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Mr. PUJO. In the next to the last line.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

ADMISSION OF ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I desire to make a privileged report from the Committee on Territories.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] makes a privileged report from the Committee on Territories, which the Clerk will read.

The Clerk read as follows:

House joint resolution 156 (H. Rept. 162).

Joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that the Senate bill, which is identical with this and which has passed the Senate, be substituted for this one.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The proper thing to do is to order it printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I have no objection to the consideration of the bill at this time—either the House bill or the Senate bill—but I suppose if you substitute the Senate bill for the House bill the motion would be to go into the Committee of the Whole. Is that the intention?

Mr. FLOOD of Virginia. Yes; on the Senate bill.

The SPEAKER. The report is referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANN. The report and the bill?

The SPEAKER. The report and the bill. Now the gentleman from Virginia asks unanimous consent to substitute the Senate joint resolution 57 for House joint resolution 156, they being identical.

Mr. MANN. I suggest to the gentleman that he move to go into the Committee of the Whole on the House bill, and, pending that, to ask unanimous consent to substitute the Senate bill for the House bill.

Mr. FLOOD of Virginia. Mr. Speaker, I will do that.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider House joint resolution 156, and, pending that, he asks that Senate joint resolution 57, which is identical, be substituted for House joint resolution 156. Is there objection to that request? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. And, pending that, Mr. Speaker, I would like to arrive at some understanding with regard to the limitation of time for debate. I suggest that the debate be limited to one hour and a half.

SEVERAL MEMBERS. Oh, no!

Mr. MANN. Make it 10 minutes.

Mr. FLOOD of Virginia. Several Members have asked for time. I ask that debate be limited to one hour and a half, one half to be controlled by the gentleman from New York [Mr. DRAPER] and the other half by myself.

Mr. ANDERSON of Minnesota. Mr. Speaker, does the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Minnesota?

Mr. FLOOD of Virginia. Yes.

Mr. ANDERSON of Minnesota. I take it, Mr. Speaker, that the committee is unanimous on this bill. I would like to have a few minutes in which to speak in opposition to it.

Mr. FLOOD of Virginia. How much time does the gentleman want?

Mr. ANDERSON of Minnesota. Not more than 10 minutes.

Mr. FLOOD of Virginia. We can arrange to give the gentleman that much time.

Mr. CANNON. Mr. Speaker, I assume that the bill is to be considered under the five-minute rule after the general debate has closed. The gentleman's request is for one hour and a half for general debate. At the conclusion of the general debate the bill will be considered under the five-minute rule, will it?

Mr. FLOOD of Virginia. Yes. Mr. Speaker, I desire to amend my request so that the general debate be limited to one hour and a half, one-half to be controlled by the gentleman from New York [Mr. DRAPER] and one-half by myself.

Mr. MANN. I understand, Mr. Speaker, that various gentlemen desire to address the House. It might just as well be done in Committee of the Whole as anywhere else. The gentleman from Nebraska [Mr. NORRIS] wants 20 or 30 minutes, and the gentleman from Vermont [Mr. FOSTER] wants 10 or 15 minutes, and the gentleman from New Jersey [Mr. HAMILL] wanted 50 minutes in which to reply to Dr. BARTHOLDT'S peace speech, while the gentleman from Wisconsin [Mr. MORSE] wanted 15 minutes. Can we not arrange to have that much time used, not to be taken out of the time suggested by the gentleman from Virginia?

Mr. FLOOD of Virginia. It is desirable that this bill be passed promptly and sent over to the Senate before a quorum is broken there.

Mr. MANN. There is no hurry about that. There is no trouble about signing it.

Mr. FLOOD of Virginia. I can not agree to the use of all of that time.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. MANN. I ask unanimous consent to amend the request by allowing the gentleman from Nebraska [Mr. NORRIS] 20 minutes' time in Committee of the Whole in addition to the time asked for, the gentleman from Vermont [Mr. FOSTER] 15 minutes, the gentleman from Minnesota [Mr. ANDERSON] 10 minutes, and the gentleman from Wisconsin [Mr. MORSE] 5 minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I should like to call the attention of the gentleman from Illinois to the fact that there are several little bills, local emergency matters, that are of great importance to some of us, which we are exceedingly anxious to have attended to; that we have taken up no time here in the nearly five months of this extra session, and we would like to have them disposed of before a quorum is broken by Members going home.

Mr. MANN. I do not think there will be any difficulty in taking up these bills and passing them after we come out of Committee of the Whole on this joint resolution.

Mr. TAYLOR of Colorado. We can not tell what minute something will come up that will put us up in the air, and then bills will be defeated through lack of opportunity to consider them. I think we should consider these measures first.

Mr. MANN. I think gentlemen will gain time by letting these gentlemen ease their minds.

Mr. TAYLOR of Colorado. I am merely suggesting that after you have permitted them to ease their minds they ought to allow us to do a little business.

Mr. MANN. I think there will be no trouble in passing the gentleman's Carey Act bill and other bills of that character.

Mr. MURRAY. There are some other bills here that some of us are exceedingly interested in.

Mr. FLOOD of Virginia. I can not accept the suggestion of the gentleman from Illinois.

Mr. MANN. Then, I will simply object. That will reach the same result.

Mr. FLOOD of Virginia. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 57.

The motion 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 Senate joint resolution 57, to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with Mr. BEALL of Texas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a Senate joint resolution which the Clerk will report.

The Clerk read the title of the joint resolution.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the joint resolution.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the joint resolution. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, the Senate resolution is identical with House joint resolution 156, which has been reported to the House, and both these resolutions are identically the same as House joint resolution 14, which passed the House on the 23d of May and the Senate on the 8th of August, except that in the joint resolution now pending the adoption of the amendment to article 8—the article on recall in the Arizona constitution—is made a condition precedent to the admission of that State into the Union.

Under the resolution which was formerly passed that amendment to the constitution of Arizona was to be submitted to the voters, but whether they adopted it or not, the State was still to come into the Union. This resolution requires that they

shall adopt it. It forces the people of Arizona not only to vote upon the amendment to article 8 but to adopt it.

This resolution was prepared in order to meet the views of the President of the United States, as expressed in his message read here on Tuesday, vetoing House joint resolution 14. Mr. Chairman, after that message was read I moved to refer it to the Committee on the Territories, and stated that that committee would proceed immediately to the consideration of that resolution and the message of the President, and that we would report back the resolution. At that time I believed the wise thing to do was to undertake to pass that resolution over the veto of the President.

After inquiry and investigation our committee reached the conclusion that that effort, while it would be successful in this House, would not be successful at the other end of the Capitol, that time would be taken up and friction would be created, and the result would be that this session of Congress would adjourn and these two proposed States would not have been admitted into the Union. So we appointed a subcommittee, which conferred with the Committee on Territories in the Senate, and agreed to introduce into both Houses this resolution. It has passed the Senate, and comes here to the House.

It is the identical resolution we passed before, except that it meets the views of the President on the recall of the judiciary.

Mr. Chairman, I want to state that at the end of an hour I shall move that the committee rise.

Mr. MURDOCK. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MURDOCK. What will be the proceeding in Arizona, by the people of Arizona, if we pass this resolution and it is signed by the President?

Mr. FLOOD of Virginia. At the election which is to take place for the purpose of electing the governor, members of the legislature, and State officers, and a Member of Congress, they will vote on an amendment to their constitution, an amendment to article 8 of the constitution, and if they vote to adopt that amendment which eliminates the recall of the judiciary from the constitution, the President will issue his proclamation admitting it as a State. If they vote not to amend it Arizona can not come in.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. TAYLOR of Colorado. What is the sentiment of the committee on the proposition as to the effect upon the Arizona constitution? Suppose they adopt this amendment cutting that feature out of the constitution, does that in any way interfere with Arizona at the next election putting it back into the constitution?

Mr. FLOOD of Virginia. It will not, and my opinion is that the very first thing the legislature of Arizona will do as a proper resentment for being forced to adopt a constitutional provision will be to submit an amendment to the constitution of the State putting the recall of the judiciary back into it.

Mr. NORRIS. Will the gentleman yield?

Mr. FLOOD of Virginia. I will.

Mr. NORRIS. Is there a written report with this resolution?

