which does not have to be considered in some other districts. I wish to call attention also to an article from the Miami Herald of March 31, 1922. I will just read from the headlines:

Ten Chinese, shipped from Cuba, seized on cruiser in bay.  
Coast Guard cutter, in command of Captain Miller, nips alleged smuggling plot; surprises ship.  
Crew of three taken.  
Sixty-year-old oriental rolls out of compartment during search for liquor; guns bring others forth.

So there is the immigration problem and also the smuggling problem with which we have to deal in the southern district of Florida. All of these violations and attempts at violations are matters within the sole jurisdiction of the Federal courts. These conditions exist and will continue to exist for years, and make a large and constantly increasing amount of business in the Federal court and are getting more and more burdensome, and some relief must be granted if the business of the courts in Florida, and especially in the southern district, is to be taken care of in any way approximating satisfaction.

The question is how to properly take care of them.

The lawyers practicing in the southern district who have business in the Federal court are practically unanimous in the belief that the only solution is an additional judge for the southern district, and there are many reasons why they are justified in this belief.

In the first place, an important item is the comparative expense to the Government in the handling of the business—whether the Government could more economically handle its business by the assignment or the appointment of an additional judge. If handled through the medium of the assignment of another judge, even from the same State, the expense would be a considerable item and might cost the Government for traveling expenses and per diem approximately the salary of an extra judge.

As the court now sits most of the time in Jacksonville, and only holds stated terms in other places—in Key West twice a year and once a year each in Ocala, Tampa, Fernandina, and Miami—with but one judge, who has in Jacksonville enough to occupy his time and properly feels that unless cases are ready for trial at these stated terms he should get back to Jacksonville as soon as possible, unless criminal cases are promptly ready for trial, and they frequently are not, they are continued, with the resultant expenses to the Government for witness fees, marshal's costs, and other costs incident thereto. This frequently results in either the failure or delay in the Government realizing upon fines which, if cases were promptly tried, would be immediately imposed and collected, but if not properly tried, convictions, on account of the loss of witnesses and other accidents, might not be secured, or if secured afterwards the chances of collecting the fines in money would be largely decreased.

Every time the judge of the northern district, or any other district, would leave the place of his residence to attend court in another part of the State he would, depending on where he went, have to travel from 500 to 1,000 miles. In addition to his transportation, there would be his per diem for expenses, so that, viewing it from an economical standpoint for the Government cases alone, it seems that it would probably be cheaper for the Government to pay the salary of an additional judge than to incur these expenses and run the risks of loss and delays in the trial of criminal cases. Right here it is not inappropriate to say that the enforcement of the Volstead Act and other criminal statutes will be greatly assisted by prompt trials and convictions, and all delays in such matters only make more trouble for the Government.

In addition to a judge coming into this district from his own, he would be expected also to take care of the business in his district; and if the judge of the northern district is selected to do this work, he would, if he properly takes care of his own district, have to make frequent trips there to do so, or he would allow the business in his district to suffer from want of attention, thus duplicating in his district the unsatisfactory expenses and burdensome conditions which exist in this one.

With the large and increasing amount of business in the district and the docket so far behind, as it now is, there being about 1,600 cases undisposed of at present, periodical visits of judges can not properly take care of the business.

Mr. OVERMAN. Mr. President, the basis for the argument for the creation of an additional judge in Montana and Arizona was the long distances which it is necessary to travel in those States. I think the record will show that in the district court in Arizona only 131 cases are undisposed of. I am astonished to learn, from what the Senator from Florida has said, of the great distances which must be traveled by the judges in Florida. They seem to be as great as the distances which have to be traveled by judges in Arizona and Montana.

Mr. FLETCHER. The argument in reference to the great distances to be traveled by the judges in those States applies with equal force to Florida; and, in addition to that, the enormous amount of business in Florida is also to be considered.

In addition to the question of economy in handling the business, Congress, among other things, should consider the expense and costs to litigants in civil cases and the expedition of business. Under present conditions, as Florida is a common-law State, and many questions of practice and procedure arise to be determined before a case is at issue, I call this matter especially to the attention of lawyers, because it is one which is very important to be considered, that Florida, being a common-law State, the settlement of the pleadings must be attended to before the trial may be begun, the cost to litigants of having their attorneys reach the judge to settle necessary matters of pleadings is unduly burdensome, as trips by lawyers of 200 to 500 miles for that purpose, with the necessary expenses and compensation for the time taken to make such trips, is now only justified where the amount involved is large; otherwise litigants have to wait for months, until the judge gets to the division where the action is pending, and thousands of dollars of costs to litigants now expended would be saved if there was an additional judge located at some other convenient place in the southern district and the civil business greatly expedited.

It is admitted that the docket in the southern district needs relief, as there are practically 1,600 untried cases; but the mere number of cases does not, without a more intimate knowledge, disclose the true situation. On account of its coast lines and harbors and shipping there is a large amount of admiralty business in the district—much larger in proportion, probably, than most other districts. These cases frequently involve small amounts, and as the judge is required in litigated cases of this character to hear the testimony, it not only takes up a large portion of the time of the court but in small cases, where they are pending away from the residence of the judge, the delays in hearings frequently are such as to amount almost to a denial of justice.

In addition to all this, it is certain that the business in this district in the immediate future will be sufficient to keep two judges occupied. The southern portion of the State is rapidly increasing in population, more so than the western portion, and developing its resources in every way. Large amounts of capital from other States are being invested in enterprises of all kinds. A large portion of the big business of the State is interstate business. Litigation in relation to this goes into the Federal court and most of the nonresidents having litigation seek, if possible, the Federal court as a forum in which to litigate; so, without question, the increase of the business in the southern district is, and will be, rapidly increasing, and such increase will be permanent.

I will refer now to the thought which was in the mind of my good friend from Minnesota [Mr. NELSON]. The suggestion that the entire State of Florida be incorporated into one district, if adopted, would not apparently improve the situation nor meet the conditions. It would not, so far as the judge's expenses are concerned, reduce them in the least, for each judge would be entitled to his transportation and per diem expenses when away from the place of his residence. In addition to this, the handling of the entire business of a State through one clerk's office would seem to be quite impracticable, as the clerk would have to maintain, if he had a deputy at each place of holding court, 10 different deputies with 10 different offices, as I have heretofore stated, who would be scattered across the State, and some of them would be at a distance of about 1,000 miles apart, and it would be very impracticable to put upon one clerk, in addition to the personal duties he would have, the supervision of 10 different deputies with offices so scattered.

The foregoing reasons, showing the cost of the operation of courts in any other way, together with the burdens upon litigants in civil cases, justify the practically unanimous belief of the bar in the southern district that the most economical, expeditious, and satisfactory method of handling the business would

be the appointment of one additional judge in the southern district of Florida. This is a conservative statement of the situation, based on official and reliable information furnished me and my own observation, experience, and knowledge. I submit that the reasons for providing an additional judge for the southern district of Florida are convincing. There can be no answer to the claim.

I will read, in this connection, a letter from a distinguished lawyer, a member of the bar at Jacksonville, which shows the difficulties involved in bringing in a judge from another district. He says:

\* \* \* If the congestion in the courts was attributable alone to accumulation of criminal cases, the 18-judge measure would be a practical means of relief; for the criminal procedure does not materially differ in the several districts, and the judge from Georgia, Alabama, Mississippi, or Louisiana can come into the southern district of Florida and try criminal cases with a reasonable degree of dispatch. But with civil business it is quite a different matter. Much of the civil business in this district is of a maritime nature. You can not make an admiralty lawyer, much less an admiralty judge, in a day or in a week. A judge from one of the interior cities has to feel his way along cautiously and doubts the correctness of his own conclusions, and is indeed fortunate if he comes out right in the end.

When he takes up bankruptcy business he is immediately confronted with a mass of property law of a purely local nature, resting in part in statutes and in part in decisions of the State courts construing the statutes. So when the judge turns to the law side of the court he finds, in addition to a procedure strange to him, the substantive rights of the parties affected by statutes and decisions entirely new to him. Every little question that arises during the trial, that would be turned off by a judge of such experience as Judge Call without conscious effort, but with entire accuracy, gives to a conscientious judge from outside an infinite amount of difficulty and consumes an immense amount of time. Upon the appellate bench the matter is very much simpler because the questions of procedure have been worked out in the lower court. The appellate court is only concerned with the decision of controlling issues, and where that decision turns upon doubtful questions of local law the doubt is ordinarily resolved, as it should be, in favor of the decision of the district judge.

Besides these considerations there are others that appear to be of trifling importance, but that you, as an experienced trial lawyer, will appreciate. The judge's coming is rarely announced for a day certain, and when it is announced for a day certain there is always more or less uncertainty as to just what work the judge will be engaged in. Directly one learns that a judge has been appointed to come into the district from outside, he goes about the giving of the necessary notices of hearing upon matters to be brought before the judge coming into the district only to find that the judge is coming a few days earlier or a few days later, or is to be engaged upon some other task, and by the time he has given another set of notices allowing 5 or 10 days, as the rule requires, he finds at the appointed time that the judge has tired of waiting for something to do and departed.

As you know, there is a great deal of nonresident capital invested in this State, and in addition to the very considerable admiralty and bankruptcy business a great deal of business is brought before the court on account of diversity of citizenship, and the delays in the disposition of business afford a premium to the removal of cases by defendants having that privilege. The population of the State has enormously increased and the business of the Federal courts with it. In addition to the creation of a number of courts of inferior jurisdiction, the staff of circuit judges has been more than doubled within my time, but in the Federal court we have the same staff that has existed from early times.

I doubt if, taken altogether, there is a more capable nisi prius judge than Judge Call to be found in any district court of the United States, but he is utterly unable to keep up with the work, and unless one of the 18 judges to be appointed was designated to spend his entire time in the southern district of Florida there would be no hope of ever getting rid of the congestion that now exists in this district.

Mr. President, I do not know that I can add any more to what I have said. I will point out to the Senate in a moment, however, how the districts in Florida are divided. Let me indicate on the map which Senators will see on the wall, placed here, however, for another purpose.

This is the northern district of Florida, from here to here [indicating on map]. This is the southern district. They might be more appropriately called the eastern and western districts, but they are not so designated. The northern district extends from about this line over here to the western line, with headquarters at Pensacola. Judge Sheppard sits at Pensacola. The southern district is all this portion of the State, with headquarters at Jacksonville. There is where Judge Call holds his chambers and has the headquarters of his court. He sits at Tampa, Ocala, Fernandina, Miami, and Key West; and you will see the distance he has to travel from Jacksonville, for instance, to Key West, or even down here to Miami, or even down here to Tampa. It is impossible to redistrict the State so as to remedy the situation, because if you do, for instance, Tampa, one of the important cities, would have to go in the northern district, and the litigants at Tampa would have to go around here to Pensacola to try their cases, some 600 miles. If you put Jacksonville over there, you would have Pensacola and Jacksonville, two large cities, in the northern district, with all these others in the southern district. The principal cities are Jacksonville, Tampa, Pensacola, Miami, Key West, Orlando, etc. The State can not be redistricted so as to meet the situation, and the whole difficulty calls for another judge for the southern district of Florida. The problem can not be solved in any other way.

## EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 5, 1922, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 4 (legislative day of April 3), 1922.*

## SECOND ASSISTANT POSTMASTER GENERAL.

Paul Henderson, of Illinois, to be Second Assistant Postmaster General, Post Office Department, vice E. H. Shaughnessy, deceased.

## UNITED STATES ATTORNEYS.

Ralph Pringle, of Iowa, to be United States attorney, southern district of Iowa, vice Edwin C. Moon, resigned.

Philip H. Mecom, of Louisiana, to be United States attorney, western district of Louisiana, vice Hugh C. Fisher, resigned. (Mr. Mecom is now serving as United States attorney under appointment by court.)

J. D. Ernest Meyer, of South Carolina, to be United States attorney, eastern district of South Carolina, vice Francis H. Weston, term expired.

## UNITED STATES MARSHALS.

Samuel J. Leaphart, of South Carolina, to be United States marshal, eastern district of South Carolina, vice James L. Sims, term expired.

Siegel Workman, of West Virginia, to be United States marshal, southern district of West Virginia, vice William Osborne, whose term expires April 6, 1922.

## SURVEYOR GENERAL OF NEW MEXICO.

Manuel A. Sanchez, of New Mexico, to be surveyor general of New Mexico, vice Lucius Dills, term expired.

## POSTMASTERS.

## ALABAMA.

William E. Crawford to be postmaster at Decatur, Ala., in place of W. E. Crawford. Incumbent's commission expired January 24, 1922.

Kate B. Quillin to be postmaster at Clayton, Ala., in place of J. K. Quillin. Incumbent's commission expired January 24, 1922.

## CALIFORNIA.

John K. Harries to be postmaster at Imola, Calif. Office became presidential January 1, 1922.

Elmer S. Slade to be postmaster at Calipatria, Calif., in place of E. S. Slade. Incumbent's commission expired March 8, 1922.

## COLORADO.

Hugh L. Large to be postmaster at Longmont, Colo., in place of T. T. Donovan. Incumbent's commission expired January 24, 1922.

## CONNECTICUT.

William P. Gourlie to be postmaster at Thompsonville, Conn., in place of J. T. Murray. Incumbent's commission expired January 24, 1922.

Oliver F. Toop to be postmaster at South Manchester, Conn., in place of T. J. Quish. Incumbent's commission expired January 24, 1922.

## FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of G. N. Denning. Incumbent's commission expired January 31, 1922.

## GEORGIA.

William E. Fitts to be postmaster at Rocky Ford, Ga. Office became presidential January 1, 1920.

## HAWAII.

Frank Cox to be postmaster at Waimea, Hawaii. Office became presidential October 1, 1920.

## IDAHO.

Joseph Morley to be postmaster at Idaho Falls, Idaho, in place of W. J. Coltman. Incumbent's commission expired January 24, 1922.

## ILLINOIS.

George H. Townsend to be postmaster at Onarga, Ill., in place of W. R. Lovett. Incumbent's commission expired February 4, 1922.

Harlo F. Selby to be postmaster at Golden, Ill., in place of R. E. Downing. Incumbent's commission expired February 4, 1922.

Robert A. Blackmon to be postmaster at Lacon, Ill., in place of C. F. Buck. Incumbent's commission expired February 4, 1922.

William T. Robinson to be postmaster at Kenilworth, Ill., in place of W. T. Robinson. Incumbent's commission expired September 24, 1921.

Joshua L. Saylor to be postmaster at Glasford, Ill., in place of G. E. Tolle, resigned.

Frank Reed to be postmaster at Taylorville, Ill., in place of T. J. Cunningham. Incumbent's commission expired August 7, 1921.

Homer F. Kelly to be postmaster at Roseville, Ill., in place of M. S. Yoho. Incumbent's commission expired February 4, 1922.

William R. Buckler to be postmaster at Brockton, Ill., in place of S. D. Metcalfe. Incumbent's commission expired February 4, 1922.

## INDIANA.

Sylvester C. Boyers to be postmaster at Freedom, Ind. Office became presidential July 1, 1921.

Flo Wilson to be postmaster at Universal, Ind. Office became presidential April 1, 1921.

Laura B. Kantz to be postmaster at Bristol, Ind., in place of A. E. Menges, deceased.

## IOWA.

Frank Popper, jr., to be postmaster at Clutier, Iowa. Office became presidential October 1, 1920.

Harold A. Marmon to be postmaster at Mitchellville, Iowa, in place of C. L. Henney, resigned.

## KANSAS.

George W. Butler to be postmaster at Morland, Kans. Office became presidential October 1, 1920.

Floyd B. Martin to be postmaster at Lane, Kans. Office became presidential January 1, 1921.

Minnie C. True to be postmaster at Pittsburg, Kans., in place of L. W. Johnson, resigned.

Emma V. Coerber to be postmaster at Lakin, Kans., in place of V. V. Goeden, resigned.

Elva M. Woodward to be postmaster at Haviland, Kans., in place of W. A. Corrigan. Incumbent's commission expired February 4, 1922.

William F. Greer to be postmaster at St. Francis, Kans., in place of Josiah Crosby, resigned.

Henry Washburn to be postmaster at Mulberry, Kans., in place of N. E. Bevans, removed.

Laura Kesler to be postmaster at Edna, Kans., in place of R. A. Watt. Incumbent's commission expired February 4, 1922.

## KENTUCKY.

David B. Ramey to be postmaster at Praise, Ky. Office became presidential October 1, 1920.

Robert H. Ledford to be postmaster at Paint Lick, Ky. Office became presidential October 1, 1920.

William J. Manby to be postmaster at La Grange, Ky., in place of G. S. Morris, resigned.

## LOUISIANA.

Joseph A. Richard to be postmaster at Hammond, La., in place of M. C. Wilson. Incumbent's commission expired January 31, 1922.

## MARYLAND.

Charles W. Foxwell to be postmaster at Leonardtown, Md., in place of J. R. Duke. Incumbent's commission expired January 24, 1922.

## MASSACHUSETTS.

Sara H. Jones to be postmaster at West Barnstable, Mass. Office became presidential January 1, 1922.

## MICHIGAN.

Fred J. Smith to be postmaster at Pickford, Mich., in place of William Beacom. Office became presidential March 16, 1921.

Harvey Tewksbury to be postmaster at Kingston, Mich., in place of N. H. Burns. Incumbent's commission expired March 16, 1921.

James R. Dean to be postmaster at Boyne City, Mich., in place of W. J. Lewis. Incumbent's commission expired January 24, 1922.

Charles P. Neumann to be postmaster at Rochester, Mich., in place of R. D. Watson. Incumbent's commission expired January 24, 1922.

## MINNESOTA.

William Guenther to be postmaster at Hokab, Minn. Office became presidential January 1, 1922.

## MISSISSIPPI.

Thomas E. Walton to be postmaster at Natchez, Miss., in place of W. D. Deterly. Incumbent's commission expired June 30, 1920.

Samuel W. Pendarvis to be postmaster at Magnolia, Miss., in place of S. W. Pendarvis. Incumbent's commission expired July 21, 1921.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of J. O. Bennett. Incumbent's commission expired June 29, 1920.

## MISSOURI.

Elam J. Nienstedt to be postmaster at Blodgett, Mo. Office became presidential April 1, 1921.

Lena B. Porter to be postmaster at Novelty, Mo. Office became presidential April 1, 1921.

Lavinia B. Jones to be postmaster at Pilot Grove, Mo., in place of R. S. Harriman. Incumbent's commission expired February 19, 1922.

Charles T. Lease to be postmaster at Forest City, Mo., in place of N. H. Cook. Incumbent's commission expired January 24, 1922.

Mayme E. Prather to be postmaster at Advance, Mo., in place of E. L. Potter, resigned.

Robert E. Ward to be postmaster at Liberty, Mo., in place of O. P. Gentry, deceased.

## MONTANA.

John C. Bebb to be postmaster at Lewiston, Mont., in place of Grant Robinson, resigned.

Mary J. Tasa to be postmaster at Flaxville, Mont., in place of F. T. Tasa. Incumbent's commission expired February 5, 1922.

Ernest M. Goodell to be postmaster at Dutton, Mont., in place of W. M. Eaman. Incumbent's commission expired March 16, 1921.

Clarence R. Miller to be postmaster at Circle, Mont., in place of C. R. Miller. Incumbent's commission expired March 8, 1922.

## NEBRASKA.

Clarence Rosecrans to be postmaster at Odell, Nebr., in place of J. S. Callan. Incumbent's commission expired February 4, 1922.

Owen N. Clark to be postmaster at Beaver Crossing, Nebr., in place of G. W. Norris. Incumbent's commission expired February 4, 1922.

Alvin O. Jones to be postmaster at Adams, Nebr., in place of I. T. Merchant. Incumbent's commission expired February 4, 1922.

## NEW JERSEY.

Edith Vaughn to be postmaster at Smithville, N. J. Office became presidential April 1, 1921.

## NEW MEXICO.

Callie L. Beagle to be postmaster at Magdalena, N. Mex., in place of R. J. Lentz. Incumbent's commission expired March 8, 1922.

Luciano R. Baca to be postmaster at Las Vegas, N. Mex., in place of Susano Ortiz. Incumbent's commission expired January 24, 1922.

## NEW YORK.

Earl B. Templer to be postmaster at Valley Falls, N. Y., in place of M. A. Sweeney, resigned.

Leonard C. Palmer to be postmaster at Elizabethtown, N. Y., in place of G. L. Brown, resigned.

Edward H. Maloney to be postmaster at Dansville, N. Y., in place of G. L. Krein. Incumbent's commission expired January 24, 1922.

Ernest B. Dye to be postmaster at Hinckley, N. Y. Office became presidential July 1, 1921.

Stella Hackett to be postmaster at Central Park, N. Y. Office became presidential January 1, 1921.

Clarence J. Weyant to be postmaster at Fort Montgomery, N. Y. Office became presidential January 1, 1922.

George M. Grant to be postmaster at Parksville, N. Y., in place of W. J. Wagner. Incumbent's commission expired December 20, 1920.

George S. Peterson to be postmaster at La Salle, N. Y., in place of E. H. Schmeck. Incumbent's commission expired January 24, 1922.

## NORTH CAROLINA.

Annie L. Fisher to be postmaster at Battleboro, N. C. Office became presidential July 1, 1920.

## OHIO.

Reed Wilson to be postmaster at Pleasant City, Ohio, in place of C. O. Flanagan. Incumbent's commission expired January 31, 1922.

Peter Weishaupt to be postmaster at Lynchburg, Ohio, in place of C. G. Stroup. Incumbent's commission expired January 31, 1922.

John R. Miller to be postmaster at Franklin, Ohio, in place of A. L. McCarthy. Incumbent's commission expired July 21, 1921.

John W. Swing to be postmaster at Bethel, Ohio, in place of J. M. Fitzpatrick. Incumbent's commission expired January 31, 1922.

George W. Smith to be postmaster at Wheelersburg, Ohio. Office became presidential April 1, 1921.

Ethel Shoemaker to be postmaster at Mount Blanchard, Ohio. Office became presidential April 1, 1921.

Jesse A. Hayes to be postmaster at Stockport, Ohio, in place of E. D. Humphrey. Office became presidential January 31, 1922.

Marold J. Taylor to be postmaster at Marengo, Ohio, in place of J. L. Wilson. Incumbent's commission expired December 20, 1920.

James K. Fulks to be postmaster at Ada, Ohio, in place of S. D. Hazlett, resigned.

## OKLAHOMA.

Thomas L. Ogilvie to be postmaster at Forgan, Okla., in place of J. W. Mills. Incumbent's commission expired April 19, 1921.

George W. J. Perry to be postmaster at Boley, Okla., in place of C. F. Simmons, removed.

## OREGON.

Henry Scott to be postmaster at Jordan Valley, Oreg. Office became presidential October 1, 1919.

Curtis C. Heidrich to be postmaster at Chiloquin, Oreg. Office became presidential October 1, 1921.

## PENNSYLVANIA.

George F. Klinefelter to be postmaster at Shrewsbury, Pa. Office became presidential January 1, 1921.

Horace H. Hammer to be postmaster at Reading, Pa., in place of C. N. Seitzinger. Incumbent's commission expired February 4, 1922.

W. Winston Davis to be postmaster at Johnstown, Pa., in place of W. H. Strauss. Incumbent's commission expired August 7, 1921.

Charles E. Ehrhart to be postmaster at Dallastown, Pa., in place of J. W. Taylor. Incumbent's commission expired February 5, 1922.

## RHODE ISLAND.

George W. Jenckes to be postmaster at Slatersville, R. I. Office became presidential October 1, 1920.

Frederick Baldwin to be postmaster at Mapleville, R. I. Office became presidential October 1, 1920.

## SOUTH CAROLINA.

May A. Peake to be postmaster at Union, S. C., in place of B. B. James, resigned.

Clifton O. Crosby to be postmaster at Walterboro, S. C., in place of R. R. Miley, resigned.

## SOUTH DAKOTA.

Ira D. Winter to be postmaster at Wall, S. Dak. Office became presidential January 1, 1920.

Alice S. Esget to be postmaster at Lily, S. Dak. Office became presidential April 1, 1921.

Charles H. McCrossen to be postmaster at Ashton, S. Dak., in place of C. H. McCrossen. Incumbent's commission expired January 31, 1922.

## TENNESSEE.

Grant L. Landiss to be postmaster at Cumberland City, Tenn., in place of A. L. Bilbrey. Incumbent's commission expired August 1, 1921.

Christine M. Meister to be postmaster at Loretto, Tenn. Office became presidential January 1, 1921.

## TEXAS.

Joe E. Williams to be postmaster at Hamilton, Tex., in place of W. B. Claunch. Incumbent's commission expired May 7, 1921.

Bessie F. Hefley to be postmaster at Cameron, Tex., in place of E. F. English, resigned.

## UTAH.

Victor A. Neilson to be postmaster at Magna, Utah, in place of Clyde Panter, resigned.

Reid H. Gardner to be postmaster at Lehi, Utah, in place of Joseph Anderson. Incumbent's commission expired January 24, 1922.

## VIRGINIA.

George H. Clark to be postmaster at Crockett, Va. Office became presidential January 1, 1921.

## WASHINGTON.

Arthur H. Eldredge to be postmaster at Colfax, Wash., in place of C. F. Bensel. Incumbent's commission expired January 5, 1920.

## WEST VIRGINIA.

Fred A. McFarlin to be postmaster at Adamston, W. Va. Office became presidential July 1, 1920.

## WISCONSIN.

Blanche Delany to be postmaster at Sinsinawa, Wis. Office became presidential July 1, 1920.

William Abendschein to be postmaster at White Lake, Wis. Office became presidential July 1, 1920.

Ernest L. Messer to be postmaster at Unity, Wis. Office became presidential July 1, 1920.

Carrie B. Carter to be postmaster at Lyndon Station, Wis. Office became presidential October 1, 1920.

Albert F. Hahn to be postmaster at Humbird, Wis. Office became presidential January 1, 1920.

Jacob Johnson to be postmaster at Curtiss, Wis. Office became presidential January 1, 1921.

Elmer Carlson to be postmaster at Brantwood, Wis. Office became presidential January 1, 1922.

George E. Grob to be postmaster at Auburndale, Wis. Office became presidential July 1, 1920.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 4 (legislative day of April 3), 1922.*

## UNITED STATES MARSHAL.

Edgar C. Snyder to be United States marshal, District of Columbia.

## PUBLIC HEALTH SERVICE.

Marion F. Haralson to be passed assistant surgeon.

John F. Mahoney to be passed assistant surgeon.

## POSTMASTERS.

## ALABAMA.

William E. Crawford, Decatur.

## ARIZONA.

Mary E. Brown, Parker.

## CALIFORNIA.

William F. Knight, Pasadena.

## CONNECTICUT.

Oliver M. Bristol, Durham.

## GEORGIA.

James P. Rose, Lyerly.

Wilson S. Williams, Woodbury.

## KANSAS.

Clarence L. Gray, Luray.

Elizabeth Simpson, Medicine Lodge.

Byram L. Sams, Offerle.

John M. Cable, Toronto.

## MARYLAND.

Peter G. Cowden, Cumberland.

## MISSOURI.

Archie C. Atterberry, Atlanta.

John W. Smith, Browning.

## NORTH CAROLINA.

Howard M. Bullard, Chadbourn.

Jefferson D. Whitehead, jr., Enfield.

John J. Buffaloe, Jackson.

Vance Thompson, Vineland.

## OHIO.

Edward Brichta, Glendale.

Frank A. Hawkins, West Farmington.

## OKLAHOMA.

George A. Strouse, Billings.

Blanche Probus, Dacoma.

William A. Geren, Wetumka.

## PENNSYLVANIA.

Julia A. Ernst, Beavertown.

Nellie G. Kendig, Glenfield.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 4, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord, receive our offering of gratitude and grant unto us the blessing of Thy presence. Let Thy light shine forth, Thy power give strength, and Thy love bestow the mercy of forgiveness. O may Thy truth be wrought into human laws, into human institutions, and into human hearts. Spirit Divine, be with us to give us wisdom, to lighten the tasks, and direct the way. Establish our people in the ways of Thy commandments and be over our country like a happy summer time, giving promise of newer life and blessing to all. Through Christ. Amen.

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

## APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11065, making appropriations for the Departments of State and Justice and for the judiciary; and while that motion is pending I would be glad to come to an agreement as to the time for general debate.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from New York [Mr. HUSTED] and myself have already had some discussion about the time, and the House being willing we have agreed upon 2 hours and 15 minutes on a side.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent that the time of the general debate on this measure be limited to four and one-half hours, one-half of that time to be under the control of the gentleman from Kentucky [Mr. JOHNSON] and one-half under the control of myself.

The SPEAKER. The gentleman from New York asks unanimous consent that the general debate on the pending bill be limited to four and one-half hours, one-half to be controlled by himself and the other half by the gentleman from Kentucky [Mr. JOHNSON]. Is there objection?

There was no objection.

The motion of Mr. HUSTED was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, with Mr. DOWELL in the chair.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Chairman, we are presenting to-day for the consideration of the Committee of the Whole a bill which is intended to cover, and which we believe does cover, all of the regular annual appropriations for the Department of State, including the entire foreign service, and also the appropriations for the Department of Justice, including the entire judicial system. It is really two appropriation bills in one, and so far as the House is concerned it is a new bill, in the sense that these items have never before been brought together under one cover. They have been taken from the diplomatic and consular bill; the legislative, executive, and judicial bill; and the sundry civil bill. The items have been arranged under the plan recommended by the President in the alternative budget. They have been very conveniently arranged. For example, take the part of the bill covering the State Department. First, we have all the items of appropriations relating to the State Department proper; next, all relating to the Diplomatic Service and then to the Consular Service; then to the various international boards and bodies which our Government partly supports, and finally to miscellaneous items. The advantages of this bill and of this arrangement are obvious from the legislative standpoint; they not only make for convenience but they make for economy. Heretofore when these items appeared in different measures it was impossible to get a real picture of the whole situation, and therefore extremely difficult to get balanced legislation. Now you can see all the activities of each department in their relations one to the other, so that you can make a proper estimate of the situation.

The State Department and the Department of Justice have grown tremendously during recent years. Take the State Department, for example: I think in 1895 the total appropriations were about \$1,500,000. During the war they rose to something like \$30,000,000, and now they stand at about \$8,000,000.

The appropriations to-day are about twice as large as they were when we entered the war. So far as the State Department is concerned, that is partly due to a policy of expansion whereby the personnel of the department has been increased, particularly in the Diplomatic and Consular Service. It is also due to the increase of salaries, and to the increase of rents of our consulates and missions abroad, and to the increase of every kind of expense which the State Department incurs.

The increase in expenditures of the State Department is also due to additional activities which were not in existence before the war, particularly the viséing of passports, which work has cast upon our consulates a very heavy burden, indeed.

I suppose it will never be possible to get back to a pre-war basis; but the subcommittee felt that we should rather discourage the present policy of expansion and reduce just as much as was consistent with the maintenance of the activities of the State Department, at the most useful point of efficiency.

With respect to the Department of Justice the situation is somewhat different. In that department there has been no policy of expansion, but the business of the Department of Justice has increased tremendously on account of the war. For example, there are pending to-day in the State Department cases involving nearly \$1,000,000,000. Those are claims actually in suit. In addition to that there are claims in suit in which the amount has not been determined, and they will probably come to at least a quarter of a billion dollars more. Those are civil cases alone.

About 60 per cent of all of our expenditures for the Department of Justice go into criminal business and only 40 per cent into civil business. The criminal business has increased tremendously, and it is a remarkable fact that while to-day crime in the States seems to be slightly on the decline, as shown by the records of the State courts, Federal crimes are upon the increase, and progressively so—that is, they are not only higher this year than they were last year, but each month the total number of crimes seems to be growing.

So when the subcommittee came to consider the question of reduction they had to consider questions of policy as well as questions of national need. In the State Department they had to consider the question of policy to a certain extent as well as the question of need. In the Department of Justice they had to consider solely the question of national needs.

As to the reductions effected, the appropriations recommended by this bill are about \$7,500,000 less than the appropriations for the current year, and they are about \$2,500,000 less than the estimates for the next fiscal year. You must not assume from that statement that the reductions in the estimates for the next fiscal year submitted by the department as compared with the appropriations for the current fiscal year are entirely due to retrenchment upon the part of the departments.

They are due partly to the fact that in the appropriations for the present year we carry in the State Department bill an item of \$5,000,000 for Panama and an item of \$1,000,000 for the international exposition at Rio de Janeiro and an item of \$200,000 for the Limitation of Arms Conference. After you eliminate these extraordinary expenditures from the appropriations for the current year you will find that the estimates made by the departments for the next fiscal year are greater in amount than all the other appropriations for the current year. But the subcommittee has reduced these estimates by \$2,500,000—\$1,100,000 in the State Department and about \$1,500,000 in the Department of Justice—and yet the reductions in the Department of State are greater in proportion than they are in the Department of Justice, because the appropriations for the Department of Justice are much greater than for the Department of State. The appropriations for the Department of Justice are about \$18,000,000, whereas the appropriations for the Department of State are in the neighborhood of \$8,000,000.

I want to call attention to the fact that these departments are partly self-sustaining. In the year 1921 the revenues of the Department of State were more than a million dollars in excess of all their expenditures. At the present time they are somewhat less on account of the enactment of the 3 per cent immigration law; but still at the present time I believe the income of the Department of State is equal to the cost of our entire foreign service.

The revenues of the Department of Justice are about one-third of the total expenditures of the department, and these revenues come from collections on judgments and from fines. It is the statement of the Attorney General that if we would grant him

money enough to keep the investigations up to date, and keep the business of the department up to date, that the recoveries in fines would more than cover the additional amount of money which the department asked for. The subcommittee went very carefully into the detailed estimates, and while I do not want to say that these detailed estimates were made up as a mere matter of guesswork, still we found that they were very unsatisfactory and that we could not depend on them as a basis for recommending appropriations. We found, for example, in examining the detailed estimates that estimates which should have traveled together, when there was a general increase, did not bear any relation to each other. For instance, items of travel and subsistence, which should bear almost exact relation to each other, were sometimes in a relation of 5 to 1. In many cases we asked for reestimates, and the reestimates bore no relation, or no very close relation, to the original estimates which the department made. So in making up our recommendations for the next fiscal year we did not rely so much upon the detailed estimates for the year 1922, or for the next fiscal year, as we did on the actual expenditures in the year 1921. We took them as our basis because that was the last year in which complete details had been furnished.

Mr. BLANTON. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. BLANTON. The gentleman's committee is an appropriating committee, and is authorized to appropriate only for those things which legislative committees make in order by law?

Mr. HUSTED. The gentleman is quite correct.

Mr. BLANTON. The gentleman speaks of spending more money than we did during the war. If that is true, why did the gentleman's committee time after time place in this bill matters wholly unauthorized by law?

Mr. HUSTED. The gentleman did not understand me correctly if he understood me to say that we were appropriating more money in either one of the departments than we did during the war. They are less than they were during the war.

Mr. BLANTON. It is the intention of the gentleman's committee to save as much as he can within the law.

Mr. HUSTED. Within the law.

Mr. BLANTON. The gentleman has not answered my question why he put in these things which are legislation pure and simple.

Mr. HUSTED. There is absolutely no new legislation in this bill, or appropriations unauthorized by law, which does not decrease the expenditures of the Government, except in the case of some legislation which is current law, which is in the present appropriation bill, and which has been carried for years. There is no other legislation of any kind in the bill.

Mr. BLANTON. When the time comes I shall call the gentleman's attention to numerous items of legislation.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. TOWNER. What about the items that were omitted, which caused the present appropriation for the next fiscal year to be \$6,000,000 less than the present fiscal year?

Mr. HUSTED. It is seven and a half million dollars less than the actual appropriations for this year. The principal items are the \$5,000,000 for the payment to Colombia under the treaty agreement, and \$1,000,000 for the international exposition at Rio de Janeiro, and \$200,000 for the Limitation of Arms Conference. I would say to the gentleman from Texas that there are no salary increases carried in this bill, that there are no new statutory positions created, and that there is no new legislation which is new to this bill which is not current law, which has not been carried in other appropriation bills, which does not reduce the expenditures of the Government. The principal items of new legislation are three. There is one reducing the salaries of the officers of the courts in the Hawaiian Islands.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BLANTON. I point out one matter that is clearly legislation. Take, for instance, page 16, where appears the appropriation of \$100,000 for the Pan American Union. The gentleman knows full well that under the law the life of that legislation extended over a period of only 10 years. The 10-year period elapsed two years ago. This is the beginning of the thirteenth year since the passage of the act. There is absolutely no legislation whatever for any dollar of this hundred thousand dollars.

Mr. HUSTED. I do not know that quite well.

Mr. BLANTON. I presumed that the gentleman was familiar with the act.

Mr. HUSTED. I am quite familiar with the situation. In fact, it is not an act at all; it is a resolution adopted by the Pan American conference, and that resolution provided for ad-

herence by the members for a period of 10 years; but there is another provision in the resolution that membership may be terminated upon two years' notice, and it has not yet been determined to my satisfaction whether that two years' notice must be given within the 10-year period or at any time after the 10-year period has expired.

Mr. BLANTON. Does the gentleman happen to know that out of the hundred thousand dollars the employees of this Government in this particular department are using a part of that money to pay the premiums for insuring their own lives?

Mr. HUSTED. Yes; I am quite well aware of that.

Mr. BLANTON. And the gentleman is in favor of furnishing to our employees their life insurance?

Mr. HUSTED. I assume that that matter will be fully debated later on. That is my understanding. One of the principal items of new legislation is that decreasing the salaries of the Territorial court in the Hawaiian Islands. Under what was known as the Hawaiian homes commission act, which passed this House some few years ago, the salaries of all of these court officials were substantially increased. The Department of Justice notified the subcommittee that they had known nothing about it at the time, that the bill had never been submitted to them, and the title did not disclose the fact that these increases were to be made. It is the understanding of the subcommittee that very few Members of the House were aware of the fact that that bill increased the salaries to the extent to which it did. The Department of Justice also said that they would not have recommended those increases, and that the increases are not deserved, so that this bill carries legislation bringing those salaries back to the basis upon which they stood when the Hawaiian homes commission act was first passed. If any increases are deserved, let them come in here in the proper way, submit their case properly, and have those questions passed on by the House. They were not debated by the House at the time, as I understand it, when the bill went through.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CRAMTON. I am glad to hear the statement of the gentleman, because of similar action with reference to the governor and some other officials in Hawaii. I have made some investigation, and I can say that there was no mention whatever on the floor of the House or the Senate of the fact that there was any increase.

Mr. HUSTED. That is my understanding and that is the understanding on which the subcommittee acted. Another item of legislation is one relating to the provisions of law for the care of stranded American seamen in foreign ports. This is a very desirable piece of legislation, but the Comptroller General has recently rendered a decision that our consuls can not bargain with the masters of vessels for the transportation to the United States of these stranded American seamen at less than the rate fixed by law, which is, I think, about 2 cents a mile. We have introduced legislation under which our consuls may bargain in the future as they have in the past with the masters of vessels for the conveyance of these stranded American seamen back to American ports at less than the statutory rate.

The third item is one in relation to the clerks of the United States circuit courts. The clerks of the United States circuit courts are paid a salary of \$4,500 each, and in addition to that \$500 out of the fees of the clerk's office go into their own pockets. These clerks also pay the expenses of their offices out of the fees, and fix the salaries of their subordinates, subject only to the approval of the presiding justice. There was no reason which appealed to the subcommittee as a good reason why these clerks should be carried on any different basis than the clerks of the district courts. The clerks of the district courts get their salaries and the fees are covered into the Treasury, and we have introduced legislation providing that the clerks of the United States circuit courts shall get their salaries and that the fees shall go into the Treasury of the United States. Upon the basis of business being conducted at the present time, and under ordinary good management, this will mean a net saving to the United States Government of from \$30,000 to \$45,000 a year.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CAMPBELL of Kansas. Did the subcommittee take up the question of increasing the salaries of the deputy clerks of the United States district courts?

Mr. HUSTED. That was considered, but no action was taken upon it.

Mr. CAMPBELL of Kansas. The deputy clerks are working at a very low rate of pay.

Mr. HUSTED. We considered that as a legislative matter which did not come within our jurisdiction.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUSTED. Certainly.

Mr. MANN. The gentleman was a member of the Committee on the Judiciary when Congress passed a bill fixing the salaries of the district clerks. Does the gentleman remember whether the matter of the circuit court clerks was considered at that time or not?

Mr. HUSTED. I do not want to be sure about it, but my recollection is that it was not considered.

There are no particular high spots in this bill, and there are very few controversial matters. But there are some items which should be discussed more fully, probably, than others, and I will touch briefly upon those in this general debate.

One is what is known as the emergency appropriation in the State Department. That is the appropriation for secret diplomatic work—for secret diplomacy. Before the war that stood at \$75,000. During the war it went up as high as \$600,000. In 1921 it was brought to \$400,000; in 1922, in the bill of which the gentleman from Massachusetts [Mr. ROGERS] was in charge, it was reduced to \$200,000, and we have further reduced it to \$100,000, a sum which we consider fully adequate, especially under the testimony of the State Department officials themselves that very little of this money was expended for any purpose which could not properly be made public. As a matter of fact, this fund has been used as a reservoir upon which the department has drawn to fill wants in other appropriations.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. I see in the International Boundary Commission of the United States and Mexico—

Mr. HUSTED. I will touch upon that in just a minute.

Mr. HUDSPETH. There is no provision here for the salary of commissioner. I want to ask my friend why?

Mr. HUSTED. I was going to take that up in just a moment and I will explain it fully. There is no need of a commissioner at the present time.

Mr. HUDSPETH. Who will do the work?

Mr. HUSTED. The work that is necessary will be done by an engineer, and all that is needed is an engineer to make survey and water gaugers to measure the water. All that is necessary to be done, all that can be done, is to preserve the data until such time as international relations with Mexico are resumed, when a commission can be reconstituted which can function, and some definite action be taken. We can do nothing now of substantial character except to preserve the data.

Mr. HUDSPETH. The gentleman has information, I suppose, that the river is changing and that land is in Mexico to-day that was in Texas yesterday. It is necessary to have a survey on that account.

Mr. HUSTED. I am advised of that, and we have made an appropriation to do all the work needed.

Mr. DUNBAR. The gentleman spoke of resuming international relations with Mexico. Can he inform the committee when these relations will be resumed?

Mr. HUSTED. No, sir. Our committee is an appropriation committee and we have not anything to do with that in this bill.

Mr. BLANTON. I did not want the gentleman to misunderstand me and think that I asserted that the department is spending more money now than during the war. What I meant was that the department was spending more money than they did before the war, and I call attention to the fact that the appropriations for the coming fiscal year will be more for these departmental appropriations than for the year 1916.

Mr. HUSTED. I will say to the gentleman that our sole purpose is to effect all the reduction possible without injury to some useful activity. We have gone just as far as we thought we could go safely. In many cases we have cut to the bone. I think in one or two instances we have cut appropriations further than circumstances justified, and I will say this, that there is no item of appropriation where we did not bring it down to an amount which we thought barely enough to cover the actual necessities of the Government at the present time.

Mr. EVANS. Is there any activity provided, either in the Department of Justice or the Department of State, where the conditions are exactly the same as they were in 1916, where there has been an increase in the expenditure?

Mr. HUSTED. Of course, it is obvious that there are not.

Mr. WINGO. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. WINGO. What provision, if any, is in the bill in reference to an item in which the gentleman knows I have been interested, namely, the funds sufficient to supply United States

district attorneys where some of them do not have United States Supreme Court reports?

Mr. HUSTED. The committee made some provision for that.

Mr. WINGO. I find on page 42 that you provide for the purchase and rebinding of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, and so forth, and appropriate the sum of \$20,000, of which not to exceed 10 per cent, in the discretion of the Attorney General, may be used for the purchase of United States Reports and the Federal Reporter. Does the gentleman think that will be sufficient?

Mr. HUSTED. I would say frankly to the gentleman that there are so many items in the bill that I can not carry all the details in my head, but I do recollect distinctly, and I will be glad later on to give the gentleman full information, that we did consider this matter and made some provision for it, such as we thought under the present régime of economy was sufficient to tide them over.

Mr. WINGO. The gentleman will recall that the Department of Justice has seemed to have no particular interest in these district attorneys.

Mr. HUSTED. I will say to the gentleman, if he will permit me to interrupt him, that the Department of Justice has this year evinced a very great interest in them and made a plea for them.

Mr. WINGO. That stricture really applies to former heads of the department. I was asking the gentleman whether or not that has really been taken care of.

Mr. HUSTED. Later on I will be able to furnish the gentleman full details about it, but I am not ready to give him all of the information that he would like yet. I will be able later to give him a detailed statement about it.

Mr. BURTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HUSTED. Very gladly.

Mr. BURTON. On page 3, among reductions, the following are listed: "Clerks at embassies and legations, \$94,828." Is that reduction due to a diminished number of employees or to diminished salaries? The same question would apply to the Consular Service, in which there is a proposed reduction of \$100,000.

Mr. HUSTED. Well, that is partly a reduction in expenses, chiefly a reduction, I think, in expenses.

Mr. BURTON. This is under the head of salaries.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I think I can answer that question.

Mr. HUSTED. It is a reduction in the lump sum, made up of both salaries and expenses.

Mr. ROGERS. It is a reduction, if the gentleman will permit, below the estimates; but it is no reduction below the sums available under the current law for 1922.

Mr. HUSTED. I will say to the gentleman from Ohio that we have been very careful to protect the Diplomatic and Consular Service, and particularly the Consular Service, and not to cut it below an amount sufficient to enable it to do all that it ought to do. Of course there is bound to be some reduction. Of course it is a question of policy as to how far we shall permit the Consular Service and the Diplomatic Service to remain expanded. They expanded tremendously during the war, and we feel they ought to get back a little toward the pre-war basis.

Mr. MANN. If the gentleman will permit, the salaries of consuls are fixed by law.

Mr. BURTON. Yes. Are the salaries at embassies and legations fixed by law?

Mr. HUSTED. The salaries of ambassadors, ministers, and consuls and, within certain limits, the salaries of secretaries in the Diplomatic Service are fixed by law.

Mr. BURTON. There have been no salary decreases in the Consular Service?

Mr. HUSTED. There have been many salary increases, so that there are more clerks in the higher salary ranges than there were a few years ago.

Mr. BURTON. Some of them could be discontinued?

Mr. HUSTED. There is no reduction below the current law. There is no reduction below the amount carried in the Diplomatic and Consular bill for the current year. These reductions are below the estimates made by the department for the next fiscal year.

Mr. BURTON. Then is this the case, that the estimates transmitted contemplated an increase in the number of consular officers?

Mr. HUSTED. Oh, they contemplate a very substantial increase for expense account, and for additional clerks, and for one thing and another.

Mr. BURTON. What I was especially calling attention to was the salaries in the Consular Service.

Mr. HUSTED. They are not affected at all.

Mr. BURTON. But the reduction of \$100,000 must mean a decrease in the number.

Mr. HUSTED. The reduction is below the estimates for salaries and expenses, not below the current law. It does not reduce the present personnel, but it does prevent the increases which the department would like to make.

Mr. BURTON. In other words, the department recommended an increase in the number of consular officers. The committee did not think it best to agree to that increase?

Mr. HUSTED. We did not, because we thought reductions could be effected sufficiently to take care of any additional need. Of course, if we get into Russia we will need more consulates there, but so far as Germany and the Central Powers were concerned, while we withdrew from Germany and withdrew from Austria, the consular officers were not dismissed. They were still carried on the rolls and spread around here and there; and when we go back into Germany, as we have done now, and into Austria, we can use the men who are still on the list.

Mr. BURTON. They have been carried on the roll?

Mr. HUSTED. They have been carried on the roll. There is no evidence that any of them have been let go.

The next item is the item for post allowances. This is carried on page 13 of the bill. This is a provision which enables the State Department to pay more salaries. During 1918 and 1919 this appropriation stood at \$700,000. In the year 1920 it was reduced to \$600,000. It was carried at \$600,000 in the year 1921. In 1922 it was reduced to \$250,000, and we make a further reduction, bringing it down to \$200,000. The purpose of this appropriation was to enable the Secretary to pay additional salaries to diplomatic and consular officers at posts where the cost of living had advanced. Take Japan, for example: The Japanese yen stands on practically the same exchange basis with the American dollar that it did before the war; but they say that the cost of living in Japan has advanced 100 per cent, and that a consular officer who received a salary of \$3,000 would, as a matter of fact, have a salary with the purchasing power of only \$1,500. In the past this has apparently been a very pressing matter, and it was really necessary to do something, and therefore this provision was made.

But we found that the basis upon which this advance in the cost of living at these different posts had been ascertained was very unsatisfactory. They say they took the index number of wholesale commodities in the country where the post was located, and then they figured out the rate of exchange, and figuring out the rate of exchange with the index number of the cost of commodities and considering also reports which came from these consulates and these missions, they estimated at the State Department here the advance in the cost of living, and then they paid them some additional salary out of this fund. Two years ago they were paying additional salaries to diplomatic and consular officers who were receiving as much as \$6,000 and \$8,000 a year, and during the last year and during the current year they have been paying to men at some posts 100 per cent advance upon \$3,000 salaries, paying men \$6,000 a year in good American cash whose salaries were only \$3,000 a year. While we realize that conditions are disturbed in some of these countries, and while it is probably necessary that some provision should be made for this purpose, we think it rather a dangerous thing to put a large fund in the hands of the State Department to use for such purposes, so we cut it down \$50,000, and possibly we might better have cut it down a little more, but we have cut it down as far as we thought we could do safely, and under very vehement protest, I can assure you.

I have already alluded to the Mexican Boundary Commission, and I think no further statement about that is needed.

With reference to the Alaska and Canadian Boundary Commission, that is a work which has been dragging along for years and years, and it seemed as if it never would come to a conclusion. It was for many years under the charge of Doctor Barnard, but within the last year it has been turned over to Colonel Jones, who is the head of the Coast and Geodetic Survey.

Colonel Jones gets no additional salary whatever for looking after this work, and I believe he is determined to bring it to a conclusion as rapidly as possible. He says this can be done within two years if he is not too much skimmed in the matter of the appropriations. All of the work of defining the boundary has been completed. All of the monuments have been erected, but there is a lot of work yet to be done in making maps from field notes and in preparing the data in a form suitable for publication and preservation. However, I am glad to say that

it does look as if this work would soon come to an end and this activity and expense be terminated.

The next item you will find on page 19. That is the one covering the British and American claims. These are claims of American nationals against the British Government, of British nationals against the American Government, of American nationals against British nationals, and of British nationals against American nationals in cases which can not otherwise be adequately handled and full justice be done to the litigants. There are pending to-day two cases before this commission involving one and one-third million dollars. There are 12 cases remaining to be presented, involving \$7,500,000. The American awards made by this commission amount to \$9,630 and the British awards to \$120,416. The total cost of this arbitration has been greater than the total amount of these British and American awards from the time the arbitration commission came into existence down to date. Of course, this work was suspended during the war and very little business was done. They now propose to go forward and clean it up.

Mr. MANN. That probably answers what I was going to ask; but will it be cleaned up, or is this permanent?

Mr. HUSTED. It may drag along for a while, but it can not very well be permanent, because all of the claims are listed in the arbitration treaty. No other claims can be brought in unless a new treaty is entered into.

Mr. MANN. That treaty was nearly 12 years ago.

Mr. HUSTED. Nearly 12 years ago. The treaty was entered into in 1910, and then the Arbitration Commission was established and went ahead and did business for about a year. The war came on, and during the war the business of the commission was entirely interrupted.

Mr. MANN. Does the gentleman think it is likely to close up as long as three gentlemen get a summer vacation at \$1,200 a month?

Mr. HUSTED. Past experience would make it appear very doubtful, but I believe this work will be pushed from now on, and that sufficient pressure will be brought to bear upon these gentlemen to compel them to consider cases and render awards. There are only a few cases pending altogether, although they involve in the aggregate a very large amount of money, indeed.

Mr. BLANTON. Before the gentleman closes will he yield for a question?

Mr. HUSTED. Yes.

Mr. BLANTON. The Mexican Government, as I understand, has provided a building out here on Sixteenth Street for its embassy. In case the State Department should see fit to recognize the government of Mexico at an early date, has any provision been made in this bill for the incidental expenses attached to such recognition?

Mr. HUSTED. Nothing, I think.

Mr. BLANTON. Are we to understand, then, by the action of the committee, as expressing the will of the administration, that there is probably no chance for the Mexican Government to be recognized during the next fiscal year ending June 30, 1923?

Mr. BURTON. If the gentleman will allow me, why should an appropriation provide for a contingency which may or may not occur? Until recognition is given, the Committee on Appropriations will have nothing to do with it.

Mr. BLANTON. Wise men make preparations sometimes in advance of probable contingencies.

Mr. HUSTED. If the gentleman will permit me, I think I can answer him. The bill does carry an item of \$17,500 for an American ambassador to Mexico.

Mr. BLANTON. There are incidental expenses connected with it, of course.

Mr. HUSTED. Quite right. I was misinformed.

Mr. ROGERS. Before the gentleman leaves the discussion of the State Department, I desire to ask one or two questions. I observe that in the hearings the committee gave some attention to the question of the passport-control system, which, as he said earlier in his remarks to-day, is a great producer of revenue. It has always occurred to me that the effective way to enforce the immigration laws was to have some American instrumentality abroad by which inspection could be made before the intended emigrant started for the United States. I have heard it rumored that some governments have indicated reluctance to allow American officials to be assigned for the purpose of supervising the immigration problem at the point of origin.

Has the gentleman any information on that which was developed in the hearings and which he can impart to the committee?

Mr. HUSTED. I do not think we have any information on that. I do not think there was anything in relation to it in the hearings.