Mr. FLOOD of Virginia. I made a short report.

Mr. NORRIS. I have sent for it and can not get it.

Mr. FLOOD of Virginia. The resolution was reported to-day and has not been printed.

Mr. NORRIS. I want to ask the gentleman this question: I have heard it stated several times that in the other resolution which has been vetoed that the committee had an understanding, before they reported the resolution, with the President and as to what the resolution should contain. Has the gentleman any objection to stating in reference to that?

Mr. FLOOD of Virginia. I have not.

Mr. NORRIS. Prior to the introduction of the other resolution whether or not the committee did have an understanding with the President as to what would be a satisfactory resolution.

Mr. FLOOD of Virginia. I will state that prior to the time that resolution was reported to the House, a subcommittee of the Committee on the Territories conferred with the President in reference to the recall of the judiciary in the Arizona constitution, and we put in the resolution what the subcommittee understood to be the suggestion of the President.

Mr. NORRIS. Was there ever any question between the members of the subcommittee as to whether there was a misunderstanding about it?

Mr. FLOOD of Virginia. Not the slightest.

Mr. NORRIS. The gentleman thinks the idea suggested by the President was incorporated in the resolution?

Mr. FLOOD of Virginia. I am satisfied of that.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is it in order for gentlemen on the floor to state the understanding of the committee with the President of the United States?

The CHAIRMAN. The Chair thinks that the parliamentary question comes too late. The gentleman has already completed his statement. The Chair thinks that it is after all very largely a matter of taste.

Mr. NORRIS. Will the gentleman from Virginia give the House the names of the subcommittee who waited on the President and had that understanding?

Mr. FLOOD of Virginia. The subcommittee was composed of five members. I was the chairman of it. The others were the gentleman from Tennessee [Mr. HOUSTON], the gentleman from South Carolina [Mr. LEGARE], the gentleman from Maine [Mr. GUERNSEY], and the gentleman from Pennsylvania [Mr. LANGHAM]. Mr. LANGHAM did not go with us.

Mr. NORRIS. There were four Members present?

Mr. FLOOD of Virginia. Yes.

Mr. NORRIS. And they were the four gentlemen that you have mentioned?

Mr. FLOOD of Virginia. Yes.

Mr. MADISON. I would like to ask the gentleman a question?

Mr. FLOOD of Virginia. Certainly.

Mr. MADISON. I would like to ask the gentleman if all the members of the subcommittee agree with the statement made by the chairman of the committee?

Mr. FLOOD of Virginia. They do. We made a report to that effect to the full committee.

Mr. NORRIS. And they are all here present, are they not?

Mr. FLOOD of Virginia. The gentleman from South Carolina [Mr. LEGARE] is not here; the others, Messrs. HOUSTON and GUERNSEY, are.

Mr. RAKER. Did not some of the gentlemen make this same statement on the floor when the other resolution was up?

Mr. FLOOD of Virginia. In substance they did.

Mr. NORRIS. And at that time the committee had no idea but what the agreement was still satisfactory.

Mr. FLOOD of Virginia. I thought, of course, the President would sign the resolution.

Mr. MANN. The gentleman knows that I told him both before and after the debate that the President probably would not sign it.

Mr. FLOOD of Virginia. Mr. Chairman, I did not know the gentleman from Illinois was authorized to speak for the President.

Mr. FOWLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. The gentleman from Illinois, my colleague [Mr. MANN], is interrupting this debate without addressing the Chair. [Laughter.]

The CHAIRMAN. The point of order is well taken and is sustained.

Mr. MANN. But the Chairman does not know whether I interrupted the debate.

The CHAIRMAN. The Chair is quite well aware of the fact that the gentleman did interrupt the debate.

Mr. MANN. What I said was pertinent to the debate. I wish my colleague could say something that was pertinent.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman further whether after this statement was made in the report, in any way any communication reached the committee or reached the individual members of the committee from any source contradicting or disputing the understanding or statement that was contained in the report?

Mr. FLOOD of Virginia. The gentleman from Illinois said he did not believe the President would sign the resolution, but I did not know that the gentleman from Illinois was authorized to speak for the President, and he did not tell us that he was authorized to speak for him.

Mr. NORRIS. As far as the gentleman knows the President did not deny it?

Mr. FLOOD of Virginia. Of course he would not deny it. I suppose the President changed his mind after that conference.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from Virginia if in his opinion, in view of the action taken by the President, which did not conform to the understanding

of the committee, it is not probable that the committee misunderstood the President's intent in that conversation?

Mr. FLOOD of Virginia. I think it is probable that the President reconsidered the conclusion, which we understood at that time he had reached. I hardly think the committee misunderstood him. Four men heard the conversation and all agree to what took place. Three of them were Democrats and one a Republican.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MURDOCK. Is the gentleman satisfied in his own opinion that if we pass this resolution the President will sign it?

Mr. FLOOD of Virginia. I have been told by a number of Members of this House and the other body that they have seen him and that he will.

Mr. RAKER. Mr. Chairman, what does the gentleman from Illinois [Mr. MANN] say in regard to what the President will do in regard to it. [Laughter.]

Mr. MANN rose.

Mr. FLOOD of Virginia. Mr. Chairman, does the gentleman from Illinois want some time?

Mr. MANN. No; I will take time after a while.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, a change has been made in this joint resolution since it passed the House by inserting the words "excepting members of the judiciary." The provision which is thus amended provided that every public officer in the State of Arizona holding an elective office is subject to the recall. To this is added the language I have just read—"excepting members of the judiciary."

I regret exceedingly that I can not persuade myself to vote for this measure in its present form. I supported it when it was before the House, not because I was personally in favor of this provision, but because it was what the people of those Territories deliberately declared for, because it was the will of the people interested, and was not in conflict with the Constitution of the United States. I said then, and I repeat it now, that the people of these Territories should not be limited to such a constitution as I might approve, or such as any person or persons other than a majority of their own citizens approved, as to matters relating to their public policy.

I do not think anyone, whether he be President or citizen, has a right to make himself a censor as to their fundamental law, if that law conforms to the standard of the Constitution and is republican in form, as it is conceded this one is. Every requirement of the Federal Constitution is met in theirs, and the President admits it.

He admits that their population is sufficient to justify statehood; he admits that their people are intelligent enough; he admits they have every qualification for admission; and he is ready to admit them if they will substitute his judgment for their own.

He says to them in effect: "I concede you are capable of self-government; I admit your proposed constitution is republican in form; I admit you have complied with the law; but your proposed constitution has one provision which I do not like. I know the majority voted in favor of it at a fair and lawful election; I know it is the deliberate choice of your people; but I think it is a bad policy for you to adopt. I know you can adopt it after you get into the Union in spite of me, but in the meantime I will act on the theory that I am wiser than all of you. Government by a majority is all right if you will just admit that I am the majority. If you will stultify your manhood, if you will hold a pretended election, a sort of moot election, and cast your votes against your judgment; if you will trample on your honest sentiments and give the lie to your honest convictions, I will allow you to come into the great sisterhood of States." [Applause on the Democratic side.]

"But if you insist on being men, high-minded, courageous men, men with honest ideals and a determination to live up to them, if you insist on standing firmly for what you honestly think, I will keep you out."

Mr. Chairman, I think it is a lamentable situation. Their admission as States is thus made to turn, not on what they are or what they want, but what they can be forced to say they want. It is coercion, pure and simple.

The President says to them, in effect:

"I know you want the recall applied to all your elective officers—you have demonstrated that in the election—but if you will pretend you do not want it, if you will lie about it and play hypocrite and say you do not want it, I will let you in; if you will swear you do not want it, although you and I know you do want it, I will take you to my arms and we will kill the fatted calf. Prove your fitness for statehood by sacrificing your manhood, by going to the ballot box on election day and voting a lie, saying by your ballots that you are bitterly opposed to the very thing you most desire." [Applause on the Democratic side.]

I have no hesitation in saying that if the people of Arizona are willing to sell their splendid American birthright, their very manhood, for such a mess of pottage, they are not worthy of a place in the council of the sisterhood of sovereign States. [Applause on the Democratic side.]