Mr. ROGERS. A year ago—and I notice this was dealt with to some extent in the hearings—the appropriation act provided the requisite authority for the acceptance for use as the American embassy of the Morgan house in London. Nearly a year has elapsed since that time. I have reliable information that the donor has always been ready and most willing to transfer it. I assume that we ought to have an appropriation for making the house ready for occupancy by the American ambassador. Is there any real justification for a year's delay in accepting the gift and in making the requisite changes?

Mr. HUSTED. If there is any I am not aware of it. I do not think any good reason can exist. It is going to be necessary to make the house over inside in order to have it suitable for the purposes of an embassy. Why plans and specifications have not been prepared for the work I do not know. I think it should have been done as a business proposition.

Mr. FISH. The gentleman must know where the responsibility lies.

Mr. ROGERS. I do not think the gentleman from New York is misapprehending my inquiry; but it is a little discouraging for Congress to try to assist the foreign service by providing permanent homes for our representatives abroad and then have a whole year elapse without the Department of State even taking title to the property that we have authorized them to acquire.

Mr. HUSTED. The committee might be interested in having me read a statement by Mr. Carr, of the State Department:

That gift has been accepted by the President, and Mr. Morgan has received a letter of thanks. Since that time the lawyers have been endeavoring to make a legal transfer of the property to the United States Government. Under the British law the transfer can not be made in simple form, but, as I understand it, has to be made to trustees or to some individual. The last proposal of the lawyers was that it be transferred to the American ambassador and the American consul general in London as trustees. However, the transfer has not as yet been perfected, but I think it will be in a very short time. There are also some complications or details about adjusting our legal requirements to the British requirements in respect to some other matters, but we will get title to it shortly, and a sound title.

Now, I had assumed that the delay in this matter is the usual unbusinesslike delay which you naturally expect in diplomatic negotiations.

Mr. ROGERS. I hoped at the time this authorization was granted a year ago that the title would very promptly be transferred to the United States. I have heard that the donor himself is exceedingly disturbed at the delay which has resulted. I had hoped further that the gentleman in this bill this year would be able to find that the title to the property had been accepted, and hence be able to recommend the requisite appropriation which he justly says will be necessary for actual occupancy by the ambassador.

Mr. HUSTED. The gentleman understands that the Committee on Appropriations acts only on estimates?

Mr. ROGERS. I understand that. Congress has done all that it could, and it did it promptly and completely. Now, it seems to me that when we have done all that we can and when the matter has become an executive matter, it is discouraging not to have this appropriation acted upon by the State Department for a whole year.

Mr. FISH. Will the gentleman answer me a question? Who is responsible for taking over the building, remodeling it, and putting it in order?

Mr. HUSTED. The State Department.

Mr. FISH. What individual, or what branch?

Mr. HUSTED. I do not know; anybody whom the Secretary of State assigns to it.

Mr. FISH. The gentleman does not know whether that task has been assigned?

Mr. HUSTED. I know nothing about it.

Mr. ROGERS. One other question: A year ago in the bill for 1922 an appropriation was authorized of \$150,000 for the purchase of an embassy at Paris. I notice that in this year's hearings it was brought out that that \$150,000 has been found to be entirely inadequate. I recall very well the sentiment of the House when the appropriation of \$150,000 was authorized. I think it went through the House unanimously. I wondered if the gentleman from New York would look with favor on an amendment in the proper place which would give the additional sum necessary to make the prior appropriation a workable thing?

Mr. HUSTED. I would not want to give a definite answer without taking it up with the subcommittee and the whole Committee on Appropriations.

Mr. ROGERS. I wish the gentleman would consider it before the bill is ready for amendment.

Mr. HUSTED. Now, Mr. Chairman, I find that my time is passing rapidly and I have consumed more time than I antici-

pated. I will take up the item for the enforcement of national prohibition.

The Department of Justice asked for a direct appropriation of \$150,000 for clerks and expert assistants in the enforcement of national prohibition. They omitted from the bill the allocation of \$200,000 for legal assistants in the enforcement of prohibition. After very careful consideration the committee decided to restore the allocation of \$200,000 for assistants and make an allocation, not a direct appropriation, of \$150,000 for clerk hire. That disposal of the matter seemed to meet with the favor of all interested, and I think is a happy solution of it, because I believe the direct appropriation of \$150,000 was not necessary. It simply gave the department \$150,000 for clerical hire more than was actually needed.

They have gotten along with the money from the regular appropriation for clerk hire heretofore, and they can get along with it just as well during the next fiscal year as at the present time.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HILL. On page 30 of the bill I find an item of \$150,000 and on page 39 of \$200,000. Does the bill appropriate in all \$350,000 for the enforcement of the national prohibition act?

Mr. HUSTED. It does not appropriate a cent. It simply allocates from other appropriations certain amounts to be set aside and used for that purpose.

Mr. HILL. In other words, the bill provides that of the general appropriation for the department \$350,000 may be used for prohibition enforcement?

Mr. HUSTED. That is it exactly. They are not compelled to use it, but they may use \$200,000 for legal assistants to help district attorneys enforce the prohibition law, and they may use \$150,000 for clerk hire for that specific purpose.

Mr. HILL. The gentleman has no reason to believe that they will not use it.

Mr. HUSTED. I have no advices about the matter.

Mr. BLANTON. Does the gentleman from Maryland approve of that?

Mr. HUSTED. Mr. Chairman, the next item is for the detection and prosecution of crime. We have increased the amount of the current appropriation \$250,000, making the total appropriation \$2,250,000. In 1921 that appropriation was \$2,400,000. It was cut down to \$2,000,000 in last year's bill, but there are to-day over 6,000 investigations which the Department of Justice is unable to make through lack of funds. This increase of \$250,000 is made because of the apparent inadequacy of the appropriation for the current year. As a matter of fact, the amount of crime in the country is vastly greater to-day than it was in 1921, when \$2,400,000 was barely sufficient, so that in giving them \$2,250,000 I think no one need fear that we have exceeded a reasonable amount.

The CHAIRMAN. The Chair would inform the gentleman that he has consumed one hour.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. FESS. I notice that provision is made for books for the law library.

Mr. HUSTED. Would not the gentleman just as leave go into that under the five-minute rule, because that goes into minutiae which I am not carrying in my mind, and I should be glad to give him the information when we consider the bill under the five-minute rule.

Mr. FESS. I simply wanted to ask whether we get the decisions from the Supreme Court—whether we are on the mailing list?

Mr. HUSTED. We are for a certain number, but not for all. I want to say a word about the Court of Claims, and to say what I have to say in the spirit of compliment. The Court of Claims is one of the most important courts in the United States to-day. It handles every variety of case which may possibly arise between a sovereign and a subject growing out of contract. It also handles a vast amount of cases under the Dent law and such other cases as are submitted to it by the Congress. This is a very busy court, and yet it is running at a minimum of expense. Its calendar is right up to the minute. There are now pending before the Court of Claims 700 cases involving \$325,000,000, and there are war claims estimated to amount to between two and three billion dollars which will come to the Court of Claims. There are \$300,000,000 worth of war claims alone there now. The court is doing a very wonderful work, and I am very glad of the opportunity to commend it for its diligence and its economy. While it is doing this vastly increased amount of work and doing it on time, it has not asked for any more money.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Virginia. Agreeing with the gentleman as to what he says about the Court of Claims, has the gentleman found that the Federal courts ordinarily work with as much diligence?

Mr. HUSTED. I do not want to say anything in criticism of the other courts at all.

Mr. MOORE of Virginia. I would like to know whether the gentleman has any opinion on that subject.

Mr. HUSTED. I simply wanted to say something in commendation of the Court of Claims.

Mr. MOORE of Virginia. I quite agree with the gentleman as to that, but I wanted to get the other matter discussed to an extent, if the gentleman is in a position to do it.

Mr. HUSTED. I might say to the gentleman that this is an appropriation committee, and I am here to furnish facts and not opinions, but I did want to go out of my way a little bit to say something for the Court of Claims.

Mr. MOORE of Virginia. The gentleman is such a very able and experienced lawyer and can take such very wide and careful survey of matters that any information he might furnish us would prove of value.

Mr. HUSTED. I deeply appreciate what the gentleman says, but prefer not to give an opinion on a subject on which I do not feel sufficiently informed. Mr. Chairman, another very important item is the item for assistants to the Attorney General and to the United States district attorneys. These men carry on chiefly the cases which have been pressed upon the Government as a result of war. Many of them are patent cases. The patent cases in actual suit which are handled by these assistants amount now to \$231,000,000, and the patent cases which are to be filed and which will soon result in suits amount to \$250,000,000 more, or \$481,000,000 worth of patent cases alone. That does not include the cases where the amounts remain yet to be determined. There are 31 attorneys engaged in these patent cases. They are not on the statutory roll. They are engaged under an agreement with the Attorney General by which they can not charge more than \$1,000 a month, or \$12,000 in any one year, totally irrespective of the amount done in any one month or in any one year. They have to render itemized statements every month, they have to show that they have actually performed services to the value of \$1,000 in order to get that amount and proportionately less, but they can not get any more than that. Some of these men have incomes from their profession of \$100,000 a year and upward. They are some of the most eminent patent lawyers in the United States. They work in their own offices and they do not work here in the District.

Mr. FESS. Some of these cases are such that the best talent in the country is employed. Are we as a Government equipped to take care of such matters?

Mr. HUSTED. I am glad to say that we are fully equipped to meet anybody at the bar in the trial of these important cases involving millions of dollars. We have one patent case which involves about \$125,000,000.

Mr. FESS. That sort of a case would employ the best talent in America on the other side. The Government is equipped to meet it?

Mr. HUSTED. The Government is equipped to meet it. And I want to say this, that I think the fact that these men are entering into these arrangements with the Government, whereby we get their services for \$12,000 a year, is partly due, at least, to patriotic considerations.

Mr. MOORE of Virginia. They are not connected with the Shipping Board, then, are they?

Mr. HUSTED. They are not.

Mr. REED of West Virginia. I was interested in the gentleman's statement about the amounts involved in patent litigation. I do not just understand that. Are these claims against our Government or patents had in connection with the war?

Mr. HUSTED. They are patent-infringement cases.

Mr. REED of West Virginia. Did we infringe on the patents?

Mr. HUSTED. That is the claim.

Mr. REED of West Virginia. The ordinary patent litigation the Government has nothing to do with?

Mr. HUSTED. Some are cases of patent infringement and some are cases of patent appropriation.

Mr. COOPER of Wisconsin. Will the gentleman name some of the articles on which patents are said to have been infringed?

Mr. HUSTED. Well, I will mention alleged infringement of patents on certain types of building construction. They involve

a tremendous amount of money. I want to say, as to the penal institutions, that we did not get very satisfactory information, for the reason that the estimates were made by the wardens at the penitentiaries, and they had no good, reliable information, or detailed information, here in the Department of Justice.

They had ample notice to get it, because we had preliminary hearings there in January, but they did not have it at the time our hearings were held, and we could not get it. But we found that the average cost of subsistence was about 30 cents per inmate per day. So, finding it as low as that, I came to the conclusion that the institutions must be reasonably economically administered.

Mr. CLOUSE. The gentleman says that the cost of the maintenance of the inmates in the Federal prisons is 30 cents a day.

Mr. HUSTED. The average, running through the year. Of course, that is partly due to the fact that we maintain fairly large and fairly productive and well-managed farms at these institutions.

Mr. CLOUSE. I was wondering if the gentleman had made any investigation with reference to detaining our prisoners, who are convicted of smaller crimes, in the penitentiaries instead of in the jails. Does the gentleman think that the Government ought to have four or five institutions, and then detain such prisoners as that at \$1.17 a day for jail fees throughout the country?

Mr. HUSTED. That is a matter of legislation that does not come within our jurisdiction, and one which we have not considered, but it seems to me that the gentleman's conclusion about it is sound and correct.

I want to say a word in conclusion as to those who served on the subcommittee. Two of the members who were originally assigned to us did not serve with us. Mr. LEE of Georgia was engaged in another subcommittee and could not be with us, and Mr. TAYLOR of Colorado was unfortunately ill. But we were very fortunate in having assigned to our committee Mr. JOHNSON of Kentucky, who attended, I think, every session of the subcommittee, although he was sick enough half of the time to be in bed. [Applause.] And I want to thank that subcommittee and every member of it for the splendid support which I received from them. They were diligent, they were active, and they were in attendance all the time.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, in the first place, I desire to request that I be not interrupted relative to matters which may be more appropriately inquired about during the discussion of the bill under the five-minute rule.

As a minority member of the subcommittee I can not but congratulate the committee in their efforts, in the main, to curtail expenditures. There are, however, some appropriations made in the bill which have been made upon sentiment rather than out of necessity. There are others which may have been increased too largely, and others which, perhaps, have been reduced to too great an extent. Those I prefer to take up under the five-minute rule, rather than now. At this time I wish to discuss more particularly the report made by the committee. I do not wish to be understood as entertaining any thought that any statement made in the report is not true. Upon the contrary, I find that every statement made in the report is technically true, but calculated to mislead, and I wish to warn those who read it against forming opinions which are not justified.

On page 3 of the report we find this language:

For the Department of State this bill proposes appropriations totaling \$9,448,736.16, which is \$7,405,609.93 less than was appropriated for the current fiscal year, and \$1,137,665 less than the estimates for 1923. The appropriations for the current year include \$5,000,000 for payment to Colombia, \$1,000,000 for participation in the international exposition at Rio de Janeiro, and \$200,000 for the Conference on the Limitation of Armaments. Leaving these appropriations out of the calculations, the amount recommended in the accompanying bill is \$1,205,609.93 less than the current law.

It will be noticed that an appropriation made in the preceding bill, which now the current law, of \$1,000,000 for the exposition at Rio de Janeiro has been eliminated and is not to be considered in making up the totals of the report. I have no criticism as to the elimination of that particular item, but I would be glad to know why similar items have been included in the report, unless to suggest unwarranted conclusions. A million dollars, I say, was appropriated for the Rio de Janeiro exposition. That amount is set aside and not considered in the report.

The current law also carried for the "Commission to Peru," \$15,000. Upon the same theory or principle, why was not that \$15,000 also eliminated from the report?

Again, for the "Arbitration with Peru," \$45,000 was appropriated in the current law and is not carried in this bill. Why

is it included in the report, except for the purpose of comparing the amount appropriated in this bill with that of the preceding bill?

Again, there was appropriated in the preceding bill \$60,000 for the "Arbitration with Norway." If the \$1,000,000 for the Rio de Janeiro exposition is set aside and not considered in the report, why should not the \$60,000 for the "Arbitration with Norway" also be eliminated from this report and not considered?

Again, in the preceding bill, payment to Anna Gayle White of \$4,500 was authorized. Anna Gayle White has been settled with. She has received her \$4,500. Yet that amount, while it is carried in this report for the purpose of running up the totals, should be eliminated from this report upon exactly the same principle as the \$1,000,000 for the exposition at Rio de Janeiro was eliminated.

Again, we find that payment was made to Mary A. Higgins to the amount of \$4,000. Mary A. Higgins has been paid, and because we do not pay her again the item is carried in the report, whereas it should be eliminated just as the appropriation for Rio de Janeiro was.

Next we have an item of \$2,258.30 for the relief of Stewart & Corbin. They have been paid. That amount should have been eliminated just exactly as was the appropriation for the Rio de Janeiro exposition, and not carried in the report so as to swell one of the totals.

Then, in the preceding bill, there is an appropriation of \$481,000 for "buildings and grounds for our embassies and legations." All of that \$481,000 has been spent except \$14,435, making \$466,565 actually spent. Now, why should that \$466,565 be carried in this report, except for the purpose of swelling a total, when all of the original amount except \$14,435 has long ago been spent? Why should not that \$466,565 also be eliminated just as was the \$1,000,000 appropriated for the exposition at Rio de Janeiro?

Then there is the "Boundary Commission between the United States and Canada." For the current year \$36,500 was appropriated in the preceding bill. This bill gives \$30,000, making a saving of \$6,500. But that is no real saving. The \$36,500 was not needed, just as the gentleman from New York [Mr. HUSTON] said, because the field work is virtually completed. Nothing more is now needed except for office work. Therefore that is not a real cutting of appropriations because of a disposition to economize. It is a cut only because there is no necessity for the work, and it is so conceded.

Next, we have in the report a reference to an item for the relief of the widow of Joseph B. Akin of \$1,095. The widow of Joseph B. Akin has been paid. Yet this amount of \$1,095 is carried in the report to swell a total, while that, too, should have been eliminated just as was the million dollars for the Rio de Janeiro exposition.

Then, in the preceding bill there was an appropriation of \$50,000 for the purpose of "prosecuting the suits affecting oil lands," notwithstanding that those suits have been withdrawn. That amount should be eliminated from this report, just exactly as the \$1,000,000 was eliminated for the Rio de Janeiro exposition.

Then we have in the report an item of \$5,000 for the suits which have been set aside relative to the Five Civilized Tribes. That, too, should not be in this report. Yet it serves to swell a total.

Then, in the report there is another \$5,000 appropriation for the Pacific Railroad suits, which have been dismissed. That \$5,000 is used in the report to swell a total in order to make it appear that this bill appropriates less than the preceding bill does.

Those figures that I have just read amount to \$641,418. But that is not all. There is carried in the report as a saving an item of \$1,500 for "rent of buildings." The building is not being rented. There is no excuse for another \$1,500 to be spent; yet the item is carried in the report and serves the purpose of swelling a total in order to show that the appropriations this year are much less than they were last year.

Then, under the caption of "Chargé d'affaires ad interim," the appropriation for the current year is \$58,000. The department recommended only \$50,000 and the bill allows \$50,000. The department recognizes that, because of changed conditions, they could get along with \$8,000 less than last year; but the committee in its report uses that \$8,000 reduction as a cut, when, if they had spent it, it would have been wasted. As I said, on account of changed conditions, the department did not ask for it, and said there was no use for it.

In the item, "Passport control act," the current law called for \$600,000; but, because of changed conditions, again the Department of State said that \$425,000 was sufficient. This bill

carries, not the recommendation of the department, but instead \$350,000; and they claim, in order to swell a total, that they should have the benefit of the difference between \$350,000 and \$600,000 instead of using the difference between \$350,000 and \$425,000, which is \$75,000, and not \$250,000, as used in the report. Therefore they have in their report used the amount \$175,000, and that serves to swell a total and to unduly magnify the difference between the present bill and the preceding one.

Then, under the caption of "Salaries while being instructed for Diplomatic and Consular Service" for the current year, we have \$90,000. This year, because of changed conditions, the department recommends \$65,000; but, in making up the report, they have made the deduction from the \$90,000 instead of from the \$65,000, which makes a difference of \$15,000.

Under the item of "Transportation of diplomatic and consular officers" the current law is \$370,000. On account of changed conditions the department asked for only \$300,000. The present bill allows \$275,000; but, in order again to make the difference between these two bills appear large, \$275,000 has been subtracted from \$370,000 instead of from the \$300,000. That again makes a difference of \$70,000 in swelling a total.

Under the caption of "International Joint Commission to Great Britain," the current law provides \$44,000. The department asked for only \$38,000. The present bill grants \$38,000. Yet the report, claiming a real cut, subtracted the \$38,000 from the \$44,000 of the current law, instead of subtracting it from the recommendation of the department. There, again, the total is swelled by \$6,000.

Under the caption of "Interallied Committee for Reeducation for War Cripples" we have \$6,000 allowed under the current law, but that committee has been discontinued entirely; and, because there is no occasion to appropriate this \$6,000, again they claim a credit, thereby swelling a total in order to make the difference between the two bills as big as possible.

Under "International trade-mark registration" in the present law there is appropriated \$14,100, but the department says we need only \$9,600. That amount is appropriated in this bill. Yet, again, swelling a total, the report has subtracted what the department says they ought to have, from last year's appropriation, thereby making a balance of \$4,512, which again swells a total.

The total of the sums which I have just read amounts to \$286,012, which, added to those upon the preceding page that I have just read, make \$927,430.

The report carries the statement that \$1,205,609 has been saved as between this bill and the preceding one; yet if we take the \$927,430, that I have just mentioned, from the \$1,205,609 we have a difference between the two bills of only \$278,179. But here comes a very important matter. They not only eliminated the \$1,000,000 which went to the exposition at Rio de Janeiro—but, as I have just said, the report fails to eliminate like sums which would reduce the difference to \$278,179—but they eliminated entirely another item of \$5,000,000.

Under the law we must pay Panama every year \$250,000. This bill appropriates that \$250,000, because that sum must be paid annually. But we are bound also by law to pay Colombia \$5,000,000 every year for five years. The current law appropriated \$5,000,000 for Colombia; but not one penny does this bill appropriate for the coming year to pay Colombia. We must pay it annually, but in this bill the \$5,000,000 is eliminated and is not considered at all, and this item makes a great difference between the two bills. How are we to pay Colombia \$5,000,000 in the next year unless it is appropriated? It can now be appropriated in no other way than in a deficiency bill. The \$5,000,000 cuts a big figure in the reduction of \$7,000,000 and more which it is claimed to be the difference between the two bills.

But that is not all. When we reach the Department of Justice, under the head of "Miscellaneous items" the current law appropriates \$48,000; but, again, on account of changed conditions, the department asked for only \$40,000. The committee gave them \$37,000. There they did save \$3,000, but only \$3,000. Still they claim the difference between \$37,000, which they gave, and the \$48,000 which they gave last year, when, as I said, only \$40,000 was asked for this year, the larger amount not being asked.

Then in the current law we have \$7,500 for repairs to the Court of Claims building. That has been repaired and the money spent. No more money is asked for; none is needed for the purpose at all; yet, in the figures in the report this \$7,500 is carried, while it should have been eliminated, just as was the \$1,000,000 appropriated for the Rio de Janeiro exposition, which is carried for the purpose of increasing the difference between these two bills.

Then under the head of "Supreme Court reports" the current law allows \$1,057.50. The department, under changed conditions, asked for \$585. The committee gave the \$585 asked for. They did not waste money by giving more than was asked; but in order to increase an apparent saving they have subtracted the \$585 from the \$1,057 instead of offsetting it against exactly the amount which was asked for.

Then we have the Leavenworth, Kans., prison. Last year for that we appropriated \$818,100. This time the department asked for \$763,600. The committee gave \$756,600. Again the committee, with the effect of enlarging the difference between the two bills, subtracted the \$756,600 from the \$818,100 of last year, instead of subtracting it from the amount that the department asked for. That makes a difference of \$54,500 in favor of the difference between the two bills.

Then, for the "National Training School for Boys," the current law gives \$64,036; but the department this time asks for only \$60,736, and that amount the committee gives. But, again, enlarging the difference between the two bills, the amount allowed is subtracted from the appropriation of last year instead of being subtracted from the amount asked for. Consequently, no saving has been made; and again the difference between these two bills is enlarged by the amount of \$3,300.

Then, under the item of "Miscellaneous expenses," to be found on page 16 of the report, there is \$665,000 in the current law. And, again, on account of changed conditions, the department only asked for \$600,000. That amount is appropriated in this bill. In making that deduction they do not subtract the amount appropriated from the amount estimated for, but they subtract from the amount appropriated last year, when the necessities were greater, thereby making a difference of \$65,000. The total of these last items is \$133,772. So, if we also deduct those items, which merely seem to be reductions, but which in reality are not, then the excess in this bill for the Department of Justice over and above last year's bill is \$436,832, and not \$303,110 as stated in the report.

When the \$5,000,000 that should be in this bill for the payment of the amount due Colombia is considered, and then take into account the items I have mentioned as having been used to swell the total relied on to reduce the amount appropriated by this bill, the balance will not be \$1,205,609 in favor of this bill, but instead will be far more than four millions against the report.

Mr. HUSTED. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HUSTED. The gentleman can not say that it would be five million and some odd dollars greater than the current law, assuming that the \$5,000,000 payment to Colombia was taken out of the current law. The gentleman is taking the \$5,000,000 out twice.

Mr. JOHNSON of Kentucky. No; I am taking it out but once. The report says that the appropriations in this bill for the Department of State are \$1,205,609 less than current law, and that the appropriation herein for the Department of Justice is \$303,110 more than current law. Therefore this bill is only \$902,599 less than current law, according to the report. But if we deduct the items which should have been eliminated, just as was the \$1,000,000 for the Rio de Janeiro exposition, then the balance would not be as stated in the report; and when the \$5,000,000 for Colombia is considered, the difference would be still more against the accuracy of the report.

Now, Mr. Chairman, there is another item in the bill for the "Detection and prosecution of crime." That item is increased in this bill \$250,000. That may be all right, and I doubt not that it is. I am not complaining about it at all; I agree with it. But if we need \$250,000 more to prosecute crime, that means more prosecution; that means more cases; that means more juries; that means more witnesses.

But the amount for juries has been decreased \$50,000 in this bill, and the amount for witnesses has been decreased \$100,000. So, while the amount for the prosecution of crimes is increased \$250,000, the amount for juries and witnesses is decreased \$150,000; and the two propositions can not be reconciled in actual practice.

In my humble judgment it will be necessary either not to spend the \$250,000, or bring in a deficit for some amount to meet the decreased amount of appropriation for juries and witnesses.

In the bill there is an item for "Claims between the United States and Great Britain." I regret that neither I nor the chairman of the committee can give you any enlightening information on the subject. This commission, as suggested by the chairman of the subcommittee, Mr. HUSTED, has been running along for years. The committee undertook to ascertain the number and amount and nature of the claims. That was

insisted upon. Let me read to you from the hearings the astounding statements made in response to the questions put by different members of the committee:

Tattler—first claim; Tattler—second claim; Argonaut and French; David J. Adams; Lord Nelson; Canadienne; Eastry; Lindistarne; King Robert; Yukon Lumber; Hardman; Cadenhead; Great Northern Telegraph; Hemming; Coquitlam; Favourite; Wanderer; Kate; Newchwang; Sidra; Jessie, Bayard & Pescawha.

That is the information that this committee has as to the claimants, and the nature of their claims.

Mr. MOORE of Virginia. Is there anything as to how old the claims are?

Mr. JOHNSON of Kentucky. I do not recall, but they are all old. Now, can anybody tell me why we should appropriate money to a live-for-ever commission to arbitrate claims that not only your committee but Congress is denied the right to know who the claimants are and the nature of the claims?

After that list was sent to the committee the request was renewed, but the committee was not given any information concerning it. Private information came to me and to the chairman of the committee, saying that if more detailed information were given it might embarrass the claimants or the attorneys.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. As I heard it, in one of the claims only the initials are given.

Mr. JOHNSON of Kentucky. I did not intend it that way, but if only the initials had been given they would have conveyed just as much information as the full name would have done.

Mr. COOPER of Wisconsin. And it is true that the committee could not tell from the testimony who the real claimant was?

Mr. JOHNSON of Kentucky. The committee to this moment does not know anything more about it than does the man in the moon. The department declines to tell Congress who the claimants are, as well as the nature of the claims.

Mr. COOPER of Wisconsin. That is public business, and the taxpayers are interested in that.

Mr. JOHNSON of Kentucky. The department declines to tell upon the assertion that it might embarrass some claimant or attorney. If it would embarrass them, so much more the reason why it should come out and why the Congress should know why they are appropriating this money. [Applause.] One of the items is for "Kate." Who is Kate? The arbitrators concluded to pay Kate, whoever Kate is, and they make this note relative to the payment:

Recommendation of payment of some amount as an act of grace.

They pay Kate, but they paid her only as an act of grace, and they will not tell the nature of the claim because it might embarrass the claimant or some attorney in this commission or for the claimant. Kate filed seemingly a questionable claim for \$4,044.75, but as a matter of "grace" they paid her \$1,008.05, and nobody on this earth except Kate and those whom light on this subject might embarrass knows to whom it was paid. Is such a thing to be tolerated?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Virginia. Is that the name of a woman or a boat?

Mr. JOHNSON of Kentucky. We do not know anything about it. All it says is "Kate," and there it stops. They will not give us any information, because they say it might embarrass somebody.

There are some other items in this bill which I wish to discuss, but I shall delay their discussion until we reach them under the five-minute rule.

Mr. Chairman, I now yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. ROGERS). The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-five Members present; not a quorum. The Sergeant at Arms will notify the absentees, the Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansoer	Blakeney	Briggs	Chindblom
Atkeson	Bland, Ind.	Brinson	Christopherson
Bankhead	Bland, Va.	Britten	Clark, Fla.
Beedy	Bond	Burke	Clarke, N. Y.
Bixler	Bowers	Campbell, Pa.	Classon
Black	Brennan	Carter	Codd

Connolly, Pa.	James	Mudd	Sabath
Copley	Jeffers, Nebr.	Murphy	Sanders, Ind.
Coughlin	Johnson, Miss.	Newson, Me.	Sanders, N. Y.
Crago	Johnson, Wash.	Newton, Minn.	Schall
Crowther	Kahn	Nolan	Sinnett
Davis, Minn.	Kearns	Norton	Slemp
Drewry	Kelley, Mich.	O'Brien	Snell
Dunn	Kendall	Oliver	Snyder
Dyer	Kennedy	Olp	Speaks
Edmonds	Kiess	Osborne	Sproul
Elliott	Kindred	Overstreet	Stiness
Faust	Kitchin	Paige	Strong, Pa.
Fields	Kreider	Parker, N. Y.	Sullivan
Fisher	Kunz	Patterson, Mo.	Tague
Free	Lampert	Perkins	Taylor, Ark.
Fuller	Langley	Perlman	Taylor, Colo.
Funk	Lazaro	Petersen	Treadway
Gallivan	Leatherwood	Porter	Upshaw
Goldborough	Lee, N. Y.	Pringle	Vare
Gorman	London	Rainey, Ala.	Volk
Gould	Luhning	Rainey, Ill.	Walters
Greene, Mass.	McArthur	Ransley	Ward, N. Y.
Greene, Vt.	McDuffie	Reavis	Ward, N. C.
Griffin	McKenzie	Reber	Webster
Hardy	McLaughlin, Pa.	Reed, N. Y.	White, Me.
Hammer, Tex.	Magee	Rhodes	Williams
Harrison	Mansfield	Riordan	Wilson
Hawes	Merritt	Robertson	Winslow
Hays	Michaelson	Rosenbloom	Wise
Hersey	Mills	Rossdale	Wood, Ind.
Hicks	Montoya	Rouse	Woods, Va.
Ireland	Morin	Rucker	Wright
Jacoway	Mott	Ryan	Wyant

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11065, the Departments of State and Justice appropriation bill, and finding itself without a quorum, he had caused the roll to be called, when 275 Members answered to their names, and he handed in a list of the absentees.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, by Executive order signed by President Harding, on Friday, March 31, 1922, the Director of the Bureau of Engraving and Printing and 31 chiefs and assistant chiefs of divisions in that bureau, including four women chiefs, were summarily removed from office and from the civil-service rolls. [Applause on the Republican side.] The secrecy and air of mystery surrounding the issuance of this order and the cause for its issuance is far from creditable to those responsible for it. [Applause on the Democratic side.] All of these officials have served the Government for many years. They had worked their way up by faithful, efficient service, from lower positions to responsible positions in the bureau, and so far as the public knows and believes no suspicion had ever attached to the good name or the record of any one of them. On the contrary, they enjoyed the confidence and respect of everyone who knew them.

This action in arbitrarily removing from their positions some of the most efficient and loyal officials of the bureau is nothing short of an outrage, and more especially so on account of the manner in which it was done. It is a sop of the rankest kind to certain malcontents in the bureau. Never before in the history of the civil service has a President taken wholesale action of this kind, and it was done without a hearing, without a word of warning, and without the slightest opportunity to be heard. This action may properly be described as "the shambles" of 1922. The dismissed officials left their desks on Friday at the close of business, and without a word or an intimation from any source that their services were to be dispensed with. They were not even aware that anything of the kind was under consideration.

While at their homes that evening they were notified by special messengers that they were no longer connected with the bureau, and the next morning they were humiliated by being told that they could not enter the doors of the bureau until after 10 o'clock, and then they were paced by watchmen of the bureau while they went for their personal belongings. Such methods would do credit to the methods employed by the disorganized régime in control in Russia. This action not only takes from these officials their jobs and salaries but it deprives them of all retirement privileges. Many of them had served a great number of years and would soon have reached the time when by age and length of service they would have been entitled to retire. I dare say that few, if any, of them have been able to accumulate much savings out of the salaries they have been drawing from the Government. And so, after they have given the best years of their lives to the Government, they are now compelled to go into private life and seek positions under the handicap of having no training or experience in private business. And all this was done by the President without giving them an opportunity to be heard or without even presenting a single reason for the action taken.

When these facts are considered and when it is remembered that most of them have families, the action taken can not be classed otherwise than arbitrary, cruel, and heartless. The reason assigned, "for the good of the service," may mean anything or nothing. If they were removed for political reasons and to give some of "the faithful" a good job, why not have been candid enough to frankly say so, and, if this be a fact, why remove them altogether from the civil-service rolls? I submit that every earmark of this order indicates it was a political move to reward those who have powerful political backing behind them.

The Evening Star, one of the most reliable papers published in Washington, Republican in policy, had this to say in its issue of yesterday afternoon concerning the visit of a Republican United States Senator from Oklahoma to the White House:

He came to the White House to discuss patronage with the President, and when asked for an expression regarding the recent order bringing about the changes in the Bureau of Engraving and Printing, he said that he was sure the President had acted wisely and that he had every reason for making changes in the manner he did, and that he sincerely hoped the President would not stop there. He said he had called the President's attention to more than one case of disloyal Democratic hold-overs, and he hoped there would soon be a change of conditions, and that loyal and efficient Republicans would be found in all the key positions in the Government in Washington.

[Applause on the Republican side.]

If the President wishes to put, as another paper expressed it, "Harding Republicans" in civil positions in Washington, he may, of course, do so, but the public may be pardoned for being a little skeptical of the claim that efficiency can only be found in a "Harding Republican." And I presume that this may be considered as a notice that all the other Republicans who just now seem to constitute a very large and increasing majority of their party need not apply for positions.

But what I protest against is the acceptance by the President of the ipse dixit of patronage-seeking Members of Congress, even though he be a United States Senator, that some official whose job he wants for one of his political henchmen is inefficient or disloyal, and without giving the man thus privately assailed an opportunity to be heard or even given notice of the accusation. [Applause on the Democratic side.]

The Washington Post, the peculiar and personal organ of the President, yesterday morning had a labored article attempting to show that this was a move in the interest of efficiency and that politics had nothing to do with it. It was stated that Republicans as well as Democrats had been removed.

I have made inquiry, and I understand that there were a number of Republicans, possibly a majority, among those who were dismissed. The very fact that these officials were retained by the last administration as chiefs of divisions is conclusive proof that a Democratic administration did not play politics in the civil service. But it is significant that those Republicans had lived here for many years, and they were inactive Republicans, without powerful political backing behind them. This was, no doubt, the head and front of their offending, for I assume that their positions were desired by those who were active in the ranks. As a matter of fact, it can be said of all those dismissed, whether they profess to be Republicans or Democrats, that they really had no politics in a voting sense, because they have been here for many years and have lost their identity as voters in their former homes. This newspaper states that other dismissals are to follow in the interest of efficiency. Then the writer, thinking, perhaps, that some one might ask why the President has waited for 14 months before beginning his efficiency program, said that great efficiency had already been brought about, and with the ridiculous logic which is characteristic of his paper in defending this administration, cited the fact that the customs receipts for the month of March this year were greater in amount than they were a year ago. Until a sound and responsible explanation is offered, the public will with good reason believe that this was a purely political move, taken without regard to the plain, ordinary rights of those affected.

This fact is emphasized by newspaper publications to the effect that prominent Republican Members of Congress recently read the riot act to the Shipping Board, demanding that Democrats be replaced by Republicans and threatening to take the matter up on the floor of Congress if this was not done.

I have not the slightest objection to this administration taking the offices if it desires them. They are entitled to fill every place which is not of a civil-service nature with a Republican if they wish to do so. [Applause.] But what I do insist on is, if this be the object and purpose of this action, that the administration should deal frankly with the public and not seek to cover up its real motive at the expense of the reputation of the men who were dismissed. [Applause on the Democratic side.]

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I can not yield. I have not the time.

If any of them have been guilty of conduct justifying removal, why was not the public so informed when the order was issued?

If such facts exist, which every one who knows these gentlemen seriously doubts, why were they not made public when the order was issued, for its issuance under the circumstances was a plain aspersion upon the character and good name of every man and woman who was dismissed. The order itself provides that those who were entitled by age and length of service to retirement shall be retired and not dismissed, which in itself shows that there were at least some of those who were dismissed who were not thought unworthy of being retired upon retirement pay. And yet the order in the manner in which it was issued, and in the intimations and statements published in the newspapers at the time, reflects upon every one of these men and women who have served in the bureau for so long a time and with such fidelity and efficiency.

The civil service law provides a method whereby a civil service employee may be removed. If they were incompetent or inefficient, which their service and promotion belies, the law provides for notice and opportunity to be heard before final action. It is utterly inconceivable that the President, in the face of the plain letter of the law and the plain dictates of justice and fairness to these officials, should have permitted himself to be made the instrument of a conspiring element in the bureau to bring about the removal of these men and women from the bureau.

The suspicion that politics was the underlying reason for this order which so flagrantly violates the civil service law is heightened by the fact that the new officials were given new titles. Was this an effort to mislead the public into the belief that the action was taken because of a reorganization of the bureau? It would appear so, because the old positions have not been abolished except by slight and unnecessary change of title.

Efficiency is not promoted by changing the title of chief clerk to that of chief accountant, or by calling the chief of a division a superintendent of division, or the custodian of dies, rolls, and plates a vault keeper, or by changing the title of foreman of plate cleaners to that of technical foreman of plate cleaners, and that of storekeeper to that of custodian of supplies. The whole thing smacks of a cheap subterfuge which was unworthy of the administration. What right did the President have to abolish by Executive order positions created by act of Congress and create new positions which he can fill without regard to civil service? What right has he to destroy the civil-service status of these officials by abolishing their offices? If he can do this, then no civil-service employee is safe.

I shall not have time to refer to the individual cases of these 31 men and women who were dismissed. I wish I had time to take up each individual case, for it would serve to show the gross injustice and the indefensible wrong which has been done to all of these men and women in arbitrarily dismissing them without giving them a moment's warning or a chance to be heard. Six of them are from New York; six from the District of Columbia; three from Massachusetts; three from Virginia; three from Maryland; two from Pennsylvania; two from Tennessee; one from Connecticut; one from Michigan; one from Arkansas; one from Missouri; and one from Iowa. I have known the director, Mr. Wilmett, ever since I have been in Congress. He came here many years ago from Arkansas, and by his ability, zeal, and faithful attention to duty worked his way up from one of the lowest positions in the Treasury Department to that of chief clerk, and was finally appointed director of this big bureau. He has always enjoyed the respect and confidence of those who knew him. He is a Democrat, so it is said, and if the President wanted to appoint a Republican in his place, that was his right, and I would be one of the last to utter a complaint.

But the President should have been frank enough to say so, if this was the reason. On the other hand, if he has been guilty of conduct which justified his summary removal from the bureau, then those facts should have been given to the public. I wonder whether it was the intention first to dismiss the director, with the hope that possibly hereafter some cause might be found for such arbitrary action. Mr. Fisher, the assistant director, whose politics I do not know, enjoys an equally high reputation for integrity and efficiency.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Can the gentleman give me a little more time?

Mr. JOHNSON of Kentucky. I yield five minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. MOORE of Virginia. Is the gentleman aware that after the harm has been done a letter from the President was received this morning by one of the removed officials stating that the President regrets that the order should be construed as a reflection on the character and conduct of the officials?

Mr. BYRNS of Tennessee. I am aware of it, and it only emphasizes the outrage of the action in this case. And it may also be said that the Secretary of the Treasury is quoted in the morning papers as having said that no charges involving the integrity of any of the retired officials had been filed. And yet they were removed under cover of the night and as if they had committed some crime against the Government.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I can not yield.

I have known Mr. E. H. Ashworth, the custodian of dies, rolls, and plates, for many years. He came here from Tennessee 28½ years ago to accept a position with the Government, and has given the best years of his life to the service. He is a gentleman of the highest character and splendid standing, and has proven his efficiency and devotion to duty during all these years. On the very day he was dismissed his accounts and official conduct had been approved, after having been carefully checked up according to law by the annual committee appointed by the Secretary of the Treasury for the purpose of taking an inventory and investigating the accounts and records in the vaults and comparing the record with those kept by the Comptroller of the Currency. I hold in my hand a copy of the report made by that committee, composed of Mr. T. H. Braden, chairman and representing the office of the Secretary, and by Mr. S. L. Hommedieu, the representative of the Comptroller of the Currency and the national banks, and Mr. John F. Green, a representative of the bureau appointed under the provisions of the law to investigate Mr. Ashworth's office. It reads as follows:

MARCH 31, 1922.

The honorable the SECRETARY OF THE TREASURY.

SIR: Pursuant to and in compliance with the instructions of the department letter dated the 6th day of January, 1922, your committee, consisting of Messrs. T. H. Braden, Samuel L. Hommedieu, and John F. Green, appointed by said letter to examine the stock contained in the vault of the custodian of dies, rolls, and plates at the Bureau of Engraving and Printing, have the honor to report that the said stock has been examined and checked, and your committee submits its report in triplicate herewith.

Each and every piece of stock, both engraved and otherwise, has been examined and checked by your committee and found to correspond to the records of the custodian of dies, rolls, and plates.

All the stock which had been canceled in the year 1921 was destroyed by your committee by causing the same to be melted in the furnaces at the navy yard, with the exception of 25 photo negatives, which because of their nature were destroyed at the bureau. The destroyed material consisted of 16,214 pieces and weighed 147,330 pounds. The total stock examined and accounted for was 98,224 pieces.

Your committee regrets that it found several discrepancies in the records of the comptroller's office, which were corrected in accordance with the actual plates found in the vault and made to conform to the records of the custodian.

Your committee is grateful to both the officials and employees of the bureau alike for the many courtesies shown it and for the splendid cooperation and aid rendered it while engaged in its duties.

Respectfully,

(Signed)

T. H. BRADEN, Chairman.  
S. L'HOMMEDIU,  
JOHN F. GREEN.

That report was made to the Secretary of the Treasury at 4.30 o'clock on March 31, and at 6.45 in the evening of the same day the President, in consultation—so the papers tell us—with the Attorney General and the Comptroller of the Currency, signed an order dismissing Mr. Ashworth for the good of the service.

The Comptroller of the Currency was with President Harding when the Executive order was signed. If there was inefficiency in Mr. Ashworth's office, it must have developed after he left work that day, and one of the two men who advised with the President for Mr. Ashworth's dismissal stands convicted by the report of an administration committee, on which he was represented, of "discrepancies" in the records of his own office, which had to be corrected by Mr. Ashworth's record. I submit that under that report, if the President was honestly seeking efficiency, he should have dismissed the Comptroller of the Currency rather than Mr. Ashworth, the custodian of dies, rolls, and plates. And in doing that he would have simply been removing an appointive officer, a man appointed by him, and it would not have been necessary to violate the plain letter of the civil service law, as was done when Mr. Ashworth and these other officials were removed.

The same may be said of the character and standing of Dr. E. L. Beech, the storekeeper, who also came from Tennessee. [Applause.] If the President desired some Republican whose appointment was being pressed by some Senator or Congressman

to fill these positions, that is all right; but if this be true, why dismiss them from the civil service rolls and deprive them of their retirement privileges, for which they would have been very shortly eligible?

Mr. George U. Rose, jr., a native of the city of Washington, chief of the engraving division of the bureau, and a gentleman of the highest character and standing, has labored conscientiously in the bureau for 39 years. He took a firm stand as chief of the engraving division against inefficiency and rottenness and fought the element now in control. Some of these very people, openly defying efforts to reform conditions, have been conspiring to get his scalp, and they have finally succeeded, after a secret ex parte investigation, and been promoted themselves in the process.

Why, gentlemen, there were five ex-service men included in this dismissal order of the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Please give me five minutes more.

Mr. JOHNSON of Kentucky. I regret very much that I have not the time, unless some gentleman who has had time promised to him will yield.

Mr. BLANTON. Will the gentleman give him five minutes of the time he had promised me?

Mr. JOHNSON of Kentucky. I did not know that I had promised the gentleman any time. [Laughter.]

Mr. BLANTON. I understood the gentleman to say that I would be recognized.

Mr. JOHNSON of Kentucky. I yield to the gentleman from Tennessee five minutes additional.

Mr. BYRNS of Tennessee. The names of these ex-service men are Mr. Wilson, who served his country overseas, and who was occupying the position of chief of the photolithographic section; Mr. Chappell, a Spanish War veteran, who was chief of the engineering and machine division; Mr. Slattery, a World War veteran, chief of the electrolytic section; Mr. Farrell, a Spanish-American War veteran, who was foreman of the building; and Mr. Chamberlin, foreman of the garage, a Spanish War veteran who is now drawing a small pension on account of disabilities incurred while serving his country during that war. These five war veterans have been summarily and arbitrarily dismissed without previous notice or an opportunity to show why such action should not be taken, and in the face of the reported declaration of the President as to his great admiration and his great desire to do justice to ex-service men. [Applause.]

The removal of these officials was an outrage on decency. It was a blow to administrative discipline. It is a strike at governmental efficiency. It is an under-the-belt, knock-out blow at economy and morale. It is a grave injustice. It is an arbitrary and tyrannical rebuke to conscientious effort without a hearing, without a word of warning, without an opportunity to be heard in an ex parte proceeding, such as no decent court would sponsor, these officials, who have given up their lives, who have sacrificed their blood and sinew, as well as their brain and skill to the Government, who have sacrificed time that others took for vacation in order to carry on for the Government in war time, have been cut off without a moment's warning.

The reason for their dismissal and that of the other officials should not be left to speculation. Man is powerless to clear himself of charges raised by innuendo, and it is not in keeping with fairness and fair play to put these men under suspicion unless there is a clear justification for it.

The same paper, the Evening Star, to which I have heretofore referred, also had this to say:

One explanation, which comes from confidential sources to-day, of the radical steps taken by the Executive is this: That since the beginning of the war approximately fifty billions in securities have been turned out by the bureau, including bonds, currency, Treasury notes, internal revenue and other stamps, and all paper handled by the office, and that the transactions involved have never been audited.

It is suggested that it would be inadvisable to audit them in the presence of and with participation by the officials and employees concerned, and that while not charging that anything is wrong, it was deemed advisable to make a change in personnel while the auditing proceeds.

The statement is made that the Government does not indicate that aught is amiss, but that caution admonishes an auditing and accounting under the strictest conditions and surroundings.

It is thought that comment upon this viewpoint may suggest that the personnel could have been suspended, without prejudice, during the auditing, without being dismissed, in circumstances which it is claimed will work hardship and are calculated to work injustice.

So keen is the feeling in Congress upon the subject, and especially in the Senate, where the incident is likely to be further commented upon, that several Republican Senators to-day set on foot anxious inquiries directed to high sources to be more adequately informed upon the facts in the case.

Just how the incumbency of these officials would prevent a bona fide audit by an independent bureau of the Government it is difficult to understand. But even if this was true, why were they not, as suggested, temporarily suspended, without prejudice, during the progress of the audit, unless it be that there were those who wanted their places and were backed by such powerful political influence as to compel a disregard of their rights? And it may be asked, if it is found by the audit that everything is correct, how is this egregious wrong done to these faithful and honest officials ever to be righted? They have lost not only their jobs, the living for themselves and families, but an unwarranted and unjustified reflection has been cast upon them by the unprecedented and ruthless action taken.

The public should know whether this is the beginning of an insidious attack on the civil service. If the civil service laws and regulations are to be disregarded and civil service employees are to be dismissed without hearing and without even an explanation except the very general, indefinite, and misleading statement that it is "for the good of the civil service," then no civil service employee, high or low, whatever may be his record, can feel safe under this administration unless he is backed by powerful political support. The Attorney General several days ago offered some very severe criticisms of the civil service. From his statement we are certainly justified in believing that he is hostile to the civil service and that he would, if he could have his way, return to the old spoils system of choosing even the minor clerks in his department. The newspapers tell us that he was one of two high officials who were present and advising with the President when this order was signed at 6.45 o'clock on Friday evening. It is singular that the head of the Treasury Department, in which this bureau is located, and none of his assistants were reported to have been present at this conference. Is the country to be left to understand that the President indorses the sentiments of the Attorney General? Without reference to the merits of the civil service, the country is certainly entitled to know, and in the interest of ordinary and common decency and simple justice these dismissed officials are entitled to know just why they have been separated from the service. [Applause.] The gentleman from Virginia [Mr. MOORE] has introduced a resolution, which I understand has been referred to the Committee on Rules, asking that an investigation be made by a special committee to be appointed by the Speaker as to just what these officials have done and just what were the reasons for their dismissal.

I hope that the majority will be fair enough to these men and these women who have served their country so faithfully, and to these ex-veterans of the World War and the Spanish-American War, to permit that resolution to be reported out and adopted, so that the country may know just why this action was taken. [Applause.]

Mr. CLOUSE. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. CLOUSE. The gentleman has been speaking of ex-service men. I recall a case that occurred over at Nashville, Tenn., some three years ago in appointing a postmaster, where an ex-service man stood at the top of the list, but an astute politician in the person of Charles McCabe was appointed postmaster. I wonder if the gentleman indorsed Mr. McCabe or the ex-service man.

Mr. BYRNS of Tennessee. I want to say to the gentleman that I did not indorse Mr. McCabe, but, on the contrary, I did everything in my power, as several gentlemen on this floor know, among them the gentleman from South Dakota [Mr. JOHNSON], to bring about the appointment of Mr. Webster, the ex-service man. [Applause.] I repeatedly urged his appointment.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. The gentleman from Tennessee always believes in clean and efficient government. He has made a very fine defense of some of the men who were removed from office.

If it should later develop that any of these men were removed from office because of neglect of their official duties or such grave misconduct as would occasion great financial loss, the gentleman from Tennessee would not attack that action?

Mr. BYRNS of Tennessee. Undoubtedly I would not. But the letter of the President and the statements made by the Secretary of the Treasury clearly refute any such suggestion.

## MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stat. p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 7870. An act for the relief of I. C. Johnson, jr.;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 2558. An act for the relief of Richard P. McCullough; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1945. An act to reimburse the Navajo Timber Co. of Delaware for a deposit made to cover the purchase of timber;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington;

S. 288. An act for the relief of John T. Eaton;

S. 1087. An act for the relief of H. L. McFarlin;

S. 2992. An act authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor;

S. 534. An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913;

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; and

S. 289. An act for the relief of Kate Canniff.

## DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL, 1923.

The committee resumed its session.

Mr. HUSTED. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, during the debate yesterday on the conference report, particularly on the item relating to salaries of certain officials of the Shipping Board, the gentleman from Virginia [Mr. HARRISON], in charge of the conference report on the minority side, stated that so far as he knew no salaries had ever been paid to Government officials as high as \$35,000. I stated at the time that my impression was that certain officials of the railroads in the last administration were paid as high, if not higher, salaries. The gentleman from Virginia thought that statement was not accurate. I find on investigation that it was entirely accurate. I read from the statement of the comptroller of the railroads as to the salaries in force on May 31, 1919.

The regional director of the eastern region received a salary of \$50,000. The assistant regional director and the district director of the eastern region each received a salary of \$35,000. The regional director of the Allegheny region received a salary of \$50,000.

The regional director of the Pocahontas region received a salary of \$40,000. The regional director of the southern region received a salary of \$40,000. The regional director of the northwestern region received a salary of \$50,000. The regional director of the central western region received a salary of \$50,000. The regional director of the southwestern region received a salary of \$50,000.

In other words, there were nine Government officials a very few years ago who were receiving as high or higher salaries than those complained of now. I simply state that in order that the country may be informed and will understand that the salaries being paid now are not unprecedented in recent years. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. OLDFIELD. Will the gentleman yield?

Mr. LONGWORTH. I would if I had the time.

Mr. HUSTED. Mr. Chairman, I yield one minute to the gentleman from California [Mr. LINEBERGER].

Mr. JOHNSON of Kentucky. I yield 20 minutes to the gentleman from California.

The CHAIRMAN. The gentleman from California is recognized for 21 minutes.

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. HUSTED], as usual, has made a very careful and analytical report of the bill. I notice, however, on page 25 that for the bringing home of criminals—for the actual expenses incurred in bringing home criminals from foreign countries, persons charged with crime—there is an appropriation of only \$2,000. On page 43 of the same bill I notice that there is another item at the end of the paragraph for penal institutions, line 22, the following:

Expenses incurred in pursuing and identifying escaped prisoners and for rewards for their capture, \$90,000.

I am very sorry, indeed, that there is not at this time any probability of expending any part of either of these amounts of money in bringing home that arch slacker, Grover Cleveland Bergdoll.

Mr. HUSTED. Will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. HUSTED. The \$90,000 item covers very many other objects than that mentioned by the gentleman from California.

Mr. LINEBERGER. I understand that even though the item of \$90,000 would cover other items, no part can be expended for bringing home Bergdoll inasmuch as he was never committed to the Federal prison at Fort Leavenworth. Many Members of this House remember that early in the last session the chairman of the Military Affairs Committee, the Hon. JULIUS KAHN, introduced a resolution reported to the House on the 18th of April, 1921, House Resolution 12, which authorized an investigation of the escape of this nationally famed slacker, whom I trust will soon be apprehended and brought home to justice.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. CONNALLY of Texas. The difficulty about bringing him home is that you have got to catch him first.

Mr. LINEBERGER. I expect to touch upon that shortly.

Mr. CONNALLY of Texas. I hope the gentleman will.

Mr. LINEBERGER. Let me read the resolution which I shall insert in the RECORD. It is as follows:

Whereas one Grover Cleveland Bergdoll, recently convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States Disciplinary Barracks at Fort Jay, N. Y., has escaped from confinement; and

Whereas charges are made, and there is reason to believe, that a plot and conspiracy existed among and between divers and sundry persons, unknown, to consummate the escape of the said Bergdoll from confinement under his said sentence: Therefore be it

Resolved, That a select committee of five Members of the House be appointed by the Speaker of the House to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said Bergdoll, and particularly to determine whether relatives, friends, counsel, or attorneys of the said Bergdoll participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture; or whether officers, noncommissioned officers, or privates of the Army or other persons connected with the Army or with the administration of the said disciplinary barracks or any other person participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture or were derelict in the performance of any duty devolved or devolving upon them which contributed to making said escape possible or prevented or hindered recapture or made it more easy for the said Bergdoll to elude recapture.