Mr. Chairman, Congress has at the present session passed a very comprehensive measure for promoting honesty in elections. That law contains drastic provisions for the punishment of those who improperly influence voters. It is a wise measure. Every patriotic man approves the principle which underlies it. Only through honest votes, honestly cast, can republican government be maintained.

But by this provision the President and Congress would say to the people of Arizona:

"We were only joking when we passed that law. It is to be used only when it serves the purpose of the bosses. It has no application in your case. We insist you shall go to the polls and make your ballots lie. Vote against your honest judgment and you will be rewarded by getting the admission you so much want, but if you dare to let your judgment and your conscience mark your ballot, we will punish you by refusing you admission."

Mr. Chairman, will this House stultify itself by joining hands with the President, and, in the teeth of the corrupt-practices act which we have just passed, will we thus approach the people of Arizona with a threat in one hand and a bribe in the other? Mr. Chairman, I can not vote to aid in the perpetration of such an outrage. I can not be a party to this attempt at debauching the voters of Arizona either by coercion or by bribery. I will not join in this insult to a brave and progressive people, and if I were a citizen of Arizona I would rather have it remain a Territory as long as I lived than to have it enter the Union on such debasing, such humiliating conditions. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 15 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, in view of the limited time, I must ask to proceed without interruption. It was not without a sense of misgiving that I brought myself to vote for the pending resolution before at least an effort was made to pass the original resolution over the veto of the President, regardless of what the result might have been.

The present administration is already the weakest in popular favor of any we have witnessed in this country in a great many years. [Applause on the Democratic side.] I may as well be direct about the matter and say it is the most unpopular. [Applause on the Democratic side.] And now, beginning with statehood, the President proposes to veto the work of the most independent and progressive Congress since the enthronement of the special interests in American politics [applause on the Democratic side], and to justify his acts and discredit the work of this Congress by a series of so-called "ringing messages" to the country. [Applause on the Democratic side.]

In my judgment, Mr. Chairman, this administration is in no position to send ringing messages to the country. It needs ringing messages sent to the country for it rather than by it. It needs the ringing messages of progressive Executive action which will require no explanation and call for no defense. The people have asked for bread, and the administration's answer is a hailstorm of vetoes. [Applause on the Democratic side.]

In all the deluge of charge and countercharge growing out of these vetoes one fact will stand out clearly and above dispute, and that is that the President has taken his stand with the reactionary element of the Republican Party to destroy the constructive work of the united Democrats and the Progressive Republicans. [Applause on the Democratic side.]

What the result ought to be, and probably will be, may be forecast from the briefest analysis of the result of the congressional elections of 1910, which witnessed the transformation of this House from a Republican majority of 47 to a Democratic majority of 66, practically the entire loss involved in that great change falling upon that element of the Republican Party which refuses statehood to the people of Arizona until they shall degrade themselves by striking the recall from their constitution; falling on that element of the Republican Party which is opposed to the farmers' free list, which was intended to compensate the farmers of this country for the President's jug-handled reciprocity agreement, as well as to relieve the other classes of the people of this country; falling on that element of the Republican Party which is opposed to a substantial revision of the

woolen and cotton schedules and which is opposed to a fair downward revision of any of the tariff schedules.

Mr. Chairman, this administration should not be permitted to run with the hare and hold with the hounds. It should not be permitted to square itself by its acts with the reactionary element in American politics, and then square itself by its words with the progressive element. Either this administration is progressive or reactionary, and I know of no better method of determining which than by its affiliations and its acts.

Every one of these vetoed measures received the united support of the Democrats and Progressive Republicans, and every one of them met with the united opposition of the reactionary Republicans. And when the President vetoed these measures he thereby placed the seal of his official condemnation upon the one and of his official approval upon the other.

Mr. Chairman, the fight is on in this country to popularize this Government and render it more responsive to the will of the people. The fight is on to wrest the control of this Government in every department from the special interests and their political machines, and that fight will never stop, despite the President and the reactionaries, until the American lords, like their British cousins across the sea, have been stripped of their veto. [Applause on the Democratic side.]

I am not here advocating or defending the recall. The presidential veto has done more to advance and popularize that issue than all the speeches I could make in all my life. [Applause on the Democratic side.] The recall has been fortunate in the enemies it has made. It has raised up foes from whom, in the parlance of the day, "a knock is a boost." When the people of this country see men high in public station, who are lacking in the public confidence, singling out this reform for defeat, they are likely to conclude that there must be something good in it for them, and they will cheerfully furnish the necessary number of first-class political funerals to achieve its success.

I lay no claims to being a constitutional lawyer, but it is my understanding that the fundamental fact in the structure of our Government is that the three departments are coordinate and of equal power and dignity within their respective spheres, and, so far as I am concerned, I would see the entire institution of the recall fall to the ground before I would ever give my consent to the proposition that one of these departments is so superior in character, function, and dignity that it is to be exempt by the fundamental law of the land from provisions by which the people undertake to control the tenure of office of the other two departments, or in any other material respect. [Applause on the Democratic side.]

I am not taking the position that the recall of the judiciary, for example, or of any other officer, is not a debatable question, but I do take the position that the unwisdom of subjecting all of the officers of one department of the government to this method of removal from office and exempting all the officers of another department is beyond argument, and if carried to a logical conclusion would make the judiciary what it was never intended by the fathers and what ought not to be—superior to the other departments of government. And in this connection I make note of the fact that a lesser status was given to the judiciary of the United States when it was made appointive and not elective.

The executive and legislative departments of government hold their commission from the people, but the judiciary holds its commission from the Executive, with the consent of the legislative. And of these, the legislative is incontestably the first. This Government was not created by the executives or by judges, but by legislators. The legislature, not courts or executives, is the palladium of our liberties. The executives and judges are properly the ministers and servants of the lawmaking power to do those things which it has ordained but which it can not execute or interpret, and it may even remove them, but can not be removed by them. [Applause on the Democratic side.]

I do not believe in distinguishing between the judicial and other departments of this Government. I do not believe the judiciary is a superior or more sacred department of this Government. The Government of England has weathered the storms of the centuries with the judiciary decidedly inferior in power and importance to the legislative branch, with the executive decidedly inferior to the legislative branch. Not in 200 years has a ruler of England vetoed an act of Parliament, and the British Parliament is to-day gestating a law, as it has many other laws, providing in express terms that no court shall question the constitutionality or validity of such law.

President Taft has been inveighing bitterly against the recall, its alleged tendency to discredit judges, and all that sort of thing. He thinks that in the matter of procedure and the trial of causes the English courts are somewhat better situated than the American courts. But I would like to invite his attention to the larger aspects of the case, such as those I have just stated. The fact of the matter is that the tendency in this country has been not to degrade but to exalt the judiciary, permitting it to nullify the most solemn legislative enactments which have grown out of the very distress of the people and to legislate.

I am one of those who think it would be better to have a just judge unjustly recalled than to have a just law, which affects all the people, unjustly wiped off the statute books. I see no occasion for hysteria over the recall of judges. I am not an institution worshiper. I regard all public officials as public servants, with no more right to betray their employers and retain their places than a private servant, and I can anticipate no harm to the structure and integrity of the judiciary if the people are empowered to do by the recall what the legislative body may now do by impeachment, and remove them from office.

Mr. Chairman, to reject the recall and accept the initiative and referendum is a logical absurdity. It is straining at a gnat and swallowing a camel. I have the assurance that many Members who are taking this contradictory position know that what I say is true. They know that in so far as any change is wrought in our political institutions or in our system of Government, that that change will be effected through the initiative and referendum and not the recall. They know that the recall is a minor element in this whole scheme of direct government, which is becoming so popular in this country at this time.

But Congresses and administrations are largely made up of lawyers. We have the condition of a Nation of 90,000,000 of farmers, laborers, and merchants controlled by a government of lawyers. And many lawyers, through education and environment, are inclined to regard the judiciary as a sanctum sanctorum, a sort of holy of holies, as it were, of the profession, which must be secure from the vandal hands of the mob—the mob of farmers, laborers, and merchants that go to make up the Nation.