That the committee so appointed may conduct such investigation by subcommittee or otherwise, may hold sessions during the recess of the House, may employ whatever assistance, either clerical or legal, it may deem necessary to aid in conducting said investigation, may administer oaths, may summon and compel the attendance of witnesses and the production of papers and documents, may employ a stenographer or stenographers to report the same, and have the reports of said hearings printed for use.

That any and all expenses in connection with such inquiry shall be paid out of the contingent fund of the House upon vouchers to be approved by the chairman of the committee and by the Committee on Accounts: *Provided*, The expenses of said investigation shall not exceed the sum of \$10,000.

That said committee shall report its findings to the House at the earliest possible date, together with such recommendations as it shall deem pertinent and advisable.

As the House well knows, some of the most distinguished Members of the House were appointed on that committee. John A. Peters, of Maine, no longer a Member of the House, was appointed chairman. CLIFTON N. McARTHUR of Oregon, OSCAR LUHRING of Indiana, the late lamented and distinguished Member of the House, Henry D. Flood of Virginia, and BEN JOHNSON of Kentucky. On further investigation we find that this committee on the 18th of August last filed a report, No. 354, which contains a majority and minority report.

Upon further investigation we find that that report now lies in that shrouded mausoleum of bills, the House Calendar, and the Lord only knows when it will come up. There is no question but that the people of this country are very much interested in knowing what action this House proposes to take upon the recommendations set forth in that report. I find that very defi-

nite recommendations were made by the majority members signing the report. On page 33 I quote as follows:

While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Creeson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions, and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of \$3,600 a year. It becomes a serious question who is to pay this lifelong reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

Gentlemen of the House, I am not here to discuss the merits or the demerits of the recommendations made in this report. I simply desire to bring to your attention the fact that certain definite recommendations have been made upon the part of the majority membership. Referring now to the report of the minority membership of that committee, on page 51, I find the following:

The \$5,000 retainer paid Ansell & Bailey was payment for legal services and probably had no influence on the part played by Messrs. Ansell & Bailey in making possible the treasure hunt which led to the eventual escape.

That is one of the conclusions reached by the minority, which would seem at least to not discredit or impugn the motives of Ansell so far as his interest in accepting this fee was concerned.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. JOHNSON of South Dakota. As I understand it the gentleman is simply insisting that this report be brought before the House for action at once, as soon as it can be reached, and is not interested in the conclusion as to the guilt or innocence of anyone. Am I correct in that?

Mr. LINEBERGER. The gentleman is partially correct, inasmuch as I am not drawing any personal conclusions in the matter at all. I am simply quoting from the report itself, and trying to impress upon the House the necessity of bringing the matter up at the earliest possible moment. Naturally, I desire to see justice meted out to everyone guilty in this national tragedy of errors, which has well-nigh become a national disgrace.

Mr. JOHNSON of South Dakota. I want to say to the gentleman that I am in hearty accord with him upon that. I believe some action ought to be taken looking to a decision of the House upon the questions involved.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. MANN. What action could the House take on this report?

Mr. LINEBERGER. Inexperienced as I am in parliamentary matters, it would seem to me that after consideration and debate of the reports rendered by the majority and the minority membership of that committee, it would be proper for this House to pass a resolution recommending, if it saw fit, certain action on the part of the War Department, with a view to carrying out certain recommendations to which it might desire to commit itself or of those of one or the other of these reports.

Mr. MANN. The committee did not report any resolution, did it?

Mr. LINEBERGER. The committee has not reported a resolution, but the majority did make certain recommendations in its report.

Mr. MANN. If a resolution were introduced under the rules, would it not have to go to another committee of the House for consideration?

Mr. LINEBERGER. It would, but it is very unlikely that a resolution of any kind whatever will be introduced until the report itself is debated upon the floor of the House. I first want to get the report off the shelf, where it has been so peacefully reposing for the past eight months. I hope the gentleman from Illinois now understands what I am driving at.

Mr. MANN. Why does not the gentleman introduce a resolution which he thinks ought to be passed and have it referred to the appropriate committee, and see if the committee will report it out?

Mr. LINEBERGER. Because I desire that this report be brought up on the floor of the House and debated, so that the merits or the demerits of the report may be ascertained by the House, and I have no doubt that if the majority report is

sustained after debate that such a resolution will be introduced either by myself or some other Member.

Mr. MANN. If the gentleman will pardon me for taking up his time, if we could have the report brought up and have somebody talk about it for some time as we do here in general debate and it would end there, then there would be nothing that the House could do.

Mr. LINEBERGER. But it is entirely proper for the House to pass a subsequent resolution making certain recommendations based on the report, as I understand it.

Mr. MANN. The gentleman may be correct, though I doubt whether the House can pass a resolution which has not been introduced without having it referred to the appropriate committee for consideration. Such a resolution can be introduced by any member.

Mr. LINEBERGER. I do not think the gentleman will question in the least that the people of the country, the patriotic American people who sent 4,500,000 of their sons out to fight the battles of this Nation in 1917-18, are very much interested in knowing the real facts in this iniquitous Bergdoll matter.

Mr. MANN. Does the gentleman think the country would learn the real facts because a few Members talked for four or five hours on the report here some afternoon?

Mr. LINEBERGER. They would be as likely to learn the real facts from a discussion of that kind as they are from some of the other discussions that I have heard on the floor of this House, in which various gentlemen, including the distinguished gentleman from Illinois, have taken part.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. CONNALLY of Texas. What does the gentleman think of the proposition of introducing a resolution of inquiry asking the department or the President to state what steps, if any, have been taken by the proper department of the Government?

Mr. LINEBERGER. I am not here to dictate to the House. I do think this report ought to be brought up here and debated in the open before the country. The people of the United States want action on this thing, and they are not pleased by having it set aside on the inactive House Calendar, where it will probably never be brought up. What we want is action. If the men who fought the battles of this country in the World War had spent their time in delaying and further delaying matters, the war would never have been won. What we want is some action on this matter.

It has been placed on the House Calendar, and I have no desire whatever to lecture or to censure the Members of the House or the Speaker of the House or anybody else connected with the matter, but what I want is to see that justice is satisfied. And justice will never be satisfied until this matter is gone over from top to bottom. The American people are not going to stand for any whitewashing in this matter. If these gentlemen are guilty, Congress should make certain recommendations and publish them to the country, as far as it may be possible to do so. If they are not guilty, they should be cleared for all time of the charges and the insinuations which are carried in the majority report.

I was very sorry indeed at the time this committee was named that there was not at least one ex-service man placed upon it. I have never believed, nor do I believe now, in group or bloc representation in the House of Representatives, particularly so far as ex-soldiers are concerned.

Every man who is here and who incidentally served his country during the time of war has enough of honor in his inner consciousness of duty performed, but I do believe, in a vital matter of this kind, that the experience and knowledge of some ex-service men should have been brought to bear upon the investigation. I do not make that statement with a view of criticizing any of the gentlemen who formed the committee of five.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LINEBERGER. I yield.

Mr. JOHNSON of South Dakota. I understand the chairman of the Committee on Military Affairs, Mr. KAHN, specifically requested several times that an ex-service man be appointed as a member of the Bergdoll committee. Does the gentleman know any particular reason that made the Speaker of the House so insistent in prohibiting any ex-service man being on that committee?

Mr. LINEBERGER. I do not. I heard the same thing at the time, and Mr. KAHN, the chairman of the Committee on Military Affairs, and dean of the California delegation, told me personally he would make such a request. However, the Speaker saw fit to do otherwise, and was acting entirely within his prerogatives in so doing. After he named the committee I did not criticize him, nor do I seek to do so at this time. I am

sorry that no ex-service man or men were included in the Speaker's nominations for this important committee.

Mr. FISH. Will the gentleman yield?

Mr. LINEBERGER. I will.

Mr. FISH. I remember that the gentleman from California [Mr. KAHN] requested that all members be ex-service men.

Mr. LINEBERGER. Be that as it may, I do not know whether or not that would have facilitated the discussion of this report after it was rendered.

I hope, gentlemen, that in the very near future, by some means or other, the gentleman in charge of getting this report onto the floor of this House will see that it is resurrected from the mausoleum where it lies, and that it be brought on the floor of this House, and that sufficient time will be given for thorough and intelligent debate. And I think that after such debate has been had, the gentlemen who are charged, by inference at least, will have a chance through their friends and those who view the matter from the opposite side of the situation to clear their skirts. At least, the American people and the ex-service men of the Nation, I assure you, are desirous of having this matter thrashed out and thrashed out at the earliest possible moment. [Applause.]

Mr. Chairman, I yield back the rest of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. LINEBERGER. I insert herewith the report of the committee.

[House Report No. 354, Sixty-seventh Congress, first session.]

ESCAPE OF GROVER CLEVELAND BERGDOLL.

Mr. JOHNSON of Kentucky, from the Select Committee to Investigate the Escape of Grover Cleveland Bergdoll, submitted the following report:

On the 18th day of April, 1921, the House of Representatives adopted House Resolution 12, reading as follows:

"Whereas one Grover Cleveland Bergdoll, recently convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States disciplinary barracks at Fort Jay, N. Y., has escaped from confinement; and

"Whereas charges are made, and there is reason to believe, that a plot and conspiracy existed among and between divers and sundry persons unknown to consummate the escape of the said Bergdoll from confinement under his said sentence: Therefore be it

"Resolved, That a select committee of five Members of the House be appointed by the Speaker of the House to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said Bergdoll, and particularly to determine whether relatives, friends, counsel, or attorneys of the said Bergdoll participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture; or whether officers, noncommissioned officers, or privates of the Army or other persons connected with the Army or with the administration of the said disciplinary barracks or any other person participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture or were derelict in the performance of any duty devolved or devolving upon them which contributed to making said escape possible or prevented or hindered recapture or made it more easy for the said Bergdoll to elude recapture.

"That the committee so appointed may conduct such investigation by subcommittee or otherwise, may hold sessions during the recess of the House, may employ whatever assistance, either clerical or legal, it may deem necessary to aid in conducting said investigation, may administer oaths, may summon and compel the attendance of witnesses and the production of papers and documents, may employ a stenographer or stenographers to report the same, and have the reports of said hearings printed for use.

"That any and all expenses in connection with such inquiry shall be paid out of the contingent fund of the House upon vouchers to be approved by the chairman of the committee and by the Committee on Accounts: *Provided*, The expenses of said investigation shall not exceed the sum of \$10,000.

"The said committee shall report its findings to the House at the earliest possible date, together with such recommendations as it shall deem pertinent and advisable."

Under that resolution the Speaker appointed the following special committee: Messrs. John A. Peters, Maine; Clifton W. McArthur, Oregon; Oscar R. Luhring, Indiana; Henry D. Flood, Virginia; and Ben Johnson, Kentucky.

The committee held hearings on April 29, May 2, 3, 4, 9, 10, 11, 12, 13, 17, 18, 19, 23, and 24, and again on July 19, 22, 23, and 25, the latter hearings being for the purpose of inquiring into the conduct of Maj. Bruce R. Campbell. From the evidence and testimony given in those hearings the following report is made by the undersigned, a majority of the committee, to the House of Representatives:

A very brief statement of the case under investigation is as follows:

Grover C. Bergdoll, now about 28 years of age, was subject to the draft made during the recent World War. He evaded the draft, became a fugitive as a slacker, and continued such for something more than a year and a half. During that time he was in the United States, and frequently sent taunting and defiant letters to the highest authorities of our Government. His residence was in Philadelphia.

After the armistice was declared young Bergdoll returned to Philadelphia; and, it seems, spent at least a part of his time at his residence there. Just prior to January 7, 1920, the authorities received information to the effect that for several weeks he had been at one or the other of some four or five residences in or near Philadelphia. On the morning of the 7th of January, 1920, officers went to each of these residences, surrounded them, and made search of the several premises.

When the officers went to the residence owned by Grover C. Bergdoll, his mother refused them admittance, although the officers had a search warrant with them, and so told her. After spending considerable time endeavoring to get into the house, one of the officers placed his pistol against the door lock and shot it off. When, in this way, they had gained entrance into the house they were confronted by Mrs. Bergdoll, who held them off with an automatic pistol. However, they managed to get that away from her and then proceeded to search the house. When every part of the house had been searched and they were about to leave without finding Bergdoll, one of the party lifted up the top of a small window seat and found Bergdoll concealed therein, although it seemed next to impossible for a man of his size to get into such small space.

When Bergdoll had come out of the window box he was handcuffed to one of the officers, and another of the officers kept the key to the handcuffs. In this manner he was transported to Governors Island at New York, where the Government had a military disciplinary prison in charge of Maj. John E. Hunt. In due course of time he was tried, convicted, and sentenced to five years' imprisonment for violating the draft laws.

Under usual circumstances he would have been sent immediately to Fort Leavenworth, Kans., to begin serving his term. However, under one pretext or another, his being sent to Leavenworth was deferred. On May 20, 1920, he was permitted to leave the prison at Governors Island, accompanied by a guard composed of two sergeants, for the alleged purpose of going into the mountains of western Maryland to secure something more than \$100,000 in gold which he claimed to have buried there. When he reached Philadelphia on that pretended mission he made his escape, drove through the country in an automobile, accompanied by one Ike Stecker, to the Canadian line, there abandoned the automobile, and went to Winnipeg, Canada. At that place, by false representations, he secured passports for himself and Stecker to London, from which place they found their way to Paris and thence into Germany, where, according to the best information, they still are.

Shortly after Bergdoll's incarceration at Governors Island it was urged that he was of unsound mind, and therefore should be released. However, he was declared to be of sound mind.

Next, habeas corpus proceedings were instituted for the purpose of securing his release. The writ of habeas corpus failed to bring his release. Having been convicted, and both the insanity plea and the habeas corpus proceeding having failed, some other means of securing his escape had to be resorted to.

Until that time D. C. Gibboney, of Philadelphia, was chief counsel for Bergdoll. It is generally conceded that Gibboney was not much of a lawyer, but more of a practical manager for better lawyers. It is in evidence, and undisputed, that Gibboney, representing Bergdoll, sought to employ Judge John W. Westcott, a very eminent New Jersey lawyer. Westcott denies vigorously that he ever accepted the employment, while Gen. Samuel Tilden Ansell and his partner, Edward S. Bailey, testified emphatically to the contrary.

It is admitted that Judge Westcott wrote a letter to the Secretary of War stating that he—Westcott—was "enormously" interested in Bergdoll's court-martial trial, and would be glad to have the Secretary of War give his personal attention to the case. The Secretary of War courteously replied, but said that the case had not come to his personal attention, and would not unless it reached him through the regular course of business.

It is also admitted that upon a certain occasion Gibboney gave Judge Westcott a \$1,000 bill in payment of "a" fee. Judge Westcott denied that it was in payment of any fee on account of any employment by Bergdoll, stating that it was in payment of other employments.

Mrs. Bergdoll testified that at one time she paid Gibboney \$10,000 in currency. While she would not state that she ever

gave Gibboney a \$1,000 bill, she did state that she kept large sums of money in her house, and that upon different occasions she had had many \$1,000 bills. Putting those circumstances together it is possible that the \$1,000 bill which Judge Westcott received was paid to Gibboney by Mrs. Bergdoll and then by Gibboney to Judge Westcott, but not necessarily on account of Bergdoll.

After Bergdoll had finally escaped and had fled the country the grand jury was about to meet in Philadelphia for the purpose of returning indictments against all those engaged in the conspiracy through which Bergdoll escaped. Either just prior to the meeting of the grand jury or during their sittings Judge Westcott wrote a letter to the Attorney General of the United States confidently expressing the opinion that Gibboney was as innocent of any part in the conspiracy as an unborn child.

That letter was forwarded by the Attorney General to the district attorney at Philadelphia. Gibboney was not indicted.

The law firm of Ansell & Bailey was employed in April, 1920, by Gibboney to represent Bergdoll in an effort to have the court-martial conviction reversed or set aside.

As already stated, both Ansell and Bailey testified that Westcott was counsel, but only in "an advisory capacity," or as "advisor of Mr. Gibboney." General Ansell fell out with Judge Westcott over this question and quit speaking to him because of differences in their statements concerning it. But their falling out has nothing to do with the real issue in the case. Westcott contended for none of Ansell's fee. He merely declined to claim any of the honors (?) accompanying the victory won, not through the courts but through the gold-hunting expedition.

For the purposes of this investigation it is not deemed important whether Judge Westcott was a regularly employed and paid counsel for Bergdoll, or whether as a friend to Gibboney he merely was counseling him. But it can not be disputed that he was acting in either one or the other of those capacities. Neither is it considered important whether General Ansell knew in which of these two capacities Judge Westcott was acting, as General Ansell could have made and did make the same use of Judge Westcott regardless of the capacity in which he was acting.

It is interesting to know that General Ansell, until a short time before his employment in the Bergdoll case, had been an officer in the Regular Army of the United States for about 25 years; and that during the war he was the next officer in authority to General Crowder, the Judge Advocate General. However, during the war General Crowder was more directly concerned and employed in preparing and executing the draft law, thus virtually leaving General Ansell as the Judge Advocate General.

At the time above indicated General Ansell resigned from the Army and associated himself with the law firm of Ansell & Bailey, making a specialty of military law.

Somebody conceived the idea of concentrating Gibboney's cunning and energy, Westcott's influence with the then administration, and Ansell's standing with the Army officials into one general scheme of defense or escape. Each of these three agencies—purposely or unwittingly—was effectively and concertedly at work at the same time on either one or both of these two propositions.

It was known to Gibboney, Westcott, and Ansell that during the preceding October and November Mrs. Emma C. Bergdoll, the mother of the draft dodger, had, in full compliance with law, exchanged \$105,000 in currency for that amount in gold at the Treasury of the United States, which gold she claims to have buried. It must be that the mind of one or more of the attorneys just mentioned turned to Mrs. Bergdoll's alleged buried gold, and, upon that story, built the one to which reference is made in a letter sent by General Ansell to Adjutant General Harris, dated Tuesday, May 11, 1920. That story was not used by any of the Bergdoll attorneys, nor did it have any semblance of plausibility until General Ansell was employed in the case, nor until it had been colored and recolored by his fertile imagination.

It is admitted that General Ansell called upon Adjutant General Harris in the afternoon of May 11, 1920, and that later that afternoon, at his office, dictated a letter to Adjutant General Harris relative to the conversation which they had just had about Bergdoll's release. That letter as dictated seems not to have been sufficiently strong for General Ansell's purposes. Consequently he directed Miss Sisson, his stenographer, not to typewrite the letter until the next morning. General Ansell that night, at his home, with lead pencil, wrote out another letter. Next morning that was typewritten by Miss Sisson, signed by General Ansell—not by the firm of Ansell & Bailey—and sent to The Adjutant General.

Miss Sisson, the stenographer, preserved her shorthand notes of the letter dictated on the afternoon of May 11, 1920. That

letter was not sent. In her testimony before the committee she read those notes and reduced them to typewritten copy, reading as follows:

"MAY 11, 1920.

"MY DEAR GENERAL HARRIS: I wish to confirm, in this informal way, the statement I made to you a few moments ago orally in support of the request that I am making of you and the Secretary of War. I am counsel for Grover Cleveland Bergdoll, a so-called draft deserter, now in imprisonment at Fort Jay pending the review of his case by the War Department. Bergdoll is represented in Philadelphia by Mr. D. C. Gibboney, a gentleman of the highest standing in that city and a lawyer of unquestioned probity. Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney.

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief. In view of the fact that Mr. Gibboney believes Bergdoll's statement to be true, and in view of the numerous circumstances tending to support it, I myself believed it to be credible and such as to justify counsel in making of the department this present request.

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family.

"The motive for his action was probably complex and not easily understood, but I am advised that at different times he took two large sums of money in gold coin and placed them in large metal containers; one, I am advised, he left with some person in western Maryland. This has been recovered. The other, Bergdoll states, he took, all alone, and buried it in an out-of-the-way place on some mountain side, at a place within a day's railway travel from this city. This sum amounts to about \$150,000 gold coin. He is quite unable to direct Mr. Gibboney or me how to find it, and, of course, assuming his statement to be true, it can be found only by him in person. He is now thoroughly perturbed with the apprehension that he may never recover it and is intensely anxious to be permitted to go with counsel and under guard to find it. He wishes to recover it and turn it over to some proper custodian for safe-keeping and investment.

"And such is my request. Upon all the facts before me, it seemed entirely reasonable to me, and so it seemed to you. I hope and believe it will seem so to the Secretary. I do not desire to ask the privilege, but only that which is necessary for this man to conserve what is his. There can be no danger of escape. The department will, of course, send such guard as it sees fit, and all expenses will be borne by us. In addition, I shall hold myself, as counsel, responsible for the safe return of this prisoner to his place of confinement and that no advantage will be taken of such leave as is granted other than that which is the object of this request.

"May I ask that this communication, for the time being, will be kept within the knowledge of you and the Secretary alone, and may I ask you to take it up at your very earliest convenience with Mr. Baker and let me know the result?

"With very kindest regards, I am,

"Very sincerely yours."

The general tenor of the above letter, which was not sent to General Harris, should, by all means, be compared with the one which was sketched out that night with lead pencil, and which was sent the next day to General Harris. The charges made were most adroit and clever; were not authorized by other counsel in the case whose names were used; in some instances were not warranted by the facts.

The letter actually sent reads as follows:

ANSELL & BAILEY, ATTORNEYS AT LAW,  
SUITES 710-712, RIGGS BUILDING,  
Washington, D. C., May 11, 1920.

MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of the reasons therefor.

This man, in virtue of his conviction and sentence as a so-called "draft deserter," is now imprisoned at Fort Jay pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

This young man was reared fatherless under family conditions which, even when partially revealed, threw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From the father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his actions in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money, which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune (\$150,000), in a lonely spot on a mountain side, distant about a day's journey from this city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping, all expense to be borne by us.

We are requesting no privilege, only the necessary liberty of action, under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel I stand responsible for his prompt return to prison, without advantage to him other than that involved in the object of his request.

I hope this request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and, further, that you notify me personally at the first practicable moment after you have decided upon this request?

With kind regards for your many courtesies, I am,  
Sincerely,

S. T. ANSELL.

The purpose of these changes is obvious when the two papers are compared and the end to be accomplished considered.

In the first sentence of the letter, which was not sent and which afterwards was pruned and put into more seductive form, he made the request of both General Harris "and" the Secretary of War, while the letter which was actually sent used this language:

"It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary."

If the letter had been sent as first written, it would have been necessary that the request go to the Secretary of War. The second letter—the one that was sent—merely expressed the hope that the request might seem reasonable to the Secretary, but omitted the specific request that the matter be referred to the Secretary.

Another sentence in the letter which was not sent reads as follows:

"Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney."

That sentence was changed to read as follows in the letter that was sent:

"His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows."

General Ansell is a man of extraordinary native ability, wonderfully improved by training and education. No man better knows the exact use of words and their effect than does he. The conclusion is irresistible that General Ansell was then using with emphasis the name of Judge Westcott to bring influence to bear upon the Secretary of War, should the communication ever reach him, and just as certainly to bring to bear additional influence with General Harris.

Also, in the letter first dictated, he said that Judge Westcott was "adviser of Mr. Gibboney." That expression or assertion is left out of the letter which was sent. Is it possible that

General Ansell, even at that time, was giving more or less thought, with the view of later dividing responsibility, to the attitude of nonemployment which Judge Westcott assumed? Westcott admitted that he "advised" with Gibboney, but denied that he was employed by Bergdoll, and there is no contradictory proof.

In the letter which was not sent General Ansell used this language:

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief."

Upon consideration by General Ansell that language must have appeared too strong. No doubt he was apprehensive that that language might raise with General Harris a question as to the plausibility of the whole story. In that language General Ansell stated, in substance, that Gibboney and Westcott had conferred with him about a situation which "would hardly justify belief." So, if the story about which Ansell, Gibboney, and Westcott "conferred" would "hardly justify belief," it must be changed, if General Harris was expected to accept and act upon it. Then General Ansell's statement was changed into being such a plausible one that all of them—including Ansell—believed the story; and, in consequence, were "impelled" to make the request.

The changed or altered statement reads as follows:

"These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request."

When General Ansell dictated the statement that "would hardly justify belief," that statement being the result of a conference with Gibboney and Westcott, one must wonder whether or not those two gentlemen, or either of them, consented to the change from lack of belief to one so certain that they were "impelled" by it to ask for Bergdoll's release. It is a self-evident fact—the others not being in Washington—that Ansell made the change without consulting the others. He attributed to each of them a "belief" which, perhaps, neither entertained. In the first draft it is not stated that either believed the story, but in the second all are represented as believers in it.

It is interesting to note the reasons assigned by General Ansell for the burial of the gold. In the letter not sent he uses this language:

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matter. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family."

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergdoll:

"This young man was reared fatherless under family conditions which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his action in the instance I now speak of."

In the letter not sent, General Ansell speaks of certain vague "family difficulties," which "seem" to have caused Bergdoll to desire a physical control of his property. These paragraphs clearly illustrate the difficulties, which even the astute mind of Ansell could not overcome, in giving adequate and sufficient explanation of the motives which prompted Bergdoll to bury the gold. Some excuse for this conduct had to be given, and the labored efforts of Ansell have only tended to make confusion worse confounded.

The letter which was not sent used the language: "There can be no danger of escape." That was changed in the letter which was sent to: "This prisoner has no desire to escape." That change makes the statement stronger to General Harris, and also lays the foundation for denial of personal responsibility in the future for counsel not attending the expedition.

It should be noted that General Ansell did not merely express the opinion that the "prisoner has no desire to escape." Instead he made the unqualified statement to that effect. How did he know the prisoner had no desire to escape? According to his own admissions he then had had no communication with

the prisoner relative to the expedition for the buried gold, and consequently no direct information upon which to base that statement as fact. It may be that the other attorneys who consulted with General Ansell about the release to get the alleged buried gold agreed to the statement that "there can be no danger of escape"; but it is possible, at least, that they would not have approved the statement as fact that Bergdoll had "no desire to escape." The former statement, no doubt, was based on the then, but afterwards violated, arrangement that one of counsel was to accompany the expedition; that the prisoner was to be handcuffed; that a commissioned officer was to go along, and that the guard was to be both ample and properly instructed.

The first proposition accompanied by the foregoing considerations is quite different from the one that "the prisoner has no desire to escape," especially since each and every one of the conditions just related were to be utterly disregarded.

It is going a long way for one of the counsel to make such a wide departure from the original statement without having the approval of the counsel whose names were used in the communication conveying the changed representations.

In the letter which was sent there is something that does not appear in the one which was not sent. That language is this:

"He (Bergdoll) is now wrought with fear and anxiety lest he may not recover the money, and accordingly earnestly asked me (Ansell), other counsel joining him, to endeavor to arrange it that he (Bergdoll) may go, under guard and with his counsel, to recover the money and place it in safekeeping, all expenses to be borne by us."

When it is considered that General Ansell stated that he had no communication with Bergdoll after he saw him at Governors Island on April 17, when, according to General Ansell, no mention was made of the proposed search for the buried gold, was very remarkable, to say the least.

It will be noticed that General Ansell says in the above quotation that Bergdoll earnestly asks him to endeavor to arrange it so that he (Bergdoll) may go, under guard and with his counsel, to recover the alleged buried gold.

If at that time General Ansell had had "no communication" with Bergdoll relative to the matter, how is it possible that Bergdoll so "earnestly" made that request of him? General Ansell can not claim that that request was conveyed to him through either Gibboney or Westcott, for the reason that he himself says in the above-quoted paragraph that the request was made by Bergdoll, "other counsel joining him" in the request. Nothing of that sort was said in the letter which General Ansell dictated to his stenographer immediately after he left General Harris on May 11. That must have been an afterthought, originating in his own mind and not warranted by the statement of either Gibboney or Westcott.

In both letters—the one which was not sent and the one which was sent—General Ansell stated that he would be responsible for the return of the prisoner.

General Ansell in his testimony repeated several times the statement that General Harris "did not expect" him to accompany Bergdoll on the expedition, but that he did expect some one or more of counsel to accompany it. Both General Ansell and his partner, Mr. Bailey, testified that the agreed arrangement was that Mr. Bailey was, at least, to meet the expedition at Hagerstown, Md., and accompany it during the remaining 20 or 25 miles of the proposed journey to the spot where the gold was said to be buried. The law firm of Ansell & Bailey was employed by Bergdoll, but General Ansell did not pledge the firm to see to it that Bergdoll was returned. Instead, the pledge was General Ansell's personal one.

It has been admitted by General Ansell and by everybody else who testified upon that point that at least one of Bergdoll's attorneys was to accompany the expedition.

General Ansell himself did not state that he told General Harris that he himself would not accompany the expedition. He merely expressed the opinion that General Harris "did not expect" him to do so. If General Ansell himself was not to go, but counsel was to go, then the question arises: Whom did General Harris "expect" would go? Neither of General Ansell's letters—the one which was sent nor the one which was not sent—indicates that Westcott was to go. In the letter which was sent Westcott is referred to as an attorney "in a consulting capacity," while in the one which was not sent Westcott was referred to as an "advisor of Mr. Gibboney." In addition, Westcott is an old, palsied man, not physically equal to the trip outlined by General Ansell.

General Ansell himself did not in his testimony make even the slightest claim that Westcott was to go. Therefore, according to General Ansell, not attorney except Gibboney or Bailey could have been expected to go. General Ansell says he himself

did not contemplate making the trip; and since he knew that Judge Westcott could not, if he would; and, further, since he knew two days and two nights before the expedition started that his partner, Mr. Bailey, was not going, he was bound to know that the only one of counsel who might possibly accompany the expedition from beginning to end was Mr. Gibboney.

General Ansell knew several days in advance that the expedition would start May 20; and he knew that Gibboney himself did not contemplate making more than a part, if any, of the journey. So there is no escape from the conclusion that General Ansell knew, at least two days and two nights before the journey started, that his pledge made to General Harris in this respect was to be violated.

When General Ansell was on the witness stand the question was put to him a number of times, and by different members of the committee, to indicate at least one specific act done by him looking toward the redemption of that pledge. To each and every one of those questions he was either nonresponsive or evasive. To some of them he replied, in substance, that he had sought to have Bergdoll recaptured after the escape had been accomplished. In other words, all that he specifically claimed to have done was to undertake to lock the stable door after the horse had gone. He plead, in extenuation, after Bergdoll had escaped, that he offered a reward for his recapture. If he had been recaptured and the reward had been claimed, no doubt every one of the many who furnished information here and there would have claimed all or part of the reward, and litigation over it would have been interminable, and the day of payment far in the future, if at all. Then, it is most probable, indeed, that an officer, and not a private citizen, would have made the arrest; and an officer can not maintain a cause of action to enforce the payment of a reward for making an arrest which he should have made regardless of the reward.

The two letters—the one which was sent and the one which was not sent—when taken in connection with all of the other happenings in the case, show that General Ansell was not only taking advantage of his long association in the Army with General Harris, but was actually misleading him into having Bergdoll released for the purpose of seeking the alleged hidden gold. It also is clear that he undertook to use Judge Westcott for the purpose of bringing to bear a political influence upon anybody in the then administration who might be needed to make sure of the gold-hunt release; which, at last, spelled Bergdoll's escape. Then, when Judge Westcott, in response to General Ansell's urging, had not seen the Secretary of War in person, Ansell, still using him, had him write a letter to the Secretary of War asking him to take Bergdoll's case under personal advisement.

It was known to General Ansell that Judge Westcott had put Woodrow Wilson in nomination for the Presidency of the United States, both at Baltimore and four years later at St. Louis, and that Westcott was a personal friend of both the President and the Secretary of War. Knowing that, he took particular pains to inject Westcott's name into the letter which he wrote General Harris; and then, in his presence, had Westcott write a letter to the Secretary of War in Bergdoll's behalf, based upon Westcott's alleged "enormous" interest in the case.

It was made clear that Westcott's services as active counsel in the case were sought by both Gibboney and the Bergdolls, and just as clear that Westcott declined to act in that capacity.

Since Gibboney, practicing only in the civil courts, and Ansell, practicing as an expert in military law, met, it matters little which found the other, or how, as both were on a hunt for the Bergdoll gold, and each got much of it.

After the employment of the firm of Ansell & Bailey, both Ansell and Bailey visited Governors Island and saw Bergdoll, their visits being made at different times. Mr. Bailey returned from Governors Island to Washington and reported to General Ansell at his residence on the night of the 17th of May, at which time it became understood and agreed between them that neither was to go upon any part of the expedition. The question naturally arises that if one or the other of them was to go—and Bailey admits that he had agreed to join the expedition at Hagerstown, Md.—why was there a change of mind just following Bailey's return from a visit to Bergdoll to the effect that neither was to go at all? And, further, why was not General Harris so advised? He was within a stone's throw of them during these two days and two nights. What happened between May 11 and May 17 that did away with the necessity of even Bailey's going? Was information received by either Ansell or Bailey at Governors Island, where Bergdoll was confined under Colonel Hunt, that the gold was not buried at Hagerstown, or that the expedition would not proceed beyond Philadelphia, where Mrs. Bergdoll says the gold was buried and at which point Bergdoll escaped?

The fact has been established by Treasury officials that Mrs. Bergdoll, during October and November, 1920, exchanged \$105,000 in currency for that amount in gold; and it is conceded that she took that gold by automobile from Washington to Philadelphia.

About a month and a half after Mrs. Bergdoll got the \$60,000 in gold, which was the last amount gotten, young Bergdoll was arrested in his mother's house in Philadelphia. Shortly after his arrest and his transfer to Governors Island he there commenced telling about having buried two different amounts of gold. His mother had gotten two different amounts of gold—\$45,000 and \$60,000—and she has testified that she made two different burials of these amounts. She further states that her son neither knew that she had gotten gold nor that she had buried any.

It is admitted by Mrs. Bergdoll that young Bergdoll had been at her house in Philadelphia quite a little between the time she got the gold and the time when he was arrested and taken away to Governors Island. It is strikingly strange that he should be telling his associates in prison and counsel that he had buried two sums of gold, amounting to more than \$100,000, while, if we believe the mother, she had actually buried the two different sums, aggregating approximately the same amount of which Bergdoll himself was speaking.

The conclusion is not an unreasonable one that if Mrs. Bergdoll did bury the gold gotten from the Treasury, and did make two different burials of it, then young Bergdoll must have known of the whole transaction. Otherwise he only imagined or dreamed of a condition that exactly coincided with the undisclosed but actual doings of his mother.

On the 19th of April, 1920, General Ansell prepared a contract fixing the fee which the firm of Ansell & Bailey was to receive as attorneys for Bergdoll. That tentative contract was submitted by General Ansell to Mr. Gibboney for his approval; but Mr. Gibboney declined to approve it. Thereafter, on the 23d day of April, Mr. Gibboney himself, representing Bergdoll with carte blanche authority, submitted a counter tentative contract to General Ansell.

Under the terms of the first tentative contract, Ansell & Bailey, according to the construction put upon it by Mr. Bailey, could have received \$60,000. Still, according to Mr. Bailey, under the tentative counter contract submitted by Mr. Gibboney, Ansell & Bailey could have received \$55,000.

General Ansell stated in his testimony that the tentative contract submitted by Gibboney to him was never executed, notwithstanding the fact that he also stated that the terms of that tentative counter contract were agreeable to him. Now, the question arises: If Gibboney prepared and submitted a paper whereby \$55,000 was to be paid, and that paper was fully acceptable to Ansell, why was it not executed? Gibboney, when submitting the counter contract, was personally present with Ansell. All that was necessary was for both of them to sign it. Something, we know not what, only by surmise, must have become understood between those two men upon that occasion that caused them to abandon the execution of a contract agreeable to them both. But it is certain that after that date, from all the committee has been able to gather, neither the execution of that contract nor any other was ever mentioned or pressed by either of the proposed parties to it. General Ansell had gone to the trouble to prepare a contract for employment, and Gibboney had done the same about a counter one; yet, when their minds met in full agreement, all attempts to conclude the contract were abandoned by both.

For all that the committee really knows, General Ansell was employed by Gibboney to represent Bergdoll only in the then pending litigation between the United States and Bergdoll. General Ansell refused to even look at the first papers until he had been paid \$100, and he refused to have anything to do with the case until he had been paid \$5,000 more. Yet we find him departing from that employment and taking up another important piece of work, that of securing the expedition, without disclosed fee or contract for fee, when the actual work to be done by himself and partner, including the visit to Governors Island and the agreement to accompany the expedition for many miles in a mountainous region, to say nothing of the obligation for the prisoner's return, was bigger and more onerous—besides being fraught with the danger of questionable ethics—than was the original proposition, for which he proposed to charge \$60,000.

The absence of a fee or a contract for one must be significant when taken in connection with one whose ever-first thought seems to have been given to the payment or securing of a large fee.

The suggestion that Bergdoll's escape defeated the collection of the Ansell fee is fallacious. Bergdoll had nearly a million dollars' worth of property within reach with which to pay fees

at any time, either for the preparation of the brief in the military case or for procuring the gold-hunting expedition. Consequently it was not necessary to find the gold in order to get the fee.

Already it has been shown that neither Ansell nor Bailey contemplated going with the expedition after Bailey's return from Governors Island, where he saw Bergdoll two days before the expedition started. The only remaining attorney who might be expected by anybody, even by General Ansell himself, to go upon the expedition was Gibboney, and he even failed to accompany the expedition from New York to Philadelphia.

When Bergdoll arrived at the railroad station in North Philadelphia from Governors Island, Gibboney was there to meet him with a letter of identification from Colonel Hunt. However, Gibboney rode only a few blocks in the automobile with Bergdoll and his guards, when he abandoned the party never to join it again.

Mrs. Bergdoll testified that on the next morning after she received each of the sums of gold she had her chauffeur to drive her away from her residence to a point where she said she buried it. The Bergdolls owned a farm about 11 miles out of Philadelphia. Mrs. Bergdoll stated that she took the gold in her automobile and took along a shovel with which to bury it. She stated that when she had reached the spot of burial she sent her chauffeur away from the automobile to gather apples, and that while he was gathering apples she buried the gold. If that be true, the gold was buried on the Bergdoll farm, and it was not contemplated that the expedition procured by General Ansell was to go beyond Philadelphia. Can it be possible that an ascertainment of the fact that the gold which Mrs. Bergdoll had gotten from the Treasury had been buried on the Bergdoll farm, not far from Philadelphia, caused all of counsel to repudiate the pledge that counsel was to accompany the expedition?

The fact has been established that when Bergdoll and his guard arrived at North Philadelphia, under directions of Mr. Gibboney, who held Colonel Hunt's letter of identification, they went to the Bergdoll residence accompanied by "Judge" Romig and Ike Stecher. Stecher is the man who fled with Bergdoll, and who now is in Germany with him. The further fact has been just as well established that on that very afternoon these same parties drove out to the Bergdoll farm and roamed about over it, instead of going on to Hagerstown, Md., as represented to General Harris by General Ansell would be done.

In view of the foregoing, how is it possible to hold General Ansell blameless? Being 46 years of age, he is just in the prime of all of his abundant faculties. He is both able and alert. Intellectually he is wonderfully endowed; and having spent 25 years in the Army, where he had every phase of humankind to deal with, we must believe that he was fully equipped to counter any attempt at deception upon the part of Bergdoll, Gibboney, or the guards. He was far from being such a novice in the affairs of the world that Gibboney, Bergdoll, Romig, or the guards could have pulled the wool over his eyes and blinded him as to the inevitable result of the expedition which he alone had procured. Anybody who has seen and heard all of those associated, either directly or indirectly, with the plan or manner of Bergdoll's escape, not only must recognize General Ansell as the master mind of them all, but also as their dominating and controlling spirit. He is not the kind of man that will merely follow. Upon the other hand, his is the character of one who must lead. His ability, his experience, have equipped him to lead even the most intelligent of associates.

Bergdoll's escape was the direct result of the proposition submitted by General Ansell to General Harris. Even if General Ansell did not conceive the plan, he presented it and pursued it to its accomplishment. The others had exhausted all remedies known to them as attorneys practicing in the civil courts. It was General Ansell, resourceful and conversant with military possibilities, who must have conceived it.

In fact, Gibboney, Romig, and the Bergdoll family conspiring among themselves were unable to bring about the order for Bergdoll's release. Such, of course, was the object of the conspiracy, but in order to successfully accomplish it it was absolutely necessary to have the active assistance and cooperation of Ansell and Bailey and Colonel Hunt. Without the aid of these latter Bergdoll could not have left Governors Island.

When Bergdoll was arrested on January 7, 1920, as already said, he was taken, in handcuffs, directly to Governors Island, N. Y., and put in charge of Colonel Hunt, commandant of the military disciplinary barracks at that place.

While Bergdoll was confined there, Colonel Hunt was several times apprised of the dangerous character of Bergdoll and of the probability of his attempting to escape. The police authorities at Philadelphia would have Bergdoll's character as a dan-

gerous, reckless fellow. Notwithstanding that advice, Colonel Hunt, according to his own testimony, preferred to rely upon a board of p-s-y-c-h-i-a-t-r-i-s-t-s as to Bergdoll's character.

When Bergdoll was arrested on January 7, 1920, after he had been a fugitive for more than a year and a half, approximately 30 guns and pistols were found in the house in which he was arrested. One of those guns was a rifle equipped with a Maxim silencer. All these weapons were removed from the house by Government authorities. However, immediately after his final escape from the same house on May 21, 1920, it was discovered that the supply had been replenished, as seven shotguns in the meanwhile had been brought in. In addition, there was a pistol or two and a blackjack in the house. After his escape to the Canadian line had been accomplished, and he had abandoned his automobile there, a large revolver and a Lueger repeating pistol were found in his automobile. These facts bear out the Philadelphia police in their opinion that Bergdoll was a dangerous man and would do violence if the occasion for doing so presented itself, the opinion of Colonel Hunt's board of p-s-y-c-h-i-a-t-r-i-s-t-s to the contrary notwithstanding.

Colonel Hunt admitted that he disregarded the admonitions and warnings as to Bergdoll's character and his possible escape; and, instead, relied upon the diagnosis made by his board of p-s-y-c-h-i-a-t-r-i-s-t-s. When testifying in his own behalf during his court-martial trial, and while referring to the warnings about Bergdoll, Colonel Hunt said:

\* \* \* "The weight of those two warnings—the legal obligation contained in them—was just about the legal obligations of a communication from the mayor of Timbuctoo." (P. 260, court-martial trial of Colonel Hunt.)

One of the warnings given to Colonel Hunt was dated March 8, 1920, and was signed by William Weigel, colonel, General Staff. The communication reads as follows:

"1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

"2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when Bergdoll leaves the walls of Castle William, he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island, the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials."

Relative to those warnings Colonel Hunt, in his court-martial trial, testified as follows:

"Q. I asked you if you considered him a dangerous prisoner?—A. During the time of his trial I had more accurate information and was in better position to judge, in my opinion, of the dangerous character of Bergdoll, of his criminal mind, than the judge advocate, than the judge advocate's office, or the judge advocate of the department, or anybody else; I had received full information from a careful and scientific investigation, conducted by a board of officers, who inquired into his sanity. I received information from Major Baker, who was my p-s-y-c-h-i-a-t-r-i-s-t, and I regarded it as absolutely dependable. At the time I received these two communications I knew all about Bergdoll. I had received the official and scientific opinion of an authority in regard to Bergdoll. Those letters were worth to me just as much as they were based on facts, and they were not based on any facts at all. So far as this information was concerned there wasn't anything in that."

That was one of the several instances of his defiance of superior authority in Bergdoll's favor.

In addition to the court-martial trial with which we are now dealing Colonel Hunt was court-martialed three times on the charge of drunkenness. In one of these court-martial proceedings he was sentenced to be dismissed from the service. Appeal was made to President Taft, who, in his usual good nature, commuted his punishment to that of a reduction of 50 fives. Upon one of these three occasions he undertook to anticipate and prevent conviction by making a solemn pledge that he would not indulge in any intoxicating liquors for a period of 10 years. That promise he failed to keep.

There can be no better nor more convincing proof of Colonel Hunt's defiance of authority and ignoring of instructions than is found in his own testimony before his court-martial trial on account of the Bergdoll escape.

Throughout that whole court-martial trial he contended that Bergdoll should have been treated like the least offending prisoner, notwithstanding the information which had been

conveyed to him relative to Bergdoll's dangerous character, and his probable attempts at escape. His contention to that effect was based entirely upon the report of the p-s-y-c-h-i-a-t-r-i-s-t-s, the actual and patent facts to the contrary notwithstanding. Besides Colonel Hunt was conducting the prison on an "uplift" policy. He introduced witnesses to prove in effect that it was better to trust Bergdoll to the extent that he did well-known harmless prisoners than to keep him confined or under close surveillance, as he had been instructed to do.

He resented every suggestion made to him relative to keeping a close watch over Bergdoll. His determination to pursue his own narrow way about things; his ignoring directions and defying instructions from the higher authorities at Washington are not short of being criminal; and Bergdoll's escape is traceable directly to that criminality as one of the several important happenings contributing to that deplorable end.

Colonel Hunt first endeavored to excuse what, justly, may be termed the insufficient guard by claiming that he alone had the right to determine how much of a guard should accompany the prisoner, and that nobody else had any right even to make suggestions as to the sufficiency of the guard. Throughout his testimony in the court-martial trial he constantly exhibited that resentment and defiance.

When that attitude had aroused criticism, he sought shelter under the assertion that he did not have a commissioned officer who could be spared when the expedition started.

He said that one commissioned officer was absent on leave and that another had just returned from taking some prisoners out to Leavenworth and was too fatigued to then go upon this expedition, and that in consequence he sent the prisoner out accompanied by only two sergeants.

When he made that statement he must have thought that other people would overlook the fact that he himself could select the day and the hour when the expedition should start. Therefore he, after a conference with Bergdoll's counsel and some of the convicted conspirators, chose a day when, according to his own statements, he knew he could not comply with the instructions of his superior officers by sending a commissioned officer along. Except that he was acting in defiance of instructions and in collusion with the prisoner, his friends, and his attorneys, he would have selected a day for the expedition when all instructions could have been complied with, including the sending of a commissioned officer.

Bergdoll received surprisingly considerate treatment from Colonel Hunt. A man named Speicher slept in the same cell with Bergdoll. Speicher made many trips to New York during that time. There is no doubt that Bergdoll kept in close touch with the outside world through Speicher as well as through others.

Harry Weinberger, the New York lawyer, testified that Speicher upon one occasion came to his office and brought a note from Bergdoll. About that time Speicher got into some trouble and \$200 was necessary to get him out of it. That amount was paid by Bergdoll through his mother. If Speicher was receiving that gift and probably others from Bergdoll, and delivering communications to Weinberger, it is reasonably certain that he was delivering communications from Bergdoll to outsiders and from outsiders to Bergdoll.

Mrs. Bergdoll testified that she was permitted to place \$700 in the prison at the disposal of her son in order that he might purchase knickknacks for his fellow prisoners.

When O'Hare, one of the sergeants who was to accompany Bergdoll upon the expedition, was about to start thereon, he asked Colonel Hunt for handcuffs, but they were refused.

While in prison Bergdoll and the other prisoners were clothed in prison garb, easily distinguishable, and upon the clothing of each was a prison number. Colonel Hunt sent other prisoners than Bergdoll to Philadelphia, and he sent them in the prison garb, bearing their prison numbers. But when he came to send Bergdoll on his buried-gold mission he had the prison garb removed, and clad him in the uniform of an honorable soldier, except there was no cord around the hatband. It is quite easily seen that if Bergdoll had escaped in his prison garb, bearing a prison number, many persons would have been willing to halt him and bring him to account; but, the fact that he was clad in the uniform of a soldier of our country threw off suspicion; and, instead of blocking his escape, made it easier, as all respected the uniform of the country. Every direction which looked toward Bergdoll's safe-keeping was rejected by Hunt, and everything that might facilitate his escape was done without question or quibble.

There is some conflict between the testimony of Colonel Hunt and that of Sergeant O'Hare relative to the instructions given by Colonel Hunt to O'Hare when he was told that he was to go on the expedition as one of two guards. Notwithstand-

ing this conflict it is quite certain that the main instructions given to O'Hare by Colonel Hunt were given merely by submitting to him, and having him read, the official letters from Washington.

It appears that Colonel Hunt called Sergeant O'Hare into his office and told him that the expedition would start on the morning of the 20th, and that he and another sergeant were to constitute the guard; but that as between himself and the other sergeant, he, O'Hare, was to be the principal officer.

Then Colonel Hunt gave the official letters to Sergeant O'Hare and told him to read them. While O'Hare was reading the letters Hunt turned to his desk and wrote with pen and ink.

When O'Hare had finished reading the letters Hunt turned to him and asked him if he understood them. O'Hare answered affirmatively.

Colonel Hunt never asked O'Hare a single question for the purpose of ascertaining whether or not he correctly understood them. He made no effort whatever to learn whether O'Hare understood them just as he, himself, did. As a matter of fact, O'Hare left Colonel Hunt and went upon the expedition as the principal guard, with only his own construction of the letters, without having them explained by Colonel Hunt, and without ascertaining whether the two of them understood the letters alike.

O'Hare testified that when he asked Colonel Hunt to give him handcuffs so that Bergdoll might be handcuffed, Hunt replied that handcuffs would make Bergdoll "too conspicuous."

To test O'Hare's capacity to correctly understand the letters which Colonel Hunt, without explanation, had shown him, he was asked to spell the word "conspicuous," a word used by Hunt in talking to O'Hare. He spelled it "c-o-n-p-i-c-i-o-u-s."

The following colloquy during the hearings will clearly show O'Hare's lack of education and his consequent lack of ability to properly interpret the letters:

"Mr. JOHNSON. What did you say that Colonel Hunt said about the handcuffs?"

"Sergeant O'HARE. He said they would be too 'conspicuous.'"

"Mr. JOHNSON. Too 'conspicuous'?"

"Sergeant O'HARE. Yes, sir."

"Mr. JOHNSON. Spell that word, please."

"Sergeant O'HARE. C-o-n-p-i-c-i-o-u-s."

"Mr. JOHNSON. The first line of the letter which General Ansell wrote to General Harris, and which letter was submitted to you by Colonel Hunt on that occasion for you to read, starts out this way: 'Please permit me, in compliance with your helpful suggestion.' What does the word 'compliance' there mean?"

"Sergeant O'HARE. To request him to do something."

"Mr. JOHNSON. Tell the committee what you think the word 'compliance' means."

"Sergeant O'HARE. To do something."

"Mr. JOHNSON. The second paragraph in the same letter starts out this way: 'This man, by virtue of his conviction and sentence as a so-called draft deserter, is now imprisoned at Fort Jay, pending the review of his trial by the War Department.'"

"What does the 'virtue' in that sentence mean?"

"Sergeant O'HARE. I couldn't say."

"Mr. JOHNSON. What does the word 'pending' in that sentence mean?"

"Sergeant O'HARE. Pending the opening up of the case, waiting for a new trial."

"Mr. JOHNSON. The next sentence in the letter reads: 'I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and lawyer.' What does 'repute' mean in that sentence?"

"Sergeant O'HARE. A man who is honest and a good reputation."

"Mr. JOHNSON. What does 'unexcelled' mean?"

"Sergeant O'HARE. Unexcelled? Can't be beat."

"Mr. PETERS. That is right."

"Mr. JOHNSON. Spell 'unexcelled.'"

"Sergeant O'HARE. U-n-e-x-c-e-l-l-e-d."

"Mr. JOHNSON. Another sentence in this letter reads: 'Of counsel also in consulting capacity is Judge Westcott, of New Jersey, whom doubtless the Secretary of State well knows.' What does the word 'consulting' there mean?"

"Sergeant O'HARE. To assist."

"Mr. JOHNSON. 'Whom doubtless the Secretary well knows.' What does the word 'doubtless' mean?"

"Sergeant O'HARE. Well known."

"Mr. JOHNSON. In the next sentence I find the word 'impels.' What does that mean?"

"Sergeant O'HARE. Impel is to assist."

"Mr. JOHNSON. In the next paragraph I find the word 'partially.' What does that mean?"

"Sergeant O'HARE. A kind of helping hand."

"Mr. JOHNSON. Spell it."

"Sergeant O'HARE. Partially?"

"Mr. JOHNSON. Yes."

"Sergeant O'HARE. I can't do it."

"Mr. JOHNSON. Make an effort at spelling it."

"Sergeant O'HARE. I can't do it. I can't spell it."

"Mr. JOHNSON. In the next line I find the word 'unintelligible.' What does that mean?"

"Sergeant O'HARE. Don't know anything; don't know much."

"Mr. JOHNSON. In the next line I find the word 'complex.' What does that mean?"

"Sergeant O'HARE. Complex?"

"Mr. JOHNSON. Yes."

"Sergeant O'HARE. A peculiar case."

"Mr. JOHNSON. In the concluding sentence of General Ansell's letter to General Harris I find the word 'obvious.' What does that mean?"

"Sergeant O'HARE. I don't know, sir."

"Mr. JOHNSON. Can you spell it?"

"Sergeant O'HARE. O-b-i-o-u-s."

"Mr. JOHNSON. In the same sentence I find the word 'practicable.' What does that mean?"

"Sergeant O'HARE. Reliable."

"Mr. JOHNSON. Colonel Hunt, as I just said, has testified that he turned these letters over to you that you might read them for the purpose of being instructed as to what you were to do and where you were to go upon that journey. You now state, do you not, that you do not know the meaning of some of the words in those letters?"

"Sergeant O'HARE. Yes, sir. When I read a sentence I can almost make out what it is, or read a paragraph."