I may make plenty of mistakes in Congress, but I will never make the mistake of assuming that four or five hundred lawyers here in Washington are shaping the political thought of this country. The people are seeing for themselves, seeing more clearly every day, and they are asserting themselves with almost the rapidity of a revolution. The ideal of pure democracy is forming in the national consciousness. Simple, direct forms of municipal government, the initiative, the referendum, and the recall, the direct nomination and election of public officials, public ownership and control of public utilities, the regulation and control of the agencies of commerce and industry—these are but steps in the advance that will never stop until this becomes in truth as well as in theory a government of, by, and for the people. [Applause on the Democratic side.]

In my judgment, at this time this Congress could have done no one act so well calculated to assure the progressive sentiment now so strongly manifesting itself among the people of the United States, irrespective of political affiliation, as strongly in one party as in the other, that Congress, too, is awake and moving in the right direction, as to have said, over the veto of the President, that so long as they keep within constitutional bounds it shall be for the people of Arizona to determine the method of making and unmaking their public servants and of making and unmaking the laws under which they are to live, move, and have their being. [Applause on the Democratic side.]

And this, Mr. Chairman, and not the recall, is the issue presented by this veto. The President has not claimed and can not claim that the Arizona constitution violates the Declaration of Independence, the Federal Constitution, or the enabling act. On the contrary, this is what the President in his veto message, referring to the enabling act, says:

> It may be argued from the text of that act that in giving or withholding the approval under the act my only duty is to examine the proposed constitution, and if I find nothing in it inconsistent with the Federal Constitution, the principles of the Declaration of Independence, or the enabling act to register my approval. But now I am discharging my constitutional function in respect to the enactment of laws, and my discretion is equal to that of the Houses of Congress. I must, therefore, withhold my approval from this resolution if in fact I do not approve it as a matter of governmental policy.

So the President admits that the Arizona constitution conforms both to the requirements of the founders of the Republic and to the enabling act of Congress, signed by himself. But he asserts the prerogative of passing upon the policy of a provision in this constitution, and when he does this he violates the fundamental principle of State autonomy and the most sacred right that could have been reserved by the States when they, the States, formed the Federal Government.

The title of this resolution, Mr. Chairman, is "An act admitting the Territory of Arizona to statehood on an equal footing with the original States," but the text of the resolution belies the title. When the President says he is not now acting under the enabling act which gave him the power of disapproving the constitution of Arizona on any ground he saw fit to assign, but that he is acting under his powers in respect to the subsequent act of Congress admitting this Territory to statehood upon a condition expressly devised to meet his objection to its constitution, he has deprived himself of the last tenable justification for nullifying an act of Congress which this House passed by a vote of four to one, and which action upon the part of the House was approved by a vote of three to one in the Senate—a most extraordinary legislative indorsement.

But the President is a lawyer. Furthermore, he is a judge. He is himself one of the annointed. He won his spurs by a writ of injunction which swept the brotherhoods from one of the railways of Ohio. He has been honored with the title of "father of government by injunction," and his injunction decisions have been largely relied upon by the courts here in the District of Columbia in their efforts to disrupt the American Federation of Labor and imprison its leaders. The President expresses solicitude in his veto message lest the recall be made an engine of injustice to the poor, but his anxiety on this score reminds me of the plea for the stockholdings of the widows and orphans, so often and so pathetically invoked to save the trusts of the Morgans and Rockefellers. [Applause on the Democratic side.]

But, Mr. Chairman, the majority of the committee have decided—and no one knows better than myself the absolute honesty and good faith actuating that majority——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I would like just two minutes more.

Mr. FLOOD. I yield two minutes more to the gentleman from Colorado.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] is recognized for two minutes more.

Mr. MARTIN of Colorado. The majority have decided that the surest method of securing statehood for Arizona is to submit to this rape upon that Territory, and to assent to the demand of the President that the people of the Territory be compelled, in violation of law and justice, to do something the wrong of which is established by the fact that they may immediately undo it, and as statehood is the great consideration, I bow to the will of the majority. I yield a principle to a President who would not yield a prejudice. [Applause on the Democratic side.]

And I hope, as one recompense for this action, that the people of New Mexico will seize the opportunity presented to them in this resolution of showing the President that they do not approve the constitution, unrepublican in substance, which he so readily approved and sought to fasten upon them; and as another recompense that the courageous and progressive spirit of Arizona will speedily assert itself by restoring to its constitution at the first opportunity a provision of which, in violation of every canon heretofore controlling in such cases, it is now to be arbitrarily stripped. As for the President, he may be left to the consideration of the great and growing numbers of his own party who have enlisted in behalf of a principle to which he has shown himself, by the exercise of the veto power in this case, to be an uncompromising foe. [Prolonged applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. HOWLAND].

The CHAIRMAN. The gentleman from Ohio [Mr. HOWLAND] is recognized for 15 minutes.

Mr. HOWLAND. Mr. Chairman, the Democratic majority, smarting under the stinging rebuke of the veto message, and afraid to join issue squarely with the President by an attempt to override the veto, now, sullen and angry, propose a resolution admitting Arizona with the judicial recall eliminated. Some of us who are opposed to the recall as applied to the judiciary earnestly contended that this provision should be eliminated from the constitution of Arizona when the original Flood resolution was under consideration by the House. We have been ready, willing, and anxious at all times to vote for the admission of Arizona with this provision eliminated. But, with a stubborness that can be accounted for only on the theory that they were humoring the people of Arizona and hoping to make political capital thereby, the Democratic majority, up to this day, has steadfastly insisted upon having the recall applied to the judiciary. If perchance Arizona should ultimately fail of admission into the Union at this session, or for years to come, she can thank the Democratic majority in this House. [Applause on the Republican side.]

I am not surprised that the distinguished gentleman from Illinois [Mr. GRAHAM] and my amiable friend from Colorado [Mr. MARTIN] should exhibit some petulance on this floor after the absurdity of their contentions was so conclusively demonstrated by the President of the United States the other day in his veto message. [Applause on the Republican side.]

The parliamentary history of this resolution is somewhat interesting, and I want to call the attention of the House very briefly to the terms of the Flood resolution as it was originally introduced on the 4th day of last May. It bore a title as follows: "Joint resolution approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona." The first section in that resolution expressly approves the constitution of New Mexico, and the second section therein expressly approves the constitution of Arizona.

That resolution was referred to the Committee on Territories, and after consideration they reported out a substitute resolution admitting both Territories, but leaving out the express approval of the constitution of either. Why did they refuse to approve the constitutions of these Territories? I now read you a sentence in direct answer to that question, from the report of the majority of the Committee on Territories:

> This has been done in order to meet the views of those Members of Congress who are willing to admit these Territories as States, but who are averse to affirmatively approving their constitutions as adopted.

In plain language, then, the substitute was admitted to be a subterfuge to enable Members to vote for the recall of judges in fact without approving it in express terms. It was a subterfuge by which a Territory was to be admitted into the Union with a constitution containing such an outrageous provision that some Members of Congress were ashamed to defend it and dared not assume responsibility for it. As a matter of fact, the vote in the House refusing to strike out the judicial recall was, in effect, an approval of that doctrine, and was so sent to the country and so understood by it.

Mr. Chairman, while the peculiar wording of the substitute may have secured some votes on its passage and accomplished by indirection that which possibly could not have been accomplished directly, what was the situation created by its passage with reference to the duties of the Executive? Under the terms of the enabling act it was made a condition precedent to admission that the proposed constitutions should be submitted to the President and to Congress for approval; and if the President approved and the Congress did not disapprove during the next regular session thereof the proclamation should issue and the Territories should be admitted, and so forth. Under the terms of the enabling act it is thus expressly provided that affirmative approval by the President is a condition precedent to statehood. That is one of the terms of the enabling act.

Under the terms of the substitute as passed through the House, and the first paragraph thereof, it was expressly provided—

> That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act, and so forth.

Every term, every condition, every provision of the enabling act not inconsistent with the substitute would have remained the law, governing and controlling the admission of these Territories if the substitute had been passed over the veto, for the substitute provides that they shall be admitted "in accordance with the terms of the enabling act." The provision in the enabling act which requires the approval of the President is not repealed by the substitute and is not inconsistent therewith. Assuming that you had passed the Flood resolution over the veto, then the enabling act and the Flood resolution would have to be construed together in order to ascertain the duty of the Executive under the law. Then, as a matter of law, under the terms of the resolution itself, as passed through this House, it would still remain a condition precedent to the admission of Arizona into the Union that the President approve its constitution; and under those circumstances it would be impossible, as a matter of law, for the President to have issued the proclamation provided for in the Flood resolution, because that provides that these States are to be admitted into the Union in accordance with the terms of the enabling act.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield to me for a moment?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. HOWLAND. With pleasure.

Mr. HUMPHREYS of Mississippi. The gentleman will recall that the President says in his message on that subject—

> I am not now engaged in performing the office given me in the enabling act already referred to, approved June 20, 1910.

Mr. HOWLAND. What is the gentleman's question?

Mr. HUMPHREYS of Mississippi. The gentleman says, as I understand it, that the President would have to approve the constitution.

Mr. HOWLAND. I am discussing the situation as it would have been if you had been able to pass the Flood resolution over the President's veto. You would have been doing a vain thing, because in that resolution itself you provide for the admission of these Territories under the terms of the enabling act; and the condition precedent under the terms of the enabling act was the approval of the President. He could not give it; consequently the proclamation provided for in the Flood substitute never could have been issued as a matter of law.

Mr. HUMPHREYS of Mississippi. But the gentleman sees that the President takes issue with him.

Mr. HOWLAND. Oh, not at all.

Mr. HUMPHREYS of Mississippi. Yes. The President says:

I am not now engaged in performing the office given me in the enabling act already referred to, approved June 20, 1910.

Mr. HOWLAND. The gentleman is absolutely wrong. We are speaking at cross purposes. I am not referring to the veto of the Flood resolution at all. I am demonstrating as a matter of law, and beyond question, that the Committee on the Territories, in the Flood resolution, have simply committed another blunder, and they would never have gotten Arizona into the Union if they had been able to pass the Flood resolution over the veto of the President, because they did not repeal certain terms of the enabling act, but on the contrary incorporated every one of them in the Flood resolution. The President is careful to explain in his message that he was not then engaged in performing the office given him in the enabling act, but if the Flood resolution had been passed over the veto without repealing any of the terms of the enabling act, he would then have been called upon to perform the office given him in the enabling act and then as a matter of law he would have been compelled to refuse to issue the proclamation admitting Arizona so long as he was unable to approve her constitution.

Mr. Chairman, I am drawing attention to the situation in which the Committee on the Territories found itself after the veto, and in view of the hostility to the pending resolution manifested on this floor by the gentlemen who have spoken on the Democratic side, I do not know whether to attribute the about face of the Democratic majority of the Committee on the Territories to the fact that they have yielded to the better judgment of the President, as expressed in his unanswerable veto message, or whether, at the last moment, they realized the absurdity of their position and are now trying desperately to make the best of a bad situation.

Mr. Chairman, the passage of the substitute eliminating express approval gave the President an opportunity to sign the resolution without affirmatively approving the Arizona constitution with its recall of judges. His action in so doing would have been construed as an approval, and with his well-known convictions on that subject he could not sign the resolution, and I thank God we have a President who will not take refuge behind a subterfuge, but comes out bravely in the open, assumes responsibility, and strikes down this pernicious doctrine of the judicial recall the first time it makes its appearance in national affairs.

There can be no more dodging and trimming upon this matter. Are we in favor of the recall as applied to the judiciary? That question has now left the confines of the Territory of Arizona and has become a national question. The responsibility is ours, and can not be shifted to the people of Arizona.

The Democratic Party by its course in this statehood matter has irrevocably committed itself to the doctrine of the recall of judges. If you could have passed the resolution over the veto, you would only have forged your chains a little tighter, for when the people of this country realize that you are willing to sacrifice the judiciary for a little temporary political advantage, they will take your measure once again, and the judicial recall will be as effective as old 16 to 1.

Mr. Chairman, during the discussion of this question of the judicial recall, it has frequently been urged that inasmuch as Arizona could amend her constitution after statehood and put in the recall of judges by amendment, that it was a vain thing to attempt to prevent it on admission. That, however, is purely hypothetical, and no one can tell what Arizona will do when she is admitted. It is certain that she will be much more liable to do so if Congress gives its approval to the principle. The fact that some one may do wrong or make mistakes after they have passed out of our control is no justification for our permitting it while we have the power to prevent. The father is not justified in allowing his son to go to the devil on the theory that after the son becomes 21 he may go if he wishes.

Mr. Chairman, another argument that has been very frequently heard in this discussion is this, viz, that the people of these Territories have adopted these constitutions, and it is none of our business so long as the constitutions are republican in form and comply with the terms of the enabling act. If this is true, why was it expressly provided that they should be submitted for approval to the President and Congress? Many foolish things, I regret to say, are possible under a republican form of government, and I hold it to be the duty of the President and the Congress, under the terms of the enabling act, to pass upon the various provisions of the proposed constitutions, even though they come within the term "republican" in form and are not covered by the enabling act. Suppose, for instance, they had provided that every citizen over 15 years of age should have the right of franchise, the instrument would have been republican in form but it would hardly have met with our approval, although even then, judging from the extreme position taken by some in the discussion, I would not be surprised to have heard argument to the effect that the people of the Territories had spoken, and if they wanted that kind of law, it was none of our business.

Mr. Chairman, is it possible that under the terms of the enabling act we have called into existence a Territorial convention so big and powerful that its proposed organic law is not subject to the supreme will of Congress? Have we brought into existence a Frankenstein more powerful than his creator? Must we sit idly by and twirl our thumbs because a Territorial convention has spoken? Has it come to this that we are powerless to prevent the admission of a Territory with a constitution so bad that the majority are ashamed to expressly approve it? Is this a new doctrine? No; it is an old friend in disguise. It is an indirect recognition of and a supine acquiescence in the doctrine of the State veto, applied, however, not by a sovereign State, but by a Territorial constitutional convention.

The Democratic majority, fearful of antagonizing the people of the Territory of Arizona, have bowed down to a Territorial convention, and have taken orders therefrom, even though by so doing they have to resurrect the old doctrine of the State veto and admit that a Territorial convention can impose its will on the Congress.

Mr. Chairman, the doctrine of the State veto, as we know, is utterly antagonistic to any rational conception of the Federal principle of government. It was a bold doctrine, however, a courageous declaration of war. The recall of judges is one of those nostrums—insinuating, insidious, and tempting—advocated by the demagogue under the guise of giving the people more protection; it would destroy the protection they now have. The minority would be sacrificed to the will of the majority and the rights of individuals lost in the mad rush for popular favor. Justice would indeed be blind, but she would have long ears, always listening to catch the murmur of popular acclaim.

Mr. Chairman, I regard the doctrine of the recall of judges fraught with as much danger to the stability of our Republic as the State veto. No government can long exist when judicial decrees are the sport of the crowd and justice is a byword and a mockery on the street. I refuse to believe that any of our people will adopt permanently such a fallacy, and I am confident that experiments now being tried will shortly demonstrate to the satisfaction of all thinking men that the judicial recall is a threat and a menace to popular government.

Mr. Chairman, Andrew Jackson was President the first time the doctrine of the State veto assumed an aggressive form, and he handled that subject at that time in a proclamation with such force, with such a lofty spirit of patriotism and devotion to the Union that every time I read it I feel like throwing up my hat and giving three cheers for Old Hickory. There are plenty of us on this side of the Chamber that claim the right and the privilege to pay our devotions at the shrine of the Hermitage.

Mr. Chairman, in the history of our country, somehow, someway, and always, in great crises when questions are presented vitally affecting the permanence of our institutions and the welfare of our people, there is a man who grasps the situation, solves the problem, and with unerring wisdom points the way to safety. At this time the President has done this. His message in behalf of an independent judiciary is one of the strongest ever sent to the Congress and will takes its place in history by the side of President Jackson's nullification proclamation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. I will yield the gentleman two minutes more.

Mr. HOWLAND. Mr. Chairman, I did not suppose that this debate was going to assume a political character and drift into a general discussion of political issues, but our Democratic

friends who opened the discussion plunged boldly into the political arena. In view of the developments of this extra session I feel that the administration can look with complacency upon the frenzied and hysterical assaults of a baffled and chagrined Democracy.

The country now understands that the administration stands for—

First. Enlarged foreign markets for the surplus of our farms and factories obtained by tariff concessions to those countries willing to grant substantially equivalent concessions to us.