It will be noticed by the last question and answer that O'Hare admitted that he did not know the meaning of many of the words in the letters. According to his own statements, the best he can do is "almost" make out what it means.

York, the sergeant who, with O'Hare, constituted the guard, admittedly was given no instructions whatever. If anything had happened to O'Hare York would have been absolutely without any sort of instruction.

As said, while O'Hare was reading the two letters, Hunt was writing a letter in longhand to Gibboney. That letter was shown by Hunt to O'Hare, that O'Hare might be able upon reaching North Philadelphia to identify Gibboney, by whom the letter was to be shown to O'Hare when he reached Philadelphia to report to Gibboney. That letter reads as follows:

GOVERNORS ISLAND, N. Y., May 17, 1920.

MR. D. CLARENCE GIBBONEY.

SIR: This letter is to serve the purpose of your identification in the matter which was arranged in my quarters on Governors Island.

Very respectfully,

JOHN E. HUNT, Major, Infantry.

When O'Hare, with his prisoner, arrived at the North Philadelphia station, Gibboney went to O'Hare and presented the letter which had been written by Hunt, and which O'Hare had seen before it was mailed to Gibboney. O'Hare states positively, and the above letter and every other circumstance bears him out, that when the expedition reached North Philadelphia, Gibboney, as Bergdoll's attorney, was to have control as to where the party should go. O'Hare, following his construction of the letters, including the one of identification written by Hunt, clearly showed that Hunt intended that O'Hare should report to Gibboney at Philadelphia, and there receive instructions from him as to the rest of the journey, since it is admitted by all that O'Hare knew neither the road nor the destination.

Believing, and correctly so, that from that moment Gibboney was to control their movements, O'Hare followed Gibboney's instructions and took Bergdoll to his own residence.

It seems clear that it never was intended that the expedition should proceed beyond Philadelphia; and it is no difficult matter to determine who knew in advance that it was not to proceed further.

Two days and two nights before the expedition started both Ansell and Bailey abandoned any intention to go that either may have had, as well as any understanding with anyone in authority that either of them was to meet the party at Hagerstown or anywhere else. Hunt did not direct O'Hare and York, the two guards, to compel Bergdoll to go farther than Philadelphia. Instead, he wrote the letter above referred to; showed it to O'Hare; then mailed it to Gibboney, and had Gibboney present it at Philadelphia to O'Hare in order, as Colonel Hunt says, that O'Hare might be able to identify Gibboney.

The question arises: For what purpose was Gibboney to be identified by O'Hare? Was it that he might merely make the acquaintance of Gibboney; or was it that Gibboney, just as O'Hare says, was to tell O'Hare where the party should go? That letter was not written as an introduction of Gibboney or for any other unimportant matter. It was written with the serious and important intent of having O'Hare report to Gibboney for instructions not given by him by Hunt himself. There can be no doubt about that.

Following Gibboney's directions, the party entered an automobile. Scarcely were they seated in the automobile until Gibboney gave directions to proceed to the Bergdoll residence, he himself leaving the automobile at a convenient place to go to the court room, where Mrs. Bergdoll was then being tried.

Neither Gibboney, Romig, nor Ike Stecker, all of whom said they were going on the journey to Hagerstown, Md., on a mission which required them to be out several days, had any baggage whatever when they met Bergdoll and the guard at North Philadelphia.

Mrs. Bergdoll, although a millionaire, usually does all of her own work, cooking, washing and ironing, and other household duties. Notwithstanding this fact, on the day before Bergdoll arrived at her residence in Philadelphia she arranged for Mrs. Stecker to come to her house on the following day to cook dinner. The next day—the day when Bergdoll and the party actually arrived at the residence—Mrs. Bergdoll had put part of the dinner on the stove to be cooked. Other provisions for the dinner were already in the kitchen. Mrs. Bergdoll purchases her meager supply of groceries from day to day, if not from meal to meal.

On this day there would have been nobody at the house for dinner if Bergdoll, O'Hare, and the others were not to be there, except Mrs. Bergdoll, her mother, and the gardener. But, in addition to those three, there were present for dinner Mrs. Stecker, Grover Bergdoll, "Judge" Romig, Ike Stecker, Sergeant O'Hare, and Sergeant York. Yet there was ample dinner for all nine. Still all those who were helping young Bergdoll, including Ansell and Hunt, disclaim that there was to be a stop at Philadelphia.

It was testified that Gibboney stated that the journey was not to be pursued farther than Philadelphia that day because the automobile which the party was to use was "knocking." No immediate steps, if any at all, were taken to repair the car.

When O'Hare, with his prisoner and the others, arrived at the Bergdoll residence nobody was there except Mrs. Bergdoll's mother, who was more than 80 years of age.

Bergdoll proposed that they take a ride through the city until dinner time, they having reached the Bergdoll house about 10 o'clock. This they did, returning to the Bergdoll residence about 12 o'clock. In the meantime Mrs. Stecker had arrived and was preparing dinner—not for three persons, but for nine.

After dinner was over it was proposed not to have the automobile repaired, but to take another ride. This also they did; and during that ride they visited the Bergdoll farm, 11 miles out in the country. What happened there can be only surmised; but it should be remembered that if Mrs. Bergdoll, or Bergdoll himself, ever buried any gold, it must have been on the Bergdoll farm.

After the visit to the Bergdoll farm the party returned to the Bergdoll residence in Philadelphia. After supper was over there was nothing done by Ike Stecker, the chauffeur, looking toward the repair of the car, but, instead, the party took another ride in the alleged disabled car, during which time they went to a show and to a saloon.

A bottle or bottles of gin were placed in different parts of the Bergdoll home, where any of the party could partake of it at will. It is conceded that all except O'Hare drank some of it. This will be mentioned again further along.

It must be noticed that Gibboney, one of the Bergdoll attorneys, and who had long been a friend and attorney for the Bergdoll family, was out in town and not at the Bergdoll residence. It must also be noted that "Judge" Romig, an intimate friend and confidential adviser of the family, was within the residence with O'Hare, York, and the prisoner.

It is interesting to see who Gibboney and Romig are. Gibboney was an attorney at law, with but little knowledge of the law. His principal profession or occupation was that of a self-styled "uplifter" or reformer. In the latter capacity he pretended to be stamping out the liquor traffic and other evils. The Bergdolls owned a brewery, and some 1,200 or 1,400 saloons dispensed their beer. By and by Gibboney, as uplifter and reformer, came to be recognized by the authorities as one who, for the sake of peace, should be consulted about the issuing of licenses for these and other saloons. His opinions relative to issuing licenses to the Bergdoll saloons not only

did not cause a rupture between himself and the Bergdolls but it brought him and them closer together. He was the man to whom Colonel Hunt delivered Bergdoll and the two sergeants, York and O'Hare. In addition, Gibboney was the man who was on the outside of the Bergdoll residence to observe, while "Judge" Romig was within to report, which he did by telephone.

Who is "Judge" Romig? He was never a licensed attorney. He acquired the title of "judge" because he was a justice of the peace, before whom offenders in the Bergdoll saloons were tried for minor offenses. His conduct as justice of the peace so greatly endeared him to the senior Bergdoll that he, when upon his deathbed, asked "Judge" Romig to look after Grover when he was gone. From that day until this "Judge" Romig has been a constant visitor at the Bergdoll residence and their confidential adviser. It was he who accompanied Mrs. Bergdoll and drove her automobile from Philadelphia to Washington upon the two occasions when Mrs. Bergdoll got \$105,000 in gold from the Federal Treasury.

Up to this point it is seen that General Ansell procured the release of Bergdoll from Colonel Hunt, and Colonel Hunt placed Bergdoll in the hands of Sergeants O'Hare and York; and they, by Hunt's orders, delivered him to Gibboney, and Gibboney turned him over to Romig, the foster father, who accompanied him to the Bergdoll residence, from which he escaped. All that was not accident; it was design.

General Ansell in his letter to General Harris extolled the virtues of Gibboney. Yet when he came to testify he disclosed that his information as to Gibboney was acquired after the escape and not before. So his statements were made as facts when he lacked the necessary information upon which to base an opinion as to Gibboney's real character. If General Ansell had said as much to General Harris about Gibboney as he virtually admitted to the committee, no doubt General Harris would have refused under those circumstances what he granted under the other unqualified representations.

Almost immediately after the receipt of the letter sent by General Ansell to General Harris on May 11, Hunt, at Governors Island, was advised over the telephone by Colonel Penn that Bergdoll was to be released. On Sunday, May 16, "Judge" Romig went over to Governors Island. He saw Bergdoll upon that occasion. As to whom else he saw and what was said the committee is not advised. However, "Judge" Romig testified that upon that occasion Bergdoll spoke to him of the contemplated expedition to recover the buried gold. According to "Judge" Romig's own testimony he all but flew up into the air as soon as Bergdoll mentioned "gold" to him, and he reprimanded Bergdoll for having even mentioned "gold." "Judge" Romig had accompanied Mrs. Bergdoll from Philadelphia to Washington in her automobile upon the two occasions when she got in the aggregate \$105,000 in gold. He helped her to carry it from the Treasury Building at Washington into the automobile, and in Philadelphia he helped her to carry it from the automobile into the Bergdoll residence. But for some unaccountable reason he said he would not permit young Bergdoll, while at Governors Island, to even mention "gold." By reference to Romig's testimony it will be seen that when asked if he believed the story of buried gold he stated that he believed the gold to be where he had last seen it; that is, in the Bergdoll house. It must be concluded that Romig then knew that Bergdoll's release and the expedition were not a hunt for gold, but intended for Bergdoll's escape, and he commenced in time to disclaim participation.

In the natural sequence of things the conduct of O'Hare should next be considered; but as the conduct and trial of Colonel Hunt are in such close intimacy with Col. C. C. Cresson, the judge advocate who prosecuted—or, rather, who was selected or detailed to prosecute Colonel Hunt—it is deemed best that his acts and omissions should be considered at this point in the report.

As ugly as are many phases of this whole matter, none is more defenseless than the conduct of Colonel Cresson in his pretended prosecution of Colonel Hunt.

To turn those loose who turned Bergdoll loose but adds insult to injury, and Colonel Cresson was the principal one of the instruments through which this latter offense was perpetrated.

The charges upon which Colonel Hunt was tried, as set out in the specifications, were:

"He suffered and permitted the \* \* \* said general prisoner, Bergdoll, to leave said barracks on the date aforesaid not properly and suitably guarded and not accompanied by at least one of said counsel, in view of said information and warning, in that he did send said Bergdoll from said barracks in the custody of two noncommissioned officers, namely, Sergts. John

O'Hare and Calvin York, Ninth Disciplinary Company, United States Army, whom he had detailed as guard over said prisoner for and during the journey contemplated by the instructions of The Adjutant General aforesaid, and then and there failed to instruct said guards, or either of them, to handcuff said prisoner or to direct that the said guard be provided with handcuffs for that purpose in case of need therefor, and failed and neglected to give said guards, or either of them, sufficient and adequate instructions as to their journey, the care and safeguarding of said prisoner, and their course of conduct in charge of said prisoner, and otherwise failed properly to instruct said guard, and also, in view of said information and warning as to said character of said prisoner as aforesaid, failed to send a commissioned officer with said guard as suggested in the instructions of The Adjutant General as aforesaid; by reason of all of which said carelessness, negligence, failure, and neglect of duty in the premises on the part of the said Lieut. Col. (then major, Infantry) John F. Hunt, United States Army, retired, and commandant as aforesaid, and as a result thereof said general prisoner Bergdoll did escape from the custody of said guard at Philadelphia, Pa., on or about the 21st day of May, 1920."

Concretely put, Hunt was charged:

1st. With not having the prisoner and the guard accompanied by at least one of the counsel.

2d. That he failed to instruct the guard to handcuff Bergdoll, or direct that the guard be provided with handcuffs in case of need thereof.

3d. That he failed and neglected to give the guard sufficient and adequate instructions as to their journey and safeguarding of the prisoner.

4th. That he failed to send a commissioned officer with the guard, as directed in the instructions of The Adjutant General.

5th. That he failed to send Bergdoll out with a suitable guard.

Colonel Hunt plead "not guilty" to each of those five charges; but when testifying in the court-martial trial, and also before this committee, he admitted that he did send the prisoner out without any of the counsel accompanying the expedition from New York to Philadelphia, and the expedition did not proceed beyond Philadelphia. The prisoner and the guard were actually unattended by any of the counsel during any part of the journey, except for the few city blocks while Gibboney was in the automobile with them, which was just before he turned the party over to either Romig or to Bergdoll himself.

As to the second charge, Colonel Hunt admitted he did not instruct the guard either to handcuff the prisoner or to take handcuffs along. On the contrary, he forbade both.

As to the third charge, which relates to instructions, it is not claimed by Colonel Hunt that he gave any instructions whatever to York, who was one of the two sergeants in whose charge the prisoner was placed. The only other guard was Sergeant O'Hare. The lack of instructions to him already has been commented upon. However, Colonel Hunt claims that he gave O'Hare verbal instructions in addition to having him read the letters already referred to. Everything that was said and done by either of them, and by all others who were connected with the unfortunate affair, goes to corroborate O'Hare and to discredit Colonel Hunt in this respect.

As to the fourth charge, Colonel Hunt admits that he did not send the commissioned officer, as he was told to do by the higher military authorities at Washington.

The fifth charge is that Colonel Hunt did not send a "suitable" guard.

O'Hare testified that he is 5 feet 5½ inches tall and that he weighs 130 pounds. Unquestionably he would have been an uneven match in a grapple with Bergdoll, who was a physical giant in comparison. It may be argued that O'Hare had a pistol; but what could he have done with a pistol if Bergdoll had seized him for the purpose of taking it away from him?

It has been clearly demonstrated that he did not have sufficient education to certainly understand the written instructions. One look at him discloses that he is a man far below the average in intelligence.

That he, without sanction or approval, permitted Bergdoll to be driven to the Bergdoll farm; that he accompanied Bergdoll to a show at night; and then, late at night, permitted Sergeant York to go into a saloon, is conclusive proof that he was not a "suitable" guard. That he permitted Bergdoll to get out of his sight while in the Bergdoll residence is but a finishing incident to establish his total inefficiency.

Sergeant York was the other of the two guards. As said, it is admitted by Colonel Hunt himself that he gave no instructions to him. Receiving no instructions whatever from Colonel Hunt, the charge must be true, as stated in the specifications, that he was not properly instructed. Colonel Hunt was not

only delinquent in not instructing York but he was such in selecting him. He made a great boast that in O'Hare he knew he had a sober man. He lays no claim to knowing anything of the habits of York. As just stated, on the night of the first day that the party reached Philadelphia, York went into a saloon in the presence of O'Hare, who was York's immediate superior. Next, we find that in the Bergdoll residence a bottle of gin just "happened" to be wherever York went about the house; and it is not denied that both he and the prisoner drank freely of it.

The charge in the fifth specification, the one with which we are now dealing, relates to the "suitableness" of the guard. The question well may be asked, "Who, when made acquainted with the facts, will be willing to answer that the guard was 'suitable' for any purpose except for the easy escape of the prisoner?"

As to the five charges made in the specifications against Colonel Hunt, notwithstanding the fact that he plead "not guilty" to each of them, he specifically admitted three of them in his testimony, and the other two were established. Notwithstanding his admission of his guilt as to the first specification, the court acquitted him.

Another count in the specifications was that Colonel Hunt failed to provide the guard with handcuffs. To that charge he also plead "not guilty"; yet upon the witness stand he admitted the truth of the charge. In the face of that admission the court acquitted him.

To the third count Colonel Hunt again plead "not guilty"; but in his testimony he admitted that he did not send a commissioned officer. Still, as to that count the court again held him not guilty.

The other two counts in the specifications related to insufficient instructions to the guard and to the suitableness of the guard. Those two were established by the proof, but not by Hunt's admissions.

So all five counts were proven, three of them by Hunt's admissions, and yet the court found him "not guilty" on each and every one of them.

There can be no question that Sergeant O'Hare was imposed upon by Colonel Hunt. However, there can be no excuse made for the opportunity of escape which O'Hare gave Bergdoll. O'Hare was guilty of unpardonable negligence during the night spent in the Bergdoll residence in that he permitted Sergeant York to go upstairs and sleep with a bottle of gin, while he remained downstairs and slept in the same room (in another bed) with Bergdoll. Unless Bergdoll had had a safer and just as certain plan of escape, he either would have taken O'Hare's pistol from him while O'Hare was asleep, or he would have covered him with one of his seven shotguns, compelled him to hold up his hands and remain silent, and then go away in the automobile, possibly taking O'Hare with him and throwing him out in the road at such point as might best suit his purposes.

There can be no defense whatever made for Sergeant York. On their arrival at Philadelphia he got out of the automobile and went into a saloon. During that night and the next day at the Bergdoll residence on several occasions he drank gin, not only by himself but with the prisoner. He, too, is just as blamable as is O'Hare for letting Bergdoll get out of sight. He even did not sleep in the same room with the prisoner. Besides, when the telephone bells were ringing—no doubt as a signal to Bergdoll that everything was ready—York says he went to another floor of the house to get a drink of water, when there was water on the floor which he was leaving.

Lieut. Col. C. C. Cresson, as said, was the judge advocate detailed to prosecute Colonel Hunt in the court-martial trial.

Even before any testimony was introduced, Colonel Cresson made the following statement to the court:

"The Government disclaims, and personally and on behalf of the prosecution, any idea of there being anything crooked or any collusion on the part of Colonel Hunt in this matter, or that any money was used, the only charge in the matter being simply neglect of duty and failure to take due precautions in the matter." (P. 7, Hunt's court-martial trial record.)

By that declaration Colonel Cresson gave notice that he would not, if he could, prove that he did not furnish a sufficient guard if he was bribed not to do so.

In the same way this prosecuting attorney served notice that he would not prove, even if he could do so, that Colonel Hunt had failed to send a commissioned officer along with the guard if he had been paid not to do so.

The inevitable conclusion is that Bergdoll bought his way out; yet Colonel Cresson, the prosecutor, boldly announced that he would not prove that to be the case even if he could.

That statement by Colonel Cresson clearly shows what a shocking mockery the rest of the trial was.

On pages 16 and 17 of the record of the court-martial trial of Hunt it is shown that the defense undertook to prove by General Harris that he had inspected the prison on Governors Island, of which Colonel Hunt was commandant, on June 11, following May 21, when Bergdoll escaped, and that Colonel Cresson objected to the testimony, but afterwards withdrew this objection and permitted the condition of the prison after the escape to be inquired into, all of which had nothing whatever to do with the case, except to avoid the real issues.

On page 18 of the same record it is shown that the prosecution, without objection to the question, permitted General Harris to testify relative to an inspection of the prison made by him on April 10, 1918, as if the condition of the prison more than two years before the escape of Bergdoll had anything to do with his escape.

Again, that record shows on page 19 that General Harris was permitted, without objection on the part of the prosecution, to testify as to the condition of the prison in April, 1919, more than a year before the escape.

General Harris declined to say that the release of Bergdoll to go find the gold was not a precedent. The case he cited as precedent was where permission was given a prisoner to go to see his dying mother. No instance was cited where a man had ever before been permitted to go hunt for any instrument or for gold; gold buried to aid him in avoiding capture, in the first place, and to be used toward his escape in the next place.

Attention is invited to that part of the answer of General Harris when he said, "It is not infrequent—it is not a common occurrence to give consent for a man to go to his house to recover some effects or papers, particularly papers, but they are always sent under guard." In that sentence we have General Harris saying, first, that it is "not infrequent," and next, "it is not a common occurrence." So, no precedent for the Bergdoll release could be found.

It is to be taken as granted that the permission which was referred to as a precedent, where papers were to be gotten, that they were not such as could be used by the prisoner in effecting his escape, as the gold was to be used by Bergdoll.

On page 24 of the same record, in the testimony of Colonel Penn, we find the following question and answer, neither of which was objected to by the prosecution:

"Q. Up to the time of the 20th of May, this year, what would you have to say as to the administration of the disciplinary barracks by Colonel Hunt; was it satisfactory or otherwise?—A. It had been entirely satisfactory to the department."

Again the question may be asked: What did the administration's opinion of the condition of the barracks have to do with the escape of Bergdoll?

On the same page the following questions were put to Colonel Penn:

"Q. Do you know the reason, Colonel, for the disciplinary barracks being directly under The Adjutant General's Office, and not under the department, as other posts within the department are?—A. I don't know as I can state offhand the reason for that."

"Q. Would you say this, Colonel, that the handling of prisoners who are to serve a year or more require special study, that it was something entirely different from a guardhouse, and therefore required a man who had special training in it and would be in touch with the definite policy that was adopted at Washington?"

At this point the prosecution objected; and, in the course of his objection, used this illuminating and consistent sentence: "I will not raise an objection if you don't insist on that question."

But, after the defense "had insisted" on the question, strange as it may be, the prosecution withdrew the objection. After the objection had been withdrawn it was reputed by having the stenographer read it to the witness. Just as soon as the stenographer had finished reading the question, Colonel Cresson, prosecuting, apparently anxious to have it answered for Hunt's benefit, put in and said, "Answer the question, if you can, Colonel."

The above quotation and comment are for the purpose of showing, just at this point, as can be shown in a great number of places further along in the record, that the prosecution nearly always gave way to what was desired by the defense. Usually when he did not give way the court helped out by overruling the objection.

After the witness had ceased to testify for the defense, Colonel Cresson, prosecuting, had the witness to further testify that Colonel Williams, of the Inspector General's Department, had, in May, 1919, a year before the Bergdoll incident, spoken very highly of Colonel Hunt's management of the barracks. The prosecution also had the witness testify that Maj. G. C.

Shaw, of the Inspector General's Department, had reported Colonel Hunt's institution to be in excellent condition on May 6, 1920, and that the morale of the officers and enlisted men and prisoners reflected great credit upon Colonel Hunt as commandant of the place. That testimony is to be found on page 28 of the court-martial record.

But, again, the question may be asked: What did the condition of the prison or the morale of the men at any time have to do with the escape of Bergdoll, who did not escape from the prison?

One of the most ridiculous features ever injected into tragedy came when James H. Sparks was testifying. The defense asked whether or not Bergdoll looked like a dangerous man. It is needless to say that the prosecution did not object to having Sparks, a railroad brakeman, venture his scientific opinion along with that already given by the p-s-y-c-h-i-a-t-r-i-s-t. This witness would render the world a favor if he would only describe a really dangerous man merely by his looks.

In addition to the several warnings which had been given relative to Bergdoll being dangerous and liable to escape, Captain Yuill notified the authorities on Governors Island, when Bergdoll was taken there, that he was a very wealthy man and that they should not keep him in the ordinary garrison guardhouse, because in all probability he might bribe his way out.

When O'Hare was on the witness stand in Colonel Hunt's court-martial trial, testifying in response to questions put to him by the prosecution, the prosecution itself endeavored to conceal a material part of the escapade indulged in at Philadelphia, as is shown by the following questions and answers, to be found on page 81 of the court-martial record:

"Q. You got out to Bergdoll's house about what time? Do you remember?—A. I think it was between 11 and 12, the first time."

"Q. In the middle of the day?—A. Yes, sir."

"Q. And you stayed there until how long—how long did you stay there?—A. Oh, must have stayed there—we had dinner there and stayed there until about 2 o'clock."

"Q. What did you do this afternoon?—A. Then took a ride around again in the afternoon."

"Q. Now, skip over to the next day. When was the last time you saw Bergdoll, as you remember it?"

One can not but wonder and continue to wonder why the prosecution wanted to "skip over" the escapade of that night when Bergdoll was taken to the show by the guard and Sergeant York went into the saloon. Could it be that the prosecution was "whitewashing" Colonel Hunt's guards by concealing those incidents because the "suitableness" of the guard was one of the issues confronting Colonel Hunt?

On page 90 of the court-martial proceedings it is shown that while O'Hare still was on the witness stand the prosecution itself volunteered an announcement as follows:

"I think it is proper to appear here that the sergeant is a man that never takes a drink. He has taken no drinks in 19 years."

When O'Hare came to testify before the congressional investigating committee he stated that prior to the Bergdoll affair he did not know Colonel Cresson, who was prosecuting, and that Colonel Cresson did not know him; and that it was impossible for Colonel Cresson to know whether or not he (O'Hare) drank.

Pages 101, 102, and 103 of the record of Hunt's court-martial trial disclose that counsel for Hunt all but abandoned the defense of Hunt, such defense appearing to be unnecessary, no doubt, because of the attitude taken by the prosecution, and commenced the defense of O'Hare and York, who were to be tried later. Presumably he was moved by the old saw that "all three of them might hang separately unless they hung together."

Again, to show that Colonel Cresson, conducting the prosecution, was doing both big and little things to avoid the conviction of Colonel Hunt, the following questions and answers of the court-martial trial, to be found on page 105 thereof, read as follows:

"Questions by prosecution:

"Q. Sergeant, I believe you testified that it was against your orders to go to Canada?—A. Yes, sir."

That to which attention is invited is the fact that the witness had not so testified. The testimony of the witness upon the preceding day is to be found on page 97 and reads as follows:

"Q. In other words, if you got to Philadelphia and met Mr. Gibboney and Mr. Gibboney said you were to go to Canada, you would know that was wrong, wouldn't you?—A. Yes."

"Q. And you would have refused to go to Canada?—A. Yes."

It will be seen that the witness did not testify that it was "against his orders" to go to Canada; but, instead, he said he would have used his own judgment and would not have gone

to Canada. So there is another instance where the prosecution, by leading the witness, undertook to have it appear that Sergeant O'Hare did have detailed instructions from Colonel Hunt, when the prosecution was based upon the charge that he did not have such instructions from Colonel Hunt.

Frank Paul Keppel, formerly Third Assistant Secretary of War, was introduced as a witness by the defense to prove that the policy of the Secretary of War relative to the management of the disciplinary barracks at which Colonel Hunt was the commandant was in accord with the policy of Colonel Hunt.

The policy of the Secretary of War concerning the mere "management of the institution" had nothing whatever to do with the escape of Bergdoll at Philadelphia.

The witness was asked further: "Did you yourself make an inspection or two at the institution here?"

"A. I did; two inspections. \* \* \*

"Q. On your second inspection did you find a decided change, or otherwise?—A. My impression is conditions were very much better the second time; the appearance of the place was better; the bearing of the prisoners was better, and it was evident the barracks were administered under a very careful supervision and along a definite policy; I recall that a number of prisoners at that time spent a good part of their time down at the end of the island, not within Fort Williams, but arrangements were made for making themselves useful down at the other end of the island; I don't think that was the case when I was first there."

But what did "the appearance of the place" have to do with the escape of Bergdoll at Philadelphia? Certainly the "appearance of the place" was changed to some extent by Bergdoll's absence.

The witness was actually asked: "Do you know what his (the Secretary of War's) opinion was of the conduct of the institution by Colonel Hunt?"

The opinion of the Secretary of War as to the general conduct of a prison did not excuse Colonel Hunt's refusal of handcuffs, for instance. Yet question after question like that was not objected to by the prosecution.

The defense introduced one McClellan, warden of the Chester County penitentiary, for the general purpose of proving that Colonel Hunt's prison policy was approved by him.

The defense asked him this question: "How did the general policies there compare with that of your institution?"

Even if the question had anything whatever to do with the case, it had not been proven that McClellan was properly conducting his prison at West Chester. Colonel Hunt's policies of managing a prison were permitted to be compared with McClellan's policy of running the West Chester prison, without anybody ever having said how well or how badly the West Chester prison was conducted. But, in order to get Mr. McClellan's and Colonel Hunt's idea of operating a prison, the following is quoted from the former's testimony:

"We have never used—I have never used arms with any guard; I don't allow any guard to carry arms in the institution. It might be well to tell you or the court that our institution is an open one—no walls—and our men work in the open, a mile from the institution at many times. We do not use arms. \* \* \*

"Q. In what kind of a case, with one prisoner, would you consider handcuffs necessary?—A. Well, I would only consider handcuffs in the same light that I would consider a straight-jacket—as a matter of restraint."

McClellan and Hunt might have been suitable wardens at a founding institution, but certainly at no other place. Moreover, McClellan does not permit the word "guard" to be used in his institution; instead he requires everybody to use the word "officer."

In answer to a question this witness, whose testimony seems to have been seriously considered, answered:

"I know very little of Bergdoll.

"Q. You don't know, then, whether it was necessary to handcuff him and send two armed men or not, do you?—A. I don't think that the man lives that it is necessary to do that to if he is a normal man, unless he is insane.

"Q. If it became necessary to transfer a man of dangerous and escaping character, then you believe he should be handcuffed?—A. I don't think so."

If one will read the latter part of page 189 and page 190, which is a part of the testimony of McClellan given at the court-martial trial of Colonel Hunt, he will be utterly astounded at the length to which McClellan would go in conducting a prison. He said, in substance, that he saw no reason why he should take the word of a commanding general that a prisoner was desperate—he would not heed warnings—but would rely upon his own opinion and that of a psychiatrist rather than take

heed from a warning or obey orders from a superior authority. Except that Hunt entertained those same notions, Bergdoll might not have escaped.

Another witness in Colonel Hunt's behalf was Capt. Edmund Banks Smith, a chaplain. He stated that he was associated with the prison on Governors Island prior to 1915; that he left there in 1915, but frequently went back. That good man, considering Hunt's administration from the "uplift" or "reform" standpoint, said in his testimony:

"I noticed a slow and gradual changing of what I might term the atmosphere of the prison, rather intangible to describe, but perfectly easy to feel, that appeared to me to show an improvement in the morale of the men."

It may be said, not in a spirit of reproach, that at the time when the chaplain "felt the atmosphere" that Bergdoll was "rather intangible" at Governors Island, where Colonel Hunt presided with such motherly intuitions. Perhaps if the reverend gentleman had then "felt the atmosphere" in Germany he would have found it full of the breathings of defiance and scorn coming from Bergdoll for the American flag.

Bergdoll escaped on May 21, 1920. Colonel Hunt's court-martial proceedings commenced July 21 thereafter. During the two months which intervened between the time when Bergdoll escaped and the beginning of Hunt's court-martial trial Hunt was promoted from major to lieutenant colonel. Then, while the trial was going on announcement actually was made to the court, while in session, that Lieutenant Colonel Hunt had again been promoted, this time to the rank of colonel.

Notice: During the two months immediately following the escape of Bergdoll he was promoted twice.

In the midst of the trial, while Capt. Samuel B. Shackford, a witness for the defense, was testifying, the attorney for the prosecution arose and said to the court:

"To save time, I don't think anywhere in the specification it charges that these sergeants were not competent. I don't think negligence was charged in that way, unless the guard was insufficiently instructed by Hunt. I think testimony along that line might be dispensed with. I am not going to object to it, however, but I want to call your attention to the fact that it is not charged that either of these sergeants were improper men or not good sergeants."

That was a monstrous assertion for the prosecution to make, inasmuch as one of the specifications charged Colonel Hunt with having permitted "Bergdoll to leave said barracks on the date aforesaid not properly and suitably guarded." If they were incompetent or drinkers or negligent they were not "suitable."

The very one whose duty it was to show that the guards were not "suitable" voluntarily stated, in substance, in the above-quoted language, that it was not charged that either of the sergeants "were" "improper men or not good sergeants." Colonel Hunt was directed to provide a "suitable guard," and in the charge it is plainly specified that he did "neglect his duty in that behalf." The prosecution now is helping out the defense by saying by reasonable inference that "improper men" as guards make a "suitable" guard.

The witness testified that Sergeant York "is trustworthy—depend on him absolutely." What a wonderful statement that is, in view of all the facts brought out against him.

Amos T. Baker, one of the p-s-y-c-h-i-a-t-r-i-s-t-s who regarded Bergdoll as so beautifully innocent and harmless, notwithstanding the many warnings as to his dangerous character, really testified that handcuffing "would be humiliating to the prisoner and might suggest to him the possibility of escape." Evidently he was proceeding upon the theory that it had never entered Bergdoll's head to escape. As the handcuffs were not used, and as Bergdoll escaped, it must be that the absence rather than the presence of handcuffs suggested the escape. No matter what the consequence had been, the witness would not abandon his theory. He, with Hunt's approval, wrote a pamphlet concerning the control and guidance of prisoners.

This witness further testified as follows:

"I do recall Major Hunt not wishing to humiliate the prisoner by attracting attention to him by sending a superfluous guard or unduly securing him."

Perhaps if Bergdoll had not been so rich he would not have been so easily humiliated; nor would three men, two sergeants and a commissioned officer, have been deemed a "superfluous guard," nor would the use of handcuffs been considered "unduly securing him."

In one of Hunt's many defiance of authority and advice, he said, "I don't think the War Department is particularly expert in arriving at any decision."

It also appears that Colonel Hunt was not at all averse to being put in charge of the prison at Fort Leavenworth, where Bergdoll would have been sent if he had not escaped. One

Grafton B. Perkins, an advertising agent, had in charge this prospective promotion for Colonel Hunt.

While this committee was conducting its hearings, it appeared in some of the western newspapers that one of the committee had expressed the opinion that Hunt had been "whitewashed" at his court-martial trial. Colonel Cresson, who conducted the so-called "prosecution" of Colonel Hunt, telegraphed and asked that the record of the court-martial trial of Hunt be considered by the committee, and that his prosecuting speech also be considered by the committee. He was replied to by wire that both had already been made a part of the record and were considered by the committee. Particularly did he ask that his speech be read to the committee. That request was complied with. Whatever of criticism of Colonel Cresson there is in this report has been gotten entirely from that record, his speech included.

On page 30 of that record Colonel Cresson, prosecuting, said in his concluding speech:

"As I stated in the opening of this case, I want to state again that the prosecution does not for a minute think, nor does it intimate, nor does it care to have anyone think of intimating that Colonel Hunt in any way wanted Bergdoll to escape, that he colluded in the matter or was in any way in a conspiracy."

In another part of his speech he said:

"Of course, the court realizes, as everyone does, that it is not a pleasant duty that devolves on the prosecution in any case, civil or criminal, to come before the court and ask that a brother officer be punished or be admonished or held guilty of neglect of duty."

In that speech Colonel Cresson also said:

"Colonel Hunt has a fine record as a prison officer and the Government is not denying that."

In another part of his speech Colonel Cresson said:

"I have sympathy for Colonel Hunt. He has a fine record, has been retired as a colonel. Colonel Hunt has indeed made a magnificent record as an officer and as to the care of some prisoners. \* \* \* I am glad to be able to say that no one can throw any suspicion of crookedness on the part of Colonel Hunt in this matter."

Several times in this report Colonel Hunt's defiance of the directions of superior officers has been mentioned. It is not desired that this report be closed without having it clearly and distinctly understood that his attitude of "defiance" of orders was feigned, at least in material part, in order to fulfill the understanding arrived at between himself and some of those who saw him at Governors Island a very, very short time before the Thursday when he sent Bergdoll away from the island without handcuffs, without a commissioned officer, without the presence of one of the counsel, without a "properly instructed guard," and without a "suitable" guard. It matters not whether he were really stubbornly defiant of orders or corruptly so, he is guilty, the latter offense being more heinous, only.

Just here it should be emphasized again that the prosecuting judge advocate, Colonel Cresson, declared in the court-martial trial that he would not prove that Colonel Hunt corruptly refused the handcuffs, or corruptly failed to send a commissioned officer with the expedition, or corruptly failed to have one of the counsel accompany it, or corruptly failed to properly instruct the guard, or corruptly failed to provide a sufficient guard, even if he could do so.

Colonel Cresson's contention during the trial was that Hunt was guilty—but only of a technical offense—if he, without taking a bribe, disobeyed orders; but that if he disobeyed orders because he was bribed so to do, then he was not guilty.

Prisoners in making escapes use different instruments. Some use crowbars, some files, some saws, and some false keys. The instrument used by Bergdoll in making his escape was money. Crowbars, saws, and files make noise. There is an old, old saying that "money talks," but in illegitimate transactions like this its talking is done in whispers, and therefore difficult of proof.

No one can be so dense as not to know that Bergdoll could not have been detained at Governors Island for the unusual length of time that he was detained, instead of being sent directly to Leavenworth, without the use of money. Neither can any impartial mind fail to see that his expedition to recover the alleged hidden gold was procured by the use of money. It is fair to assume that every discrimination made in his favor, and that every step taken by him leading to his escape, was the direct result of his immense fortune. If he had not been a millionaire, immediately following his conviction, he would have gone with other prisoners to Leavenworth, where the doors would have been securely closed behind him, unless Colonel Hunt had been successful in his effort to be transferred there.

Because a thing is accomplished by employing a licensed attorney to do it does not necessarily put the act beyond merited condemnation. Money was spent lavishly by Bergdoll for the purpose of ingratiating himself, not only with the prison authorities but with his fellow inmates in the prison at Governors Island. There are many instances where money was used, apparently for legitimate purposes, but surely with the ulterior design of escape. His prolonged stay at Governors Island cost him at least six or seven thousand dollars, and it must be remembered in this connection that it was at General Ansell's request that Bergdoll was permitted to remain there.

The broad, well-defined trail leading to the escape did not become unmistakably evident until General Ansell induced General Harris to authorize the expedition to search for the gold. There can be no doubt about General Ansell's ability and learning, but it is certain that he did not get into the case because of that ability and learning alone. His influence with the Army officers with whom but recently theretofore he had been so long associated must have been considered. The large fee contemplated by him evidently was based not only upon what he might accomplish through legal channels; but, in addition, by exercised influence.

The many fees to be gotten from others, and the big one to be paid by Bergdoll, lured him into questionable paths. No one knew better than General Ansell that his course was, at least, doubtful. His own conscience seemed to have reprimanded him even before this investigation commenced. This is evidenced by the fact that while upon the witness stand, when it was taken for granted by those of the committee that his thoughts had not yet turned to his being a possible "pardon broker," he admitted, by citations to the law in various jurisdictions, that already he was mindful of that feature of the case. Then, when it was undertaken to ascertain to what limit he would not go for a fee, he cited instances in justification of himself where other attorneys had defended notoriously infamous characters. That manner of defense of himself did not first or suddenly come to him while upon the witness stand. This conclusion is based upon the fact that when he, but recently a general in our Army, was confronted with what he had done, he drew from his pocket a written statement, prepared in advance, citing cases, both American and English, to justify his defense of Bergdoll, our country's enemy.

While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Cresson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation, above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of \$3,600 a year. It becomes a serious question who is to pay this life-long reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund, in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

The conduct of Mr. Earl B. Wood should not go unnoticed.

On April 30, 1920, John J. O'Connor, a special agent of the Government in the Secret Service, who had been sent to Philadelphia to look after the Bergdoll case, addressed a letter to Frank Burk, Assistant Director and Chief of Investigation, Washington, D. C.

That letter reads as follows:

"DEAR SIR: On the evening of April 27 Lieut. George C. McDonald, who has been and is cooperating with me in the Bergdoll cases, obtained information through one Jacob Strohm, an uncle by marriage of the Bergdoll boys, that Grover C. Bergdoll is to gain his release within a period of two weeks.

"The information, in substance, is that a Colonel Ansell, a Washington attorney who has been retained by the Bergdoll family to attack the verdict of the court-martial, has guaranteed to bring about the release of Grover C. Bergdoll for a consideration of \$10,000. In an effort to gain his freedom, counsel for

Bergdoll is expected to apply for the release on bond of Grover C. Bergdoll pending the decision of the court in re application for a writ of habeas corpus, which will give Bergdoll sufficient time to depart from the United States.

"If this can be brought about, it will be a repetition of an application which was made before Judge Hand in the southern district of New York, and at the time of the application counsel requested that the prisoner be turned over to the custody of the United States marshal pending decision. Judge Hand refused the request and ordered Bergdoll returned to the custody of the military authorities.

"If there is some way to prevent Bergdoll's being released pending the decision of the court before which the application will be made, we will have prevented Grover Bergdoll's escape, together with protecting Colonel Ansell, whom I believe to be misled, from having to explain the treacheries of his client and of his confederates.

"Very respectfully,

"JOHN J. O'CONNOR,  
"Special Agent."

When that letter reached the department it went to Mr. Wood, he having charge of all correspondence relating to the Bergdoll case.

When Mr. Wood received the letter he should have immediately brought it to the attention of the War Department, which then had charge of Bergdoll, for the purpose of having double precautions thrown around him.

It seems that every happening—whether of act or omission—resulted to Bergdoll's benefit, and not one to his real detriment.

All this could not have been accident. Somebody, carrying convincing persuasives in great bundles, must have preceded every doing in the case, to see that nothing was left to chance.

The opinion is freely ventured that if O'Connor had written the above letter of warning about any military prisoner other than Bergdoll, the millionaire draft dodger, that that letter or its contents would have been sent at once to the War Department.

In the concealment of this most important letter Mr. Wood finds himself with no consolation. There is no one with whom he can even divide responsibility for the offense. Confronted, as he was, when on the witness stand, by that predicament, he did not attempt to do so, as the following questions and answers show:

"Mr. JOHNSON. It (the letter) came to you because you were in charge of this (Bergdoll) particular case.

"Mr. WOOD. Yes, sir.

"Mr. JOHNSON. Have you stated when you received it?

"Mr. WOOD. It is on the letter. It looks like May 3, 1920.

"Mr. JOHNSON. When you received that letter, what did you do with it or about it?

"Mr. WOOD. I went to see the Assistant Attorney General, Mr. Robert P. Stewart, who was not in his office, as I remember it, and I discussed the matter with Mr. Herron, the assistant to Mr. Stewart, relative to what steps we should take if Bergdoll should apply for a writ of habeas corpus, and to take steps to resist the issuance of the writ.

"Mr. JOHNSON. Did you bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. No, sir.

"Mr. JOHNSON. Do you take full responsibility for the failure to bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take the responsibility. I handled the letter.

"Mr. JOHNSON. Do you take full responsibility for not having brought it to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take full responsibility for the way that letter was handled.

"Mr. JOHNSON. Do you take full responsibility for not having brought the contents of this letter to the attention of anybody else?

"Mr. WOOD. I do.

"Mr. JOHNSON. That is all."

Believing that no man of Mr. Wood's most extraordinary make-up should continue in the public service, his dismissal is most earnestly recommended. More, it is recommended that he be forever disqualified from holding any appointive position whatever with the Government of the United States.

It has been said that there is perhaps no crime an exact definition of which is more difficult to give than the offense of conspiracy. It has been defined to be a combination of two or more persons by some concerted action to accomplish some criminal or unlawful purpose, or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means.

It is not necessary to constitute a conspiracy that two or more persons should meet together and enter into an explicit or formal agreement for an unlawful scheme or that they should directly, by words or in writing, state what the unlawful scheme is to be and the details of the plan or means by which the unlawful combination is to be made effective. When two or more persons pursue by their acts the same object, often by the same means, one performing one part of the act and the other another part of the act so as to complete it, with a view to the attaining of the object which they were pursuing, this will be sufficient to constitute a conspiracy. Concurrence of sentiment and cooperative conduct in an unlawful and criminal enterprise and not formality of speech are the essential ingredients of a criminal conspiracy. Previous acquaintance is unnecessary, and it is not essential that each conspirator should know the exact part to be performed by the other conspirator in execution of the conspiracy. Moreover, all the conspirators need not enter into the agreement at the same time. When a new party with knowledge of the facts concurs in the plans of the original conspirators and comes in to aid in the execution of them, he is from that moment a conspirator.

The conspiracy may, of course, be shown by direct evidence, but direct evidence is not indispensable. Circumstantial evidence is competent to prove conspiracy from the very nature of the case. Generally speaking, the crime must be proven by acts of the party himself and of any other with whom it is attempted to connect him.

The evidence in a conspiracy is wider than perhaps in any other case. Taken by themselves, the acts of a conspiracy are rarely of an unequivocally guilty character, and they can only be properly estimated when connected with all the surrounding circumstances. The process is, after all, an inference from one fact to the existence of another.

The crime of conspiracy very, very frequently involves the use of money as a means to its successful accomplishment and, in such cases, as a general rule it is not necessary that direct evidence be adduced of the payment and receipt of the consideration. It becomes a matter of inference from one fact to the existence of another. That is this case.

It must be conceded that the motives which prompted Mrs. Bergdoll, the mother, and "Judge" Romig, the foster father, to take part in the conspiracy were not the motives that actuated either Gibboney, Ansell, Bailey, or Hunt. These latter had no affection for Grover Bergdoll, nor can it be said that his plight aroused their humanitarian impulses. What, then, incited their activities? There was, of course, the Bergdoll fortune ever present.

There are many, many offenses which are, indeed, most difficult of actual proof. There are a few impossible of good except by circumstances and by reasoning from cause to effect.

The eye of man is far more easily deceived than is his mature reasoning and calm judgment. Money may pass from hand to hand in an instant, and at some obscure place, and not be seen. While the passing of it may be proven beyond doubt, the consideration for which it did pass may be disputed. On the other hand, the full performance of the service to be rendered may be fully established; still the passing of the money in payment for the service may be proven only by appeal from the eye to the mental consideration of a chain of established facts. Again, that is this case.

However, no witness willing to tell the whole truth has seen the money actually pass. But everybody who heard or has read the testimony should be able to see an "effect" which could have been produced by no "cause" except money. In reasoning from cause to effect we see the Bergdoll millions, "the cause," standing out like Pikes Peak against the horizon of a rising sun. As the rays of light advance upon each succeeding scene in this unholy affair there is disclosed to the reasoning mind one hideous thing after another, pictured with the accuracy of the camera, until "the effect," the escape, stands out as clearly as the Egyptian pyramids against another horizon.

At first only long and meagerly defined shadows, reaching from the "cause," were cast across the Nation's integrity; but as the rays of discernment and analysis rose higher and higher the shadows shortened and shortened until a black spot stands, and will forever stand, exposed to the light of reason, although none but the guilty may have seen the corrupting influence pass from slacker to traitor.

But with the advent into the case of him who, by his partner, has been modestly declared to be "the highest authority in this country on military law," we find sorcerer-like deception practiced upon the trusting. Next we see a palsied old man, overflowing with that generous spirit of acquiescence and lack of resistance that always accompanies those who grow old beauti-

fully, placed and replaced in artist-like fashion wherever his name could best be commercialized.

Then we find the activities transferred from Washington, which for the then present must be obscured, to Governors Island. This transfer from Washington to Governors Island was so absolute that even an official letter of warning sent from Philadelphia to Washington forecasting Bergdoll's escape within two weeks was hidden away in a pigeonhole, never to find its way to Bergdoll's prison, that he might be properly guarded.

Then we find Bergdoll put into the same cell with a prisoner who is permitted to make almost daily visits to New York, bearing on one occasion, if not on others, a written message to a well-known leader in America against constituted government. Also we find a large sum of money placed at the prison, obviously that Bergdoll might purchase the good will and, perhaps, the silence of guards or the assistance of fellow prisoners.

Next, we see the commandant of the prison turn deaf, dumb, and blind to every direction that might hinder Bergdoll's escape. We see handcuffs denied, and every other official instruction violated. The plighted faith of counsel absconds before the prisoner does, that his going may be the easier. Finally, and as a fitting sequel to this sordid tale, we find that the derelict commandant at Governors Island was prosecuted by one whose shame should be measured only by his days. Following the flimsy pretense—only a pretense—at prosecution, the commandant's fate was given to a court composed of military officers who found him "not guilty" in the face of his own admissions that he had not complied with instructions for the violation of which he was then being tried.

Bergdoll escaped through the misdoing of somebody other than the Bergdoll family and their immediate, personal associates, such as Romig, Stecker, Gibboney, and Mrs. Bergdoll. It is hoped that this report bares to the Congress the others who are more guilty than even the Bergdoll family. Shall they go unwhipped of justice?

The mother, the brother, the foster father—only those who gave shelter and comfort out of love for the black sheep of the family—have been convicted. Shall those who, for money, conceived, connived at, and executed the escape continue to practice in our Nation's courts, to wear the uniform of an officer of our Army, or to collect an annuity from a wronged people?

The foregoing part of this report was written shortly after May 24, 1921, when it was thought by every member of the committee that the hearings had been concluded. However, about two months after that date the chairman reconvened the committee for additional hearings. These last-mentioned hearings were occasioned by the receipt of a communication sent by a special agent of the Department of Justice located at Philadelphia to the Department of Justice at Washington. That communication was forwarded to Mr. Peters, the chairman of this committee, under date of June 22, 1921.

The communication of the special agent at Philadelphia was written for the purpose of reporting that he had intercepted a letter written by Grover C. Bergdoll in Germany to his mother, Mrs. Emma C. Bergdoll, at Philadelphia. The communication states, among other things, that the letter ridiculed the seizure of the writer's property by the United States, and that the United States had started something that they could not finish; also that three neutral nations had offered him citizenship. Those statements, and a number of others, are not in quotation marks, but are represented to be a part of the substance of the letter.

That report—a rather lengthy one—embraces in quotation marks the following:

"We made the Americans look like a bunch of boobs before the whole world. They are all laughing at them. \* \* \* You certainly did tell it to the investigators down at Washington, and you deserve credit. Why did you not tell them of the \$5,000 which we gave Campbell up at Governors Island? If you did not, I would advise you to make it public, so that the grafters will be all exposed. We are writing a book which gives away the whole swindle from beginning to end, and the American public will wake up when they read it in the near future."

In the report the special agent says the word "deciptatur" was used in the letter, which, as near as he can determine, is a Latin word meaning "a joker."

Two or three weeks after the reception of that communication by the chairman of this committee he sent counsel for the com-

mittee to Philadelphia to confer with Mrs. Bergdoll relative to that part of Grover C. Bergdoll's letter suggesting that she tell the committee, if she had not already done so, that they had given Maj. Bruce R. Campbell \$5,000.

The chairman of the committee also caused an examination to be made of the account of Bruce R. Campbell and his wife, Laura A. Campbell, at the bank in New York with which they did business. From that examination it was learned that Campbell had purchased an automobile, paying \$1,500 therefor, and that also he had deposited with Wasserman & Bro., stock and bond brokers in New York, two sums of money amounting to \$6,500. The automobile was purchased by Campbell and the deposits made with Wasserman & Bro. shortly after it was alleged that he had received \$5,000 from the Bergdolls.

Upon that information another hearing was had, commencing June 19. In that hearing Mrs. Bergdoll was the first witness. She testified in substance that upon one occasion, shortly after the arrest of her son on January 7, she was at Governors Island, and that she and her son had a talk with Campbell, and that he said that if they would place \$100,000 in his hands it could be used with those higher up at Washington and New York to his advantage. Mrs. Bergdoll says that she replied to that proposition by telling him to "go to hell." Then she said that her son Grover put his finger across his lips, indicating to her to be quiet. Continuing her story she stated that thereafter her son Grover asked her to bring to him at the prison \$5,000, and that in a few days after this request she went back to the prison taking \$5,000 with her, which she delivered to her son. She was most emphatic in saying that she did not know what her son was going to do with the money, and that she never found out afterwards what he did do with it.

She also testified that during the latter part of January or the early part of February, 1920, she was not certain which, while on the boat between Governors Island and New York, Campbell said to her that he had given the money to the proper person, whose name he called, but the name was not remembered by Mrs. Bergdoll.

When Mrs. Bergdoll first testified before the committee, which was about two months before her last testimony was given, she stated in just as positive a way that she had never given Campbell any money, other than \$50 with which he was asked to purchase cravats and knickknacks for her son Grover while in prison.

Major Campbell, in testifying relative to that feature, said that Mrs. Bergdoll or somebody closely associated with the family—he was not certain which—gave him a small amount of money, something like \$10 or \$12, with which to make similar purchases for the prisoner. He says that he left that sum of money with a near-by store, so that Grover C. Bergdoll could get knickknacks with it.

It will be seen that Mrs. Bergdoll testified under oath in her first testimony that she gave Campbell \$50 and no more. It is equally important to note that in her last testimony, when an effort was being made to incriminate Major Campbell, she rigidly adhered to that story. The press of the country carried the unqualified statement that Mrs. Bergdoll, when last testifying, stated that she gave Campbell the \$5,000; when, as a matter of fact, she stated in no uncertain way that she did not give him the \$5,000, or any sum except the \$50, and no testimony whatever was produced to show that Campbell got any money except the small amount admitted by him and Mrs. Bergdoll, unless it be proven by his alleged admission to Mrs. Bergdoll while on the boat. If Campbell upon that occasion admitted having received any money and having turned it over to another, there is no testimony whatever showing that he referred to the \$5,000 and not to the smaller sum which has been mentioned.

The reflection upon Major Campbell was made, not by Mrs. Bergdoll but merely by the question put to her by her absconding son in the intercepted letter.

An effort was made to corroborate the suggestion made by Grover C. Bergdoll, by showing that the bank account of Campbell and his wife was a very small one, indeed; so small as to forbid the possibility of his having \$6,500 to deposit with Wasserman & Bro. in a "bucket shop" transaction. That account with Wasserman & Bro. was in the name of Campbell and his wife.

A young man in the Intelligence Bureau was sent from Washington to New York to examine the bank account of Campbell and his wife. The proper way to have secured testimony relative to that account was to have had some officer of the bank testify from the book entries. In the absence of that manner of establishing the bank account, the next best method was to produce a copy of that account. However, neither of those

things was done. Instead, the young man who went from Washington to New York returned, appeared before the committee, and, without the original entries, or without a copy of them, or without a single note or memorandum, testified that he had examined the account and that the largest entry in it was \$252.50, Campbell's salary, which was deposited monthly; and that all the checks on that account were small; and that his monthly balances ranged between \$7 and \$60. Notwithstanding that testimony, the fact was afterwards established from the bank itself that during the very latter part of December immediately preceding the deposit with Wasserman & Bro. there was a deposit to that account of \$5,037.

The next piece of attempted corroborative evidence against Campbell was the production of the books of Wasserman & Bro. That account showed that on the 10th day of February, 1920, Campbell deposited with that firm, to the credit of himself and wife, for speculative purposes, \$4,500, and that within a few days thereafter he deposited the additional sum of \$2,000 for the same purpose.