Second. Equitable and just tariff rates to protect American labor and American industry, based on expert knowledge.

Third. An independent judiciary.

Fourth. By arbitration treaties to obtain the broadest possible application of the gospel of peace on earth.

And on this platform we are willing to go to the country.

Mr. Chairman, when this extraordinary session of Congress adjourns on Tuesday and the record is made up and we contemplate the patient, wise, and courageous manner in which the President has handled the difficult questions presented to him by the opposition, we can not but yield our cordial admiration. In conclusion, if I might offer a word of advice to the Democratic majority that has been so busily engaged during this entire session digging a pit for the President, I would suggest that hereafter, when digging a pit, they should be more careful lest they fall in it again. [Laughter and applause on the Republican side.] I shall vote for the pending resolution with a great deal of pleasure.

I yield back the balance of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1098. An act for the erection of a monument to the memory of Gen. William Campbell.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of August, 1911, at 3 o'clock p. m.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1098. An act for the erection of a monument to the memory of Gen. William Campbell; to the Committee on the Library.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3253. An act to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7690. An act to authorize the construction of a bridge across the Snake River, at the town of Nyssa, Oreg.;

H. R. 11545. An act to authorize and direct the Commissioners of the District of Columbia to place the name of Anna M. Matthews on the pension roll of the police and firemen's pension fund; and

H. R. 7263. An act to authorize the counties of Bradley and McMinn, Tenn, by authority of their county courts, to construct a bridge across the Hiwasse River at Charleston and Calhoun, in said counties.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.; and

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building.

ADMISSION OF ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Chairman, I yield four and a half minutes to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. Mr. Chairman, in voting for the passage of this bill I shall feel that satisfaction which comes to every man whose fortune it is to be placed where he can render a service to his country.

In the situation which confronts us in this matter lies an opportunity to make good the Nation's word to the people of New Mexico and Arizona, who, through years and vicissitudes, have been waiting to be admitted to the Union. I greet these Territories to-day upon the manner in which, in war and in peace, they have deserved statehood.

I hail this resolution as one that will stand out in the history of this session of Congress as a triumph of that spirit which actuates every American heart in an opportunity to strengthen the Republic, redeem its pledges, and glorify its institutions. So long as our Government is to be worked out through the instrumentality of political parties, so long will men be able to best serve that party in which their convictions, their love of country, and their hopes are concerned by practical contributions to patriotism. For my part the greatest political shibboleth that I know of is this, "He serves his party best who serves his country first."

When I voted for the joint resolution which passed in the early days of this session providing for the admission of New Mexico and Arizona as States I did so with the understanding that the resolution, as framed, would be entirely satisfactory to the President of the United States. I stated the first time that I had the honor to address this House that the debate which took place concerning the admission of these Territories had raised a question far more important to our national system than any objection, prejudice, or opposition that the President might have to either State constitution involved, and that was the question whether or not the people of a State were to be free to make their own constitution within the republican form of government and the Constitution of the United States. [Applause on the Democratic side.] If there be those who feel that this right has been infringed upon by this resolution, I bid them remember that the bill before us to-day, when signed by the President, will bring the people of these Territories to statehood. When they shall have reached that position they will not only have the freedom to regulate their own affairs, but the right to put into their constitution that which they think best for their happiness and destiny, and this independently of party fortunes in Congress or vetoism in the White House. [Applause on the Democratic side.]

The veto of the President, which would bar these Territories from statehood in this session of Congress, shows that those of us who thought we were meeting his objection were to be disappointed. If the President of the United States can feel justified in the exercise of the veto power because of his obligations to the party in whose name he was elected, I tell this House and the country that the majority in this Congress, representing another and a greater party, can meet even the veto power more than half way in the performance of a great national duty. [Applause on the Democratic side.] I hail that duty as one to which men of all parties must rise, for by its performance there shall have been added to this Republic two States, there shall have been added to the American flag two stars, there to gleam forever for the enlightenment and freedom of mankind.

Mr. Chairman, when the people come to pass upon the work of this session of Congress there will be glory enough for all who have had to do with its service, its fidelity to public trust, and its patriotic efforts to carry out the will of the people as expressed by them at the source of government—the ballot box. I apprehend that, like every session of Congress that has gone before it, there will be in its record party advantage for those who have done the best party work. I contend, sir, that in the admission of these two States to the Union, through the statesmanship displayed by the majority in this House, there will be glory for all who have had to do with it, a glory that shall never die as long as the Stars of Freedom remain undimmed.

If there be those who think that another course should have been taken in regard to this veto, and that Arizona and New Mexico, instead of being admitted to the Union by this session of Congress, should be vetoed out of statehood for another period, I beg of them to consider the philosophy of concession which means victory as against protest, however justified, the result of which would be failure to accomplish tremendous results.

Mr. Chairman, if this were the time or place for a defense of party principles, for advocacy of party position, I would be among the first on this floor to face the battle wherever the lances were sharpest in defense of the position which my party has taken and maintained on every question which has been considered here. If it required a partisan appeal to bring

about the admission of States to this Union, I would scorn to make it.

There is a party spirit from which no man who has felt the blessings of liberty can escape.

It is the spirit which actuates freemen to redress wrongs, which have crept into their system of government, with their ballots.

It is the spirit which calls citizens from home to the dangers of conflict on the field of battle, and which sends them, regardless of party, religious belief, or racial differences, to the defense of their country in the hour of its danger. The men who thus serve their Government are the men who make up the parties that are intrusted by the people with the destiny of their institutions. I can conceive of no duty better calculated to add luster to the record already made by those responsible for legislation in this body than the passage of this resolution, which says to the President of the United States, "In spite of all the differences which may exist between American citizens regarding party or governmental instrumentalities, we bid you join us in welcoming New Mexico and Arizona into the Union of States."

If there be those who fancy that the President of the United States can successfully claim credit for his administration for the admission of these Territories to the Union, let them remember that the politics of this situation is not that which party managers so often exercise; for this, sir, is not politics at all—it is patriotism.

Mr. Chairman, let us add these two stars to the emblem of our country, and thereafter, so long as we live, whenever we see the American flag, every man who sits in this House can point to it with quickened joy; and when we shall have passed from the scene our children will find in the old banner an interest that can not fail to fill their souls with inexpressible pride. And when the millions who shall know and love this flag in the years to come shall seek to find, if possible, the brightest of the stars that shine upon it, may they find there those representing the States admitted by the Sixty-second Congress. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The question was taken, and on a division there were—ayes 88, noes 30.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. FLOOD of Virginia and Mr. MANN to act as tellers.

The committee again divided, and the tellers reported—ayes 112, noes 41.

So the motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the Chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate joint resolution 57 and had come to no resolution thereon.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate joint resolution 57, respecting the admission of Arizona and New Mexico, and, pending that, I would like to see if some arrangement can not be made for closing debate.

Mr. MANN. Mr. Speaker, we could have saved 15 or 20 minutes and made that arrangement some time ago. The gentleman from Virginia has had an hour in general debate. Does he intend to allow any on this side?

Mr. FLOOD of Virginia. I will say to the gentleman that in undertaking to dispose of this time I went to the ranking Republican on the committee that reported this resolution and gave him what time he wanted. That time was taken out of the hour, so that that side of the House has had what it asked for.

Mr. MANN. How much time was taken out?

Mr. FLOOD of Virginia. They had 17 minutes.

Mr. MANN. The gentleman also came to me, but I am not going to repeat a private conversation.

Mr. FLOOD of Virginia. Does the gentleman want any time on this measure,

Mr. MANN. Yes.

Mr. FLOOD of Virginia. How much?

Mr. MANN. One hour.

Mr. FLOOD of Virginia. Oh, well, we can not consent to that.

Mr. JAMES. I understand the gentleman from Virginia has yielded to gentlemen upon both sides and consequently all the time has not come to the side of the gentleman from Virginia.

Mr. FLOOD of Virginia. Not at all; I have yielded the other side what time they wanted.

Mr. MANN. I told the gentleman I wanted time and he did not yield to me.

Mr. FLOOD of Virginia. What is that?

Mr. MANN. I endeavored to tell the gentleman that I desired time: he may have misunderstood me.

Mr. FLOOD of Virginia. I understood the gentleman that he desired time for some gentlemen to speak upon other subjects than this.

Mr. MANN. I wanted both.

Mr. FLOOD of Virginia. Mr. HAMILL, on this side, and Mr. NORRIS, on that side, desired not to speak on the pending measure, and I explained to the gentlemen it is necessary to get this measure through as soon as possible on account of the likelihood of there not being a quorum in the Senate after to-day. Now, if the gentleman will take as much time as will equalize that side with the time we have used, I will be glad to make the motion to close general debate at the end of that time.

Mr. MANN. That will be 45 minutes.

Mr. FLOOD of Virginia. No; you had 17 minutes.

Mr. MANN. That will be 43 minutes.

Mr. FLOOD of Virginia. It will be 17 minutes off of 43 minutes.

Mr. MANN. Did not the gentleman use an hour?

Mr. FLOOD of Virginia. I had an hour, but I yielded 17 minutes to the other side.

Mr. MANN. And used the balance of that time?

Mr. FLOOD of Virginia. Yes. I will give you 26 or 27 minutes: say, half an hour.

Mr. MANN. All right; I will take half an hour.

Mr. FLOOD of Virginia. Mr. Speaker, pending that, I ask that general debate close in 30 minutes and that that time be at the disposal of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate joint resolution No. 57, and pending that he asks unanimous consent that general debate be closed in 30 minutes, and that that time be disposed of by the gentleman from Illinois [Mr. MANN]. Is there objection to the unanimous request? [After a pause.] The Chair hears none.

Mr. CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. GARRETT was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of R. R. Aycock, Sixtieth Congress, no adverse report having been made thereon.

ADMISSION OF ARIZONA AND NEW MEXICO.

The SPEAKER. The question is, Will the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of joint resolution 57?

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate joint resolution 57, with Mr. BEALL of Texas in the chair.

The CHAIRMAN. By order of the House general debate is to close in 30 minutes, to be controlled by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, while the record of recent events regarding the so-called but misnamed reciprocity agreement with Canada is still fresh in the minds of those who participated in the enactment of that law, somebody ought to record the truth as it relates to this much-controverted proposition.

I have heard Republicans condemning Democrats for supporting it, while excusing and even praising a Republican President for proposing it. I have heard Democrats lauding it, while they found fault with the Republican President for originating it, and even charging him with larceny in regard to it. We ought to get our history on straight, so that when the lawmakers of future generations provide by law for the punishment of those who are found guilty of crime, by compelling them to read the CONGRESSIONAL RECORD, the poor unfortunate criminals will at least have their misery alleviated by reading what is true.

In my judgment, when true history is written and this much-abused and much-beloved child called "Reciprocity" is properly labeled, it will be found that she is a sort of a cross, having both Republican and Democratic blood circulating in her veins. It will be found that she had a Republican father and a Democratic mother, and this brings us at once to the consideration of the question of her legitimacy. I have heard of no

marriage ceremony concerning her parents, and if this unfortunate child is able to establish the legitimacy of her birth it will be necessary for her to prove a common-law marriage. [Laughter.]

At the ceremony of her birth, the doctor having charge of affairs was furnished by the interested railroads, the nurse was provided by the Beef Trust, and her swaddling clothes were purchased by the brewers. To compensate the infant for the uncertainty of her parentage, and also to deceive the farmers of the country, who were robbed of the honest and just protection which is rightfully theirs, the high-sounding, beautiful name of "Reciprocity" was given to the child. A name usually indicates the nature of the thing named, but in this instance the beauty of the name was intended to conceal the real nature of the child and to cover up the sin of its parents.

Mr. Chairman, a great many years ago in Lucas County, Ohio, I had a friend named Burnett who was asked on one occasion to give a definition of a hole, and he said that "A hole is where something hain't." And so in this case a proper definition of the name would be a place where reciprocity isn't.

The Democrats in the House have claimed this child as all their own. A small minority of enthusiastic Republicans have disputed the claim. It will be remembered that this so-called reciprocity bill has passed the House of Representatives twice. The first time was during the closing session of the Sixty-first Congress, and the bill then failed of passage in the Senate. In that Congress the bill was introduced by the gentleman from Massachusetts [Mr. McCALL], who stood as the representative of the President and the sponsor of the bill. In the present Congress the bill was introduced by the leader on the Democratic side [Mr. UNDERWOOD of Alabama], and it has become a law bearing his name.

Immediately after the bill passed the House the first time the President wrote and published a letter to the gentleman from Massachusetts [Mr. McCALL] in which he returned to him his sincere and heartfelt thanks for his masterly management and control of the bill in the House and gave to him and his small following of Republicans the credit for the passage of the bill through the House. Soon afterwards, or, to be more specific, on the 20th day of March, 1911, there was a meeting of many leading Democrats in Lincoln, Nebr., called thither to celebrate the fifty-first birthday anniversary of their former leader, William J. Bryan. One of the speakers at that dinner was the present honored Speaker of the House, CHAMP CLARK, of Missouri. I presume from what has recently happened in this House, wherein the former Nebraska leader of Democracy was condemned and again read out of his party, that perhaps the Speaker will find it necessary, to retain his good standing with the Democrats here, to apologize for his presence at that birthday anniversary dinner.

On that occasion the Speaker made a speech, and in this speech he referred to reciprocity and claimed the idea as being entirely and exclusively Democratic. He took to task the Republican President who had fathered the idea and called particular attention to the slight that the President had given to him and his followers when he had written to Representative McCALL and given him all the credit for the passage of the reciprocity bill. And I quote, by the way, his speech from the leading Democratic paper of that State, published, owned, manipulated, edited, and run by the present Democratic Senator from that State, so that I assume that it ought to be accepted, from a Democratic standpoint, at least, as gospel. Said Mr. CLARK on that occasion:

> The latest example of a Republican President borrowing a Democratic principle and getting it through the House by Democratic votes was in the Canadian reciprocity matter. Democrats indorsed it in caucus almost unanimously, and in the House all the Democrats except five voted for it. President Taft and his floor leader in the House, Hon. SAMUEL WALKER McCALL, of Massachusetts, could not muster even a majority of House Republicans for it; but the next day, after the House Democrats pulled the President out of a hole, he promptly wrote a letter of thanks and congratulations to Brother McCALL and the Republicans, which was a direct slap in the face of the Democrats.
>
> His letter to McCALL is a document as full of ingratitude as has appeared in print since Gutenberg invented movable types. But as Democrats have been advocating reciprocity for years, and as President Taft began advocating it only recently, we voted for it as a matter of patriotism and principle, asking no favors or thanks, and we get none. While, however, we neither asked nor expected thanks or favors and received none, a man can not help philosophizing on what a personal and official humiliation Democrats saved President Taft and Representative McCALL from when they could not line up even a majority of the House Republicans. Democrats voted for it because it is Democratic and is therefore right, and not to pull the President out of a hole, though they did pull him out of a hole, and fair-minded men of all parties will declare with one accord that he might have refrained from thanking McCALL and the Republicans for a victory they did not achieve, for a performance which but for Democratic votes would have been the greatest humiliation inflicted upon a President since the days of Rutherford B. Hayes.

But, for fear that the hilarity of the occasion and the enthusiasm of the hour—increased perhaps, as far as his hearers were concerned, by artificial means—might have caused the Speaker to be too enthusiastic and perhaps unguarded, I want to read to the House an extract from an article appearing in the Editorial Review for the month of May, 1911.

In this article, entitled "Tariff changes," written by our present honored Speaker, in speaking of the passage of this so-called reciprocity bill through the House, he used the following language:

> In the meantime it should not be forgotten that in the Sixty-first Congress all the House Democrats, except five, voted for Canadian reciprocity, and that President Taft and his Republican lieutenants could not muster even a majority of House Republicans for it—most assuredly a very poor showing for the administration. Nevertheless, when the fight was over and the Democrats had saved the day, the President wrote Congressman McCALL, congratulating him on the great victory he had won.

I am inclined to think that one who has watched closely the path that has been trodden by this child of doubtful parentage will have to admit that our Speaker was justified in the criticism which he made of the President, and subsequent events have rather indicated that the President himself has been convinced that he was guilty of unfairness at least when he failed to give to the Speaker and his followers proper credit for the passage of the bill.