It should be noticed that our fugitive in Germany had charged, by innuendo, in the letter to his mother that they, meaning himself and mother, had given Campbell \$5,000. The assumption was that the \$5,000 of Bergdoll money had been used in the Wasserman & Bro. transaction, because Campbell was supposed not to have had other available money.

It must be borne in mind that Campbell did not deposit \$5,000 with Wasserman, but that he did deposit \$6,500 with them. If he got \$5,000 of it from the Bergdolls, the question very appropriately may arise: Where did he get the \$1,500 in excess of the \$5,000? The answer consistently can be given that he got the \$5,000 where he got the \$1,500, and Grover Bergdoll does not make pretense that he got more than \$5,000, while Mrs. Bergdoll says he got only \$50, and he admits that he got something like only \$10 or \$12.

How very strange it is that the young man who went from Washington to New York to examine the bank account should testify that he had gone through the bank's books, in so far as they related to Campbell and his wife, and found no deposit bigger than \$252.50, when, according to the report made by the bank itself, the deposit of \$5,037 must have been staring him in the face.

Another remarkable feature in this most extraordinary case is that the special agent of the Department of Justice, located at Philadelphia, did not transmit a copy of the letter, instead of his construction of it. It seems reasonable that his very first act should have been to make a copy of the letter—better still, a photostat copy.

Major Campbell was the attorney designated by the War Department to defend Grover C. Bergdoll at his court-martial trial. The intercepted letter refers to others as having gotten dishonest money, but Major Campbell is the only one in that class whose name has been given to the committee by the special agent at Philadelphia.

Again, it may be asked, since Campbell's bank account was not correctly testified to, is it not equally possible that some name other than Campbell's may have been mentioned in the intercepted letter, while Campbell's name, as already stated, was the only one forwarded to the committee?

Major Campbell testified that he never had any conversation with either Mrs. Bergdoll or her son Grover, or with anybody else, concerning the payment to him of any money other than the small amount heretofore mentioned, and for the purposes indicated. Certainly no one in the whole United States will claim that he is less worthy of credit than any of the Bergdolls, especially that one in Germany, who makes the charge against him.

Campbell's father, now past threescore years and ten, testified in an open, manly way, which carried conviction with his manner, and told how, within his own knowledge, his son had gotten \$6,000 in a "friendly gambling transaction."

Major Campbell also testified that he and his wife, not a very great while before the Wasserman transaction, had as much ready money as \$24,000. Those statements have not been contradicted. If Campbell's integrity is to be reflected upon in any report that may be made, proof of the charge is challenged. There is not a scintilla of proof against him, except the mere suggestion made by Grover C. Bergdoll in the intercepted letter. The bank account and the Wasserman transaction, which were expected to corroborate the charge preferred by young Bergdoll, have been completely explained away. If there be any who still insist that Campbell got any of the Bergdoll money, let it be said to them that the only testimony given in support was the statement made by Grover Bergdoll to his mother, which, through the special agent, was repeated to this committee.

Those who heard or have read the rambling statements made by Major Campbell when he testified should know that during a part of the hearings he was in the Walter Reed Hospital as a patient; that while in France during the war he was twice gassed; that he was at a military camp in the State of Arkansas when summoned to come to Washington and appear before the committee; that upon his way here he was confronted while on the train by copies of various newspapers stating that Mrs. Bergdoll had appeared before the committee and testified positively that she had paid him \$5,000 to be used for illegitimate purposes; and that upon his arrival here he was neither in physical nor mental condition to tell a concise, connected, and lucid story in explanation of the charge. However, in his disconnected and rambling testimony there was no material statement made by him that did not turn out, from other testimony and evidence, to be true.

Those who would criticize Major Campbell are asked only to turn to the testimony given by his old father, and the manner of its giving, and then compare it with the testimony given by any of the Bergdolls or by any of their hangers-on. The one is open, frank, and superlatively candid; that of the others, to mildly express it, is exactly the opposite.

The charges against Major Campbell were made in a most indirect manner by Grover Bergdoll. Bergdoll was not under oath nor subject to cross-examination; and his mother, who was expected to corroborate him, not only failed to do so, but actually contradicted him. Major Campbell assumed the burden of proof and clearly disproved the charges. He is therefore exonerated.

In that part of this report which deals with those whose names became involved in this affair, by the testimony which seemed to have closed on May 24, the testimony of no Bergdoll has been necessary for the conclusions reached. Every adverse criticism of anyone in that part of this report is founded almost entirely upon the acts and omissions of him who is criticized. However, in this, the latter part of this report—that which relates to the Campbell affair—Bergdoll testimony of necessity can not be avoided, and that fact is the apology for treating their testimony with any degree of seriousness.

In conclusion it is deemed proper to commend Thomas W. Miller, the Alien Property Custodian, for the seizure of the Bergdoll property. It is hoped that he will exercise what seems to be his legal right to compel Mrs. Bergdoll to produce the gold which she claims to have buried on the farm near Philadelphia.

The foregoing is respectfully submitted to the House of Representatives for its consideration and appropriate action.

BEN JOHNSON.  
O. R. LUHRING.  
H. D. FLOO.

#### VIEW OF THE MINORITY.

By House Resolution 12 this committee was directed, in substance—

(1) To procure all facts relevant to fixing responsibility for the escape of Bergdoll from the United States military authorities and for the failure to recapture him.

(2) To determine whether any conspiracy existed to effect Bergdoll's escape or prevent his recapture, and, if so, what persons participated therein.

(3) To determine whether dereliction of duty devolving upon any persons existed which contributed to making said escape possible or hindered recapture.

#### I.

The committee, by its own action and through counsel and agents, has made exhaustive investigation of facts relevant to the escape of Bergdoll and has examined on oath all witnesses who are alive and available supposed to have any knowledge of or connection with the matter. The testimony of all the witnesses examined by the committee is in printed form in 18 prints of some 1,000 pages, and accompanies this report. A large number of the records and official reports procured from the Department of Justice and from the War Department are on file with the committee and have been examined by it so far as deemed necessary to form its conclusions.

The Department of Justice and every branch of the War Department consulted have furnished every facility for pursuing this investigation and apparently have been desirous of fully cooperating with the committee in its effort to reach the facts.

The committee believes that in accordance with the resolution passed by the House it has made a thorough investigation and procured all facts available relevant to fixing responsibility for this escape and for the failure to recapture.

#### II.

As bearing upon the question as to whether a conspiracy existed to effect the escape or prevent the recapture of Bergdoll

and, if so, what persons participated therein, it may be helpful to summarize the facts surrounding the escape.

## SUMMARY OF FACTS.

Grover Cleveland Bergdoll, an American citizen, of Philadelphia, unmarried, 25 years old, worth more than a million dollars, and in good health, on August 11, 1917, having been duly registered, was ordered by the local draft board to make his appearance for physical examination on August 14, 1917.

On August 13, 1917, Bergdoll drew large sums of money from bankers and left Philadelphia and went into hiding to avoid military service.

On July 15, 1918, a questionnaire was mailed Bergdoll to be filed July 22, 1918.

On July 27, 1918, the local draft board reported to the adjutant general of Pennsylvania Bergdoll's failure to submit questionnaire.

On July 29, 1918, the adjutant general of Pennsylvania mailed notice to Bergdoll to report August 8, 1918, at 1 p. m. at the adjutant general's office, Harrisburg, Pa.

On August 13, 1918, the adjutant general of Pennsylvania reported to The Adjutant General at Washington that Bergdoll had been inducted into service on August 8, 1918, and was a deserter.

Bergdoll evaded arrest until January 7, 1920, when he was arrested by agents of the Department of Justice, turned over to the military authorities, tried by court-martial, convicted of being a deserter, and on March 30, 1920, was sentenced to imprisonment for five years. He was confined in the Atlantic branch of the disciplinary barracks at Governors Island, N. Y. He escaped from military custody at Philadelphia on May 21, 1920, under circumstances so extraordinary that the attention of the country has been directed to this case.

The history of the matter from the time of Bergdoll's arrest by agents of the Department of Justice on January 7 until his escape from the military authorities on May 21 is briefly as follows:

Immediately upon Bergdoll's arrest he employed one D. Clarence Gibboney, of Philadelphia, as his attorney, and Gibboney continued to be the principal attorney of Bergdoll until his escape. He was paid \$12,500 and was given full authority to employ other counsel. Other lawyers who were connected with the case with Gibboney were Harry Weinberger, of New York; John W. Westcott, of New Jersey; and Samuel T. Ansell and Edward S. Bailey, of Washington. Capt. Bruce R. Campbell was detailed as military counsel for the defendant in the court-martial. Ansell & Bailey, a Washington law firm, of which the senior partner, Mr. Ansell, was formerly a brigadier general in the Judge Advocate General's Department and during the war was acting judge advocate general, resigning in July, 1919, to enter the practice of law in Washington, were retained in April, 1920, after the conviction of Bergdoll by court-martial, for the purpose of obtaining a review by the Secretary of War of the action of the court-martial.

Prior to the retention of Ansell & Bailey in the case counsel had used every means possible to prevent the conviction and sentence of Bergdoll. Insanity had been suggested and habeas corpus proceedings instituted, both without success. Mr. Ansell studied the record, informed Gibboney that his firm would take the case, received \$5,000 as a retainer, and proceeded to prepare a brief on points of law involved with the hope of having the proceedings against Bergdoll quashed on review by the Secretary of War. By correspondence and negotiations with Gibboney, who had full authority to fix compensation of counsel, Ansell & Bailey were authorized to believe that if their efforts were successful in the War Department or by further appeal to the civil courts resulting in the release of Bergdoll, they could charge a further fee of some forty or fifty thousand dollars.

An interesting feature in connection with the efforts to obtain a review by the War Department of the proceedings against Bergdoll is the activity manifested by Judge John W. Westcott. Upon reading the brief which had been prepared by Mr. Ansell, Judge Westcott became violently enthusiastic. He mailed a copy of the brief to the Secretary of War with the following letter:

WASHINGTON, D. C., May 7, 1920.

HON. NEWTON D. BAKER,

Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I beg to inclose you a brief in the case of Grover C. Bergdoll. The brief is exhaustive and conclusive. There is not the slightest doubt in the world but that the war authorities made a mistake. I am enormously interested in the situation, and want, if possible, to keep the matter

out of the courts. There is very little question but that the Judge Advocate General will properly dispose of the case.

I hope you are very well. It has been a long time since I last had the pleasure of seeing you, but I have kept a very interested gaze upon your work.

Believe me very cordially and sincerely yours,

JOHN W. WESTCOTT.

The cause of Judge Westcott's interest in the case is in dispute. He himself says that his professional ardor was aroused by the inherent merit of the case as elucidated by Mr. Ansell in his brief. On the other hand, it is suggested that his interest was stimulated by a retainer from Mr. Gibboney. It is not particularly within our province to decide the personal controversy between Mr. Ansell and Judge Westcott. It seems certain that Ansell & Bailey believed that Judge Westcott had been retained as associate counsel, and it is probable that Gibboney took advantage of the judge's enthusiastic nature and the fact that he was associated with Gibboney in other matters to get the benefit of his advice and reputation without the pecuniary compensation which he would have demanded had he appreciated his usefulness to the case of Gibboney's client.

As soon as the activities of the lawyers along these lines had ceased by the filing of briefs with the War Department, other activities were instituted by Gibboney in behalf of Bergdoll which finally resulted in his being permitted to leave the disciplinary barracks at Governors Island and obtain what proved to be the opportunity of escaping.

On the day the Ansell brief was filed with the War Department (May 4), at the request both of Mr. Ansell and Harry Weinberger, The Adjutant General sent orders to the commander of the disciplinary barracks not to transfer Bergdoll to Fort Leavenworth, as would be customary in such cases, but to keep him at the barracks at Governors Island. This was on the plea that habeas corpus proceedings before the district court in New York would be taken inside of two weeks, but such proceedings were never taken. The result was that Bergdoll remained at the barracks, however.

On the 7th of May, at Washington, Gibboney for the first time released the "pot-of-gold" story. On that day, having taken Judge Westcott to the office of Mr. Ansell, and having inculcated a belief in the minds of Ansell & Bailey (which was, in a large measure borne out by the conduct of Judge Westcott himself) that Judge Westcott was an associate counsel in the case, Gibboney proceeded to relate to them the story that Bergdoll, having previously drawn out from the United States Treasury more than \$100,000 in gold, had buried it in the mountains of western Maryland. He now desired to dig it up and place it in banks.

It is astonishing that anyone would believe this story without confirmation. It is a fact that Mrs. Bergdoll, assisted by one Romig, an old friend and confidential agent of the family, did, in October and November, 1918, withdraw \$105,000 in gold from the United States Treasury in Washington. Two trips were made by these two persons in an automobile from Philadelphia. Gold certificates were presented at the Treasury and gold coin received in exchange, and with considerable labor transferred to the waiting machine, in which they made their way back to Philadelphia with their precious loads, weighing over 400 pounds. Mrs. Bergdoll testified that this was her own money, and that after taking it home and leaving it under the kitchen table overnight she buried it, though not in western Maryland.

While it is a fact that Mrs. Bergdoll withdrew this gold from the Treasury, neither Ansell, Bailey, nor Westcott made any attempt to verify the story told by Gibboney and made no inquiry at the Treasury as to the withdrawal of gold.

There is no evidence whatever that Grover Bergdoll buried any gold or that he was connected with any gold. Gibboney put forward Romig as authority for the story that Bergdoll had buried gold—the same gold withdrawn from the Treasury—but Romig does not deny that Mrs. Bergdoll withdrew this money and with him took it home to her kitchen in Philadelphia; nor does he dispute her story that she subsequently, alone, buried it. Romig would not say in his testimony that he knew or believed that Grover Bergdoll had buried any gold.

A brother of Bergdoll testified that he knew nothing about Grover having any gold and had no belief that he had buried any.

The story, however, served its purpose. Gibboney had cleverly introduced a suggestion at this meeting in Ansell's office that this gold could be used to pay lawyers' fees and that Bergdoll was the one man who knew where it was. It was necessary that he have a certain liberty of action in order to go and dig it up and put it in banks, which Bergdoll regarded as safer than the ground.

Gibboney's suggestion was that a request be made of The Adjutant General by Ansell for permission for Bergdoll to leave the barracks under guard and go out to Maryland in an automobile for the purpose of obtaining the gold.

On May 10, after the conversation referred to, Mr. Ansell went to The Adjutant General in person and placed before him the request that Bergdoll be allowed to go out for the purpose of hunting the gold. He gave Gibboney as his authority for the story and made the point that Judge Westcott was joining with him in the request. Major General Harris, The Adjutant General, testified:

"General Ansell said that he had discussed the matter with Gibboney, a prominent attorney of Philadelphia, and also with Judge Westcott, and that they firmly believed the story of Bergdoll that he actually had concealed this money in this lonely spot. General Ansell himself stated that he had come to the conclusion that he was telling the truth; that he actually had the money there."

The pot-of-gold story, which had probably started in the imagination of either Bergdoll or Gibboney, had acquired such momentum that when it reached General Harris it had behind it the weight of the alleged belief and influence of former Brigadier General Ansell, who had recently vacated the office of Acting Judge Advocate General; Judge John W. Westcott, one of the most prominent lawyers of the East, who had nominated Mr. Wilson twice for the Presidency; and Mr. D. C. Gibboney, who was represented at that time to be a man of high repute in Philadelphia. General Harris was impressed and asked that the request be put in writing. This was done by Mr. Ansell in the following letter:

"MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of reasons therefor.

"This man, in virtue of his conviction and sentence as a so-called 'draft deserter,' is now imprisoned at Fort Jay, pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is D. C. Gibboney, of unexcelled repute as a man and lawyer. Of counsel, also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

"This young man was reared fatherless under family conditions which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange, if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter, perhaps, is the most influential of the many complex motives for his action in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune—\$150,000—in a lonely spot on the mountain side, distant about a day's journey from the city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

"He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping, all expenses to be borne by us.

"We are requesting no privilege—only the necessary liberty of action under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel, I stand responsible for his prompt return to prison without advantage to him other than that involved in the object of this request.

"I hope the request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

"May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and, further, that you notify me personally at the first practicable moment after you have decided upon this request?

"With kind regard for your many courtesies, I am,

"Very sincerely,

"S. T. ANSELL."

General Harris conferred briefly with General March, the Chief of Staff, but General March considered the matter to be

entirely within the jurisdiction of General Harris, who had charge of all disciplinary barracks, and gave no consideration to the request other than to glance at the Ansell letter and see who signed it, and told General Harris that "if he thought it was all right, to go ahead." The Secretary of War was never consulted about the matter until after the escape.

At General Harris's direction a letter was written from his office to Maj. John E. Hunt, in command of the United States Disciplinary Barracks at Governors Island, N. Y., inclosing a copy of the Ansell letter, saying that the request had been approved by The Adjutant General and ordering Major Hunt to complete his arrangements with counsel for the prisoner and send him out under suitable guard, with at least one of his counsel, on the expedition purporting to be in quest of gold. It was suggested, but not ordered, that Major Hunt send an officer to accompany the guard. On May 14 a conference was held at Governors Island between Major Hunt, Mr. Bailey (Mr. Ansell's partner), and Mr. Gibboney, when plans for the expedition were agreed upon and the itinerary laid out, by which the party was to proceed by train to North Philadelphia, where Mr. Bailey was to join them and the party was to be met by an automobile and proceed directly to Hagerstown, Md., near the alleged location of the buried gold.

Major Hunt selected two sergeants, O'Hare and York, to take Bergdoll on the proposed trip. One of the sergeants, O'Hare, a day or two before the journey received some verbal instructions from Major Hunt, which were neither understood nor remembered. No other instructions were given him, though a copy of the Ansell letter to The Adjutant General was shown him. The principal thing and practically the only thing that stuck in his mind was that when he reached North Philadelphia on the trip he was to be met by a Mr. Gibboney, who should be identified by a letter which Major Hunt had shown O'Hare, and that Gibboney would tell him where to go. The other sergeant received no instructions whatever. The sergeants had pistols, but no handcuffs. No officer accompanied the expedition. The prisoner was dressed in a uniform which would not distinguish him as a prisoner except to the professional eye. No counsel accompanied the expedition, which never got any farther than Philadelphia.

Arriving at North Philadelphia on May 20, the two sergeants and Bergdoll were met by Gibboney and Romig. Romig had been a local magistrate in Philadelphia and was commonly referred to as "Judge" Romig, had been a friend of the Bergdoll family for years, and without doubt participated in the plans and helped carry out the details of the subsequent escape.

From the moment the two sergeants with Bergdoll were met by Gibboney and Romig in North Philadelphia the two sergeants were completely subordinated, on account of the superior intelligence of Gibboney and Romig and the fact that the sergeants were incapable of action except under orders, and, as they understood their instructions, their orders were now coming from Gibboney. The sergeants were stupid, ignorant, and in a strange place. Sergeant O'Hare, who was in charge of the expedition until Gibboney took charge of it, had never driven in an automobile before. He had only handled prisoners outside the barracks once before, and they were handcuffed and were bound for Fort Leavenworth.

Under the direction of Gibboney the party at North Philadelphia took an automobile (a Bergdoll machine which was there to meet them, driven by a man named Steche, who subsequently fled with Bergdoll) and started toward West Philadelphia. Going down the street Romig told Gibboney that the car was not in good shape for the trip, and Gibboney replied that in that case they had better go to the Bergdoll home. He then told Romig to show the sergeants the Bergdoll home, and left the party in practical charge of Romig, telling the sergeants that he would call them up later and give them instructions. Gibboney then left the party at Broad Street, and from that time until after the escape never communicated, directly or indirectly, with either of the sergeants, nor did the sergeants communicate with him or know where he was.

The remainder of the party—consisting of Romig, the two sergeants, Bergdoll, and Stecher—then drove to the Bergdoll home, Bergdoll taking the wheel and driving himself. Stecher went into the house to see whether his wife, who was expected to cook dinner for the party, had arrived. Apparently no concealment was made of the fact that the party was expected at the Bergdoll home, although, according to the plans for the trip made at the conference on May 14, they were supposed to have driven from North Philadelphia direct to Maryland. Neither Gibboney, Romig, nor Stecher had any luggage or toilet articles or night clothes with them, although the trip was to have taken several days. These various facts apparently excited no suspicion in the minds of the sergeants, who were then

acting in the nominal capacity of guards. Romig then said he had to go to court, and the remainder of the party then drove Romig to Fifty-second and Market Streets, where he was left. This was between 9.45 and 10 a. m. of May 20. After Romig left, Bergdoll took charge of the party and drove around town, stopping at one or two places, and returned to the Bergdoll home at 12 o'clock for dinner. Mrs. Stecher had arrived and had cooked the dinner. After dinner the party, consisting now of Bergdoll with the two sergeants and Stecher, reentered the car and drove around the city until supper time. The same car was used which was driven from the station at North Philadelphia and in which Stecher and Bergdoll the next day started for Minnesota. No attempt had been made up to this time to repair any trouble with the car, either real or imaginary. Arriving at the Bergdoll house, Mrs. Bergdoll had returned and Romig joined the party, having been absent all day, and took supper with them.

After supper the party took the automobile and took Mrs. Stecher to her home in West Chester. The rest of the party, including Stecher, Romig, Bergdoll, and the two sergeants as guests, went to the theater and enjoyed the evening. After the theater Romig left the others, and Bergdoll, Stecher, and the two sergeants returned to the Bergdoll home. Mrs. Bergdoll was also there. In making his dispositions for the night Sergeant O'Hare, nominally in charge of the party, slept in a room with Bergdoll on the second floor, he and Bergdoll occupying separate beds. Mrs. Bergdoll slept on the same floor. Sergeant York slept in a room on the third floor. Stecher, the chauffeur, slept on a room across the hall from York on the third floor. Apparently nothing of importance happened during the night, although it is obvious that the two sergeants (one of whom, O'Hare, who appeared before the committee, being noticeably inferior in physical capacity) were completely in the power of the other inmates of the house. Romig joined the party at breakfast about 9 o'clock, and remained with them until Bergdoll escaped.

During the forenoon entertainment was provided in the form of pool in the pool room on the third floor, accompanied by the phonograph and the pianola and graced by the presence of a bottle of gin, which appealed to York but not to O'Hare, who refrained from drinking it. After dinner there was more pool, and then about 15 or 20 minutes before Bergdoll escaped the party was conducted back to the sitting room. In the sitting room then were Romig, Bergdoll, and the two sergeants. Stecher had been outside, ostensibly working on the car. About five minutes to 3 the telephone rang. Bergdoll said he would answer it, and went into the bathroom, diagonally across the hall from the sitting room, for that alleged purpose. After Bergdoll went into the bathroom he was never seen again by either of the sergeants. Apparently the telephone, which had another connection downstairs, was still ringing, and Romig left the sitting room shortly after Bergdoll had left for the announced purpose of answering the phone in the dining room. The sergeants say that shortly after this Romig came upstairs and said, "I do not see those boys anywhere." That referred to Bergdoll and Stecher. Thereupon a search of the house and of the garage was made by Romig and the two sergeants, without result. Then Romig called up Gibboney on the telephone and told him of the escape. Romig testified that Gibboney expressed surprise when told of Bergdoll's escape and said, "I will get a taxi and come right out." He did come out, and arrived in about 20 minutes. Up to this time he was the only person who had been notified of Bergdoll's escape.

Mr. Gibboney has not testified before the committee. He died December 26, 1920. Incidentally, as some question was made as to the accuracy of the report of Mr. Gibboney's death, your committee summoned before it the dentist who identified Mr. Gibboney's body for the insurance people, and your committee is satisfied that Mr. Gibboney is deceased as stated.

Mr. Gibboney's statement, however, was taken promptly after the escape by Col. T. Q. Donaldson, on duty in the Inspector General's Department as assistant to the Inspector General.

In the statement referred to Mr. Gibboney said that he received Romig's telephone message about 10 minutes or quarter past 3; that he arrived at the Bergdoll home about half past 3, and after talking with the sergeants and Romig called up General Ansell at Washington on the long-distance telephone, and also tried to get Major Hunt, and after that he called the department of public safety and the chief of police to notify them of the escape. No authorities authorized to arrest the fugitive were notified until about three-quarters of an hour after Bergdoll and Stecher had disappeared.

Stecher had brought the automobile around and had it ready at the door and Bergdoll had gone through the bathroom by another door and downstairs and into the machine while the

telephone bell was ringing. This was on May 21, 1920, at 3 p. m. From that moment all trace of Bergdoll was lost until July 20, 1920.

Immediately after receiving Gibboney's message Ansell walked over to The Adjutant General's office, told General Harris of the escape, and he in turn told the Secretary of War. General Harris did nothing except to call up Major Hunt about 5 p. m. Major Hunt had been informed of the escape about 5 p. m. He reported to the Military Intelligence Department at Governors Island about 5.45 p. m. The Secretary of War had placed the matter in the hands of the Military Intelligence immediately, and about 8 p. m. telegrams were dispatched to all of the five Army departments and the local authorities at Baltimore, Wilmington, and a few other points were notified.

At Philadelphia the local authorities seem to have been notified about 4 p. m., but neither they nor the United States Department of Justice in Philadelphia sent out any broadcast information, and the Department of Justice in Washington, which was notified about 5 p. m., appears to have taken no immediate action. There is no evidence of any information being sent out as to the method of Bergdoll's escape, the description of the car used, or of his companion, until May 29, when a circular was sent by mail to all parts of the country bearing a picture of Bergdoll, describing the car, stating the license number, and offering a reward of \$2,500, which had been put up by Ansell.

Many possible clues were run down by United States agents and by detectives employed by Ansell, but no trace whatever of the fugitive was found until Romig, on July 20, brought information to the Federal authorities at Philadelphia that the Hudson car in which Bergdoll had escaped was at St. Vincent, Minn., a little town on the Canadian border. This information was sent Romig by Bergdoll. Investigation made at the time and recently at the request of your committee proved that the car had been abandoned by Bergdoll and Stecher at St. Vincent on May 30; the Pennsylvania license plates had been replaced by Indiana plates; in the car were found two fully loaded revolvers. Bergdoll and Stecher crossed the border and went to Winnipeg, Manitoba, Bergdoll calling himself George V. Riggs and Stecher, Frank J. Johnson. They made application for steamer tickets and for passports.

The passport applications were made out in the ticket office of the Great Northern Railway Co., were taken by the agent (Bishop) to the Royal Bank of Canada, at Winnipeg, and there signed by the manager of the bank (F. W. Doherty), one of the officials authorized by Canadian law to authenticate passport applications. The bank manager never saw either Bergdoll or Stecher, and the ticket agent made only the most superficial investigation of the applicants' identity. The passports came back from Ottawa, Bergdoll and Stecher bought steamship tickets, left Winnipeg for Quebec about June 25 and sailed from Quebec to Liverpool on the steamship *Victorian* on July 7. Their further movements have not been traced. It was reported to the American authorities on the Rhine in September, 1920, that Bergdoll and Stecher were in Eberbach, Baden, Germany, where they still remain.

#### CONCLUSIONS AS TO CONSPIRACY TO EFFECT ESCAPE.

Unquestionably a conspiracy existed to effect the escape of Bergdoll from the military authorities. The committee believes this conspiracy was participated in by Bergdoll, Gibboney, Romig, Stecher, and possibly Mrs. Bergdoll.

It does not find that any officer, noncommissioned officer, or private of the Army or any other person connected with the Army, or with the administration of the disciplinary barracks at Governors Island in any way knowingly participated in the conspiracy.

It does not find that any officer, noncommissioned officer, or private, or any other person connected with the Army or with the administration of said disciplinary barracks received any bribe or was approached with a view of bribery in connection with this escape.

Testimony was given by Mrs. Bergdoll to the effect that \$5,000 in bills which she had brought to Governors Island and delivered to Grover was paid to Bruce R. Campbell, then a captain in the Army, about February 1, 1920, for the purpose of paying it to people higher in authority, but there is no evidence whatever that if this money or any part of it was paid to Campbell he paid anything to other people. Campbell was the military counsel assigned by the commanding general to defend Bergdoll at his court-martial. It was shown, and undisputed, that Campbell deposited with a New York broker on speculation account \$4,500 in bills on February 10, 1920, and \$2,000 on March 3, 1920, most of which he lost.

Campbell explicitly denies that he received any money from the Bergdolls, and accounts for the money deposited with the broker by saying that in 1915 he gave \$500 in cash to a friend (now deceased) who was a successful speculator, well known for his generosity and fair dealing, and that in 1917 this amount, having grown to \$6,000, was sent to Campbell by his friend through Campbell's father, and kept in its original form in bills by Campbell and his wife until the deposit with the New York broker in 1920.

We do not see how this money, if paid to Campbell, had any connection with the escape of Bergdoll or the failure to recapture him, because even if paid it was immediately lost by him and was not paid by him to any person in the Army or connected with the Government. There is no evidence that Campbell was in any way connected with the escape or had any knowledge of the plan.

The acceptance of money under such circumstances by Captain Campbell would be a serious offense, cognizable by the War Department, and we assume that the proper military authorities will institute such investigation as may be necessary to the end that Captain (now Major) Campbell may be exonerated if not found guilty.

Considerable sums of money appear to have been paid by the Bergdolls in counsel fees. Mr. Weinberger received \$5,580 for legal services in the trial of Bergdoll. Gibboney was given \$12,500, of which \$5,100 later went to Ansell & Bailey. Romig was given sums aggregating about \$1,000 for expenses, and \$700 was deposited with the Army authorities at the barracks for various purchases and expenses for the benefit of the other prisoners. These expenditures appear to have been generally justifiable and to have been applied to the purpose for which they were paid. Weinberger did not know of the gold hunt. Westcott, if he knew of it, seems to have taken no active part in it. There is no evidence that Gibboney applied any part of his fee to bribery. There is no way to trace the amount of money given to Romig, or what he did with it. It was cash; Mrs. Bergdoll kept no adequate books and always had large amounts of cash on hand.

The \$5,000 retainer paid Ansell & Bailey was payment for legal services and probably had no influence on the part played by Ansell & Bailey in making possible the treasure hunt which led to the eventual escape. The incident which led to the writing of the letter of May 11 and the other acts of Ansell & Bailey was apparently the desire to make secure the payment of the large prospective fee which Mr. Ansell expected to earn (forty to sixty thousand dollars) by placing in bank under the control of Gibboney the reputed \$100,000 of buried gold.

Although Mr. Ansell was no longer in military service and owed no duty except to himself, his actions and attitude seem extraordinary. He accepted employment in the case of a man who was notorious on grounds which to any lawyer are justifiable, but without making any investigation and without ever having seen Gibboney before he accepted Gibboney at his own valuation and fell a willing victim to Gibboney's misrepresentations and machinations, and without making any attempt to verify its truth he indorsed in his letter to The Adjutant General the whole pot-of-gold story. His letter, based on these misrepresentations which he apparently believed, contains statements not true in fact and which were readily susceptible of disproof.

He further states: "This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel I stand responsible for his prompt return to prison, without advantage to him other than that involved in the object of this request." And in spite of such a guaranty and in spite of the agreement that Bergdoll should go "under guard with his counsel," he took no precautions to assure that the journey would be as agreed and that the prisoner would be returned, and turned the whole affair over to Mr. Bailey and Mr. Gibboney. That both Mr. Ansell and Mr. Bailey relied upon Gibboney is an explanation, but not an excuse.

After the escape it would appear that Mr. Ansell did everything within his limited power to accomplish the recapture of the prisoner. He offered on May 24 a reward of \$2,500, which was increased to \$3,500, and paid considerable sums to detectives. It is not believed that Mr. Ansell assumed the responsibility he must be charged with because of any bribe or purchase of his services by money, nor is it believed that his motive was improper or that he conspired to effectuate the escape; for one reason, the escape was seriously to his pecuniary disadvantage in preventing him from securing his expected fee for appealing the court-martial conviction. But the letter and the personal pressure upon his former associate, General Harris, were a very important factor in gaining permission given for the trip, and the fact that Mr. Ansell did nothing to carry out his

guaranty that Bergdoll should not get away undoubtedly contributed to the escape.

### III.

AS TO WHETHER DERELICTION OF DUTY ON THE PART OF ANY PERSONS CONTRIBUTED TO THE ESCAPE OR HINDERED RECAPTURE.

The primary responsibility for the situation which made possible the escape rests upon General Harris. This responsibility he accepts and does not attempt to evade. As Adjutant General of the Army all military prisoners were under his general authority. Bergdoll could not have been let out on his alleged quest for gold without The Adjutant General's consent. There is no question of improper motives on the part of General Harris. It is apparent, however, that his mind was readily overcome by the strong statements of Ansell, and the one essential condition, without which nothing could have been accomplished, and the escape as planned would have been impossible, namely, an order from The Adjutant General permitting Bergdoll to leave prison, could not have been obtained had not General Harris readily yielded to the earnest and artful case put up by his former associate in the War Department, or, having been persuaded to consent, had he ordered, instead of suggested, that an officer accompany the proposed expedition.

Maj. John E. Hunt was in command of the disciplinary barracks at Governors Island, in which Bergdoll was confined at the time of the escape.

When the unusual order came from his superior officer authorizing the departure of Bergdoll, Major Hunt had knowledge of special facts concerning his prisoner, which were unknown to General Harris. Among other things he had been specifically warned three times that his prisoner was a desperate character, likely to attempt to escape. One warning was by the police authorities of Philadelphia, and two others from the Department of the East in command of General Bullard.

Having this knowledge, we hold that Major Hunt should have communicated it to General Harris and ascertained whether, in view of it, he desired to modify his order. If this was not in accord with strict military procedure we think the rules should be changed.

The order from The Adjutant General suggested that an officer accompany the expedition. If that suggestion had been carried out, in all probability the escape would not have occurred.

A suggestion in such a case amounts to an order when it is deemed reasonably possible by the recipient to carry it out. While it would have made Major Hunt short handed to detail one of his officers, in a case like this it should have been done. If not immediately available, an officer could have been obtained from some other place with little trouble.

When Bergdoll left the barracks he was in charge of two sergeants. In the one conversation between Major Hunt and the sergeant in charge before the departure, the question of handcuffs was brought up and the sergeant was told by Major Hunt that he would not need any and that they would make the group too conspicuous. No handcuffs were taken on the trip.

The prisoner was allowed to depart dressed in a uniform hardly to be distinguished from that of a private soldier. Less than ordinary precautions to prevent escape were used, although it was known to Major Hunt that his prisoner was not an ordinary one and would probably attempt to escape. In these respects we think there was a grave dereliction of duty on the part of Major Hunt.

When the selection was made of two sergeants as guards of Bergdoll they should have been first-class men, properly instructed in writing before their departure on such a peculiar errand. The men selected were stupid and entirely incompetent.

A few days before the trip Major Hunt talked briefly with one of the sergeants. No written instructions were given him. No orders of any kind were given the other sergeant. The sergeant talked with could not remember and did not understand the instructions. He was allowed to think that he was to report to Gibboney and later take his orders from that source.

We believe that in sending out incompetent guards, insufficiently instructed, with the knowledge he had of the prisoner, Major Hunt was guilty of gross negligence that directly contributed to the escape.

Major Hunt, now Colonel Hunt, has been tried by court-martial for his neglect of duty in connection with this affair, and acquitted. We fail to see how a competent and impartial court could reach such a decision. It is certainly a serious reflection upon the court-martial system in the Army.

It is, of course, clear from the foregoing that the sergeants, O'Hare and York, were guilty of grave dereliction of duty in permitting their prisoner to escape from their custody.

They knew enough to know that they shouldn't go joy riding with a prisoner all over Philadelphia, that during the night

one should have been on guard while the other slept; and that the prisoner should not have been allowed to leave their presence. Their falling into the hands of Bergdoll's friends and ready acceptance of their orders were the natural consequences of defective instructions, coupled with a lack of natural acuteness. The sergeants were accustomed to act always under orders, and were practically incapable of independent action.

We think that in view of the mental caliber and history of the sergeants they are not so culpable as their superior officer, Colonel Hunt; nevertheless, they are guilty of negligence in the performance of their duties and should have been punished. They were court-martialed and acquitted. This we can not understand. It is no part of our duty to investigate the court-martial, but we think the officials of the War Department would do well to take cognizance of a situation and investigate the conditions under which such acquittals can occur.

Your committee finds a certain lack of efficiency in the efforts of various Government agencies to apprehend Bergdoll after his escape, and a lack of cooperation and coordination between the War Department and the Department of Justice, which should be noted.

Owing to the delay caused by the motoring of Gibboney out to the Bergdoll home, and then calling Ansell at Washington on the telephone, it was an hour before anyone in authority was notified of the escape. It was then obviously too late to look locally for a fugitive escaping in a high-powered automobile; yet no general call seems to have been sent out from either Philadelphia, New York, or Washington on the night of the escape, except short telegrams to the various military departments announcing the escape, but giving no particulars. More prompt and more vigorous efforts should have been made. It is inconceivable that two men, easily described, driving a Hudson supersix car, should have been able to travel from Philadelphia to the northern part of Minnesota without being once intercepted or reported.

No circular giving a description of the fugitives was prepared until May 29, the day before Bergdoll crossed the border. This was an excessive delay, responsibility for which must be placed upon the Military Intelligence Department in Washington.

There appears to have been little or no cooperation with the military authorities by the Department of Justice. The Washington office apparently relied on the Philadelphia office to send out necessary notices, and all the Philadelphia agents were engaged in hunting about the city.

On April 30, three weeks before the escape, John J. O'Connor, a special agent of the Department of Justice, who had been instrumental in the capture of Bergdoll in January, wrote a letter to the Bureau of Investigation of the Department of Justice in Washington, warning of a probable conspiracy to get Bergdoll out of the hands of the military authorities through habeas corpus proceedings, so that he might then escape from the country. This letter appears on page 381 of the record. It was duly received by the Department of Justice, was filed away, and was never communicated to the military authorities.

Assuming that Bergdoll's purpose in obtaining an order to leave the barracks was to flee the country, and not to dig up gold, his path could not have been made easier for him if he had laid it out himself. From the moment he left Governors Island and the conditions surrounding him became apparent he saw that he could depart when ready and without the use of violence. That such a condition existed is, of course, a scandal. We believe, however, that responsibility for it is confined to the persons named and in the degrees we have described. It is a satisfaction to find that it was in no degree due to bribery of any officer of the Army or official of the Government.

To summarize, in conclusion, we believe that, in accordance with the resolution, we have procured all facts relevant to fixing responsibility for the escape of Bergdoll and the failure to recapture him; that a conspiracy did exist to effect his escape, participated in by the civilian persons named and not by officers or privates of the Army or by agents of the Government; and that there was dereliction of duty (caused by negligence and incapacity and not by bribery) on the part of officers and others named which directly contributed to the escape.

JOHN A. PETERS.  
C. N. McARTHUR.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the two minutes that the gentleman from California has just yielded back, and an additional five minutes to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, I am very glad, indeed, that my colleague the gentleman from California [Mr. LINEBERGER] has brought to

your attention the report made by this committee last August. This committee was appointed to bring, as I understand it, a report to Congress, and Congress can consider that report. That is what the report is for, as I understand it. But since this report was brought in last August, no action has been taken.

Now, we have been meeting here and killing time one way and another, adjourning over Saturdays, and all that sort of thing, and we have had plenty of time in which we could have taken this matter up. I want to say that it is my opinion that the people of this Nation want this matter brought up here and threshed out by Congress.

As indicative of the strong and continuous interest in this matter on the part of the American Legion and all ex-service men and women of this country I wish to quote you from several different copies of the American Legion Weekly.

On page 16 of the American Legion Weekly, of April 15, 1921, we find an article headed "The Bergdoll trail," which is as follows:

When the Government of Baden released from custody Karl Neul and Frank Zimmer, the two Americans who attempted to capture Grover C. Bergdoll at Eberbach and were given prison sentences for alleged usurpation of authority, it did not rid itself by any means of the embarrassing problem into which Bergdoll's presence in Germany has developed. Both the War and State Departments at Washington have been busy on possible ways to obtain the delivery of Bergdoll himself from the German authorities. Although officials at Washington have hesitated to express for publication positive opinions that the United States Government itself can obtain the surrender of Bergdoll, dispatches from London lend strength to the reports that the British Government is willing to demand that Bergdoll be given up for prosecution under its immigration laws. The use of false passports by Bergdoll in passing through Canada and England on his way to Germany is said to be an extraditable offense.

On page 10 of the Legion Weekly, dated April 22, 1921, we find an article headed "Slacker notes," as follows:

The principal hope that Grover C. Bergdoll may be yanked out of Germany by extradition rests at this writing with the Canadian Government. The British Government has ruled that Bergdoll's offense in misusing English passport privileges is not extraditable, but that the Canadian Government does possess sufficient grounds on which to demand Bergdoll's surrender from Germany. It is understood that the Canadian Government has asked the United States Department of Justice for information upon which it may base the legal negotiations necessary to induce the German Government to send Bergdoll back to Canada. If Bergdoll were returned to Canada, it is regarded as certain that he would be shipped across the American border into the hands of American officials.

On page 16 of the Legion Weekly of July 8, 1921, I quote a very striking article, headed "A hero in Bergdoll's shoes":

The memory of the man into whose hands was placed the rifle that Grover Cleveland Bergdoll refused to bear, and who fell in battle overseas, will be honored by Overbrook (Pa.) Post with a fitting memorial. When Bergdoll failed to appear before his local draft board the next numbers on the list were called. The first man to be accepted was assigned to the Engineers and survived the war. The second, Russell C. Gross, of Philadelphia, entered the Infantry in the Eighty-second Division, and was killed in action in the Argonne, winning a citation for bravery in charging a machine-gun nest.

Overbrook Post intends now to change its name to Russell C. Gross Post and to build a community house that will bear the name of the dead hero and will memorialize the soldier and sailor dead of that section of Philadelphia. The community house is to be endowed, in order that it may embody the spirit of American patriotism beyond the lifetime of the Legion, as well as perpetuating the contempt of all fighting men for the arch slacker.

It was through an investigation conducted by Overbrook Post that the fact was determined that Gross was the first man to die in battle after being called ahead of his turn by the defection of Bergdoll.

My friends, has the lapse of time dulled our senses to the awful offense of all those who were in any way accessories to the crime by being in any way connected with the escape of this slacker and arch conspirator, Grover Cleveland Bergdoll? We know full well that had it not been for his gold he would now be doing his time at Leavenworth. That makes it all the harder for the ex-service people to stand—that is, the fact that his gold got him out.

I quote the following from an article on page 16 of the American Legion Weekly of September 2, 1921:

From the start a great hue and cry, partially at least, ascribable to the activity of the slackers themselves, was raised against the searchlight of publicity thrown on the whole ugly business. Persistent efforts have been made to convince public opinion that the War Department's lists were so full of errors that no dependence at all was to be placed in them; that they were so replete with the names of men who served honorably that their publication could in no sense be construed as branding those who really slacked. In numerous instances little nests of slackers have been found busied about a coldly calculative propaganda to keep themselves and their kind out of the pillory of public opinion. According to them, all of the 155,000 are heroes; some of them dead, others wearing congressional medals of honor.

"So pernicious and persistent was this propaganda," The Adjutant General of the Army, Maj. Gen. Peter C. Harris, recently declared, "that had it not been for the influence, prestige, and support of the American Legion, the Secretary of War might have found it absolutely necessary to stop the publication of the slacker lists soon after that publication began. Throughout the whole affair American Legion departments, posts, and members have been of the greatest service and help. They have not only bolstered up public opinion where it was weak and wabby, but have rendered an immense practical assistance in

supplying information for the innocent and against the guilty. The Legion took the patriotic and right position on the publication of the slacker lists, and has maintained it with dignity, force, and effectiveness."

I mention this to bring to your attention more forcibly the fact that I have already stated, and that is that the American Legion is and has been constantly active in trying to bring these slackers to justice, as well as all those who might have been connected with the escape of any such slackers.

Further regarding the case of Grover Cleveland Bergdoll, I quote the following paragraph from page 41 of the report we have under discussion—House of Representatives Report No. 354:

In conclusion it is deemed proper to commend Thomas W. Miller, the Alien Property Custodian, for the seizure of the Bergdoll property. It is hoped that he will exercise what seems to be his legal right to compel Mrs. Bergdoll to produce the gold which she claims to have buried on the farm near Philadelphia.

In connection with this particular phase of the case, I quote the following from the record of the proceedings of the last national convention of the American Legion held at Kansas City last November:

REPORT OF AMERICANISM COMMITTEE.

VI. DRAFT EVADERS AND POLITICAL PRISONERS.

Whereas one Grover Cleveland Bergdoll, a prisoner, escaped from the military authorities of the United States Government; and

Whereas the Alien Property Custodian of the United States Government, acting under and by authority of his office, has seized all property belonging to the said Grover Cleveland Bergdoll: Now, therefore,

Be it resolved by the American Legion in convention assembled, That we indorse the action of the Alien Property Custodian in seizing the property and assets of the said Grover Cleveland Bergdoll; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States and the Alien Property Custodian.

There is no doubt about the seriousness of this case in the minds of the men and women of this Nation who wore the uniform during the war. People all over the country know the attitude of the ex-service men and women on this proposition. They are interested. They want action now on the part of Congress on this proposition. The ex-service men and women who served during the war are appealing now for action upon this matter.

This report (No. 354) contains certain concrete recommendations. Why does not Congress get busy on this proposition and take it up and thrash it out? That was what the committee was appointed for. Provision should have been made for at least one ex-service man in Congress to have been appointed on this committee. I am told that it was supposed to have been that way, but no ex-service man was placed upon the committee. I do not know why not; perhaps the Speaker knows.

We are making provision here day after day for our heroes. That is all right, of course, and as it should be. But, my friends, in justice to our heroes, we ought also to give attention to our traitors, to our archconspirators, and amongst the archconspirators are many who may have helped to cover up this proposition and put it off from time to time, and especially those who were implicated in the escape of this man Bergdoll. The men and women who wore the uniform will never forget this case. You may think they will, but time will not expunge it from their memory. They want action, and they want it without delay. Why this deplorable lassitude on the part of Congress in connection with this matter? Are we going to continue to be indolent and to sleep supinely on this proposition, or will we show keen and deep interest in this matter, sufficient to see that this report is adopted and these recommendations taken up and handled? Does this appeal find patriotic response in the hearts of the Members of the Congress of the United States, or are we content to let this report stand and time pass on and nothing be done about all these offenders who were implicated in the escape of this archtraitor, Grover Cleveland Bergdoll?

I do not want to take up your time further, but I hope, my friends, that this will be brought up before Congress at an early date and appropriate action taken if Congress sees fit to carry out the recommendations of this committee. Congressional action can do it. I do not mean only about bringing Bergdoll back. There are difficulties, of course, about that; but I would like to see every possible step taken to that end. But your committee has made certain reports in connection with those implicated in his escape, with certain recommendations, and I want to see Congress take up these recommendations and see whether the Congress of the United States wants to put the implicated parties on the rack for their actions in this case or whether this Congress is willing to smooth the whole thing over and overlook the actions of those who were accessories to the crime.

In the language of the Army, I want to say on this proposition, "Let's go; let's have some action and let's have it soon." [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type the report of the special committee on the Bergdoll matter appended to my speech.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing in 8-point type the report referred to. Is there objection?

Mr. JOHNSON of South Dakota. Reserving the right to object, Mr. Chairman, the gentleman means to insert both the minority and the majority reports?

Mr. LINEBERGER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Chairman, I shall ask for the same permission, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for 10 minutes.

Mr. LANKFORD. Mr. Chairman, two of the greatest needs of the farmer to-day are a good market where he can sell his products at a fair price and a good credit system by means of which he can obtain promptly the money he needs at reasonable interest on fair terms. Recently I have introduced bills seeking to help solve both these important problems. I want the farmer to sell all he can produce directly to the consumer at a fair price, and I want the farmer to get the money he borrows under a system better than he has ever been permitted to use so far. I now want to discuss briefly the bill I have introduced to help the loan situation. First, I want to mention some of the difficulties the farmers are confronted with when they seek a loan either from the present Government rural credit system, or from any of the long-term loan concerns doing business in this country. I hope to remedy these evils by the bill I have offered. Let us see what these trouble are that confront every farmer seeking a long-term loan. First, it takes entirely too long after the application is made to secure the loan. Second, it costs too much to get the loan. Third, a bonus or charge is made for paying off all or any part of the loan before it is due. Fourth, the loan can not be renewed or increased without a new unreasonable expense. Fifth, any part or all of loan paid off before maturity can not be reborrowed during term of loan without extra cost or fee. In order to remedy these troubles and make the securing of long-term loans by farmers easier and more hopeful, I have introduced a bill which I wish now to explain and discuss. The bill is rather lengthy and I will not insert it in full in my remarks. It is patterned after the war finance corporation act, but is called the farmers' finance corporation act. The bill is intended to finance the farmers of the country instead of financing war activities and handling conditions growing out of the World War. The special provisions of the bill which I deem of utmost importance and which I wish to discuss now are as follows:

SEC. 7. The corporation shall be authorized, empowered, and directed to make advances upon such terms not inconsistent herewith as it may prescribe for periods of 10 years from the respective dates of such advances to persons engaged in farming, truck raising, gardening, fruit growing, or stock raising. The advances shall be made upon farm lands and improvements as collateral security or upon unimproved lands taken in connection with improved lands. Any person authorized to secure advances under the provisions of this act who contemplates seeking such advances or loan may file his application, have his title approved, and have his proposed farm security inspected and approved for the full amount that may be advanced upon the proposed security, without securing any loan at the time of the application or immediately thereafter. The applicant for loan may at once execute and have recorded a loan deed securing the corporation in the full amount for which his property is approved and may thereafter at any time within 10 years execute his promissory note or notes to the corporation for any amount, in multiples of hundreds, not in excess of the amount specified in the loan deed, and there shall be immediately advanced to the borrower the amount of the note or notes. The borrower shall be permitted to retain as an approved credit any amount specified in his loan deed not covered by his outstanding notes and may from time to time execute additional notes, in multiples of hundreds, and secure additional advances until the full amount for which his property is approved as specified in the loan deed is borrowed.

SEC. 8. The borrower may at any time and from time to time pay off in multiples of hundreds any amount the borrower desires to pay on the said loan. The amount so paid off may be reborrowed in whole or in part at any time during the 10 years' period specified in the loan deed.

SEC. 9. The interest charged on advances under this act shall not be in excess of 5 per cent per annum and shall only be charged on the money actually obtained and only for the time the money is actually retained.

SEC. 10. The corporation shall make arrangements with the local banks in each community to pay cash to the borrowers for the notes executed in accordance with this act, and the corporation shall honor the drafts of such local banks for the amount of such note or notes so paid.

SEC. 11. No commissions, bonuses, abstract fees, or other charges shall be made or demanded by any Government agent or other person for services in helping secure money or repayment privileges under the provisions of this act except a reasonable inspection fee and abstract charge may be only made for approval of security and certification of title when application is first filed.

SEC. 12. The borrower at any time he desires upon payment of a reasonable charge for inspection may have his farm property re-inspected to determine whether or not in view of increased values and recent improvements he is entitled to an additional approved credit value. If he is entitled to the additional loan, he may execute necessary supplemental loan deed and have the privileges of this act to the full amount thus approved.

Mr. Chairman, I will not quote more of the bill now. The sections just read are self-explanatory and would cure the evils of the present long-term loan systems. I want the farmer to be permitted to have his loan approved for all his property will carry and then be permitted to get the money as he needs it. I want him to be allowed to pay back any amount he wishes and stop interest on money he does not need and then re-borrow any amount paid back when he needs it. I want him to be allowed without extra expense to borrow and pay as he pleases so he stays within the limit his property is approved for. I want him to have cheap money promptly when he needs it and only be forced to keep it and pay interest while he needs it. I want the farmer after his loan is approved not to be required to take the money until he needs it; then when he needs it I want him to be able to walk into any bank, execute a note for any part of loan he may need and immediately get the cash for the amount of the note from the bank. I want him to be allowed without extra cost to come to this bank when he wishes and repay the amount he owes in whole or in part and then re-borrow when he needs it. I am sure the banks throughout the country will gladly cooperate in the operations under this bill. Especially is this true of the country banks.

The banks would know that the farmers had an approved credit for thousands of dollars on their farms and would gladly make any advances for a short time the farmers might need, knowing that the farmer could secure money from the Farmers' Finance Corporation any day to take care of his note to the bank. The banks would gladly cash the farmer's notes under my plan and draw on the corporation, for the the money would be handled through the bank and much of it left there for deposit. The farmer's credit would be so much better when it was known he had an unused approved credit with the corporation which he could use any day. The amount the farmer had to his approved credit would be worth as much to him as though he had it in hand or on deposit, for he would know he could get it any day, and yet it would cost him nothing in the way of interest until he called for it. This bill would help the farmers and help every one that the farmers do business with. It would help the credit of the farmers. The creditors of the farmers would more gladly carry the items due them by the farmers and the farmers could more easily carry the items due them by others. The whole country would be benefited. A confidence of great value would be established. This bill if enacted into law would be a great shock absorber in times of depression or panic. All the country banks have a large number of farmers who are stockholders, directors, and other officials. Let one of these banks be about to close its doors for lack of ready cash while its directors, stockholders, and creditors have many times the amount of money needed by the bank as approved credit under the terms of this bill and what would happen? There never would be a minute's danger of the bank closing. The whole country would be much safer from financial depression and panics. The farmers would be encouraged to keep as large an approved credit as possible to be used in emergency. At present, if a farmer seeks to borrow money, he suffers agonies before he gets it. He pays too much for it. If he gets only what he needs, he later may need more and can not get it. If he gets more than he needs, he pays interest on what he does not need. If he wants to pay back part, he must pay a bonus for the privilege, and if he wants to re-borrow later he must face a new commission and another long delay.

Mr. Chairman, I am very anxious for the loan provisions which I have just quoted to be enacted into law. I do not care so much whether they are part of a law establishing a new government agency or keeping the War Finance Corporation functioning under a new name or as an amendment to the present Federal rural credit system or otherwise. What I do

want is for the farmers and the country to get the benefits which I am sure will flow from the enactment of the loan provisions offered in this bill. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HUSTED. Mr. Chairman, I yield 50 minutes to the gentleman from Massachusetts [Mr. TINKHAM.]

The CHAIRMAN. The gentleman from Massachusetts is recognized for 50 minutes.

Mr. TINKHAM. Mr. Chairman, I am a member of the subcommittee of the Committee on Appropriations on the State and Justice Departments that prepared the bill which is now before the Committee of the Whole House. There were no witnesses before that subcommittee at its various hearings who were not Government officials, except one individual by the name of Wayne B. Wheeler, who appeared saying that he was general counsel and legislative superintendent of the Anti-Saloon League of America. He desired to give his views regarding the disposition of funds in relation to the Department of Justice concerning the enforcement of prohibition. Before he made any statement he was examined at length, particularly in relation to the conformity of the Anti-Saloon League of America to the Federal statutes relating to the prevention of corrupt practices at Federal elections. You can read the evidence that has been printed in connection with those hearings.

As a result of the evidence he gave, there has been an examination made. The result of that examination and investigation is so important and has developed such facts that I believe the facts should be laid not only before this House but before the Department of Justice.

A law was enacted June 25, 1910, and amended August 19, 1911, and is one of the several laws to prevent "corrupt practices" at Federal elections. It is entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected." The first section of this law reads as follows:

*Be it enacted, etc.,* That the term "political committee" under the provisions of this act shall include the national committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result, or attempt to influence the result, of an election at which Representatives in Congress are to be elected.

This law provides for detailed statements of money received in amounts of \$100 or more, amount, name and address of the person from whom received, and money expended, with the name and address of each person paid \$10 or more.

This law also provides that these detailed statements shall be made under oath and filed with the Clerk of the House of Representatives not less than 10 days before the election, and on each sixth day thereafter until the election, and another report to be filed within 30 days after the election. The law carries a penalty of \$1,000 and imprisonment of not more than one year, or both.

No such statements were filed by the Anti-Saloon League of America or by any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, or 1918.

In 1920 for the first time three returns were filed by Wayne B. Wheeler, signing himself as "Treasurer, campaign committee, Anti-Saloon League of America"; three by the "Anti-Saloon League of America, Department of West Virginia"; three by the "Anti-Saloon League of Maryland"; and only one return each by the "Wisconsin Anti-Saloon League," the "Anti-Saloon League of Colorado," "Anti-Saloon League of Oregon," and the "Iowa Anti-Saloon League."

The first return signed and sworn to by Wayne B. Wheeler was dated October 22, 1920, the second October 29, 1920, and the third December 1, 1920. Upon each of these returns was indorsed the following protest: "We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable rather than political as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses in connection with the national organization in the election of Congressmen as indicated in the report."

The congressional districts in the first return, dated October 22, 1920, in which "the Anti-Saloon League of America" admits under oath it spent money, were the fourth and fifth districts in Indiana, the eleventh district of Iowa, the sixteenth district of Texas, the seventh district of Minnesota, known as the "Volstead district," the thirteenth district of Missouri, the first and second districts of New Hampshire, the first, second, and forty-second districts of New York, the tenth, twentieth,

twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth districts of Pennsylvania, and the first and sixth districts of Maryland.

The congressional districts in the second return, dated October 29, 1920, in which the Anti-Saloon League of America admits under oath it spent money, were the seventh district of Minnesota, known as the "Volstead district," the fifth district of Ohio, eleventh district of Maryland, twenty-fifth and twenty-eighth districts of Pennsylvania, the fortieth, forty-first, and forty-second districts of New York.

The law requires "the name and address of each person to whom any payment is made in excess of \$10 or more." In each of the three reports of the Anti-Saloon League of America this provision of the law is violated in relation to some items.

Under date of November 4, 1920, Elizabeth Roberts, "book-keeper and assistant treasurer" of the Wisconsin Anti-Saloon League, in the only return made by that league, states under oath, under the head of "Expenditures on behalf of candidates," a strictly political expenditure according to the return, that R. P. Hutton, of Milwaukee, had his "salary paid by the Anti-Saloon League of America, Westerville, Ohio," but does not state the amount.

In none of the three returns signed by Wayne B. Wheeler as "Treasurer, campaign committee, Anti-Saloon League of America," does any such person's name appear, nor is any amount traceable or returned under any possible item in these three returns as being so expended by the Anti-Saloon League of America, although they purport to be the entire expenditures of the Anti-Saloon League of America, made in connection with the congressional election of 1920, which not only would involve a violation of the act of June 25, 1910, which requires a detailed account of expenditures, name, address, and amount paid, but also involves a sworn false return, as the two returns are contradictory.

The structure of the Anti-Saloon League is as follows: There is a corporation known as the Anti-Saloon League of America, which is the national organization, and corporations in each or most of the States and the District of Columbia, known either as the Anti-Saloon League of that particular State or as the Anti-Saloon League of America, department of the State in which it is incorporated, and the national organization and the State organizations make one association or organization by the closest affiliations possible.

Vice presidents of the national organization are presidents, directors, or trustees of the various State organizations, and most of the national executive committee hold office in some State organization, which is also true of the national board of directors, and the national committee on financial management has one member who is on the headquarters committee of a State organization. As an example, William H. Anderson is a State superintendent of the Anti-Saloon League of New York. He is also a member of the national executive committee and also of the national legislative committee of the Anti-Saloon League of America.

This scheme of organization, the closest which American corporate law can devise, is known as the system of interlocking directorates and makes of such corporations in effect, so far as action and policy are concerned, one large corporate entity.

The plain intent and purpose of the law is to give publicity in Washington to all expenditures made by any committees, associations, or organizations attempting to influence congressional elections in two or more States. If any money is expended to influence an election in two or more States, the law, by the plainest language which could be employed, demands a return in form be made to the Clerk of the House of Representatives.

There can be no question that this law applies to any organization that attempts to influence an election, no matter what other activities the organization may have, because the law says so.

The expenditures of the national organization and of the State organizations with which it is affiliated or interlocked, attempting to influence the election of Congressmen, must be reported here in Washington as the activities are national and coordinated or the law is nullified.

Therefore any expenditures made for this purpose should be disclosed in a sworn report filed by the "committees, associations, or organizations," either through full returns at Washington made by the national organization, including expenditures of all its State branches in each report required by law, or by reports from the national organization and separate reports from each State where money is received or expended.

Nullification of the law would otherwise result through the formation of a national organization spending little or nothing in congressional elections and with its affiliated or interlocking State branches or departments in each State spending vast

sums, about which there would be no report made in Washington as required by the law and its manifest intent and spirit.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. TINKHAM. The following organizations filed reports in connection with the 1920 election without protests that the law did not apply to them in their political activities:

Republican National Committee.  
Democratic National Committee.  
Republican National Congressional Committee.  
Democratic National Congressional Committee.  
National Committee, Single Tax Party.  
Prohibition National Committee.  
National Committee, Socialist Party.  
Farmer-Labor Party of the United States.  
Oklahoma State Democratic Committee.  
Republican Senatorial Committee.  
Harding-Coolidge Republican League No. 1.  
National Non-Partisan Political Campaign Committee.  
National Campaign Committee of the Sixteen Associated Recognized Standard Railroad Labor Organizations.  
National Young Men's Republican League.  
Harding-Coolidge Uptown Dry Goods Association.  
Debs Campaign Conference.  
National Welfare Union.  
American Federation of Labor, National Nonpartisan Political Campaign Committee.  
Pro-League Independents.

At this point I desire to draw attention to the fact that there has been recently issued by Parker Shields, superintendent Tennessee Anti-Saloon League, a leaflet asking for liberal contributions to this league, from which the following is a quotation:

A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league.

This would clearly show that the Anti-Saloon League was systematically and liberally financing congressional campaigns and placing Congressmen of the United States under obligation to vote in Congress in accordance with its dictation.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Ohio. This is an important matter. I make the point of no quorum.

Mr. TINKHAM. Let me finish my statement.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present.

Mr. COOPER of Ohio. If the gentleman will yield to me for half a minute—

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Ohio. I will withdraw my point of order.

Mr. TINKHAM. I will answer any question that the honorable Representative from Ohio desires to ask when I have finished my statement without interruption.

Another quotation is as follows:

In addition to the above, the amount from Tennessee for the national league helps to provide for the maintenance of the entire national organization. It also helps to provide for the maintenance of our national office at Washington, D. C., under the very successful management of the Hon. Wayne B. Wheeler, one of the greatest diplomats and attorneys in America. From this office needed legislation is initiated, a constant watch is kept on the actions of Congress, and when opposition appears danger signals are flashed to every State in the Union.

Legislation initiated in the national office of the Anti-Saloon League in Washington and not in the Congress of the United States! To what degradation, to what debasement has Congress fallen that its shame can be thus heralded to the world!

There, verily, is an end of free institutions and free men. Cowardice, indeed, has completed their destruction and dishonor.

In connection with this general subject it may be of interest to the House of Representatives to know that in the Evening Star, Washington, Tuesday, March 21 last, in an interview, Samuel W. Small, secretary of the National Reform Association, is quoted as stating that that association has "a pledged financial income of over \$2,000,000 annually," and that it was proposed to spend this amount at the next election in the congressional districts of the United States.

On page 472, part 2, of the hearings before the subcommittee of the House Committee on Appropriations relating to the Department of Justice, the following colloquy occurs:

Mr. TINKHAM. I did not think you had given your personal opinion as to whether or not you thought that the corrupt practices act applied to the Anti-Saloon League if it attempted to influence elections in two or more States. I do not think you have replied to that question.

Mr. WHEELER. I think that the national organization, as such, working in various States the law might be construed to cover that; and inasmuch as it can be construed that way, the only fair thing for us to do was to accept that construction until it was otherwise held.

Notwithstanding this statement by Mr. Wheeler, no returns were filed with the Clerk of the House of Representatives by the Anti-Saloon League of America or by any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, and 1918.

I therefore charge that the following are violations of the act of June 25, 1910, as amended by the act of August 19, 1911, to prevent corrupt practices at Federal elections:

1. Failure to make returns to the Clerk of the House of Representatives by the Anti-Saloon League of America or any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, and 1918.

2. Failure to give names and addresses of all persons receiving \$10 or more in the three returns filed with the Clerk of the House of Representatives by Wayne B. Wheeler as treasurer campaign committee, Anti-Saloon League of America, in connection with the congressional election of 1920.

3. Failure of the Anti-Saloon League of America, department of West Virginia, to give names and addresses of all persons receiving \$10 or more in the three returns filed with the Clerk of the House of Representatives in connection with the congressional election of 1920.

4. Failure of the Anti-Saloon League of Maryland to give names and addresses of all persons receiving \$10 or more in the three returns filed with the Clerk of the House of Representatives in connection with the congressional election of 1920.

5. Failure of the Wisconsin Anti-Saloon League to file more than one return with the Clerk of the House of Representatives, and in that return to give the names and addresses of all persons receiving \$10 or more in connection with the congressional election of 1920.

6. Failure of the Anti-Saloon League of Colorado to file any return under oath with the Clerk of the House of Representatives and without the names and addresses of all persons receiving \$10 or more in connection with the congressional election of 1920, although a letter admits expenditures.

7. Failure of the Anti-Saloon League of Oregon to file more than one return with the Clerk of the House of Representatives and failure to file that return under oath in connection with the congressional election of 1920.

8. Failure of the Anti-Saloon League of Iowa to give the names and addresses of all persons receiving \$10 or more in the return filed with the Clerk of the House of Representatives in the one return filed in connection with the congressional election of 1920.

9. Complete failure to file returns with the Clerk of the House of Representatives of numerous other State branches, departments, or subsidiaries of the Anti-Saloon League of America which received or disbursed money in connection with the congressional election of 1920. Notably the State of New York, the State of Pennsylvania, and the State of Minnesota.

10. That under date of November 4, 1920, Elizabeth Roberts, "bookkeeper and assistant treasurer of the Wisconsin Anti-Saloon League," in the only return made by that league states under oath under the head of "Expenditures on behalf of candidates," that R. P. Hutton had his "salary paid by the Anti-Saloon League of America, Westerville, Ohio," and in none of the three returns signed by Wayne B. Wheeler as "treasurer, campaign committee, Anti-Saloon League of America," does any such person's name appear, nor is any amount traceable or returned under any possible item in these three returns as being so expended by the Anti-Saloon League of America, although they purport to be the entire expenditures of the Anti-Saloon League of America made in connection with the congressional election of 1920 and that they are contradictory statements made under oath.

The records of the Clerk of the House of Representatives disclose a failure of the Anti-Saloon League of America and its subsidiaries to obey the Federal statutes, not only in one case but in many.

Nothing can shatter the very foundations of society, its respect for the law, and its belief that laws are to be obeyed than to have a great national organization refuse to obey laws that apply to it.

No more deadly thrust can be given to law and its enforcement than the claim of immunity from criminal statutes of general application by any one class, interest, or association.

No greater contempt of law can be shown than by reliance upon schemes to circumvent the plain meaning of a law and its spirit. American courts of justice have never allowed this to be successful. Interlocking directorates have been abolished and legal moral responsibility placed where it belonged.

The usual course for a Member of Congress to pursue in a situation such as has been disclosed is to ask for a committee of investigation of the House of Representatives. I, however, know as well as anyone who has knowledge of the House of Representatives that it would be absolutely futile for me to ask for the appointment of such a committee, as such an order of investigation could not be passed because of the power of the Anti-Saloon League of America and its influence in the House of Representatives.

I, therefore, publicly request, yes, I demand, that the Department of Justice, which I believe can not be intimidated or subverted by political influence and threats of reprisal from whatever source, and whose first duty is to enforce laws of the United States, investigate the facts which I have here submitted and upon finding that they are true to institute proper proceedings under the law.

This I do to the end that all laws shall be enforced equally against the politically powerful as well as against the politically weak, that laws passed to insure the purity of the ballot shall be given their full vigor and effect, and that impartial justice shall be respected and maintained in these United States. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. In a minute. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has 24 minutes.

Mr. TINKHAM. There have been two captious criticisms made concerning the hearing at which Mr. Wheeler was examined and the printing of the record of the hearing which I think should be answered and explained to the committee.

The first is the criticism that I should not have examined Mr. Wheeler as I did.

Mr. Wheeler was a volunteer witness who requested to appear before the committee. He made no objection to any of the questions asked, nor did any member of the committee. That should dispose of this criticism.

The second criticism is that the record of the hearing was not printed as it should have been.

The facts are these: That Mr. Wheeler was given permission by the committee to correct his testimony. As a member of the committee I had the right to correct my questions. Two copies of the record were brought to my office. One the original, with the corrections of Mr. Wheeler, and the other a copy, although it looked like an original so far as the typewriting was concerned. I dictated my corrections to a young man who had for six weeks been acting as my secretary, who was not very familiar with the correction of records. He made my corrections upon the copy instead of upon the original, and the copy with my corrections was returned to the clerk of the Committee on Appropriations and in due time this was printed. Saturday last Mr. Wheeler made discovery that his corrections were not in the printed hearings, and the matter in due course was brought to my attention. I found the original with Mr. Wheeler's corrections in my office, took it immediately to the Committee on Appropriations, and a reprint of the testimony with Mr. Wheeler's corrections as well as my own is now before the committee. That should dispose of this criticism.

Now, Mr. Chairman, I shall be glad to answer any questions.

Mr. COOPER of Ohio. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question. It seems he has made a very careful investigation, as he says, relative to the activities of the Anti-Saloon League. I would like to ask the gentleman from Massachusetts whether, while he was working along that line, he made any investigation of the activities of some other organizations, especially one known as the Association Opposed to National Prohibition; whether they had any large sums of money accumulated to influence the election of Congressmen in certain congressional districts?

Mr. TINKHAM. I have made no investigation as to the activities of any other associations, because the representatives of no other associations except the Anti-Saloon League appeared before the committee. Had they appeared and had there developed the same testimony that was developed in the examination of Mr. Wheeler, I should have included it in my statement to the House, and I would say that if there are any organizations whatsoever, no matter for what purpose they may be organized, that participated in congressional elections

in two or more States and attempted to influence results and have filed no returns under the law, they are equally guilty of violating the corrupt practices act with the Anti-Saloon League of America and its subsidiaries.

Mr. COOPER of Ohio. The gentleman from Massachusetts knows that there is such an organization. Was there not a statement inserted in the RECORD at your hearings relative to that question?

Mr. TINKHAM. It was inserted after the hearing, not at the hearing. Mr. Wheeler was given the right when the hearings were over to put certain statements into the RECORD.

Mr. COOPER of Ohio. There are a great many organizations that are opposed to national prohibition. Is not that a fact?

Mr. TINKHAM. I have heard that that is so. [Laughter.]

Mr. COOPER of Ohio. The gentleman fully realizes that they are spending a large amount of money, that to-day they are organizing in nearly every State in the Union for the express purpose of trying to defeat Congressmen who will not pledge themselves to the modification of the Volstead Act. I should like to ask the gentleman if he believes these organizations can work without the expenditure of large amounts of money?

Mr. TINKHAM. I think I should not be asked a question of that character. I will say this: I have no exact knowledge of what organizations may be operating to-day in the United States which are opposed to or which desire to change the Volstead Act. If there are organizations, I do not care what their character is, whether they favor prohibition, or are against prohibition, whether they are organizations of churches or organizations of bawdy houses, if they attempt, under this law in more than two States to influence congressional elections, a statement of their receipts and expenditures must be filed with the Clerk of the House of Representatives, and should have been filed since 1910 when this Federal statute was passed. The statute says "all committees, associations, or organizations." This is without any distinction whatever. Does not that fairly answer the question of the honorable Representative from Ohio.

Mr. COOPER of Ohio. If the gentleman will permit me, this is what I want to say to the House, that the gentleman from Massachusetts [Mr. TINKHAM] has put a large amount of work into the statement which he has given to this House to-day criticizing the Anti-Saloon League for their activity in politics. Now, I think if the gentleman here had been fair he would have looked deeper into the question, and he would have investigated the activity of those organizations that are opposed to the prohibition laws, and that to-day are spending hundreds of thousands of dollars in anticipation of defeating Congressmen for election this fall who will not pledge themselves to a modification of the Volstead Act.

Mr. TINKHAM. If any Representative of those organizations had come before the committee of which I am a member I would have asked him the same questions that I asked Mr. Wheeler, and if I found that his testimony was similar to Mr. Wheeler's I should have made a similar investigation; but Mr. Wheeler was the only witness, and he came there voluntarily, and I took up that specific case. The committee was not an investigating committee, and I am not an investigator.

Mr. COOPER of Ohio. May I ask the gentleman if he has read that part of the testimony which was inserted in the hearings?

Mr. TINKHAM. As a matter of fact, I have not had time.

Mr. COOPER of Ohio. If the gentleman will permit me, I notice here that the budget called for in the association opposed to national prohibition contemplates the expenditure of not less than \$600,000. Then, in another place, it says:

Before a wheel can turn, the managing director must know that there is at least \$200,000 in the treasury.

Now, I wish the gentleman would take the time to investigate those organizations—the association opposed to national prohibition.

Mr. TINKHAM. What is the date of that statement?

Mr. COOPER of Ohio. This statement was incorporated in your hearings on this bill before the committee.

Mr. TINKHAM. What is the date of that particular statement?

Mr. COOPER of Ohio. It does not give the date; but there is such an organization.

Mr. TINKHAM. If the representative of that organization had appeared before the committee, I should have made an investigation of that organization.

Mr. STAFFORD. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Wisconsin.

Mr. STAFFORD. Do the records filed by the Anti-Saloon League under the corrupt practices act, or the gentleman's

investigation, show how much money was expended by the Anti-Saloon League in the election of Representatives in Congress, and for what purpose, and in what districts?

Mr. TINKHAM. I have given the districts, and I am going to ask the House to allow me to incorporate in the extension of my remarks three returns of the Anti-Saloon League of America, and the one return of the Anti-Saloon League of Wisconsin.

Mr. STAFFORD. The latter is the one in which I am particularly interested, because of the activities of certain bodies which failed to comply with the State law requiring returns, that have used thousands of dollars against me in times past. I wish to ask whether that return shows anything of the activities in any specific districts of the State of Wisconsin?

Mr. TINKHAM. This particular return of the Anti-Saloon League of Wisconsin does not show any particular activities in any particular district, except that it has attached to it as a part of it a specimen ballot in which certain Senators and Congressmen are designated and described and certain others otherwise designated and described. That I wish to have printed in the RECORD by unanimous consent.

The total expenditure as returned by the Anti-Saloon League of Wisconsin is \$10,028.83.

Mr. STAFFORD. Does it give the districts in which the money was expended?

Mr. TINKHAM. It does not give the districts in which the money was expended, but the Anti-Saloon League of America has indicated, as I have read, in what districts the Anti-Saloon League of America expended money.

Mr. STAFFORD. I will ask the gentleman another question. I notice in the hearings on page 468, in which are enumerated certain districts in Minnesota, Ohio, Maryland, Pennsylvania, and New York, in which the Anti-Saloon League was active in the last campaign, that after the New York districts appears the language—

Omitted by error from former reports.

That conveys the idea that in a former report there were further districts returned. Has the gentleman any list of those districts?

Mr. TINKHAM. The districts in the first report, filed October 22, 1920, of the Anti-Saloon League of America, are as follows: Indiana, fourth and fifth districts; Iowa, eleventh district; Texas, sixteenth district; Minnesota, seventh district; Missouri, thirteenth district; New Hampshire, first and second districts; New York, first and second districts; Pennsylvania, tenth, twentieth, twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth districts; Ohio, fifth, tenth, and eleventh districts; West Virginia, first and sixth districts; Maryland, first and sixth districts.

Mr. STAFFORD. Were those funds used in favor of candidates or were they used in opposition to candidates?

Mr. TINKHAM. This is what the return says:

The above amounts were expended in the following congressional districts to aid in the election of Congressmen opposed to the nullification of national constitutional prohibition.

Mr. HILL. Will the gentleman yield?

Mr. TINKHAM. I will yield to the honorable Representative from Maryland.

Mr. HILL. I would like to ask the gentleman this question: As I understood the gentleman, he said that the Anti-Saloon League of America is a corporation, and filed three separate reports signed by Wayne B. Wheeler, treasurer, showing expenditures of money to influence the election of Members of the House of Representatives. Is that correct?

Mr. TINKHAM. It is; but he signed his name as "treasurer, campaign committee, Anti-Saloon League of America."

Mr. HILL. Treasurer of the campaign committee?

Mr. TINKHAM. Yes.

Mr. HILL. Is this the same Wayne B. Wheeler who appeared before the Appropriations Committee and was questioned by the gentleman from Massachusetts?

Mr. TINKHAM. He is the same gentleman who appeared before the subcommittee which was formulating the State and Justice Department appropriation bill now before this committee.

Mr. HILL. Can the gentleman state for what purpose the treasurer of the campaign committee of the Anti-Saloon League of America appeared before the Appropriations Committee of this House?

Mr. TINKHAM. He appeared apparently not for political purposes. He appeared to advise the committee in relation to the policies that the committee should pursue and the sums of money that should be designated for the enforcement of prohibition and limitations to be put on language in the bill.

Mr. HILL. I notice that the gentleman refers to expenditures made by Wayne B. Wheeler, treasurer of the Anti-Saloon

League of America, in the seventh district of Minnesota, and the gentleman referred to it as the "Volstead district." Is that the district represented by the chairman of the Judiciary Committee of this House?

Mr. TINKHAM. If I am not mistaken, that is the district represented by Mr. VOLSTEAD.

Mr. BARKLEY. Mr. Chairman, is it in order for me to object to the attorney's leading the witness? [Laughter.]

Mr. HILL. I will say that I am trying to elucidate the truth for the benefit of the House and the Nation. I hope the gentleman will continue to make the same illuminating answers to the rest of my questions. [Laughter.] I would like to ask the gentleman if Wayne B. Wheeler, whom I see in the gallery at the present time—and I saw him in the gallery when the medical beer bill was voted on—whether this Wayne B. Wheeler is the same one who appeared before the Judiciary Committee as legislative agent of the Anti-Saloon League?

Mr. TINKHAM. I understand he is the same.

Mr. HILL. I want to ask the gentleman one more question. Does he think it is proper that the man who spends the money to elect Congressmen should come and ask favors of the legislative committee?

Mr. TINKHAM. What does the honorable Representative mean? [Laughter.]

Mr. HILL. I would like to put my questions in a different form since I see that the gentleman is so reluctant to answer. I would like to ask the gentleman if he thinks it proper that a gentleman who becomes treasurer and spends money to assist in the election of Members of Congress should be at the same time a legislative agent and go before this same Member of Congress in whose election he has assisted and ask for legislation for his employer corporation?

Mr. TINKHAM. It seems to me highly reprehensible that a man should allow his campaign expenses to be paid in part by any organization whatsoever which he knows in advance is coming before the committee upon which he sits as a member, or particularly as the chairman, to ask for legislation of any character.

Mr. HILL. I entirely agree with the gentleman.

Mr. MANN. Will the gentleman yield?

Mr. HILL. I will.

Mr. MANN. Did I understand the gentleman to say that this Anti-Saloon League, organized as a corporation in a particular State, is obliged to make a return in reference to elections of Members of Congress?

Mr. TINKHAM. In reply let me state what the organization of the league is.

Mr. MANN. I heard the gentleman's statement.

Mr. TINKHAM. There is a national organization, known as the Anti-Saloon League of America, and it has subsidiaries or departments in every State of the Union. Many of the offices of the national organization are also offices of the State organization. It has an interlocking system.

Mr. MANN. Let me ask the gentleman this question, a simple one, and get a simple answer, and I think I understand what it will be: Suppose the Anti-Saloon League in Massachusetts is organized under the laws of the State of Massachusetts and expends funds wholly within the State of Massachusetts with reference to the election of Members of Congress, does the gentleman insist that the corporation must make a Federal return?

Mr. TINKHAM. If it is interlocked with the national association, of course; else it would be a repudiation and nullification of that law.

Mr. MANN. Then I would like to ask the gentleman this question: Does the Massachusetts State Republican committee make any return with reference to its expenditures?

Mr. TINKHAM. The law provides, specifically, that only the national committees of all political parties and the national congressional campaign committees of all political parties shall make returns, thereby excluding the State committees. But there is no limitation put upon the other "committees, associations, or organizations." The law provides that such "committees, associations, or organizations" shall report their entire expenditures.

Mr. MANN. If it is not interlocked with the national Republican committee, then I do not understand its purpose.

Mr. TINKHAM. The law specifically provides for returns only of the regular political national committees; but there is no limitation upon other committees so far as State expenditures are concerned.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. EVANS. Is it not a fact that as to the two pieces of legislation, or the limitations, to which Mr. Wayne B. Wheeler

directed his request, the gentleman himself consented to their being incorporated in the bill; and are they not now in the bill before the House?

Mr. TINKHAM. Oh, yes; I agreed to what was suggested. It is a reasonable suggestion.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. COOPER of Ohio. A few moments ago the gentleman from Massachusetts asked me a question as to where I found the statement I was reading to him. I would state to the gentleman that he will find the statement concerning the activity of the Association Opposed to National Prohibition, together with the amount of money they are supposed to have on hand before they can turn a wheel, and so forth, beginning on page 491, of part 2, of the hearings before the subcommittee of the House Committee on Appropriations on the Department of State and judicial appropriation bill. I ask the gentleman from Massachusetts to make an investigation of the activity of that organization, and if he finds anything wrong I would like to have him report their wrongdoing to Congress.

Mr. TINKHAM. I shall take the suggestion of the honorable gentleman from Ohio under consideration. Mr. Chairman, I ask unanimous consent to have incorporated with my remarks the first, second, and third return of the Anti-Saloon League of America and the returns of the Wisconsin Anti-Saloon League. Otherwise those papers may be lost.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

OCTOBER 22, 1920.

HON. WILLIAM TYLER PAGE,

Clerk, House of Representatives, Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this report as treasurer of the campaign committee of the Anti-Saloon League of America for the period up to October 23, 1920:

Amount of contributions and subscriptions..... \$2,500.00  
Amount of contributions \$100 or more..... 2,500.00

Of the amount contributed or subscribed, the following list shows the names of the contributors giving \$100 or more, the addresses, and the amount contributed by each, to wit:

Samuel Dunlap, Circleville, Ohio.....	\$100.00
W. F. Hutchinson, Columbus, Ohio.....	100.00
John Breece, Portsmouth, Ohio.....	100.00
E. M. Ogilvie, East Liverpool, Ohio.....	100.00
Pearl Selby, Portsmouth, Ohio.....	100.00
A. Z. Blair, Portsmouth, Ohio.....	100.00
Foster Copeland, Columbus, Ohio.....	100.00
Alexander Neff, Neffs, Ohio.....	500.00
W. S. George, East Palestine, Ohio.....	500.00
D. C. Boyd, Gallon, Ohio.....	300.00
W. H. Hoover, North Canton, Ohio.....	500.00

Total..... 2,500.00

Amounts expended.

Printing sample ballots.....	\$325.00
Printing public documents (extracts of Congressional Record).....	496.11
Addressing envelopes.....	81.50
Clerks' and stenographers' hire:	
Miss Keith.....	66.00
Miss Dudley.....	64.00
Mrs. Pearson.....	50.00
Miss McCulloch.....	75.00

Organizers and field workers: Services and expenses of—	
F. B. Ebbert.....	400.00
Rev. S. E. Nicholson.....	503.00
Telephone and telegraph.....	75.00
Postage.....	50.00

The above amounts were expended in the following congressional districts to aid in the election of Congressmen opposed to the nullification of national constitutional prohibition:

Fourth and fifth Indiana districts.  
Eleventh Iowa district.  
Sixteenth Texas district.  
Seventh Minnesota district.  
Thirteenth Missouri district.  
First and second New Hampshire districts.  
First and second New York districts.  
Tenth, twentieth, twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth Pennsylvania districts.  
Fifth, tenth, and eleventh Ohio districts.  
First and sixth West Virginia districts.  
First and sixth Maryland districts.

The foregoing statement is respectfully submitted.

WAYNE B. WHEELER,  
Treasurer Campaign Committee  
Anti-Saloon League of America.

WASHINGTON, D. C., October 23, 1920.

HON. WILLIAM TYLER PAGE,

Clerk, House of Representatives,  
Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this additional report as treasurer of the campaign committee of the Anti-Saloon League of America for the period of October 23-29, 1920.

No additional contributions have been received.

AMOUNTS EXPENDED ON OBLIGATIONS ASSUMED.

Clerks' and stenographers' hire:	
Miss Keith	\$16.66
Miss Dudley	15.84
Mrs. Pearson	16.66
Miss McCulloch	18.75
Organizers and field workers—services and expenses of:	
S. E. Nicholson	128.00
F. E. Ebbert	134.00
Telephone and telegraph	20.00
Postage	5.00
Printing and postage bills assumed	200.00

The above obligations were assumed in the following congressional districts:  
 Seventh Minnesota district.  
 Fifth Ohio district.  
 Eleventh Maryland district.  
 Twenty-fifth and twenty-eighth Pennsylvania districts.  
 Fortieth, forty-first, and forty-second New York districts (omitted by error from former report).  
 The foregoing statement is respectfully submitted.

W. B. WHEELER,  
 Treasurer Campaign Committee,  
 Anti-Saloon League of America.

DISTRICT OF COLUMBIA, Washington, D. C., ss:

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America, that the foregoing statement by him signed is a true and correct report of the receipts, disbursements, or obligations of said campaign committee to October 29, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned notary public in and for the District of Columbia, this 29th day of October, 1920.

FREDERICK A. THUEE,  
 Notary Public in and for the District of Columbia.  
 (My commission expires October 18, 1925.)

HON. WILLIAM TYLER PAGE,

Clerk, House of Representatives, Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as activities of the league are educational, scientific, and charitable rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses only in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER,  
 Treasurer Campaign Committee,  
 Anti-Saloon League of America.

THE ANTI-SALOON LEAGUE OF AMERICA,  
 LEGAL DEPARTMENT,  
 Washington, D. C., December 1, 1920.

HON. WILLIAM TYLER PAGE,

Clerk House of Representatives, Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this additional report as treasurer of the campaign committee of the Anti-Saloon League of America for the period October 29 to November 2, 1920.

No additional contributions have been received.

Amounts expended or obligations assumed.

Clerks and stenographers' hire:	
Miss Keith	\$16.00
Miss Dudley	12.76
Mrs. Pearson	16.00
Miss McCulloch	20.00
Miss Lillian Berry	5.00
Mrs. T. L. Himmelman	50.40
Organizers and field workers, services and expenses of:	
F. B. Ebbert	199.00
S. E. Nicholson	45.00
L. G. Long	137.78
David Hepburn	50.00
Traveling, telephone, and other expenses:	
Telegrams	25.00
Telephone	20.00
Postage	44.92
Traveling expenses of undersigned	110.00

Summary of expenses filed in report Oct. 24	\$751.86
Summary of expenses filed in report Oct. 29	2,185.60
Total	3,492.47

The above amounts were expended or obligations assumed in the districts named in reports of October 24 and October 29, 1920. The foregoing statement is respectfully submitted.

W. B. WHEELER,  
 Treasurer of Campaign Committee of  
 Anti-Saloon League of America.

THE ANTI-SALOON LEAGUE OF AMERICA,  
 LEGAL DEPARTMENT,  
 Washington, D. C.

DISTRICT OF COLUMBIA, Washington, D. C., ss:

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America; that the foregoing statement by him signed is a true and correct report of the receipts, disbursements, or obligations of said campaign committee from October 29 to November 2, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned, a notary public in and for the District of Columbia, this 1st day of December, 1920.

FREDERICK A. THUEE,  
 Notary Public in and for the District of Columbia.

HON. WILLIAM TYLER PAGE,

Clerk, House of Representatives,  
 Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable, rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses only in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER,  
 Treasurer of Campaign Committee of  
 Anti-Saloon League of America.

DISTRICT OF COLUMBIA, Washington, D. C., ss:

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America, that the foregoing statement by him signed is a true and correct report of the receipts and disbursements of said campaign committee to October, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned notary public in and for the District of Columbia, this 22d day of October, 1920.

FREDERICK A. THUEE, JR.,  
 Notary Public in and for the District of Columbia.

(My commission expires October 29, 1920.)

HON. WILLIAM TYLER PAGE,

Clerk of House of Representatives, Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable, rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER,  
 Treasurer Campaign Committee Anti-Saloon League of America.

NOVEMBER 4, 1920.

Statement of expenditures of Wisconsin Anti-Saloon League primary election campaign (election November 2, 1920) in behalf of candidates on attached list, etc.

Names.	Addresses.	Salary.	Field expenses.
R. P. Hutton	Milwaukee	(1)	\$227.47
J. I. Seder	do	\$450.00	215.36
D. P. French	do	375.00	199.15
B. N. Hicks	do	375.00	283.48
N. C. Shirey	Madison	400.00	358.09
A. H. Zechiel	Eau Claire	350.00	381.99
J. P. Koeller	Oshkosh	300.00	479.78
T. W. Gales	Appleton	333.34	398.63
W. G. Jones	Madison	253.00	387.97
J. C. Bartholf	Milwaukee	333.32	255.10
C. M. Hodney	Madison	333.34	393.23
Total		3,503.00	3,530.25
			\$7,033.25

<sup>1</sup> Salary paid by Anti-Saloon League of America, Westerville, Ohio.

Extra office help	\$172.25
Office Specialties Co. (stencils and ink)	12.50
Standard Paper Co. (paper and envelopes)	101.62
H. H. West Co. (miscellaneous office supplies)	9.60
Advocate Publishing Co. (printing and envelopes)	1,720.42
Telephone	139.06
Telegraph	9.37
Postage	830.76
Total	10,028.83

The foregoing amount was spent for educational and Americanization campaign, concurrently with political work for the candidates on list hereto attached.

STATE OF WISCONSIN, County of Michigan, ss:

Elizabeth Roberts, bookkeeper and assistant treasurer of the Wisconsin Anti-Saloon League, being first duly sworn, says that the foregoing statement of expense incurred or paid by said Wisconsin Anti-Saloon League in behalf of candidates named on attached printed list is correct and true, as she verily believes, and that the same constitutes all of the expenses incurred or paid by said league for the purposes named.

ELIZABETH ROBERTS.

Subscribed and sworn to before me this 3d day of November, 1920.

[SEAL.] EDITH R. HUTTON,

Notary Public, Milwaukee County, Wisconsin.

My commission expires March 2, 1924.

A DRY BALLOT ON REFERENDUM AND CANDIDATES—TAKE THIS TO THE POLLS FOR REFERENCE ON ELECTION DAY, NOVEMBER 2—REFERENDUM ON PROHIBITION ENFORCEMENT LAW (MULBERGER LAW)—DON'T FORGET TO VOTE FOR THIS ON THE SEPARATE PINK REFERENDUM BALLOT.

Shall chapter 556 of the Laws of 1919, entitled "An act to suspend the operation of chapter 66 of the statutes of 1917, entitled 'Excise and the sale of intoxicating liquors,' and to create sections 1569(1) to 1569(22), inclusive, of the statutes, relating to intoxicating liquors, to provide for the enforcement of Article 18 of the Constitution of the United States, providing penalties, making an appropriation, and defining intoxicating liquor," be continued of force and effect?

Yes [X].  
 No [—].

*Dry Congressional and Legislative Candidates.*

## UNITED STATES SENATOR.

(Voted for by whole State.)

IRVING L. LENROOF (Republican): Must be reelected. Next to Volstead perhaps most important man in Congress for dries. Defeat might mean repeal of Volstead Act.

## GOVERNOR.

(Voted for by whole State.)

Robert Bruce McCoy (Democrat): Member Congregational Club, which took active part in voting Sparta dry. Opposes legalizing beer. For law enforcement and removal of sheriffs and district attorneys who are lax.

John J. Blaine (Republican): Voted for county option. Now receiving support of beer advocates. Refuses to state position on legalizing beer.

## ATTORNEY GENERAL.

(Voted for by whole State.)

William J. Morgan (Republican): Openly opposed to legalizing beer. Lifelong dry fighter. Pledges law enforcement.

## STATE SENATORS.

Tenth district: St. Croix, Pierce, Pepin, and Buffalo Counties, George B. Skogmo (Republican).

Twelfth district: Ashland, Bayfield, Price, Rusk, and Sawyer Counties, C. H. Werden (Republican).

Fourteenth district: Outagamie and Shawano Counties, Anton Kuckuk (Republican), Clinton B. Ballard (Independent).

Sixteenth district: Grant, Crawford, and Richland Counties, Henry E. Roethe (Republican).

Twenty-second district: Walworth and Rock Counties, Ed. T. Ridgeway (Republican).

Twenty-fourth district: Clark and Wood Counties, William L. Smith (Republican).

Twenty-sixth district: Dane County, Henry A. Huber (Republican).

Thirty-second district: La Crosse and Trempealeau Counties, E. F. Clark (Republican).

## CONGRESSMEN.

First district: Kenosha, Racine, Waukesha, Walworth, and Rock Counties, H. A. Cooper (Republican). Voted for eighteenth amendment; no statement on beer and wine.

Third district: Crawford, Richland, Grant, Iowa, Dane, La Fayette, and Green Counties, James W. Murphy (Democrat). Openly opposes legalizing beer and wine. JOHN M. NELSON (Republican). Voted for eighteenth amendment. Refuses to state position on beer and wine; receiving support of beer and wine advocates.

Fourth district: South half Milwaukee County, Gerald P. Hayes (Democrat). Bone dry; declares against legalizing beer and wine.

Seventh district: La Crosse, Jackson, Monroe, Clark, Vernon, Juneau, Adams, and Sauk Counties, JOSEPH D. BACK (Republican). Opposes beer and wine.

Eighth district: Marathon, Portage, Waupaca, Waushara, Wood, and Shawano Counties, EDWARD E. BROWN (Republican). Opposes beer and wine. Needs every dry vote. (Work hard for BROWN.)

Ninth district: Langlade, Forest, Florence, Marinette, Oconto, Outagamie, Brown, Kewaunee, and Door Counties, DAVID G. CLASSON (Republican). Voted against eighteenth amendment. Voted for Volstead Act. Andrew R. McDonald (Democrat). Indorsed by farmer-labor. Bone-dry union-labor leader.

Tenth district: Dunn, Barron, Chippewa, Eau Claire, Trempealeau, Buffalo, Pepin, Pierce, and St. Croix Counties, JAMES A. FEAR (Republican). Has dry record.

Eleventh district: Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Polk, Washburn, Sawyer, Rusk, Price, Taylor, Lincoln, and Oneida Counties, ADOLPHUS P. NELSON (Republican). Dry floor leader.

## CANDIDATES FOR ASSEMBLYMEN BY COUNTIES.

Adams, J. F. McDowell (Republican); Ashland, A. L. Bigelow (Republican); Barron, J. L. Dahl (Republican); Bayfield, F. W. Downs (Republican); Buffalo, E. A. Kenyon (Republican); Burnett, E. H. Johnson (Republican); Chippewa, T. W. Bartingale (Republican); Clark, John Verkullen (Republican); Columbia, Robert Caldwell (Republican); Crawford, Albert C. Johnson (Republican); Dane (first), Herman Saechtjen (Republican); Dane (second), James C. Hanson (Republican); Dane (third), Carl M. Grimstad (Republican); Door, John Peltier (Republican); Frank N. Graas (Independent) (voted to ratify; later voted to legalize beer. No statement); Douglas (first), J. B. French (Republican); Dunn, A. L. Best (Republican); Eau Claire, Rush Bullis (Republican); M. J. McRaith (Democrat); Florence, J. D. Grandine (Republican); Fond du Lac (first), J. J. Lamb (Republican); Fond du Lac (second), J. E. Johnson (Republican); Forest, J. D. Grandine (Republican); Grant (first), C. J. Weitenhiller (Republican); Grant (second), Charles E. Tuffley (Republican); Green, William Olson (Republican); Green Lake, Charles L. Bryden (Democrat); Samuel Owens (Republican); Iowa, William Smith (Republican); Jackson, W. F. Dettlinger (Republican); Jefferson (second), William Everson (Democrat); H. W. Stokes (Republican); Juneau, Oscar Miller (Independent) (opponent very dangerous; Miller must be elected); Kenosha, P. M. Anderson (Independent) (very important to elect Anderson); La Crosse (first), Frank H. Fowler (Republican); La Fayette, James Goodman (Republican); Langlade, J. A. Barker (Republican); Lincoln, Ray M. Atcherson (Republican); Marathon (second), Louis H. Cook (Republican); Kurt Beyreis (Democrat); Marquette, J. F. McDowell (Republican); Monroe, Miles L. Hineman (Republican); Oconto, Peter Ankerson (Republican); Oneida, J. D. Grandine (Republican); Outagamie (first), Mark S. Catlin (Republican); Outagamie (second), Anton M. Miller (Republican); Daniel Crowe (Democrat); Pierce, Charles E. Hanson (Republican); Polk, George A. Nelson (Republican); Portage, William Scribner (Republican); Price, Joseph R. Farr (Republican); Racine (second), Henry F. Johnson (Republican); Richland, E. R. Cushman (Republican); Rusk, D. J. Summerville (Republican); Rock (first), A. E. Matheson (Republican); Rock (second), Edwin G. Fifield (Republican); St. Croix, George Oakes (Republican); Sawyer, D. J. Summerville (Republican); Trempealeau, H. A. Anderson (Republican); Vernon, L. M. Roseland (Republican); Walworth, Riley S. Young (Republican); Washburn, E. H. Johnson (Republican); Waukesha (first), W. A. Frechhof (Republican); Waukesha (second), W. H. Edwards (Republican); Waupaca, Fred Hess (Republican); Waushara, F. W. Ploetz (Republican); Winnebago (first), Clark M. Perry (Republican); Winnebago (second), Nels Larson (Republican); Winnebago (third), George H. Jones (Republican); Wood, W. W. Clark (Republican).

Authorized and published by Wisconsin Anti-Saloon League, 825 Goldsmith Building, Milwaukee, Wis.

Mr. HUSTED. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the honorable gentleman from Massachusetts [Mr. TINKHAM] makes a jewel of inconsistency. He is best known to fame for his vigorous insistence that the fourteenth and fifteenth amendments to the Constitution of the United States shall be in force and full effect; that there shall be a most rigid enforcement of, and compliance with, those amendments; but as to the eighteenth amendment to the Constitution, he joins with a multitude of other gentlemen in the country in looking for some way to get that amendment out of the Constitution without repealing it. He favors any kind of legislation that will evade the full effect of that amendment.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield? Mr. CRAMTON. I would rather proceed. I have only 10 minutes in which to answer a 50-minute speech.

Mr. STEVENSON. I just wanted to call attention to the fact that the gentleman from Massachusetts does not seem to be as anxious to enforce the fourteenth and the fifteenth amendments of the Constitution in Boston as he is in South Carolina.

Mr. CRAMTON. That is another jewel of inconsistency. Having held a hearing of 40 pages, an investigation, if you please, of the Anti-Saloon League, represented by Mr. Wayne B. Wheeler, and that investigation having shown to any reasonable man that the Anti-Saloon League is the only organization with reference to liquor that has paid any decent respect to the election law, the gentleman forthwith proposes that we shall indict the officers of that organization which has complied with the law; but as to the other 20 or 30 organizations opposed to prohibition, who are shown by the record the gentleman himself has made to have violated that law—ignored it—the honorable gentleman says he has nothing to suggest.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I am sorry I can not. As I say, I have but 10 minutes in which to answer a 50-minute speech.

A jewel of inconsistency! The gentleman from Massachusetts said in reply to the gentleman from Ohio [Mr. COOPER] that the reason he does not ask any action against associations opposed to prohibition is because he does not know anything about their activities. His own record shows the evidence, and I will say to the gentleman that if he never had a chance until this morning to read that statement in full in the printed record it is because of a very embarrassing and unfortunate accident in his own office. It would have been in print a week ago except for that accident in the office of the gentleman himself whereby important portions of the testimony of Mr. Wheeler did not appear in the first edition of the hearings before the gentleman's subcommittee. He does not know of any wrongdoing on the part of all these other organizations, and still the testimony brought out by him from Mr. Wheeler shows that this Association Opposed to Prohibition, to which the gentleman from Ohio [Mr. COOPER] refers, has been active in influencing elections. I read from the statement of that organization in 1919, to be found on page 493 of the "second edition" of the hearings before the gentleman's subcommittee:

As to the Federal prohibition amendment all the lawyers who have been consulted are unanimous in the statement that it is illegally a part of the Constitution of the United States, and that therefore the United States Supreme Court will declare it null and void. But the members of the United States Supreme Court are extremely sensitive to public opinion. They must be made to feel the weight of public opinion that has been aroused all over the country by this attempt to prohibit, by constitutional amendment, the natural and inherent rights to free men in a free country. That sentiment can only be crystallized by the expenditure of a very considerable sum of money, and the Association Opposed to National Prohibition has nowhere near enough money to prosecute the campaign.

Mr. Chairman, if there is no law that would require them to make a report of how much money they used in their effort to influence a decision of the Supreme Court of the United States there ought to be a law, and I am surprised that the gentleman has not introduced such a law. Further, in the gentleman's own testimony brought out from Mr. Wheeler, on page 497 of the second edition of the hearings, there appears a list of liquor organizations between the years 1910 and 1920 that participated in congressional elections. That list is as follows.

United States Brewers' Association, 50 Union Square and 109 East Fifteenth Street, New York City; National German-American Alliance (Inc.), 419 Walnut Street, Philadelphia, Pa.; National Association of Commerce and Labor, Chicago, Ill.; National Retail Liquor Dealers' Association; Model License League, Louisville, Ky.; National Association of Manufacturers, St. Louis, Mo.; National Liquor League of the United States, Hugh A. Harvey, chairman congressional committee, Washington, D. C., 1912; National Federation of Retail Liquor Dealers; Wholesale Liquor Dealers' Association.

I read further from that same page of that same testimony which appeared before the gentleman's committee and was brought out by his own questioning of Mr. Wheeler:

The German-American Alliance and the brewers operated with an organization known as the National Association of Commerce and Labor, of Chicago. The political methods of this organization are set forth at length in the investigation made by the Senate Judiciary Committee, under Senate Resolution 307, of the Sixty-fifth Congress. You will find on page 1263 of the report of the hearings the detailed information which they secured by State surveys of each Congressman, his connections and the methods by which they attempted to influence votes, and their plans for securing nominations and elections of Congressmen.

You will find on pages 117, 289, 134, and 1312 a long list of business concerns that were boycotted because they would not aid the liquor organizations. You will find on pages 459 to 462 the sample reports of the political agents who worked for these liquor organizations. These reports disclose the political methods used by the German-American Alliance, the Brewers' Association, and the National Association of Commerce and Labor in influencing the election of Congressmen. The methods by which they raised their funds for carrying on the campaigns, and the defrauding of the Government of taxes which were used for corrupt purposes in elections, are disclosed on pages 85, 342, and 401; also on page 1077.

The methods by which they controlled newspapers and, in many instances, bought them in secret is set forth on pages 656, 701, 657, 675, 658, 462, 70, 73, and 458. The methods by which these organizations controlled the foreign-language press to carry out their program is revealed on pages 466, 471, 467, 621, 996, 557, 595, 551, and 630, etc.

The brewery connection with the "No beer—no work" campaign is set forth on page 199.

These organizations, interested in the election and defeat of Congressmen, at no time after the year 1910 complied with the Federal corrupt practice act.

Several thousand pages of testimony were taken revealing the political methods of these organizations, and the conclusions of the committee will be found in the CONGRESSIONAL RECORD of November 14, 1921, on pages 8603 to 8608. In the face of this testimony the attempt to find fault with the only organization that has complied with the law is unjustifiable.

If the gentleman has not read that it is because he has not made good use of the testimony brought out by himself, and the reference there given to page 1263 of the Senate hearings, giving the detailed information which the wets secured by State surveys of each Congressman, 100 questions about every candidate for Congress in this country, his connections, the method by which they attempted to influence votes, whether the man was in debt and the church to which he belonged, and so forth; the reference to the page showing a long list of businesses and concerns that were boycotted. You will find on page 459 to page 462 sample reports of the political agents who worked for these organizations. If he will look at the two volumes of Senate hearings lying on yonder table, he will find reason for the indictment of those organizations and abundant evidence already available to prove the active participation, country wide, by these wet organizations in elections, who, by the gentleman's own statement on the floor to-day, have filed no reports, as required by law. Mr. Chairman, there has been an investigation of those liquor organizations, as Mr. Wheeler called to the attention of the gentleman from Massachusetts, conducted by a subcommittee of the Committee on the Judiciary of the Senate. That subcommittee made a unanimous report, and that unanimous report received the unanimous approval of the full Committee on the Judiciary of the Senate and was accepted by the Senate, condemning those liquor organizations and their participation in politics in the most unmeasured terms, as shown by the following extract from the committee decision as published in the CONGRESSIONAL RECORD September 5, 1919, page 5187:

The allegations and charges made in said Resolution No. 307, hereinbefore set out, in regard to the brewing and liquor activities, were substantially sustained, as will appear from the printed record, volumes 1 and 2, herewith transmitted.

Your committee in entering upon the investigation directed by said Resolution No. 307 interpreted that resolution as requiring an inquiry into two subjects, to wit:

1. The conduct and activities of the brewing and liquor interest, political and otherwise, was specifically demanded; and
2. A general inquiry into pro-German propaganda and activities was required. The testimony taken having been printed, a review thereof is deemed unnecessary. Complying, however, with the mandate of the resolution requiring a report of the results established by the investigation, the following findings are herewith submitted for the information and attention of the Senate:

#### I.

With regard to the conduct and activities of the brewing and liquor interests, the committee is of the opinion that the record clearly establishes the following facts:

- (a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.
- (b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.
- (c) That they have contributed enormous sums of money to political campaigns in violation of the Federal statutes and the statutes of several of the States.
- (d) That they have exacted pledges from candidates for public office prior to the election.
- (e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.
- (f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturers and mercantile concerns.

(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

(k) That they undertook through a cunningly conceived plan of advertising and subsidization to control and dominate the foreign-language press of the United States.

(l) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals.

(m) That for many years a working agreement existed between the brewing and distilling interests of the country by the terms of which the brewing interests contributed two-thirds and the distilling interests one-third of the political expenditures made by the joint interests.

The gentleman talks about this Chamber being dictated to by the Anti-Saloon League. The gentleman knows there is no organization that can dictate to this body of men. [Applause.] And the gentleman knows that if any resolution should come from him for an investigation of those organizations that his own questions brought into the hearings and which are shown to have violated the election laws, there will be very few votes here on the floor against it from those that respect the Anti-Saloon League as the recognized force that binds together through effective leadership the sentiment of this country of ours that is behind the eighteenth amendment. [Applause.] When the gentleman attacks Wayne B. Wheeler, when he attacks the Anti-Saloon League, I am not concerned about Wheeler or the Anti-Saloon League, but I think of those millions of faithful men and women all over this country that thank God for the eighteenth amendment and are now praying nightly for its enforcement, that this Republic may be the greater. And in so far as the Anti-Saloon League fairly represents that constituency it is entitled to the respect of Congress. Not until the gentleman shows that they have betrayed their constituency has he any right here, after they have fairly explained all their doings, to charge them with violations of this law while shutting his eyes to the real violators of the law.

The gentleman talked about the "deadly thrust" at law and order in this country that was brought about by some one or other. The deadly thrust at law and order in this country comes from those liquor organizations who were declared by a committee of the United States Senate, in that unanimous report of its Judiciary Committee, to have been guilty; that they have undertaken and frequently succeeded in controlling primaries, elections, and political organizations, and not one of them has ever filed a report under the law of which the gentleman speaks. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to my colleague from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I do not suppose the degree of seriousness with which the House regards the gentleman from Massachusetts, the Hon. GEORGE HOLDEN TINKHAM, would justify very extended remarks in reply; but it seems the more sensational and ridiculous a statement is, coming from a Member of Congress, the more publicity it obtains in the United States, and I have no doubt that the charge which has been made by the honorable gentleman from Massachusetts [Mr. TINKHAM] will, as occurred with reference to the hearings, receive wide publicity throughout the United States. Unfortunately, the people of the United States who are not on the ground and are not in the galleries have a very poor opportunity to observe the relative proportion of things that happen on the floor of the House. Sometimes they are liable to be misled by the headlines that usually are found above sensational statements like the one to which we have referred. It would be an interesting thing, if it were possible, to analyze the mental gyrations of the honorable gentleman from Massachusetts. He was a member of the subcommittee of the Committee on Appropriations which was framing this bill for appropriations for the Department of Justice. During the deliberations of that committee, to determine how much money ought to be appropriated for the Department of Justice, Mr. Wayne B. Wheeler asked for permission to come before it. I am not a member of the Anti-Saloon League; I have never con-

tributed to its support in my life, and, so far as I know, it has never as an organization supported me in any race I have ever made for office.

I am not interested in the controversy between Mr. Wheeler and the gentleman from Massachusetts, but he has the right, as any American citizen has the right, to ask to come before the Committee on Appropriations or any other committee and to make statements in behalf of the appropriation for the Department of Justice for the enforcement of the eighteenth amendment or upon any subject before a committee. And while I do not know why he asked permission to go before that subcommittee, I have a suspicion that the fact that the gentleman from Massachusetts was on the committee may have had some influence in determining the propriety of asking and, if necessary, insisting that the Committee on Appropriations should give the Department of Justice all the money that it needed and asked for in order to enforce the eighteenth amendment and all other laws. But, at any rate, Mr. Wheeler went before the committee, and before he was permitted to open his mouth, before he was even permitted to say "Mr. Chairman," the gentleman from Massachusetts [Mr. TINKHAM] took him in charge and cross-examined him, as if he were a crap-shooting negro, before he was permitted to make the statement before the Committee on Appropriations which he came to make.

Mr. EVANS. And not a single question he asked was material to the subject being investigated.

Mr. BARKLEY. The gentleman gives evidence of the fact that he is thoroughly familiar with the questions.

Mr. COOPER of Ohio. Reading a part of the hearings before the committee, Mr. Wheeler made this statement in the presence of the honorable gentleman from Massachusetts. He said this:

Mr. WHEELER. I have already stated our viewpoint of it, and the fact that there might be some doubt with reference to it is the reason why I have asked our committee to file these reports; we are the only organization that does it. I find no criticism of the many liquor organizations that are doing the same thing for not filing a report.

He said this:

We are the only organization that does it—

That is, had filed a report on expenditure. I find no criticism of the many liquor organizations that are doing the same thing, namely, not filing reports. Mr. Wheeler stated that they had filed reports.

Mr. BARKLEY. Yes. The fact is that the Anti-Saloon League, to which the gentleman from Massachusetts has directed his remarks, is the only organization, either for or against the eighteenth amendment, that has filed any report with the Clerk of this House.

Now, the gentleman from Massachusetts becomes profound and serious when he has discovered that perhaps in some technical way Mr. Wheeler did not make his report as full as he thinks it should have been. But we hear no word of condemnation against those who filed no report at all.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Maryland?

Mr. BARKLEY. I will yield with pleasure to my equestrian friend from Maryland. [Laughter.]

Mr. HILL. I want to ask the gentleman if he does not think that all such organizations that attempt to influence the result of national elections should file reports in accordance with the law? I will say to the gentleman that I think they ought to file them.

Mr. BARKLEY. There is but one answer to that question. Of course, if there is any organization in the United States that is spending money in two or more States to influence the election of Members of Congress they ought to report, and I hope that the new organization, with which I think the gentleman from Maryland is in sympathy, the Association Opposed to National Prohibition, which has established headquarters in Washington and which has announced that it proposes to take a hand in the election of Members of the Sixty-eighth Congress, will file reports as required by law, and if it does not file reports the gentleman from Maryland, I hope, will be as active in trying to enforce the law and seeing to it that it does file reports as the gentleman from Massachusetts is in regard to the Anti-Saloon League.

Mr. HILL. I will say to the gentleman from Kentucky that I shall include such a provision in the bill that I hope to introduce to-morrow morning.

Mr. BARKLEY. I am glad the gentleman is taking time by the forelock, and hope he will help to see that all laws are enforced.

The gentleman from Massachusetts [Mr. TINKHAM] has entertained us for an hour. Whatever he talks about has in it suffi-

cient amusement to furnish entertainment to the House. But the gentleman from Massachusetts has taken this time, as he says, in order to emphasize his fundamental objections to the violation of law. In an article which appeared in the New York Evening Telegram recently over the gentleman's signature and under his handsome picture, he laid stress on the fact that the danger that now confronts the United States of America is the disregard for and the disrespect of law. I think in some respects the gentleman is right, though I do not agree to his premise. But while he was talking about the little, insignificant error he thinks committed by the treasurer of this league, on which he pounced for not giving some name—and I do not know whether that is an error or not, although he seems to enlarge on the point of not having given the name—yet during his speech and in all the gentleman's years of activity and service he has failed to denounce organizations that are seeking to undermine the laws of the United States, organizations that announce that they propose to take a hand in the campaign for the election of the next Congress, and will try to elect men who are pledged to repeal the prohibition act, and defeat Members of Congress who favor its enforcement, and ultimately will seek to secure the repeal of the eighteenth amendment to the Constitution. The gentleman from Massachusetts has never denounced this open and flagrant propaganda for violation of the law.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Kentucky is recognized for three minutes more.

Mr. BARKLEY. The disrespect for law in this country, which is liable to undermine the foundations of our Government, is not some innocent, unintentional disregard of a ministerial statute which requires merely the filing of reports with the Clerk of this House. The violation of the law and the disrespect for law that may undermine the foundations of our Republic and finally land it on the highway of nations as a wreck, as the gentleman predicted in the newspaper article to which I have referred, is that kind of violation and disrespect which holds in contempt the law of the land, the fundamental law of the land; disrespect in the minds of people who sympathize with those who undertake to create a sentiment against the enforcement of the law. I hope the gentleman from Massachusetts will make his investigation a little more fair and his activities a little more universal than he is now seeming to do, and without regard to the character of the law or amendment that Congress enacts will join hands with us not only in seeing that the laws are enforced but that there is maintained in the United States a healthy sentiment among the people of our Nation that respects and reveres every law of the Nation and of all the States. [Applause.]

The real trouble that confronts this Nation is not the failure of some benevolent organization to cross a "t" or dot an "i" in its report. One of the menaces to our institutions is the disregard and disrespect of law, to which the gentleman from Massachusetts has contributed as much as any Member of this House. [Applause.]

In this connection I wish to incorporate in my remarks an editorial written by William J. Bryan on "The enforcement of prohibition":

[From editorial in next issue of the Commoner.]

#### ENFORCEMENT OF PROHIBITION.

Acquiescence in the will of the majority when expressed in accordance with our Constitution and our laws is the vital principle of our Government. Jefferson said that acquiescence in the will of the people was the vital principle of the Republic from which there is no appeal except to force, the principle of despotism.

That acquiescence in the will of the majority is the recognized policy of this country can be proven by innumerable facts in our history. For instance, in 1876 the Democrats acquiesced in the election of a Republican President by a majority of one in the Electoral College when that one majority was secured by a decision of the electoral commission which voted eight to seven on every important question. In 1884 the Republicans acquiesced in the decision when Cleveland was elected by the vote of New York and the vote of New York turned upon a few hundred votes. In 1916 the Republicans again acquiesced in the decision when President Wilson was reelected by a small majority in the Electoral College and that majority came from California which went Democratic by a few votes.

Here we have three instances of acquiescence in the election of Presidents by a narrow margin. Although great interests were at stake there was no suggestion of resistance to the decree rendered according to the Constitution and laws. And yet we find a large element, made up of some who claim respectability, resisting a prohibition law based upon a constitutional amendment adopted by a large majority after a fight of 50 years. No important question has ever been settled by so decisive a majority as that recorded in favor of prohibition. More than two-thirds of the States in the Union went dry by their individual act. More than two-thirds of the Members of the Senate and House voted to

submit prohibition. Forty-six States out of 48 have ratified prohibition. Only two States, Connecticut and Rhode Island, have refused to ratify and they are small States, and in the largest of these one branch of the legislature favored ratification. Two Congresses have been elected since national prohibition was submitted—one since prohibition went into effect—and both of these Congresses have been dry by more than two-thirds majority.

And yet, instead of acquiescing in the will of the majority, the "wets" in city, State, and Nation are attempting to elect men to office pledged to violate their oath. They are trying to prevent the enforcement of the law and also trying to secure legislation which they know to be a violation of the prohibition amendment.

So bold are these enemies of Government that they insolently warn the Federal Government not to interfere with open conspiracies in neighboring nations and on the high seas. A Philadelphia paper recently insisted that the Federal Government should not interfere with rum runners outside the 3-mile limit. What a doctrine to preach in this enlightened age! The geographies teach us that three-fourths of the earth's surface is covered by water. The "wets" would confine civilization to one-quarter and turn over three-quarters of the earth's surface to those who are outlaws and who are engaged in conspiracies against governments.

Whenever a ship puts the black flag above the flag of any nation it can be sunk without fear of war. No civilized nation will lend its flag to the violation of the law of any other nation, and it will not protect its citizens when they disgrace their country and their country's flag by such kinds of piracy.

"Freedom of the seas" in this case will be "freedom to seize"; the nations that attempt to protect their homes from the invasion of alcohol will be prepared to seize those who attempt to use the seas for unlawful purposes.

Mr. JOHNSON of Kentucky. I yield 20 minutes to the Commissioner from Porto Rico [Mr. DAVILA].

Mr. DAVILA. Mr. Chairman, some days ago I heard two gentlemen from Kansas raising their voices in defense of E. Mont Reily, Governor of Porto Rico. According to my information the gentleman from Kansas [Mr. TINCHE] does not know E. Mont Reily. If that is the fact, I exonerate him; but the other gentleman from Kansas [Mr. STRONG], who is not my personal friend but who is a close friend of Governor Reily, knows the governor very well. I am sorry I can not exonerate him. It seems to me that there is some similarity between the gentleman from Kansas [Mr. STRONG] and E. Mont Reily. The Governor of Porto Rico is called a "strong" man, and the gentleman from Kansas is STRONG, "too." There must be something in common between these two strong men, although I will say that there is nothing strong in Reily's favor except the gentleman from Kansas. But while the gentleman from Kansas [Mr. STRONG] seems to be very active in defense of his close friend, E. Mont Reily, I have not heard a word in his defense from the gentlemen in this House from Missouri. There are 14 Members of the House on the Republican side from the great State of Missouri. I would like to hear a word from them, and especially from the gentleman from Kansas City [Mr. ELLIS], who comes from the same district as Governor Reily. He ought to know Reily better than any other Member of Congress. Let him take the floor of the House. I invite him to take the floor of the House right now, and I will yield the balance of my time provided he says something about E. Mont Reily. It would be extremely interesting. But I see the gentleman from Kansas City remains silent. Is not that an admission? Is not that a confession? I really believe so.

Mr. ROACH. Will the gentleman yield? I do not happen to be from Kansas City, Mo., but I happen to be from Missouri. I hold no brief for E. Mont Reily, the present Governor of Porto Rico. I have not had anything to say in the controversy which the gentleman has raised, because after reading what the gentleman said before concerning Governor Reily it occurred to me that all the complaints or charges that he makes against him relate to matters that are supposed to have occurred before his appointment and that might properly address themselves to the President, and no doubt did, and were considered by the President at the time of Governor Reily's appointment. Inasmuch as I had nothing to do with his appointment, and the appointment was a personal one by the President, I have not felt called upon to say anything in regard to the matter that the gentleman has heretofore presented and is now presenting to the House.

Mr. DAVILA. I am sorry to see that the gentleman from Missouri has not read my speech very carefully, unless he thinks that the charges I have made against Governor Reily are not enough for the removal of the governor. If he has reached that conclusion I have nothing to say to the gentleman.

Mr. Chairman, it is with deep regret that I arise again in this House to discuss the affairs of Porto Rico under the administration of E. Mont Reily. I am compelled to do so, however, not only in defense of my own good name but also in defense of an unwarranted and unjustified attack upon my people. The gentleman from Kansas [Mr. STRONG], a close personal friend of Governor Reily, has very warmly taken the defense of his good friend, the indefensible Mont Reily, and attempted to present my people and myself as disloyal to the American

Nation. I will prove that the gentleman is acting under an erroneous impression and that his personal friend, E. Mont Reily, has assigned him a very difficult and embarrassing rôle.

Beginning with the ridiculous charges growing out of the \$5,000 appropriated by the legislature, the governor says, and the gentleman from Kansas [Mr. STRONG] joins him in his assertion:

First. That the turning down of the payment of the appropriation is the cause of the hatred of the Resident Commissioner for the governor.

Second. That while I have stated that I declined to accept the appropriation and that the matter was brought to the attention of the auditor without my knowledge, yet it is a fact that I commissioned Mr. Barceló to secure in my name the payment of said appropriation.

The first charge is the only one which might connect me with the governor in this affair.

It is admitted that the governor did not know of the appropriation until his arrival in Porto Rico. At his request Judge Bonner submitted to him a statement, from which I quote the following:

On Saturday, July 30, 1921, on which date Governor Reily arrived in Porto Rico, accompanied by Hon. CORDOVA DAVILA, Resident Commissioner, I was informed by the commissioner that he wished to see me at my office. I cordially invited him to come whenever he found it convenient, but he did not do so. I submitted on the next Monday morning the whole matter of said appropriation to Governor Reily, and was informed by him that he agreed with my conclusions; that in his opinion no warrant should be issued covering the appropriation to the commissioner, and he further ordered that I should not set it up on the books of my office, inasmuch as he considered I had obeyed the law throughout the entire transaction.

I confess that I can not understand what the auditor means when he goes out of his way to say in connection with this matter that on my arrival in the island I told him that I wished to see him. I remember that when Judge Bonner arrived at the pier to meet the governor I introduced him to the new executive as a very efficient and honest man. I did that with a purpose; and it is very easy to explain my commendation of the auditor as well as my words when I said that I desired to talk to him. It is known that Reily while in Washington, and before his first visit to Porto Rico, recommended the removal of the auditor, the attorney general, and the commissioner of education of the island and that I opposed these removals. Notwithstanding this, Reily insisted on the removal of the auditor, Judge Bonner, to appoint in his place his friend from Kansas City, Mo., Mr. Kessinger. As I considered it a mistake to remove without cause an efficient officer, I felt it my duty to warn Judge Bonner about the intentions of the governor.

I never had any knowledge of the conversation between the auditor and the governor about the appropriation. Their private interview was entirely unknown to me. Admitting that the governor expressed his approval to the ruling of Judge Bonner, as I was not aware of this fact, I could not feel any personal animosity toward him for such a reason. And even assuming that E. Mont Reily acted on this matter and that his attitude was known to me, how can it be possible that I should feel personal animosity against him for this when I never had any animosity against the auditor who ruled that the appropriation was invalid? How can the governor reconcile my alleged interest in securing the payment of this sum when I made all possible efforts to keep in his position the same official who held that the appropriation was invalid and whose resignation was asked by E. Mont Reily?

The following cable which I have received from Judge Bonner in reply to my cabled inquiry shows that I had not any knowledge of the interview between the auditor and the governor and that I never mentioned the appropriation to him:

SAN JUAN, P. R., March 16, 1922.

HON. CORDOVA DAVILA,  
Washington, D. C.:

You never personally presented matter of appropriation to me orally or in writing, nor did you request me to submit matter to Governor Reily. Discussed it with other questions with him last August. Several days ago he requested me to state history of case in writing. Statement shows that you asked interview with me but did not come. The appropriation was never mentioned by you to me.

BONNER.

I can not understand why this matter was submitted by the auditor to Governor Reily. According to our organic law the decisions of the auditor shall be final, except that any person aggrieved by his action or decision in the settlement of an account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken. So the governor has not any jurisdiction in the decisions of the auditor until an appeal is taken in writing. It is a fact that no appeal has ever been taken against the ruling of Judge

Bonner. The auditor acts in a judicial capacity and his decisions can not be controlled by the executive until an appeal is taken. Even assuming that the governor advised the auditor not to authorize the payment of the appropriation, this intervention of the executive is entirely officious because he has nothing to do with a case in which he has not obtained jurisdiction. Judge Bonner is not a man to follow any advice opposed to his own conclusions even if that advice comes from the executive of the island, and should the governor have disapproved his decision I am sure that this disapproval would not have affected him in the least.

The auditor says that he submitted the matter of the appropriation to the governor on August 1, 1921. Eight days after E. Mont Reily was fully informed by the auditor of the whole matter, I received the following letter:

EXECUTIVE MANSION, PORTO RICO,  
OFFICE OF THE GOVERNOR.  
San Juan, P. R., August 9, 1921.

HON. FELIX CORDOVA DAVILA,  
Resident Commissioner, San Juan, P. R.

MY DEAR JUDGE: You are perhaps aware that there will be a vacancy on the supreme bench of Porto Rico in the next few weeks. I have watched your course in Washington in the past year while you have been representing your people, and I have been greatly impressed with the splendid work you have been trying to accomplish. My attention has been especially attracted to you since my arrival here through your great loyalty to the American flag and people and your glorious patriotism exhibited during the past 10 days. I believe as an American that your loyalty and patriotism should not go unheeded, but should be rewarded. Porto Rico needs more men of your type of unquestioned character, ability, and unselfish leadership known for their sterling worth and patriotism. Since my inaugural your action has been brought so prominently before me I feel it would be better for Porto Rico if you could remain here and help solve the delicate problems before us, for we all need your help, good advice, and counsel.

Therefore I have decided, without consulting you, to recommend to our distinguished President your appointment to fill a vacancy that is to occur on our supreme bench. It would give me much personal pleasure if you would accept this appointment, for I believe your selection would meet with the hearty approval of 90 per cent of the loyal people of Porto Rico, whom you have served so faithfully and well. Please give me an immediate reply.

Yours faithfully,

E. MONT REILY, Governor.

And this Resident Commissioner from Porto Rico who has been assailed by the governor as capable of entertaining personal feelings against him for his supposed intervention in the matter of the \$5,000 is the same man who declined to accept a position for life on the supreme bench of Porto Rico.

The governor was so impressed by Judge Bonner's report that he immediately offered to the Resident Commissioner a life position on the supreme court bench, and at the same time asked for the auditor's resignation.

It is evident that I have proven beyond any doubt that the statement of the governor attributing to me personal animosity toward him on account of his alleged intervention in the matter of the appropriation is entirely unwarranted.

Regarding the second charge that I commissioned Mr. Barceló to secure in my name the payment of the allowance, I quote from a statement published by Mr. Barceló in the public press of the island, which is self-explanatory. It says:

I must explain, however, that, although I acted in Mr. CORDOVA DAVILA's name in claiming payment of said account, I did so to maintain the claim as a matter of principle and notwithstanding the protests at all times made by Mr. CORDOVA DAVILA, that while he was Resident Commissioner he would never accept the appropriation.

It is also well to state that the last verbal statement which the auditor says was made to him in the matter and to which he replied by the letter published in *El Tiempo*, was not made by me nor in the name of Mr. CORDOVA DAVILA, but by the senate committee on finance and appropriations at the time said committee had the appropriation under consideration during the last legislature. It is a pity that we should have to lose time destroying such petty intrigue.

I also want to read a letter written by a prominent lawyer of Porto Rico who was assistant attorney general and later judge of the district court of San Juan. The veracity and integrity of this gentleman is well recognized in the island of Porto Rico:

SAN JUAN, P. R., March 8, 1922.

MR. ANTONIO R. BARCELÓ,  
San Juan, P. R.

MY DEAR FRIEND: Because of existing political controversies some one has been seeking to disparage the conduct of the Resident Commissioner of Porto Rico in Washington, Mr. CORDOVA DAVILA, regarding the \$5,000 voted by the legislature with the approval of the former governor.

It has perhaps escaped your memory that I intervened in this question as a lawyer and at your request, and the reason for this letter is because I wish to clarify the matter by my knowledge of the case.

Immediately after the auditor of Porto Rico had denied payment of this appropriation you asked me to give you my opinion as to whether you could appeal to the governor with a probability of succeeding. I studied the matter and reached the conclusion, which I transmitted to you, that the Federal statutes and precedents cited by the auditor in support of his decision were not applicable to the rights of the Legislature of Porto Rico, and that an appeal from them to the governor should be made.

I also had the honor of informing you that in accordance with article 21 of the organic act, only Mr. CORDOVA DAVILA himself had the right to make such an appeal, he being the injured party, and in reply

to this I remember perfectly that you said to me that if such was the case nothing could be done about it, because Mr. CORDOVA DAVILA did not wish under any circumstance to accept this appropriation, but that you had been acting on your own account with the desire that a definite decision in this matter be rendered once and for all.

All this occurred a long time before the arrival of the present Governor of Porto Rico.

Yours very truly,

R. RIVERA ZAYAS.

Now, Mr. Chairman, it is true that my friends in the island insistently advised me to accept the appropriation, and it is my impression that Mr. Barceló used my name, among other reasons, because he wanted to present the claim in a legal and proper way. I am not prepared to say whether the appropriation is valid or not, for I have not given careful consideration to this matter and have not studied the legal aspects of it. But I know that prominent lawyers in the island maintain the validity of the appropriation, alleging that if the matter is brought to the consideration of a court of competent jurisdiction the action of the legislature will be upheld. Let me say that there is nothing improper or immoral in the approval of this appropriation by the legislature. The island of Porto Rico does not spend a cent in her representation in Washington, while other insular possessions annually appropriate funds to be expended here for the benefit of the people and under the supervision of their representatives.

Porto Rico has only one Representative in Washington, and if the Resident Commissioner uses any appropriation allowed to him for the benefit of the people, rendering a proper account, I do not see anything in such a course which may be subjected to criticism. The Legislature of Porto Rico has acted openly in this matter, and has included the appropriation in a public law. There is nothing that our legislators desire to conceal, and the publicity given to the matter in the statutes of Porto Rico is the best proof of the honesty of their intentions. I want to state, however, that I will never accept such appropriation.

The gentleman from Kansas seems to be particularly interested in the cablegrams which I sent to Mr. Barceló and which were printed by him in the Record. In the first of these cablegrams I urged the Senate of Porto Rico to adopt a resolution making specific charges against the governor. I sent this cablegram to have them perfect the pleadings, as it were, when my people urged me to bring the matter before Congress, because I wanted the charges to be specific and not in general terms, and because it was natural to ask and receive the cooperation of the people in the same way that I was cooperating with them in their demand for an investigation. I merely asked the senate to ratify the charges which were made by the majority caucus of the legislature three months ago and which were sent to the President of the United States.

And the gentleman from Kansas, who declined to yield to the Resident Commissioner, after assailing his character, notwithstanding repeated interrogations addressed to him, asked this arrogant and sensational question, "Does the gentleman from Porto Rico deny sending this cablegram?" Of course, I sent it. Is there anything wrong in requesting from my people their cooperation in the investigation they were pressing me to ask from Congress?

The last part of the cablegram was sent in the name of Mr. Walter McK. Jones, a member of the Porto Rican Commission, because I did not agree with the conclusion reached by him. This disagreement was noticed by Mr. Barceló, who cabled me to consult Judge TOWNER and Congressman CAMPBELL of Kansas. I consulted with Mr. CAMPBELL of Kansas and he told me he did not want to interfere in our troubles with Reily; but that, in his opinion, it should be better for the Senate to act on the merits of the appointments and not to pass the resolution. I told him that my people were pressing me to ask for a congressional investigation, and that in my opinion I had not any other course to follow. He replied without approving my attitude and rather regretting it, that if I had made up my mind I could act on my own responsibility. The gentleman from Kansas [Mr. Strong] asked if I sent this cable to Porto Rico. Certainly I did. Is there any improper conduct in consulting with two prominent Members of Congress?

But the gentleman from Kansas seems to have lost his self-control and self-respect when he asked these vicious and foolish questions:

Does the Resident Commissioner, CORDOVA DAVILA, deny that he recently cabled Senator Barceló in Porto Rico for money to carry on the fight here against the governor, and will he explain to this House and the country as to whether or not Mr. Barceló in complying with his request, and before he made his speech in Congress, cabled him \$600 to the Dupont Bank in Washington, and said in his cable he would send more soon? Will the Resident Commissioner, CORDOVA DAVILA, give the date of this transaction and explain to the country as to whether or not that had any influence upon his attack upon the Governor of Porto

Rico? Will the Resident Commissioner, CORDOVA DAVILA, also explain as to whether or not a cablegram sent by him on February 17, 1922, of which the following is an extract copy—

FEBRUARY 17, 1922.

BARCELÓ, *San Juan*:

Your cable pleases me very much. Plans actively under way for action in Congress. I will make speech at earliest opportunity, followed by a resolution which will probably be introduced by a Republican.

CORDOVA DAVILA.

is an acknowledgment of the receipt of the \$600 or in connection with it?

Does the gentleman mean to insinuate that Mr. Barceló has bought me for \$600 to make a speech against the governor? This malicious and gratuitous innuendo, this perfidious insinuation of the gentleman from Kansas, needs not any refutation by me. Let it stand in the RECORD as it was printed and as the most serious reflection upon him. If the gentleman from Kansas really desires information regarding communications with my constituents, which he can not obtain from the cable messages secured in an underhand method, I will enlighten him by saying that Mr. Barceló, who was chairman of the commission named by the people of Porto Rico to come to Washington for the purpose of demanding the recall of Governor Reily, did cable me \$600 on February 16, and that this money was used to pay legitimate expenses incurred by the Porto Rican Commission, which is still represented in Washington by Mr. W. McK. Jones, a member of the Porto Rican Legislature. These expenses included stenographer, printing, telephone and telegraph charges, and other legitimate and proper expenses, and have or will be paid by voluntary contributions from the people of Porto Rico who sent the commission to Washington and not from the public treasury of the island. I will even go further and say that if my explanation does not satisfy the curiosity of the gentleman from Kansas, I will be glad to give him a detailed account of how the \$600 was expended if he will call at my office.

The cablegram from Mr. Barceló, which the gentleman from Kansas so well knows, although it was written in Spanish, contained 67 words, 60 dealing with the Reily affair and 7 announcing the sending of funds. In this cable, which did please me very much, Mr. Barceló says that they will not surrender their rights for any promise or concession on the part of the governor.

And now that the gentleman from Kansas displays such great interest in knowing how our private money has been spent, can he tell me who paid the expenses of three of the gentlemen who accompanied the governor from Porto Rico to Washington to campaign in his behalf? Can the gentleman explain whether or not the public money of Porto Rico has been used to defray the expenses of the governor's party? And can the gentleman explain if there is any law in Porto Rico which authorizes the governor to spend the public money of the island to defray expenses of this nature? These are very pertinent questions which I would like the gentleman to answer. His inquiries about the expenditures of our private funds suggest that he will have a greater interest in knowing the way in which the public funds of Porto Rico are used by the governor.

The gentleman appears to be very well informed about the cables sent by Mr. Barceló to the Resident Commissioner. How did the gentleman get this information? I know that the president of the senate can not send an official message to Washington without the governor passing upon the same, as the governor has the control of the cables. I had indications that Reily was violating our private correspondence, but I could not give credit to this report. The information printed by the gentleman from Kansas regarding the cable sent by Mr. Barceló has been a great surprise to me. It is my opinion that this matter ought to be investigated. When I was in Porto Rico I could not send an official message to Washington because the cable companies alleged that they were forbidden by Reily to transmit my cables. The governor said that he had not given such an order, but the fact is that I could not use the cables officially, and that the only reason given by the companies to justify their refusal was that they have to obey the orders of the governor.

I have reason to believe that the gentleman from Kansas did not obtain the information contained in these messages from the Committee on Accounts and it is my purpose to investigate this matter until I get all the facts.

I really feel indignant when I see that the sanctity of my correspondence has been violated by the officious magpie that sits in San Juan to indulge his curiosity by prying into the communications of other people through backstairs and gutter practices. This side light of the type of creature that has been sent there as governor bears out his sinister record in the Post Office Department, wherein it is charged that—

In 1904 he was investigated and recommended for removal for having made false affidavits and for having caused certain scurrilous articles to be published in the public press about certain prominent citizens in Kansas City, Mo.

I think, Mr. Chairman, that this matter demands an immediate investigation.

In another of the cables printed by the gentleman from Kansas I advised my friends not to surrender their rights under any circumstances, and the reason of my advice is very plain. I did not want my people to surrender their rights for any concession in the distribution of public offices. We are fighting for a sacred cause and not for public jobs. What we want is a decent and able man as the representative of the United States in the island. I know that E. Mont Reily is unfit to govern a people, that his reputation and character are entirely discredited, that his veracity and integrity can be successfully impeached, and there is no power in the world that can compel me to accept a man of his character and caliber as governor of my island.

In the last cable printed in the RECORD by the gentleman from Kansas I say:

Everything here favorable. Press helping us.

And that is true, gentlemen. Congress may not accord the investigation asked for by me, the President of the United States may keep Reily in Porto Rico, but the good people of this Nation, the disciples of Washington, Jefferson, and Lincoln are with us in our fight, and I am sure that our appeal to the American people will not be in vain.

In keeping with the brazen misrepresentation that has characterized Reily ever since he has been in Porto Rico is the ridiculous story of the flags that he has given to the Representative from Kansas to be retailed on the floor of this House. The gentleman solemnly stated that—

for four years prior to Governor Reily going to Porto Rico as its governor but 1,600 flags were sold in Porto Rico, while in the half year that he has been governor over 13,000 American flags have been purchased.

I want to say in all frankness that this is the first I ever heard of this. I do not deny it, because I know nothing about it; but I am equally frank when I say I do not believe a word of it. How does the governor know how many flags were sold among the 1,300,000 people living in Porto Rico during the four years prior to his coming there? I wonder if a census or record is kept of such sales or if it is simply a brazen assertion of facts when he deals in these numbers.

In the course of his harangue, which was principally notable for the mass of inaccuracies and misinformation which it contained, the gentleman from Kansas told of the parade of the Unionist Party through the streets of San Juan, following its triumph in the last election. He said there were—

thousands of its followers in line, each carrying the one-star flag. Not an American flag! A number of Porto Rican soldiers of the Regular Army who took part were court-martialed and relieved of their duty for several months.

Mr. Chairman, I participated in that parade. My carriage was decorated with a flag and only one flag, my national flag—the Stars and Stripes. So the gentleman is beside the facts when he says there was not an American flag in line. In fact, there were many American flags in that procession, and the local Porto Rican flag was to be found in profusion. The man in charge of the decorations and the parade, Mr. José Ruiz Soler, is one of the best-known citizens of Porto Rico, a former American soldier, who as color sergeant of the detachment that came to Washington to attend the second inaugural of President McKinley received the personal commendation of the martyred President. Mr. Soler is affiliated with the National Republican Party of the continental United States and a member of the Unionist Party in Porto Rico. His loyalty and republicanism can be personally vouched for by such a staunch party leader as Senator WATSON of Indiana, and it is unthinkable that this man would have engaged in the designs intimated by the gentleman from Kansas.

That his remarks about the Porto Rican troops are no more accurate than his statement concerning the flag is proven by the following communication from the commander of the forces in Porto Rico addressed to the editor of the San Juan Times, the recognized Reily organ in the island, under date of January 13, 1922:

COLONEL JARVIS CRITICIZES THE TIMES.

POST OF SAN JUAN, P. R.,  
San Juan, P. R., January 13, 1922.

To the EDITOR OF THE TIMES:

I have just read an article in your issue of January 12, 1922, headed "Former Governor Post's article."

It has not been my policy to mix in the political squabbles and differences in the island with which the papers have been filled nor to cavil at the frequent inaccuracies, more or less unimportant, in referring to occurrences among the troops or to military activities.

All the papers in the city have been notified that information would be furnished, if desired, about any matters of interest concerning the troops that it is proper to publish and the request made of all of them that items be verified at headquarters before publication. If, however, any paper does not care to avail itself of the opportunity and publishes misleading news it merely reflects on the paper and possibly inconven-

ences some of its readers. I have not considered it of sufficient importance to offer correction, and I have no intention now of changing my policy in that respect. It is the privilege of a newspaper to gather news where it finds it, but I believe it is a duty also to ascertain the truth, and this is even more important as to assertions appearing in the editorial columns. In the article in question, however, your reference to the regiment is so prominently placed, so unequivocally stated, and the charge made is so serious that I feel that I can not ignore it. I have no intention to comment on other matters touched on in the article, and if I do so it is only incidental. I find it difficult to make a specific answer, as the charge is so general and sweeping, but a general denial is not an answer. The only incident referred to in such a way that it can be identified is not correctly stated. No question of disloyalty came to my attention. It is true that orders were issued in accordance with the instructions and long-established policy of the War Department, prohibiting all in the military service from engaging in political activities. For violation of such orders a noncommissioned officer was reduced. He was not a color sergeant. The action would have been the same whether his activity had been in favor of one or another party. I also early in the campaign reproved one young officer for unauthorized political activity. It just happens that these two men belonged to different political parties. No other instances of undue political activity came to my notice. Of course, men in the military service have political opinions, and many of the officers and enlisted men exercised their political rights according to their party affiliations, but it is safe to say that nowhere in Porto Rico was there less offensive partisanship than among them. It is my business to know of influences that may affect the loyalty and dependability of officers and men under my command, and I speak whereof I know when I say that no more loyal, patriotic troops exist than are found right here in Porto Rico. No reason to doubt the loyalty of any man has come to my attention, but, on the contrary, daily and unmistakable evidence of reverence for the flag, loyalty to country, and devotion to duty is evident.

Each officer and enlisted man takes the oath "to support and defend the Constitution of the United States against all its enemies whomsoever," and, make no mistake, the Porto Rican troops can be depended upon in any emergency to fulfill their obligation to the last letter.

A charge affecting his loyalty is the most serious that can be made against the character of a man in the military service. No disloyal man should be permitted to remain in the service. No such man under my command would be at liberty for a minute longer than it took to get him to the guardhouse. I therefore feel it my duty to call upon you for the evidence in support of your charge of disloyalty, or that you make full, complete, and public retraction of your derogatory remarks.

Yours truly,

M. S. JARVIS,  
Colonel Sixty-fifth Infantry.

The gentleman from Kansas says that he was present at a banquet given in Porto Rico when the president of the senate, Mr. Barceló, in his address openly advocated the separation of the island from the United States, and that he was amazed because the banquet was presided over by the then governor of the island. I have not the speech of Mr. Barceló here, but if I get a copy of it I will gladly insert it in the RECORD, if permitted to do so by the House. Mr. Barceló denies this charge, stating that probably the gentleman from Kansas misinterpreted his words. Regarding the Governor of Porto Rico at that time, Hon. Arthur Yager, in justice to him I want to say that there is not a more patriotic and devoted American than he. His honesty and spirit of justice were recognized even by his enemies, and his record as a private citizen and as a public servant is the best evidence of his devotion to duty and loyalty to the flag.

The gentleman from Kansas says that Mr. Barceló and myself are controlling the public affairs of Porto Rico for our own benefit. This is the first time that I have heard this accusation against me. Let me say to the gentleman that I have not any intervention in the administration of the internal affairs of the island and the filling of public offices by the insular government. This charge has been made by the political enemies of Mr. Barceló with the purpose of weakening his prestige and popularity. As president of the senate and leader of the majority party, Mr. Barceló is naturally in close contact with the public affairs of the island. He will be right or wrong, as a human being, in the political activities of his life, but he is a patriot and not a dictator as has been said by Reilly and his friends. His main desire is to see his country happy under a democratic and liberal régime, without any selfish motive and even at the cost of personal sacrifice.

The gentleman from Kansas asked me to—  
also explain as to who the Mr. Jones is that is described in the cablegram of February 11.

He then proceeds to answer his own question by vouchsafing a mass of misinformation and innuendoes about this gentleman who has attained to a high place in the confidence of the Porto Rican people.

Mr. Jones is a good American who cast his lot with the Porto Rican people and has been a resident of the island for more than 16 years. The gentleman from Kansas, after referring to him in a slurring fashion, states that "as a matter of fact he has no residence there." This assertion is as unreliable, not to use a stronger term, as most of the statements of the gentleman from Kansas. Had he familiarized himself with the organic law of the island, he must have known that Mr. Jones could not be elected as a member of our general assembly unless he was an actual resident of the district he is elected to represent. Not only does he comply with this statutory qualification,

but he has been identified with the upbuilding of Porto Rico for almost two decades and is one of our most public-spirited citizens.

A member of our general assembly, he has felt outraged at the type of man who has been sent to Porto Rico as the representative of this Nation and has dedicated his services like other public-spirited Porto Ricans to ridding the island of an administrator whose presence is universally regarded as a blight upon the land. I will say that Mr. W. McK. Jones welcomes the most searching investigation of his activities in this matter and stands ready to assist to the fullest extent any investigating committee that may be named.

The gentleman from Kansas [Mr. STRONG] says that I charge that the governor has removed judges who should not have been removed, and points out the reasons given by the executive to explain the dismissal of these officers. Should the gentleman have read my speech I presume that he would not have misrepresented me. I am not prepared to enter into the details of the innocence or guilt of these officers, because no reason has been given for their removal and no investigation has been made. While I do not believe the reasons that according to the gentleman prompted the governor to execute these illegal acts, I charge that these officers were removed without giving them an opportunity to be heard. The executive has no power to pass upon the innocence or guilt of a judge without a proper investigation as provided by law. The executive can only remove judicial officers for cause shown, which means a hearing and an investigation, according to the Porto Rican statutes, and it is a matter of record that they were removed without cause shown. The charge that one of the judges failed to docket 740 cases involving his unionist friends is unbelievable, and I dare say that this statement is not correct. All these charges made by the gentleman from Kansas on the information of the governor are demanding an investigation. The law presumes that every man is innocent until his culpability is established, and the judicial officers removed without investigation have in their favor the presumption of innocence.

The gentleman from Kansas informed you that Governor Reilly has "protected the treasury and the taxpayers of Porto Rico" by refusing to approve an issue of bonds of \$14,250,000 authorized by the last session of the Porto Rican Legislature. The legislature, according to the gentleman from Kansas, had "appropriated \$1,800,000 over and above the tax income." He stated that the governor "refused to permit the issuance of these bonds for the reason that it would have financially wrecked the island, which is now already bonded for \$15,000,000."

Now, Mr. Chairman, what are the facts in this connection? The president of the Porto Rican Senate has cabled me a full explanation of the charge made by the gentleman from Kansas. I will read:

The statement of Congressman STRONG, based on information provided by Reilly, only proves the ignorance of the governor in accepting advice from the auditor which has been used to deceive Mr. STRONG. The present debt of the insular government is only \$11,960,000, as against the insular tax of one-tenth of 1 per cent collected for several years. As a result of this tax surplus there is a redemption trust fund of \$1,675,383, which the Treasury has intended to use in redeeming un-matured bonds. The greater part of this debt pertains to irrigation projects in the south of the island and to the improvements of the San Juan Harbor, payable from the receipts of the same. The last insular loans approved by the legislature amounted to only \$8,250,000. Loans to the amount of \$6,000,000 pertain to municipal loans payable by a special tax levied by each municipality. Such loans affect only the separate margins fixed by the organic act to apply to the municipalities. The last tax levied for the redemption of new loans was only one-fifth of 1 per cent, to be used in addition to the surplus in the existing trust fund of the previous tax of one-tenth of 1 per cent to pay \$2,000,000 for the purpose of completing road work already approved by previous legislatures and the appropriations in the laborers' districts. Other loans are made payable by special taxes levied against the beneficiaries of the work provided for in the loans. The Eastern Railroad loan, which is for \$3,000,000, is payable from a tax levied with the consent of the landholders of the said region, the law having been subjected to the study and investigation of the public service commission after hearings conducted by the commission to readjust the provisions of the law and to give an opportunity to the public-service enterprises for the construction of connecting lines within one year from the completion of the survey.

The governor's attitude proves his purpose to obstruct the execution of the laws and to create complete confusion of administration and to discredit the country. For this purpose the governor changed the previous heads of the departments, naming others who favored such a disturbing policy. Instead of executing and seeing to the enforcement of the laws enacted by the legislature, the governor's chief mission seems to be to delegate to himself all the powers of the legislative branch of the Government, and deliberately ignoring the provisions of the laws enacted by the legislature. The road improvement work has been abandoned, and the money already expended on these projects will be almost lost. The same thing has happened in connection with the municipal work loans, which have been obstructed the same as the road loans, thus creating an injurious situation affecting not only the progress and credit of the country, but causing misery and need among our laborers, who are unemployed during the crisis and who face an awful situation.

It is not true that the legislature has exceeded its credit margin. Property assessments now exceed \$300,000,000, and the margin, according to the organic act, is \$30,000,000. As our debt as shown is not \$12,000,000, the legislature could easily increase this by \$8,250,000, leaving a margin of \$9,750,000. I rejoice in an opportunity to show the chaotic situation suffered by the island on account of the acts of Governor Reily. The information contained in this cable has been obtained from the treasury and can be verified by the treasurer.

Now that the gentleman is assailing the Porto Rican Legislature it is proper to say that there is not a legislative body in the world more honest than the Legislature of Porto Rico, that the president of the senate, Mr. Barceló, so frequently mentioned by the gentleman, is a patriot and an honest man, that he has the confidence of the people of Porto Rico, and that his integrity can not be successfully impeached by any man.

Governor Reily does not dare to give you the full truth in the matter of the removal of José Coll y Cuchí. He asserts that I told him that this appointment was made by Mr. Barceló, when as a matter of fact he knows that Mr. Coll y Cuchí was appointed by Acting Governor Benedicto, and he is fully aware of all the details connected with the appointment. The governor failed to state that he was also ready to remove the father of Speaker Coll y Cuchí, Doctor Coll, and it was only through my efforts that his intentions were not carried into effect.

When I was informed of the purpose of the governor I immediately went to see him. He admitted that he had decided to remove Doctor Coll. I remember that on that occasion I said to him:

Governor, you have reminded me of the many congratulations you have received as a result of the removal of Mr. José Coll y Cuchí as chairman of the workmen's relief commission, but if you remove to-day Doctor Coll, who is an able and highly respected man, you will have the universal condemnation of the people, who will think that you are committing an act of revenge and retaliation against the speaker because he is attacking you. After you remove Doctor Coll you will not be able to say that you dismissed Mr. José Coll y Cuchí from office for the good of the service, as your attitude will be construed by everybody as an act of personal animosity against the speaker.

In the face of my strong opposition the governor did not dare to remove Doctor Coll.

E. Mont Reily will not succeed in his efforts to weaken the solid opposition of our party against him. The speaker of the house, who is a brilliant man, is not my personal friend. Mr. Barceló and myself have disagreed on several occasions on matters of principle in the past, but the governor wastes his time when he attempts to sow the seeds of discord and dissension in our ranks, because in this crusade against him we all, friends and enemies, are presenting a united front and will not recede until full justice is done to the people of Porto Rico.

The gentleman from Kansas [Mr. STRONG] appears to be very much worried about the Campbell bill granting full self-government to the island of Porto Rico under the American flag, and he attempts to convey the impression that the introduction of this bill has been obtained, through the courtesy of the gentleman from Kansas, Hon. PHILIP P. CAMPBELL, by Mr. Barceló and myself. The gentleman further says that this bill is not the only one which has been introduced for Porto Rico independence.

Let me say to the gentleman that I am compelled to decline the honor of having taken part in the preparation of the Campbell bill, and that the only thing I did was to suggest an amendment after the bill was drafted and the elimination of one of its provisions. My suggestion was not accepted, however, by Mr. CAMPBELL. This is one of the most important bills which has been introduced in the House dealing with our insular possessions. The great domestic issues confronting the American people absorb almost entirely the attention of the Nation, and our difficult problems connected with our possessions are not very seriously considered. The history of the world shows, notwithstanding, that the development of these problems has played a very important part in the vitality and prosperity of nations.

The policy of Spain, placing the government of the overseas possessions in the hands of a few autocrats, caused her the loss of a powerful empire, while England, profiting by the experience of others and her own, has been able to consolidate the Empire in the last 50 years by granting to her colonies a form of government which satisfies the aspirations of the people.

Profiting from the teachings of history, let us work a solution which meets the desires of the people of the distant territories living under the flag and which will affirm the American sovereignty in the hearts of the natives. In my humble opinion this is a matter which deserves the most careful consideration by the statesmen of the Nation. It is not necessary to use the lamp of Diogenes to find these men in America. There is abundant and excellent material and a friendly disposition on the part of the Nation, but there is a lack of interest in the study of these affairs and a great deal of work remains to be

done, which, if properly carried into effect, may be a valuable asset to the Nation. It requires sagacity and statesmanship to understand and solve our problems and to meet the requirements of our people in consonance with American principles and American ideals. Sooner or later this matter will come to the consideration of the American people, and it is better to face the situation without delay, to restore confidence in the people, and to clearly define once for all the American policy in the overseas possessions.

The gentleman from Kansas [Mr. STRONG] is mistaken when he says that his colleague, the Hon. PHILIP P. CAMPBELL, introduced the bill providing for an associated free state out of courtesy to the commission sent here by the people of Porto Rico. I could have introduced the bill myself without the assistance of any other Member of the House. I know that our friend, Mr. CAMPBELL, is as much interested in the measure as are the people of the island. He is not unmindful of its exceptional importance, and the contribution of the opponent as well as of the friends of the bill will be highly appreciated when the matter comes under the consideration of the Committee on Insular Affairs.

The statement that the Campbell bill provides for the independence of Porto Rico is entirely false, as is the assertion that other bills have been introduced in Congress providing for the independence of the island. I challenge the gentleman from Kansas [Mr. STRONG] to present the bills referred to by him in his remarks.

The assertion that the Campbell bill will not be seriously considered by Congress may be more or less correct, since the gentleman from Kansas seems to be thoroughly familiar with the sentiments and feelings of Congress in this respect, but I know that the Committee on Insular Affairs will soon grant hearings on this measure, and I have a letter from the President of the United States which leads me to believe that the matter is not so trivial as the gentleman thinks. The letter from the President is the best answer to the assertion that the bill provides for the independence of the island. The President's letter reads:

THE WHITE HOUSE,  
Washington, February 18, 1922.

Hon. FELIX CORDOVA DAVILA,  
House of Representatives, Washington, D. C.

MY DEAR MR. CORDOVA: I have to acknowledge yours of February 16 with which you inclosed to me a copy of the cablegram which was addressed to you by President Barceló under date of February 14. I have been very interested to read this message from the leader of the Unionist Party of the Porto Rican Islands. It is very gratifying to have this expression of confidence in the Federal Government of the United States and this manifestation of satisfaction in the association of the islands with the United States and our shared hopes under the American flag. I am assuming that Congress will give its earnest consideration to the bill proposed by Congressman CAMPBELL. I have no doubt that the action taken by the Unionist Party will add to the interest and earnestness of Congress in considering this measure.

Very truly yours,

WARREN G. HARDING.

The gentleman from Kansas has devoted the principal part of his speech to denouncing the Unionist Party and the sentiment for independence in the island as a serious menace to the United States.

This sentiment for independence is very old in Porto Rico. It dates back to the time of the Spanish régime. Spain alienated the affection of the insular people by her autocratic and despotic methods and because of the policy followed by the Spanish Conservative Party. The Porto Ricans were accused by the ruling class of being disloyal and traitors to the Spanish nation. The greatest enemies of Spain in Porto Rico were the Spaniards. They kept absolute control of the public affairs of the island and were opposed to any concession in the nature of self-government because they thought that every right granted to the native was a privilege lost by them. When the American soldiers arrived in the island they were acclaimed by the people as liberators and not as conquerors, as the gentleman from Kansas intimates, and the Porto Rican flag, now insulted by Governor Reily, was pinned on the coats of many of these American soldiers. The cordial reception given to them by the people made almost unnecessary the shedding of blood, and the American Nation took possession of the island without the sacrifices of life inherent to every war. As the people were disgusted under the Spanish rulers they accorded a cordial welcome to the soldiers of the land of freedom and democracy, notwithstanding that at that time a liberal form of government had been granted to the island by Spain. Let me quote from a proclamation of the commander in chief of the American forces, Gen. Nelson A. Miles, on his arrival in Porto Rico on the 25th of July, 1898:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the island of Porto Rico. They come bearing the banner of freedom, inspired by a noble purpose, to seek the enemies of our country and yours and to destroy or capture

all who are in armed assistance. They bring you the fostering arms of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold.

Compare this proclamation, issued at the beginning of America's occupation, with the inaugural address of Governor Reily nearly a quarter of a century later. Surely, we are making progress!

It would be a mistake to use in the twentieth century after 24 years of American administration the old and discredited methods of the past. The people of the United States can not afford to adopt a policy which cost Spain her overseas possessions and destroyed the greatness of the Spanish Empire. There may be two or three gentlemen who, like Governor Reily, think that it is a good policy to use a club to suppress the sentiment for independence. They are mistaken. It is by persuasion and not by force that we may win the hearts of the people. You can stop an idea with another idea, but never with a club. Let us base our plea for Americanism on the force of American institutions and American ideals and let us infuse in the soul of the people confidence in justice through persuasion, arguments, and love. The only conquests of the world which have been enduring and everlasting in the hearts of the people are those obtained by love. There have been many Cæsars, but only one Christ, and while the autocratic governments of these early emperors have passed away the teachings of Christ still survive and the Christian doctrines are spread all over the world.

There is an element in the island who honestly and sincerely believe that independence is the only solution of our problems. It is our opinion that they are mistaken, and it is much better to persuade them of their errors than to charge them with disloyalty and treason. I firmly believe in the happiness of Porto Rico under the American flag, and I hope to see all my people, without exception, enjoying the benefit of our institutions in a permanent and indestructible union with our brothers of the mainland. It may be safely said that the Star Spangled Banner will wave forever on our public buildings, because it is the will of America and the forces of the Nation are behind the flag, but it will be more glorious to say that the American flag will never come down in Porto Rico because the Porto Ricans will not consent to that.

Governor Reily has on a number of occasions said that there are no more than 200 Porto Ricans who are advocating independence. Personally, I believe that the governor has perhaps underestimated the number. As I have already said, I believe, and the same sentiment is reflected by a majority of the people, that these well-meaning people are mistaken. When it comes to fixing the permanent political status of the island, the Congress of the United States will find that the people of Porto Rico will be perfectly contented to accept an autonomous government under the American flag.

It is my opinion, however, that the sentiment for complete independence will increase so long as E. Mont Reily is permitted to continue as governor of the island.

The strongest argument in favor of independence in Porto Rico to-day is E. Mont Reily. The greatest obstacle to the advancement of Americanism in the island to-day is E. Mont Reily. The advocates of independence are appealing for new recruits to their cause every day by pointing to E. Mont Reily as a symbol of Americanism. Do you expect to continue to hold the loyalty and respect of the people of Porto Rico when you send to the island as governor an irresponsible despot, who wraps himself within the folds of the Star Spangled Banner and then attempts to rule our people after the fashion of a Roman proconsul? The people of Porto Rico honor and respect the American flag, which is our flag as well as your flag. But I say to you in all seriousness, gentlemen, that the Stars and Stripes is being desecrated when it is made to serve as a shield to protect the conduct of a bully who wantonly insults our people and then seeks refuge beneath the folds of our sacred national emblem.

The charge of disloyalty against the Unionist Party is entirely unjustified. We have proven our loyalty not only by words of mouth but by plain and undeniable deeds during the crisis of the last war, when the patriotism of the citizens was subjected to a supreme test. It is very easy to speak about loyalty under the blessings of peace. It is not so easy to prove loyalty under the harass of war. The record of my island during the crisis speaks for itself and is second to none. No State of the Union can exhibit a better record than ours.

A prominent American writer, Mr. Henry A. Wise Wood, who visited the island in 1918, describing the activities of Porto Rico during the war in an article published in the New York Herald, said:

#### MAKING AMERICANS.

On March 2, 1917, American citizenship was conferred upon the Porto Rican. For nearly two decades he had had a land but no country. For 19 years he had been knocking at our door, unable to enter or go elsewhere. The flag over his head was not his flag, nor could he raise one of his own. So only two months before our declaration of war the Porto Rican was not an American citizen. Would he, therefore, be willing to fight for our cause?

It was this query, possibly, that caused the War Department to hesitate when announcing the draft to apply it to Porto Rico. But this hesitation, whatever its cause, had a galvanic effect upon the people of the island. Instantly there arose an indignant protest and a demand that Porto Rico be permitted to supply its full quota to the Army whose flag at last was its flag. Not only would it fight, but the opportunity to do so it demanded as its right. The children of Columbus's conquistadors were willing and ready to support the liberties of the New World, the world that he and their ancestors had carved out with their swords.

Already had the Unionist Party sent a cable to the President of the United States announcing its support of the war, with the demand that "Porto Rico be assigned its full quota of sacrifice and suffering to obtain victory."

But how did the individual Porto Rican react? A month after the declaration of war the Porto Rican Regiment of the United States Army was ordered to recruit its full strength and prepare for active duty. In three days it had enlisted 654 men and so had filled its ranks; in two weeks, drilled and fully uniformed, the regiment was on its way. Again, when Col. Roosevelt's volunteers were being recruited, it is said, 1,700 selected men signed up in seven days.

On August 27 an officers' training camp was opened at Cayay, amid the tobacco fields in the center of the island, with 250 Porto Ricans, 95 per cent of whom were graduates of colleges or universities in the United States. So thoroughly was the work done in this camp that on November 26, 88 per cent of these men were commissioned.

The results of this experiment caused great popular enthusiasm, and another camp, within the Morro Fortress, was opened with 400 men on February 1, 1918, and was hard at work when I visited it. One of its companies is wholly composed of negroes, so that officers of the lower ranks shall be provided for the negro regiments which are to be drawn from the island. Here also is being trained the home guard of San Juan, of 1,500 men, among them the foremost judges and professional and business men of the place, as well as 500 Boy Scouts.

Porto Rico has caught the war fever, and is glad of it—which is the more remarkable because its people are so little warlike that, although in the revolution belt, it has never known a revolt.

I had not pushed my inquiries far before it became plain that behind this enthusiasm for the war and ardent wish to serve in it was the stimulating influence of one man, an American Army officer. To such an astonishing extent does this soldier seem to have won the affections and confidence of these people that they have not only unquestionably put themselves into his hands in matters relating to the war but have requested the President to make him a brigadier general, so that the Porto Rican troops when they go to the front shall be commanded by him.

#### EAGER TO HONOR HIM.

A sheaf of these requests has fallen into my hands, from free translations of some of which I select the following excerpts:

The resolution of the House of Representatives of Porto Rico recites that "for some years there has lived among us a noble and generous son of America, directing with great foresight and commendable zeal the honorable and high duty of chief of the American troops in Porto Rico, whose name is well known by all—Orval P. Townshend"; that "Colonel Townshend has gained the love and gratitude of this island of Porto Rico by his open and decided efforts for the welfare and prestige of our land, honoring it by an efficient propaganda useful to the good name of Porto Ricans"; that "Orval P. Townshend, as colonel of the Porto Rican troops, has recently successfully carried through an intensive and arduous task to satisfy the wishes of the mothers of the future soldiers who are to give up their lives for the liberty of the world and for the triumph of justice and the rights of humanity, to satisfy those unselfish women who asked that the cantonment for the military instruction of their sons be established in Porto Rico, for the instruction of the sons whose lives they themselves offered with noble patriotism for the defense of the cause upheld by the noble American people"; that "the people of Porto Rico realize the efforts of Colonel Townshend to do full justice to Porto Ricans, and consider him one of their valuable champions"; and that, therefore, it is "resolved by this house of representatives, first, to make a matter of record a vote of thanks and gratitude to Col. Orval P. Townshend for his well-guided purpose in the performance of his official duties; second, that the Government be requested by cable, as a special favor, that Lieut. Col. Orval P. Townshend be promoted to the rank of brigadier general."

The majority of the soldiers were affiliated with the Unionist Party. The administration of the island was Unionist, and the patriotic spirit of our men deserved the highest commendation.

This patriotic attitude of the people of Porto Rico prompted the commander of the Porto Rican forces, General Townshend, to say that had not the draft applied to Porto Rico he was sure he could fill the quota of the island by simply calling for volunteers.

The best proof that can be shown of the patriotic sentiments of Porto Rico are set forth in the following letter from General Crowder to Major Wilson, the adjutant general of the island:

MY DEAR MAJOR WILSON: I have just received from Lieutenant Colonel Kramer a personal letter filled with a glowing description of the achievements of the selective draft in Porto Rico. His account of the accomplishments of the island has not added to my admiration of the work that has been done there, as I already knew from less direct information of the splendid efforts that had been exerted. But it prompts me at this particular time to express to you, and through you to Governor Yeager, Captain Van Deusen, and the other gentleman who so ably directed the administration of the selective service law, an appreciation of the work which is now drawing to a close.

I noted with pleasure in Colonel Kramer's letter that the percentage of delinquents and deserters on the island is probably lower than in any other administrative subdivision. This is indeed a tribute not only to the loyalty and patriotism of your registrants, but also to the splendid

spirit which you have infused into the administration of the selective draft. This remarkable spirit of cooperation is further emphasized by the fact that no member of the 76 local boards has charged the Government for his services.

As you see, we had no slackers in our country. Our local registration boards refused to receive any compensation for their work, and with this wonderful record we appeal to the American Congress, asking only justice for the people of Porto Rico.

The Unionist Party in convention assembled pledged its unconditional support to the American Nation. I was present at the convention, gentlemen, and I can not describe with words the patriotic enthusiasm of the people on that occasion. The resolution was adopted among the applauses of the members, and immediately the president of the senate, Mr. Barceló, sent to President Wilson the following cable:

SAN JUAN, P. R., May 9, 1917.

Hon. WOODROW WILSON,  
Washington, D. C.:

The Unionist Party of Porto Rico, gathered in an assembly at San Juan, pledges its unconditional support to the American Nation and to its illustrious President in the present conflict, and expects that Porto Rico be assigned its share of sufferings and sacrifices until victory is obtained.

And while the Unionist Party, assailed as disloyal by Governor Reily and the gentleman from Kansas, was pledging its support to the Nation, the President of the Porto Rican Republican Party, which is an entirely different organization from the great American party, whose name it has appropriated, now supported by the governor, was being quoted in the San Juan Times as saying:

If our countryman (Jfbaro) goes to France, he does so not through his own volition, but because he is sent by law and by the national will.

It has been said that when Mr. Bryan visited Porto Rico he was so impressed with the anti-Americanism in the island that he was compelled to remind the people that he was, first, an American. I am going to prove with Mr. Bryan himself that the remarks attributed to him are entirely untrue. I quote from a statement made by Hon. William J. Bryan before the Committee on Insular Affairs on April 19, 1910, immediately after his return from Porto Rico:

I appeal to you gentlemen in dealing with these people of Porto Rico to remember that they are with us; that they are a part of us; and that their destiny is interwoven with our destiny. They welcomed us when we went there. For 12 years they have been loyal supporters. There has not been a suggestion of opposition to our country, and you will not find there to-day hostility to America or American institutions. Our language is spreading there and spreading rapidly. The children are taking it up and taking it up gladly. Those people are anxious to be one with us, and I think that we will find it to our interest in every way to make them feel that they are at home and that they are in their father's house.

I confess that the little visit I made to Porto Rico has made me even more friendly to that little island than I was before I went there. I confess that my acquaintance with those people convinced me, if I needed to be convinced, that they are loyal to the United States and loyal to our institutions, and that with their every motive—their motives of generosity, their motives of justice, and their motives of selfish pecuniary interest—we can afford to take them by the hand, assure them that we are friends, and ask them to walk with us in the path our Nation has pointed out and to be our rivals only to see which can the most contribute to the good of this which is now our common country. [Applause.]

I warn the Members of Congress and the American people about the character of information coming from Porto Rico in support of Reily. This propaganda has been initiated and is carried out by Reily himself, who has converted his office into a political club. They write letters, messages, and articles full of misinformation and insult. The articles printed in the RECORD by the gentleman from Kansas [Mr. STRONG], referring to the welcome accorded Governor Reily on his return to the island, are inspired by the executive's club. The Times of San Juan is to-day the paper of Governor Reily. Everybody knows that a number of articles published in that newspaper have been inspired by the governor himself. He is importing in Porto Rico the same policy of defamation which gave him a pitiful notoriety in Kansas City, Mo.

Mr. Chairman, some days ago on the floor of this House I charged E. Mont Reily as being morally and mentally unfit to govern the island of Porto Rico. I submitted for your consideration specific charges and requested a congressional investigation to establish the governor's guilt or innocence. Has Governor Reily denied the charges? Has Governor Reily come forward and demanded an exoneration at the hands of Congress? No, gentlemen, the governor has not denied the charges and he has not joined in the request for an investigation.

The gentleman from Kansas says that the friends of Governor Reily will welcome an investigation in connection with the management of the public affairs of Porto Rico by the leaders of the Unionist Party, but the governor himself has not said a word. I will welcome a full and complete investigation in the manner proposed by the gentleman from Kansas, the

Unionist Party will welcome such an investigation, the people of Porto Rico are clamoring for it, and in justice both to Governor Reily and our people an investigation should be ordered. I therefore challenge the gentleman from Kansas, who appeared on the floor of this House as the authorized spokesman of Governor Reily, to introduce a resolution calling for a congressional investigation of the facts in connection with the so-called attempt of the gentleman from Porto Rico to secure payment of the \$5,000, with all the activities of the Unionist Party, the legislative work of our general assembly, and the official acts of E. Mont Reily as governor of the island.

Let the gentleman from Kansas introduce a resolution or let him by his failure to do so admit that Governor Reily is not willing to face an investigation.

I have been authorized by the president of our senate and the speaker of the house to accept and demand the investigation proposed by the gentleman from Kansas, including all the suggestions made by the friends of the governor or by the governor himself.

It is a very poor defense of E. Mont Reily to attempt to exonerate him by launching a personal attack against the men who are protesting against his administration. Suppose, gentlemen, that I appear as an attorney before a court of justice to defend a man charged with the commission of a crime, and suppose that instead of defending the accused I start a personal attack against the attorney for the State. The judge will laugh, the State attorney will laugh, the jury will laugh at me, and after I finish my remarks a verdict of guilty will be the natural result of my unsuccessful task.

The gentleman from Kansas [Mr. STRONG] may prepare and deliver a number of speeches on the floor of this House insulting our people and praising Governor Reily; but he will not convince me or anybody else of the innocence of the governor until he is fully exonerated after a proper and impartial investigation. I will say to the gentleman that if after an investigation it should be found that the governor is not guilty, I will not be the last in proclaiming his innocence. I promise to this House that if the committee in charge of the investigation reports that I have been guilty of an improper conduct, I will resign immediately my position. Can E. Mont Reily make the same promise?

I have dealt with this matter probably at greater length than it deserves, but this was for the purpose of finally disposing of the charges that I have been actuated by a personal grievance growing out of the fate of the appropriation made by the Porto Rican General Assembly. I think I have convinced any fair-minded man that this was not the case, and feeling that way I decline in the future to be diverted from my purpose of securing a congressional investigation of the official conduct of the Governor of Porto Rico.

The friends of Reily in this body may resort to throwing sand in the public eyes by charging personal malice; they may draw a red herring across the trail by raising the \$5,000 appropriation bogey, but they are not going to divert us from our purpose of having this maladministrator of a helpless people investigated by a jury of his peers. False as his accusations are against me they amount to nothing in considering his case. Reily stands indicted by a whole people, and the charges that he is leveling at his accusers will be futile for the reason that he can not indict a whole people. If he even remotely deserved the emulation of Roosevelt, as he brazenly but safely claims, now that that illustrious man is dead, he will prefer to prove his official conduct "as clean as a hound's tooth" instead of trembling before the possibility of an investigation.

I have information from Porto Rico that the grand jury is investigating the expenditure of the public funds appropriated by the legislature for the office of the governor. It is not my purpose to advance any information about this matter, because the case is under investigation, and it should not be proper to indulge in any comment at this time. I hate to impeach the honesty and integrity of a man under any circumstances, and I only do that when I feel compelled to act under the obligation of a public duty. I was informed that Governor Reily was boasting here in Washington that he had the best appointment that President Harding could award, with a salary of \$50,000 a year, but I did not want to lay this charge to the governor in my first speech, for the reason that the information was given to me confidentially and I was not authorized to make it public. Some days ago I read a speech delivered in Kansas City, Mo., by Rev. Dr. Edwin A. Schell, at the Country Club Methodist Church. I quote from that speech:

Apparently the local reporters missed the significance of a recent address before the Lions Club, or were instructed to ignore it out of local pride, at which a new "excellency" boasted that he had the best appointment that President Harding could award and that his salary would be \$54,000 a year. While the administration was planting poli-

cles of world-wide import—disarmament and a new association of nations—our local celebrity announces the relative importance he sustains by reason of being an "original Harding man" and the perquisites appertaining thereto.

By comparing our official contribution to the administration with the Secretaries of State, Treasury, Commerce, and Agriculture, by contrasting him with the new Chief Justice of the Supreme Court or with the probable Governor General of the Philippines, if, indeed, the comparisons will not be odious, we conclude that the administration needs a new "appointment" secretary and that we grow jackals hereabouts.

When I read this speech I sent a message to Doctor Schell with the purpose of knowing the sources of his remarks, and this is the reply that I received:

KANSAS CITY, Mo., March 21, 1922.

HON. FELIX CORDOVA DAVILA,  
Resident Commissioner from Porto Rico,  
House of Representatives, Washington, D. C.:

Before Lions Club last July, Reily said in effect governorship of Porto Rico is best political appointment President Harding has to give, and that the salary and perquisites would amount to \$54,000 per year. Having visited the Philippine Islands during the administration of Cameron Forbes, without wishing to do injustice to Reily, consider him incompetent for a governorship of Porto Rico. Common opinion here confirms me in my judgment.

EDWIN A. SCHELL.

Now, Mr. Chairman, the salary of the Governor of Porto Rico is only \$10,000 a year, but the appropriations allowed him for necessary official expenditures, in the disbursement of which he should be guided by the strictest economy and rectitude, amount to nearly \$40,000. How could the governor figure \$50,000 as his salary? I have been informed that when the governor made this statement he added that in the next four years of his administration the salary will make a total of \$200,000.

Mr. STEPHENS. Will the gentleman yield? I remember that when this subject was before the House before the gentleman from Kansas [Mr. TINCHER] charged that the Porto Rican Legislature had appropriated \$5,000 for your extra expenses, and that Governor Reily vetoed that measure.

Mr. DAVILA. That is a foolish charge.

Mr. STEPHENS. Did Governor Reily ever veto any such measure?

Mr. DAVILA. No, sir. There is not a word of truth in it. I am sorry that a member of Congress of the United States should repeat such a foolish and unjust charge.

Mr. TINCHER. Will the gentleman yield?

Mr. DAVILA. I yield to the gentleman from Kansas. I will say that when I made that statement I was not referring to the gentleman.

Mr. TINCHER. I referred to the fact that I had a cablegram in my hand from Governor Reily saying that he had stopped—I used the words "vetoed or stopped"—the payment to the gentleman of \$5,000 a year. If you will examine the Record, you will see that those were the words that I used. Now, Governor Reily still claims, and has produced some written documents which he claims confirm the statement, that the first official act of his administration was, after conference with the auditor, to stop the payment of that \$5,000. That is his statement. I do not charge that.

Mr. DAVILA. I can not yield any further, because I have not the time.

Mr. STEPHENS. I called attention to it because the gentleman from Kansas said that he "vetoed it," and I am asking for information.

Mr. TINCHER. I used the word "veto" or "stop."

Mr. STEPHENS. If the gentleman used the wrong word—

Mr. TINCHER. I did not use the wrong word. Let the gentleman read the Record.

Mr. STEPHENS. I did not read the Record.

Mr. TINCHER. I quoted the telegram I had in my hand.

Mr. STEPHENS. The gentleman quoted and I heard him, and I am asking for information.

Mr. DAVILA. Mr. Chairman, I can not yield any further.

The Governor of Porto Rico had no jurisdiction of the matter of the \$5,000. If he acted in this matter, it was entirely beyond his jurisdiction. I received a letter from Governor Reily eight days after this alleged conversation with the auditor, in which the governor implored me to accept a position on the supreme bench of the island.

Mr. HUMPHREYS. The gentleman, as I understand it, protested against the removal of the auditor and against the \$5,000 matter.

Mr. DAVILA. Yes. It is a matter of common knowledge that I opposed the removal of the auditor. In fact, I recommended his reappointment to the Wilson administration, notwithstanding his decision that the appropriation was invalid, just as I opposed his removal to the Harding administration, although Governor Reily finally succeeded in having him removed. This was my consistent attitude toward the auditor, notwithstanding the opinion rendered as to the \$5,000. General

McIntyre knows that and the Secretary of War knows it. I appeal to them to say whether I did not oppose the removal of the auditor.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. HUMPHREYS. As I understood the gentleman, when he made a speech here he made charges of misconduct on the part of Governor Reily as Governor of Porto Rico, citing what those acts of misconduct were, and the only response to that which we have heard from the governor's friends is not that Governor Reily did not commit the acts, but that the gentleman is mad at Governor Reily.

Mr. DAVILA. Yes; that is the only answer, and it is a very poor answer. The grand jury in Porto Rico is investigating the way in which Governor Reily has expended the public money of the island. Something may come from that investigation which may show plainly that Governor Reily is not the man to rule our people, and is not worthy of the confidence of the national administration.

The Grand Rapids (Mich.) Herald, in a recent editorial discussing the Porto Rican situation, said:

FELIX CORDOVA DAVILA, sole representative of 1,300,000 Porto Ricans in the Congress of the United States, rose in his seat last Thursday and solemnly charged Gov. E. Mont Reily, who rules Porto Rico by commission from President Harding, with deeds and words and attitudes inimical to the welfare of the islands and to loyal relations between the United States and its island wards. If the CONGRESSIONAL RECORD is any criterion, DAVILA received scant consideration at the hands of the House. But if a proper conception of the delicate importance of our colonial relations be consulted, he should be given careful and decisive attention. It seems to the Herald that even the most violently partisan friend of the new Republican Governor of Porto Rico should approve DAVILA'S concluding plea:

"This matter has become one of national interest. Under these circumstances, to be fair to the governor and to the people of the island, an investigation should be ordered. Either Reily or the people are responsible for the abnormality of the situation. If the governor is innocent, he is entitled to a public exoneration; and if we are right in our complaints, we are entitled to his immediate removal. The good name of the United States demands an investigation. Let the blame rest where it is merited."

Reily has had a tempestuous time in Porto Rico ever since he was sent to his important responsibilities by President Harding. A few weeks ago he returned to Washington for a White House conference in relation to his troubles. The fact that he then went back to San Juan has been taken as indication that the President stands with him in his difficulties. Perhaps he deserves the President's support. Certainly the country will approve the determined stand he took against Porto Rican movements seeking to incite sentiment favorable to separation from the United States. We would be the last to prejudge him on the strength of DAVILA'S impassioned indictment.

On the other hand, DAVILA has been elected three times, by convincing majorities, as the official spokesman of Porto Rico in Washington. Certainly a majority of Porto Ricans have demonstrated themselves to be fine citizens, intensely loyal to the United States. Certainly they have a right to be heard in protest against any phase of imported government under which they are asked to live. And DAVILA'S petition can not be ignored with impunity. He charges Reily with interfering with the island courts and judges; with violating organic law in persisting in appointments contrary to the approval of the native senate; with encouraging island Bolsheviks (despite his opposition to island Separatists); with undermining native faith in the United States by his irritating and domineering methods; and with importing a number of incompetent Missouri politicians (from his home bailiwick of Kansas City) to displace native administrators. Incidentally, DAVILA charges that Reily himself was once thrown out of the assistant postmastership of his home town for incompetence.

These are serious contemplations. Republicanism was properly prompt in an assault upon Bryan in days gone by for trying to fill up the Dominican customs service with "deserving Democrats." It shows poor consistency if it now complacently winks at Reily when he is charged with importing a worthless deputy sheriff from Kansas City to become chief of the secret service of an island whose language he can not even speak. Republicanism was properly critical of Francis Burton Harrison in the Philippines and sent its ablest colonial administrator, Gen. Leonard Wood, to succeed him. It can not afford to be less scrupulous in Porto Rico simply because the new governor is so close to the White House that the President calls him "Monty."

Reily may be 100 per cent all right, DAVILA may be 100 per cent all wrong. But that is neither here nor there. The one sure thing is that Congress and its Republican control will be 100 per cent all wrong if it does not find the truth. "If the governor is innocent, he is entitled to a public exoneration; if the complainants are right they are entitled to his immediate removal." Under existing condition, even though Reily be innocent of all charges, his utility is under serious handicap that must not be perpetual. Under existing condition Porto Rico can not be expected to be happy, nor can Porto Rico be expected to be satisfied. DAVILA has made a fair, square proposition. The Republican control in Congress should not be afraid to take him up.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield nine minutes to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I avail myself of these nine minutes at this time to call attention of the House to a matter about which there is a considerable amount of curiosity throughout the country. I refer to that symbol of disloyalty, the arch slacker, the chief among the 160,000 draft evaders and slackers in the United States, Grover Cleveland Bergdoll. His case marks a certain impotency on the part of this Government, and it seems to me that the administration in charge has a duty to perform. In April, 1921, a committee was appointed by this House to in-

investigate the very sensational features which were connected with the escape on May 21, 1920, of Grover Cleveland Bergdoll from the custody of the United States Army, where he was confined at Fort Jay, undergoing a sentence of five years for the offense against the law. One hundred and five thousand dollars in gold was withdrawn from the United States Treasury directly by the mother of this man and buried somewhere, apparently, from her testimony. The plea was, while he was in confinement at Fort Jay, without any reasonable explanation of why he was not taken to the disciplinary barracks, at Fort Leavenworth, where he should have been sent, that there was a large amount of gold buried by him in a pot in the mountains at the foot of some rainbow, which it was of great importance to him to recover. So the machinery was put in motion ostensibly to recover the gold, but in reality to recover the liberty of Grover Cleveland Bergdoll. There is evidence of an extended conspiracy. "Whoever touches pitch shall be defiled," and every person who has interested himself in the case for Grover Cleveland Bergdoll, or his associates and counsel, has been defiled. Samuel T. Ansell, Maj. (now Col.) John E. Hunt, retired, Judge John W. Westcott, D. Clarence Gibbonney, now deceased, and others. I call attention to some peculiar circumstances connected with the case. The officer in command at Fort Jay, Maj. John E. Hunt, did not follow the suggestions that were given to him in a letter of instructions from The Adjutant General of the Army in regard to the care that should be taken concerning this expedition.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LINEBERGER. Will the gentleman please call the attention of the House to the fact that this very officer was promoted twice while this investigation was going on, that in the meantime the two poor sergeants who were connected with the affair were transferred to other outfits and reduced to privates, and that that officer is now drawing retired pay to-day from the United States Government? I wish the gentleman would elaborate on that.

Mr. FITZGERALD. I would rather not elaborate, because I am not here to make any charges against any of these people. Charges are suggested by the testimony and the findings set forth in various documents connected with this hearing and the report, but I shall not attempt at this time to say more than that. Every person who seems to have interested himself in behalf of Grover Cleveland Bergdoll is now under suspicion, or worse. Col. C. C. Cresson, who had charge of the prosecution of Hunt before the court-martial which acquitted him, has been recommended for disciplinary action. Gen. Samuel T. Ansell, a practicing attorney at the Washington bar, is recommended for disbarment by this committee. And one attorney contradicts another in the record in such important matters that an honest understanding seems to be impossible. One of the attorneys is now deceased. Among the living, one repudiates any employment with the case; two others swear that he was employed and acted under cover. Grover Cleveland Bergdoll not only evaded the draft successfully but he wrote insulting letters to the authorities showing his contempt for the Government and the power of the United States. He is now in a foreign country, presumably Switzerland. It seems to me that this report, having been on file in this House since August of last year, should be taken up and disposed of. I am informed by a Member from Texas [Mr. WURZBACH] that Colonel Cresson is suing certain newspapers for libel on account of things that grew out of the case.

The reputations of men concerned with this matter either ought to be made clear or the truth made known. Further than that, it is contended by one of the Members making the majority report that counsel were employed unnecessarily in this case, because there was a complaint and criticism of the composition of this committee in that it included no ex-service man.

Mr. Chairman, I ask unanimous consent to extend my remarks and include in the RECORD two letters passing between two members of this committee, showing the time, nature, and conditions of employment of two counsel before this committee, and further to indicate to the House at this time that neither one of these attorneys has seen fit to present any voucher for the payment of those fees; that counsel for this committee disagree with the majority members of the committee and were tending with their influence to persuade that committee not to make the findings that it did. This is altogether such a mess as to demand the early attention of the House.

Mr. FESS. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FESS. When the resolution was in the House before we had not then resumed diplomatic negotiations with Ger-

many, where this gentleman at that time was taken to be. Now, since these diplomatic relations have been resumed, what is the obstacle to bringing this man back for trial?

Mr. FITZGERALD. Because he has sought refuge, as I understand it, in the Republic of Switzerland at this time.

I want this Government to take every honest and available means to bring this man back into custody of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks and to insert the two letters which I mentioned.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

Following are the letters referred to:

[From Hon. John A. Peters, third district of Maine; home address, Ellsworth, Me.]

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C.

Hon. BEN JOHNSON,  
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I want to pay the remaining bills contracted by the Bergdoll committee, and ask your approval of the following:

Just before the recess I had the disbursing clerk give me the amount of our disbursements to date, and I find that it is just about \$3,000. This includes all the expenses except counsel fees.

With the consent of the committee I engaged counsel. I arranged with General Sherbourne, the principal counsel, that he should receive \$100 per day and expenses. He has been paid his actual expenses, and I have his bill which represents a total of 28 days' actual time spent. I propose to approve his bill and put through a voucher for \$2,800.

Owing to certain criticisms touching the nonmilitary composition of our committee, both General Sherbourne and I thought it wise to engage as assistant counsel Mr. John Thomas Taylor, a prominent member of the American Legion, and its leading representative in Washington. Before I left Washington I had a talk with him in relation to his bill, and he told me that he always received \$100 per diem for congressional work, but that he would cheerfully leave this matter to the committee. I do not think that it is fitting that the assistant counsel should receive the same amount that the leading counsel receives, and I suggest that \$50 per day would be a more appropriate sum.

We shall be well within the appropriation of \$10,000 at these figures, and of course we are all anxious to make a good financial showing, at the same time being fair and even liberal with counsel.

I am writing this to your office in Washington, not knowing your present location, but doubtless it will be forwarded.

Will you be kind enough to write me at Ellsworth, Me., and give me your views on the above suggestions. I would like to close the matter up at an early date and not ask the lawyers to wait for their fees.

Very truly yours,

JOHN A. PETERS.

[Copy of letter from Congressman BEN JOHNSON to ex-Congressman John A. Peters.]

BARDSTOWN, KY., September 7, 1921.

Hon. JOHN A. PETERS,  
Ellsworth, Me.

MY DEAR MR. PETERS: I am just in receipt of your letter of 3d instant, asking that I approve compensations of \$100 and expenses a day for Mr. Sherbourne as counsel for the Bergdoll committee, and half that sum for Mr. Taylor as assistant counsel for the committee.

I regret exceedingly that I feel that I can approve neither; first, because neither was necessary; and next, because both, in my opinion, are excessive.

It is not my purpose, either now or hereafter, to criticize any of your actions as chairman of the committee; and I would conclude this letter at this point except for the expression in your letter that you had engaged counsel for the committee with the consent of the committee.

I attended every meeting of the committee, and I feel that I can safely say that at no time was the question of employing or not employing counsel ever put to the committee.

At one of the early meetings of the committee, held in the Naval Affairs Committee room, you announced that you had decided to employ counsel and that you had made inquiries into the suitability of one, whose name you did not call, and that you were awaiting an answer to a telegram of inquiry which you had sent to California.

After you had made this announcement I ventured the suggestion that you employ some one of whose character and ability you had personal knowledge. A day or so thereafter you told me you had employed Mr. Sherbourne.

That is all the action taken by the committee relative to the matter. However, it is but fair to say that the failure at the time of the committee to protest your decision to employ the one of whom you spoke on the occasion referred to warranted you in making that employment at a compensation approved by the committee, which latter was not done.

In this connection it is not out of place to say that the employment of Taylor was never submitted to the committee, and I never heard of his employment until I saw his name, as assistant counsel, printed on some of the hearings.

You spoke in your letter of certain criticisms touching the nonmilitary composition of the committee and that you and Mr. Sherbourne thought it wise to employ Mr. Taylor as assistant counsel because he was a prominent member of the American Legion and its leading representative in Washington. I never heard of the criticism of which you write, and if I had I would not have been willing to expend the public money either to quiet the criticism or to employ unnecessary counsel merely to secure the approval of any organization relative to the conduct of the committee. That should be judged on its real merit rather than on any approval or disapproval which in the least might savor of purchased sympathy or bias.

Very truly yours,

BEN JOHNSON.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the regular 8-point type and insert therein two addresses made at New York on Sunday, on the occasion of the ceremonies for the returned soldier dead.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

REMARKS OF HON. THOMAS S. CRAGO, OF PENNSYLVANIA, RELATIVE TO THE CEREMONIES FOR THE RETURNED SOLDIER DEAD HELD IN NEW YORK CITY ON SUNDAY, APRIL 2, 1922.

Mr. CRAGO. Mr. Speaker, as chairman of the committee from the House appointed to attend the service in honor of the returned soldier dead to be held in New York City April 2, I wish to report that your committee attended this sacred service, and, by permission of the House, I am inserting herewith the addresses made by Senator CALDER, of New York, and by Colonel Wainwright, the Assistant Secretary of War.

This practically completes the work of returning to their homes the men who fell in France; and the services on this occasion, participated in by more than 15,000 people, under the auspices of the War Department, the Navy Department, the American Legion, the Veterans of Foreign Wars, the United Spanish War Veterans, the Grand Army of the Republic, and so many other loyal and patriotic organizations and people, evidenced the fact that we have not forgotten our fallen heroes, and that this Republic will ever hold in grateful remembrance the sacrifice these men made.

ADDRESS OF SENATOR WILLIAM M. CALDER AT THE ARMY BASE, BROOKLYN, N. Y., SUNDAY, APRIL 2, IN CONNECTION WITH THE MEMORIAL EXERCISES FOR THE RECEPTION AND DISPOSITION OF THE LAST CONTINGENT OF AMERICAN SOLDIER DEAD FROM FRANCE.

When Americans gather as we do here, how can they escape the conviction that in this governmental partnership of ours some make contributions to the National Treasury beyond calculation in dollars and cents? Seventy thousand homes, of which 1,064 are here represented, miss the glad some ring of the voice of a stalwart youth, because, perchance, its last joyous note was interrupted as it urged comrades onward at Cantigny, Chateau-Thierry, or St. Mihiel. Our greatest reserve fund is the inspiration created by the sacrifices of heroic men and women for the Nation. To that fund these 70,000 families have made tremendous contributions.

You parents and friends of these noble dead know too well how feeble are words to heal the wounds that war has made, and how even time does not make them less deep. We gather not that we may console you, but to acknowledge the everlasting indebtedness of a grateful people to you and to them.

Fellow Americans, while we thus gather to acknowledge our indebtedness, it is well to remember that in the vocabulary of these youths "obligation" as well as "privilege" had a place. I have spoken of this Nation as a governmental partnership. These noble dead gave their all to that partnership. They, too, had an equal right to the privileges of American citizenship with those who eternally speak of the rights and privileges which belong to them. But these dead knew that unless the burdens and responsibilities of citizenship were cheerfully assumed, the privileges of that citizenship would not be worth the claiming. As a people, we should be exceedingly thankful that the great body of our citizenship do in fact appreciate that governmental obligations are impossible. This was made evident by the peaceable conduct of the universal draft. Never was a test more severe put to the work of the institutions of a free people and never did institutions justify themselves so magnificently. Beneath the occasional clamor for complete change and revolution of our system of government there lies the failure to grasp the truth that popular government requires the surrender of some rights in order that greater rights may be secured. The widespread recognition of this truth by our people is the argument which can not be answered by those who oppose and deride popular forms of government.

It is likewise the guaranty that those who promise a day when there shall be no civil duties but only civil privileges will

fail to fool our citizenship. These mute forms, in unmatched eloquence, call for a more perfect acceptance of the high standards of responsibility which they and the gallant thousands of other days believed necessary for the creation and perpetuation of constitutional government. While these call for a more perfect acceptance of those standards, we rejoice in the knowledge that here is the testimonial that in every rank and condition among us there has been conformity to those standards. Here are the sons of native and foreign born, of farmers and factory hands, of rich and poor. Unmistakably they tell the tale of racial and religious and social differences forgotten in a mighty effort to promote that more perfect union for which our form of government was ordained by its founders.

My fellow citizens, the high standard of unity which these heroes followed can not be forsaken if the tasks of peace shall be met by living Americans as these dead Americans met the tasks of war. Resolutely we must stand against those who would divide the national unity of which the blood of these dead is the sacred cement. Bigotry and intolerance must not supplant mutual confidence and tolerance.

These lifeless forms are a thousand challenges to us to carry on the construction of the more perfect union necessary to the solution of the problems of mankind. Among the greatest of these problems is the preservation of peace itself. It can not be considered ungenerous for an American to state that in war Americans arrived when the need was greatest. We heartened and encouraged our allies. They went on and won with us. Won with the man power we supplied plus the man power we still were able to supply. Behind our lines and the lines of our allies there appeared to the consciousness both of our allies and our enemies a host still greater than we had sent. The world knew that America meant business.

Men and women, we can preserve the generations of the future from any scenes such as this if we, as a Nation, shall so resolve. Without the sacrifice of a fundamental American principle, we can agree that the sword will not be drawn until and unless national honor can not be otherwise maintained.

Under the same institutions and form of government by which these noble dead were inspired to sacrifice their all we can develop a public opinion in support of international arbitration which will hearten and encourage a like public opinion in every civilized nation on the face of the earth.

The surest way to escape participation in the conflicts of the future is by participation in the removal of the causes or war or in the adjustment of those causes by a substitute for war. While it may be that the causes can not all be removed nor a sufficient substitute be found, nevertheless the death of these men will not have been in vain if the world shall move forward along the path to peace.

My heart to-day goes out to you, the fathers and mothers and loved ones of these boys. I can readily understand that it is difficult for you to reconcile yourselves to the thought that they should have died so young. They left you as your precious boys just entering into manhood, and now their labors are finished. The span of life is not measured by years but by achievement. These heroes of ours, during the few brief months of their life across the sea, lived ages. They achieved the highest thing a human being can achieve, for "Greater love hath no man than this, that a man lay down his life for his friends." Each did a man's full duty; he flinched not nor did he falter. They achieved, they accomplished, they triumphed. They will forever live in the memory of a grateful Nation and in the hearts of the peace-loving peoples of the world. They have erected a monument by their deeds of valor which the ravages of time may not destroy.

REMARKS OF THE ASSISTANT SECRETARY OF WAR AT THE CEREMONIES FOR THE RETURNED SOLDIER DEAD, NEW YORK CITY, APRIL 2, 1922.

In yonder covered pier are more than a thousand flag-draped caskets similar to the one before us. They are the last to come home. We, their comrades, and this great throng are here to pay them a last sad, fender farewell.

We stand, indeed, in the presence of our heroic dead. The freedom of mankind was their battle cry. They fought for eternal right and justice, as did the founders of this great Republic. These were no common souls. They fought and died for their country. In what nobler cause could man fight? How better could man die? No words can do fitting honor to their memory nor bespeak the measure of our devotion. Their story will live to inspire future generations of Americans down through the ages. They gave all, and in the giving gave us the example not only of how Americans can die but how they should live.

This is an historic occasion. We have seen the living and the dead return from that conflict in which this Nation casts its great strength in order that the decision should provide justice and peace for the world. Now that time has come when we have an opportunity to pay our respects to the last contingent of those who seek everlasting peace in the land whose flag they carried to victory.

In paying homage to these, the last heroic dead to be returned from France, we also honor their comrades who rest in our national cemeteries in Europe and those whose bodies have already been returned to their own country. Of our 77,080 heroic dead of the World War, 31,520 remain in our national cemeteries of France, England, and Belgium. Their graves, row on row, are mute evidence that in civilization's hour of need America answered, and that Americans are willing to die that liberty, so dear to us, may live. The bodies of 181 have found their final resting place in other foreign countries. These will be joined by 444 others. To their graves their relatives will lead their friends to hear the story of their lives and learn something of what our country means to the liberty of the world.

Forty-five thousand four hundred and fifty-nine have been returned to our own country. They rest in our national and private cemeteries over the wide stretch of our country, and provide shrines of patriotism at which our countrymen may kneel.

We are thankful that our unknown dead is less than 2 per cent of the number who fell, and that almost all can know where their hero sleeps. In this we are more fortunate than other nations, whose unknown dead amounts in some cases to almost 45 per cent.

Each whom we know has found that final resting place desired by those nearest and dearest to him. We mourn with the patriotic mothers and wives who gave their loved ones, and in honoring our heroic dead we also honor them. No mother, no wife ever gave son or husband in a better cause, nor did a son or husband ever meet a nobler death.

Let us resolve to forever honor the memory of these sons of America by perpetuating the cause in which they gave their lives. Our country must always strive for peace and justice in the world, even though we hazard our existence. Individually and collectively let us see to it, that should America ever be called upon again to wage the fight for civilization, that she shall be equal to the task, that her defenses shall not be crumpled, nor her strength dissipated. May no American ever be called upon to give his life unnecessarily because of omission on our part. These dead must not have died in vain.

Heroic dead! Each one of you is now enshrined in the heart of a grateful Nation. Dear comrades, we who clasped hands with you, laughed with you, sang with you, lived with you, crossed seas with you, fought with you, now bid you a last goodby. You will be ever in our thoughts and on our hearts.

Heroic dead, we salute you! Sweet be your deathless sleep. You live with the immortals. Hail and farewell!

#### TARIFF ON PEANUTS AND OTHER FARM PRODUCTS.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff on peanuts, peanut oils, and other vegetable oils, and include a letter and telegram from Mr. W. W. Webb, president of the Georgia Peanut Growers' Association, and also a telegram from the Country Bankers' Association of Georgia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LANKFORD. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD I wish to have printed at this time a letter and a telegram from the Hon. W. W. Webb, of Hahira, Ga., president of the Georgia Peanut Growers' Association; also I wish to have printed a telegram from the Country Bankers' Association of Georgia. I want the Congress and the country to have the benefit of these communications now while the question of tariff on peanuts and other farm products is being considered in the Senate. Regardless of what the Senate may do, the tariff bill will come back to the House on a conference report. Let all the friends of the farmers in Congress do everything possible along the lines sought in these communications.

The Hon. W. W. Webb, president of the Georgia Peanut Growers' Association, is a friend of the farmers, true and tried, and is devoting his magnificent energy and his all to their service. I wish we had many, many more like him, with a noble vision of the great possibilities of the agricultural interest and with a steadfast faith in their accomplishment, evidenced by his noble efforts in behalf of the men who toil on the farm. We would all do well to study closely his timely suggestions.

The letter and telegrams referred to are as follows:

HAHIRA, GA., January 9, 1922.

Hon. W. C. LANKFORD, M. C.,  
Washington, D. C.

DEAR JUDGE: I am glad you are taking such a firm stand in behalf of the same tariff on certain agricultural products as is placed on the things the farmers must buy. I am interested in tariff on all farm products, and especially on peanuts.

The cotton farmers in the boll-weevil section substituted peanuts for cotton as a money crop. They found a profitable market. New machinery was installed and many products were developed out of peanuts—more than 72 in all. It has been proven by scientists that if every other product was destroyed the peanut would furnish food for man and feed for stock of the greatest values. Many luxuries are made from peanuts. All of which increase the consumption and demand. The advancing price made a happy country, especially in south Georgia, Alabama, and other States. The importation of oriental peanuts crept in to reap the benefits of American development of the many products of peanuts, but the farmers were protected by an embargo on oriental peanuts. The increasing price under the embargo brought prosperity to every business in the peanut belt.

We could not have an overproduction, the product had become so useful. The acreage was increased in 1920, with a full assurance of a profitable price, but, alas! while we were rejoicing the embargo was lifted unexpectedly and the oriental peanuts came in and blighted the hopes of our country with ruinous prices and absolutely destroyed the southern peanut industry. Having witnessed the good effects of the embargo on peanuts, in that it made us a prosperous people, we are asking to-day for protection on peanuts. The present administration is going to run the Government on a protective-tariff basis. If our southern Congressmen can not prevent protection on what the southern farmers have to buy, they certainly should try and get equal protection on what they have to sell.

They say that we will have to pay high for sugar and rice on account of tariff. I have been asked if I would vote for 2 cents per pound on sugar and rice if I could get 4 cents per pound tariff on peanuts. My answer is that I am willing for a tariff on everything else, if we can get 4 cents per pound on peanuts and on sufficient other farm products to equal or overcome the increased cost on articles we purchase. For a barrel of either sugar or rice would not be cheap to me at a penny a barrel if I did not have the penny. And if I had to get the penny as a profit on peanuts at the present price, I could not buy any sugar or rice; but if we get 4 cents per pound on peanuts, I can eat some of either at a high price. It is far better to make it possible, with protection, to buy sugar and rice at a high price than to make it impossible to buy it at a low price. Give us protection on peanuts and make us financially able to buy, rather than reduce us to a level with the foreign pauper labor. Protect us against Chinese and Japanese peanuts. Let the Chinese learn to eat their own, and they will not be blighting our prosperity with their products and at the same time appealing to the charities of America.

Let the Japanese and Chinese learn to eat more peanuts and peanut products, the best human food in the world. It will save them from starvation, and it will save the peanut growers of the South at the same time. We should protect the agricultural interests of our country, for it is the basis of our prosperity. If you can not get the tariff off of everything we buy, then for the sake of the tiller of the soil get it on peanuts and every farm product which will help the farmer.

A fair illustration is this: There is a town of 20,000 inhabitants. The incorporate limits includes quite a fine tract of timber. This timber could be sold and marketed very profitably if the trade from out of the corporate limits could be stopped. The mayor and council decided to put on a tariff to keep out competition, and the mayor in the meantime trades for all the timber. This went well for him. He could cut and sell at his own high price, for he had no competition. At the next meeting of the council one of its members, who was the owner of the only large flour and meal mill in the town, being a victim of the high-priced wood, proposed that since the tariff on wood was working so fine that the same tariff be granted on foodstuffs. This they did. All went well. At the next meeting of the council another member, who had in the town the only mill which was turning out cloth to supply the town, being a victim of high-priced wood and bread, proposed that since all was working so well they give him the same protection to his cloth. This they did. All went well. At the next meeting of the council the last man to be heard from was a shoe manufacturer, and he came forward with a similar request to those presented by, first, the fuel or timber man; second, the bread man; and, third, the cloth man. The lumberman, the first to get protection, now rises to speak. He says that as long as he was the only beneficiary the tariff was fine, but now since all are in the game he proposes that they do away with tariff altogether or use it only as a means of raising revenue. So it is when all are treated on a common level or on the same basis. So I appeal to you, as the peanut industry in the South is now drawing its last breath and will soon pass on to the hands of the undertaker, that you save its life while you may. The peanut price is far below cost of production.

In the consideration of tariff on peanuts it is only a question of whom our Government is in sympathy with, America or foreign nations. To reduce our people and our laborers to a level of those of foreign countries has a far-reaching effect. It brings not the price alone down but it brings everything else down with it. The morale of no country exceeds the prosperity of its working citizens. The agricultural industry is the basis of southern prosperity, and drag it down and you drag down its citizenship.

A horticulturist who goes out to prune in his orchard, not understanding his task, may cut the taproot of the tree instead of the needless growth. In so doing the tree dies. So with tariff revisers—they need to study the case lest they cut the taproot of our country's prosperity and thus reap for themselves and others a harvest of blighted and disheartened citizens. If the southern farmers can be assured of protection, they will plant a crop of peanuts in 1922 that will start the wheels of the machine called prosperity to running and grind out a blessing that will mean the enrichment of America. Otherwise the South loses in its efforts to make a success of the peanut industry and China and Japan win.

I certainly hope that you and those striving to get a fair deal for the farmers in the matter of tariff may prevail.

Sincerely yours,

W. W. WEBB,  
President Georgia Peanut Growers' Association.

ATLANTA, GA., March 25, 1922.

Hon. WM. C. LANKFORD, M. C.,  
House Office Building, Washington, D. C.:

Our farmers are greatly disturbed about peanuts and vegetable oils being placed on the free list. If this is done, our peanut industry will suffer irreparable damage. If assured of protection, our acreage will be maintained; on the other hand, if assurance is not given them quickly, the acreage will be reduced 75 per cent the coming season. Oriental oils in competition will seriously affect our hog production also. The crippling of these two important branches of farm industry will prove a calamity. We pray your best efforts to defeat this movement, as our people are already crushed with the ravages of the boll weevil and are now threatened with this influx of oriental oils and peanuts. We can but fear this influx of oriental oils and peanuts will tend to place our farmers on the low level of cheap oriental labor. Georgia farmers are unanimous for protection on farm products the same as on manufactured articles.

W. W. WEBB,  
President Georgia Peanut Growers' Association.

ATLANTA, GA., March 29, 1922.

Hon. W. C. LANKFORD, M. C.,  
Washington, D. C.:

While the country bankers of Georgia are not very strong on tariffs, yet since we are going to have a protective tariff we ask that this tariff bill extend its protection to the products of the farmer, especially peanuts, peanut oils, and cottonseed oils that are affected by the importation of foreign soy-bean oil, peanuts, and peanut oils. If the present tariff is removed the farmers will get approximately \$8 per ton less for their cotton seed and approximately \$15 per ton less on peanuts. The farmers need this protection against oriental labor and must have it.

COUNTRY BANKERS' ASSOCIATION OF GEORGIA.  
SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 288. An act for the relief of John T. Eaton; to the Committee on Claims.

S. 289. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 1945. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

S. 3083. An act authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia; to the Committee on the District of Columbia.

S. 2992. An act authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor; to the Committee on Military Affairs.

S. 534. An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; to the Committee on the Judiciary.

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

## ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until Wednesday, April 5, 1922, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCORMICK: Committee on Indian Affairs. H. R. 10611. A bill to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stats. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes; without amendment (Rept. No. 871). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10407. A bill authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; without amendment (Rept. No. 872). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10240. A bill to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.; without amendment (Rept. No. 873). Referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11152) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. CLOUSE: A bill (H. R. 11153) requiring district judges to impose workhouse sentences in all cases not meriting imprisonment in the penitentiary, authorizing the establishment of such workhouses, and for other purposes; to the Committee on the Judiciary.

By Mr. STEAGALL: A bill (H. R. 11154) to amend section 13 of an act known as the Federal reserve act, approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. ZIHLMAN: A bill (H. R. 11155) creating the positions of second assistant secretary and private secretary in the Department of Labor; to the Committee on Labor.

By Mr. McARTHUR: A bill (H. R. 11156) to regulate trade associations, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIN: Joint resolution (H. J. Res. 302) creating a committee to immediately investigate destructive flood conditions in certain counties of Mississippi on the Mississippi River caused by the construction of levees on the opposite bank or side of said river under Government supervision; to the Committee on Flood Control.

By Mr. FISH: Concurrent resolution (H. Con. Res. 52) expressing the satisfaction of the Congress of the United States in the rebuilding of Palestine by the Jews, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Concurrent resolution (H. Con. Res. 53) to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11157) granting a pension to Amelia M. Hetherington; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 11158) for the relief of Ruth Dixon Philbrick; to the Committee on Claims.

By Mr. COLE of Iowa: A bill (H. R. 11159) granting a pension to Anna Bell Kimball; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11160) granting a pension to Tamar Ervin; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 11161) granting a pension to Martha G. Waldron; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 11162) granting an increase of pension to Henrietta Hull; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 11163) granting a pension to Emily T. Buchanan; to the Committee on Invalid Pensions.

By Mr. HERRICK: A bill (H. R. 11164) for the relief of Frank Rector; to the Committee on Military Affairs.

By Mr. KELLER: A bill (H. R. 11165) granting a pension to Dennis Igo; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11166) granting an increase of pension to Lorinda Sutton; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11167) granting an increase of pension to Robert A. Edwards; to the Committee on Pensions.

Also, a bill (H. R. 11168) granting an increase of pension to Manuel S. Sams; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11169) granting an increase of pension to Claude C. Reno; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 11170) granting a pension to Margaret Jones; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11171) granting a pension to Julia Van Wicklen Jolley; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

4963. By the SPEAKER (by request): Petition of George Noble Todd-Windermere, engineer and inventor, and others, relative to the lease and use of his inventions and patent rights; to the Committee on Patents.

4964. Also (by request), communications from Frank J. Batcheller, chairman national committee of the American Minute Men, of Newton Center, Mass., transmitting resolutions adopted by the Eastern Swedish Conference, representing a membership of 4,667, of the Methodist Episcopal Church; Philadelphia Conference, representing a membership of 101,091; the congregation of the First Baptist Church, of Walton, N. Y.; and the West End Baptist Church, of Oneonta, N. Y., urging the passage of House joint resolution 159, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

4965. By Mr. APPLEBY: Affidavits to accompany House bill 10774, for the relief of John H. Lang; to the Committee on Naval Affairs.

4966. By Mr. CROWTHER: Petition of numerous residents of Montgomery County, N. Y., urging the immediate enactment of House bill 8086; to the Committee on Agriculture.

4967. By Mr. FENN: Petition of the East Hartford (Conn.) Chamber of Commerce, protesting against the appropriation of \$350,000,000 for reclaiming swamp lands in the South and West; to the Committee on Irrigation of Arid Lands.

4968. By Mr. KISSEL: Petition of the National Association of United States Civil Service Employees at navy yards and stations, Brooklyn, N. Y., urging retention of the naval supply station at South Brooklyn; to the Committee on Naval Affairs.

4969. Also, petition of the National Lutheran Council, New York City, N. Y., relative to certain legislation; to the Committee on the Judiciary.

4970. By Mr. RAKER: Petition of Mrs. Carletta Hayes, secretary of the Johnson-Reeds Creek Farm Center, of Red Bluff, Calif., relative to agriculture and allied industries; to the Committee on Agriculture.

4971. Also, petition of the special committee on resolutions of Gazelle Grange, No. 380, of Gazelle, Calif., relative to labor conditions on railroads and in coal mines; to the Committee on Labor.

4972. Also, petition of Mrs. Leafie Sloan-Orcutt, of Los Angeles; Aubrey F. Holmes, of Oakland; Paul W. Macfarland, of Los Angeles; Los Angeles Chapter, Disabled Emergency Officers of the World War, of Los Angeles, all in the State of California, and W. H. Kobbe, of Washington, D. C., indorsing the Bursum bill (S. 1565); to the committee on Military Affairs.

4973. Also, petition of William E. Johnson, of 1109 Oak Street, Oakland, Calif., indorsing and urging support of Senate bill 1565; to the Committee on Military Affairs.

4974. Also, petition of S. B. Vincent, manager of the Oregon Tourist and Information Bureau, of Portland, Oreg., urging support of Senate bill 2959; to the Committee on Appropriations.

4975. Also, petition of William Dolge, secretary of the State board of accountancy, of San Francisco, Calif., indorsing and urging support of Senate bill 2531; to the Committee on the District of Columbia.

4976. Also, petition of H. M. Remington, manager and traffic director of the California Growers and Shippers' Protective League, of San Francisco, Calif., indorsing and urging support of Senate bill 3031; to the Committee on Agriculture.

4977. By Mr. REED of West Virginia: Petition signed by G. E. James, F. P. Martin, R. L. Gaines, Aaron E. Brode, and 35 others, requesting the passage by Congress immediately of an adequate tariff law based upon American valuation; to the Committee on Ways and Means.

4978. Also, petition signed by citizens of Charleston, W. Va., asking that Congress refrain from passing House bill 4388; to the Committee on the District of Columbia.

4979. By Mr. SNELL: Petition of citizens of St. Lawrence County, N. Y., favoring House bill 8086, prohibiting the manufacture of filled milk; to the Committee on Agriculture.

4980. By Mr. SNYDER: Petition of Mr. and Mrs. W. C. Davies, of Frankfort, N. Y., and Ernest N. Ames and Frank L. Rickmyer, of Rome, N. Y., for the enactment of House bill 8086, prohibiting the introduction of imitation milk; to the Committee on Agriculture.

4981. By Mr. TAYLOR of Colorado: Petition from the Sarah Platt Decker Chapter of the Daughters of the American Revolution, of Durango, Colo., urging the enactment of more drastic immigration law; to the Committee on Immigration.

4982. Also, petition from citizens of Redvale, Colo., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

4983. Also, petition from citizens of Fruita, Colo., protesting against the passage of House bill 9753 or other Sunday legislation; to the Committee on the District of Columbia.

4984. By Mr. TOWNER: Petition of H. L. Campbell, of Howe, Okla., and 131 other citizens of the State of Oklahoma, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4985. Also, petition of R. E. W. Goodridge, of Coleraine, Minn., and 43 other citizens of Coleraine, Minn., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4986. By Mr. WASON: Petition of Ernest E. and L. B. Whitmore, of Unity, N. H., protesting against the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

4987. By Mr. WATSON: Resolution adopted at the conference of the Colonial Dames of America, approving the conversion of Fort McHenry into a city park; to the Committee on Military Affairs.

4988. By Mr. ZIHLMAN: Resolution by members of the Allegany Trades Council, of Cumberland, Md., expressing their opposition to the continued imprisonment of war-time political prisoners and indorsing the efforts of Senator Borah to ascertain the status of all cases of persons convicted under the espionage act; to the Committee on the Judiciary.

## SENATE.

WEDNESDAY, April 5, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, Thou art the author and giver of life. Thou hast given to us our span of life. We would spend it before Thee agreeable to Thy good pleasure. While we think many times our paths are strange and we know not how to go, we bless Thee that there is light from Thy presence and that where we fail to understand we can trust Thee to lead us in every line of duty, and Thou canst illumine the way for our feet. We humbly ask Thee this morning for Thy help and strength. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 3, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. NORRIS. Mr. President, I wished to make an inquiry of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. I understand the chairman is not here and I do not know who are the other members of the committee.

Mr. CURTIS. The chairman of the Committee to Audit and Control the Contingent Expenses of the Senate is a member of the Committee on Finance and is engaged at a hearing of that committee. I will send for him if the Senator desires.

Mr. NORRIS. I wish the Senator from Kansas would send for him. The Senator from California [Mr. JOHNSON] was called away from the city, but before he left he introduced the ordinary resolution providing that authority be given the Committee on Patents to hold hearings and take testimony. It was referred, of course, to the Committee to Audit and Control the Contingent Expenses of the Senate. I am informed by the Senator from California, who is chairman of the Committee on Patents, that a meeting of that committee is called for to-morrow to have hearings and to take testimony on a very important bill pending before the committee.

It is quite important therefore that the resolution should be passed to-day. There can be no objection to it. I have not examined it, but I assume it is in the regular form of resolutions passed in reference to hearings before all committees. I ask the Senator from Kansas if he will send for the Senator from New York [Mr. CALDER], who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CURTIS. I have sent for the chairman of the committee, and as soon as he comes I will speak to him about the resolution. It can be taken up by unanimous consent later in the day.