When the bill passed the present Congress the President, from his summer home in Massachusetts, issued a statement in which he returned his thanks to the Democrats as well as the Republicans for the nourishing care they had given to this beloved child. In this statement he said:

> I should be wanting in straightforward speaking, however, if I did not freely acknowledge the credit that belongs to the Democratic majority in the House and the Democratic minority in the Senate for their consistent support of the measure in an earnest and sincere desire to secure its passage. Without this reciprocity would have been impossible. It would not have been difficult for them to fasten upon the bill amendments affecting the tariff generally in such a way as to embarrass the Executive and to make it doubtful whether he could sign the bill.

On the same day the President wrote a letter to the editor of the New York American, in which he returned his thanks to all the Hearst papers for their earnest and effective support of the measure. This letter was on the following day published in flaming headlines in Mr. Hearst's paper, with President Taft's picture on one side and Mr. Hearst's picture on the other.

What other letters to leaders of other Democratic factions the President wrote I am not informed. I have wondered, however, why he did not write a personal letter to the Speaker of the House, and also to the leader of the Democratic majority, Mr. UNDERWOOD, of Alabama, and not only return his thanks to them for their earnest efforts, but to apologize to them for the slight which he gave them when, upon the occasion of the passage of the bill the first time, he gave all the praise to the gentleman from Massachusetts. This ought to place the Republican President upon at least speaking terms with his Democratic allies in Congress.

But there are other parts of the country where there does not seem to be any earnest desire, either from the Republican Party or the Democratic Party, to claim the parentage of this slant-eyed infant. On the 25th day of July, 1911, the Republicans of Nebraska met in State convention at Lincoln, in that State. On the same day the Democrats of Nebraska held their State convention at Fremont—and, by the way, this Democratic convention was, in many respects, representative of the Democracy of that State. A brother of Mr. Bryan had headquarters there and was looking after the interests of the "Peerless Leader." It was reported in the press that the Democratic Senator from Nebraska went all the way from Washington to be in attendance. The late Democratic candidate for governor, Mr. Dahlman, had headquarters there and was caring for his faithful followers. The last Democratic governor of Nebraska, Mr. Shallenberger, was a member of the convention.

In the Republican convention reciprocity was not mentioned. No claim of parentage was made, and I presume, because of the youth of the child, no attack was made on it. In the Democratic State convention, where all these great leaders were together, no indorsement of reciprocity was had, or even attempted. The only mention that was made of it was to refer to it as "Taft's reciprocity measure." Whether this is a slap at President Taft or a slap at reciprocity, I will leave to the Democrats to judge. [Laughter.] I think it can be safely said, however, that the poor child is unable to find consolation in either of the dominating parties of Nebraska.

In this dilemma what is the poor youngster to do? Disowned by its father, disinherited by its mother, it wanders up and down the raging Platte without a home and without a friend.

[Laughter.] But here in Washington it is different. Here its father is proud of it and its mother loves it—loves it to such an extent that she is jealous even of its father. [Laughter.] Yes, Miss Democracy, suffering with internal pains and wrinkled with age, is proud of this child. She is the mother of many children, but at the present time this is her favorite. I have wondered whether her joy and pride comes from her idea of the beauty of the child, or whether it comes mostly from the fact that she feared, on account of her age, she never again would enjoy the pride and pleasure of being a mother.

It is an orphan in the Mississippi Valley, but it has a double-header for both parents in some portions of the East. [Laughter.]

In this respect it reminds me of the story that was told here by Adam Bede, late a Representative from Minnesota. He told us of two Mormon children who went away to school. They were asked first, by the professor, their names, and when they gave their names the professor said, "Why, the names being the same, you are sisters?" They replied, "Yes; we are sisters." And when they gave their ages, their ages being the same, the professor said, "Why, you are twins." And they said, "Yes; we are twins on our father's side." [Laughter.] So this little child could say that while in some localities its birth is shrouded in mystery and its parentage is in doubt, yet here, under the Dome of the Capitol, it has twin parents on both sides. [Laughter.]

If I were a cartoonist, I think I could picture the situation so it would be plain to all. I would have little "Reciprocity," with bright eyes and golden hair, holding on one side with her dimpled fingers the large chubby hand of the Republican President of the United States with a smile on his face that would not come off, while with her other hand she would hold onto the withered fingers of old Miss Democracy, wrinkled and gray, but smiling and happy, all three of them tripping along in joy and glee toward the Canadian border, where the proud parents would deliver the little child, the first issue of their common-law marriage, to its godmother, Miss Canada. [Applause.]

Mr. MANN. How much time has the gentleman remaining?

The CHAIRMAN. The gentleman has consumed 20 minutes.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE of Wisconsin. Mr. Chairman, I simply desire to ask unanimous consent to print in the RECORD a short statement with regard to the effect of the "Wisconsin legislation upon the business interests of the State of Wisconsin."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Following is the statement referred to:

THE WISCONSIN POLICY AND ITS EFFECT UPON THE STATE.

Prior to the year 1900 and at that date, in fact, Wisconsin was absolutely in the control of the system—mainly the railroads. Under the old caucus and convention system they had been able for years to control the nominations and elections in that State. As a result of such control State officers and the legislature were under their influence and direction. It was openly declared by Hon. A. R. Hall, an early reformer in that State and for many years a member of the legislature, that a lobbyist had boasted that "for 25 years no measure has passed the legislature affecting the railroads that they did not approve." This declaration never was and never could be controverted. As a result a system of taxation of railroad property was devised and kept in operation for years which was satisfactory to the railroads—the license-fee system—that is, an annual license fee, at first of 2 per cent, later of 4 per cent, was levied upon the gross earnings of the railroads in Wisconsin in lieu of all taxes. By this law the railroads were made the bookkeepers for the purpose of ascertaining what this license fee, which was to stand in lieu of all taxes, should be. Later developments proved that they were unfaithful accountants. (This will be referred to later on.)

Under the laws then in force there was practically no limit placed upon rates the railroad might charge for transportation. There was no redress for poor service, discrimination, or damage suffered by the public or the individual shipper, except the courts. This recourse was troublesome and expensive, and too often unsatisfactory when resorted to. A system of discrimination had grown up, largely the result of the political situation, that was grossly unjust and that became intolerable. Through its operation shippers who were given rebates in freight charges were placed at a great advantage over competitors who did not receive rebates. In one case of a grain-buying concern in northern Wisconsin that operated in a large number of towns rebates were paid to it on shipments in a sum aggregating more than $250,000 in a period of six years. Because of these favors given to this concern it was enabled to force its competitors to pay prices for the farmers' grain such as it named or be forced out of business. These conditions existed in many lines of business. "Big business" got rebates, "little business" got none and became the victims, or the servants, of "big business."

The lobby was bold and brazen in its operations in the legislature. It represented the railroads and "big business." It was all-powerful—dictatorial. It was, so far as the railroads and "big business" were concerned, the legislature in fact. What it decreed should pass went through, what it decreed should not pass was killed. Even after ROBERT M. LA FOLLETTE was elected governor on a platform pledging reform of these conditions, the lobby arrogantly boasted that they would defeat these reforms in the legislature And it was done, so powerful and potent were the agents of "the system." In a measure the lobby decreed the amount of support the State should give the university, the normal schools, the common schools, its charitable and penal institutions, so powerful and usurping was its reign. It named the presiding officers of the two houses of the legislature, framed the important committees that would handle legislation affecting the interests of the railroads and "big business," and throughout the sessions from the "throne rooms" in the hotels and from the very floors of the two houses directed and dictated legislation. Representative government was reduced to a government that represented "the interests."

Early in his first term of office as governor Mr. LA FOLLETTE was called upon by one of the suave representatives of "big business" and told that they had decided to let him have his primary election law if he would let the railroads and other "big business" alone. This presumptuous lobbyist was summarily shown the door leading out of the executive chamber. He had misjudged this square-jawed, honest fighter for the people.

I might describe at great length and in detail the conditions that then existed and the methods employed by "the system" to make the State serve its purpose, but enough has been revealed to show the necessity for a vigorous fight to overthrow "the system" in Wisconsin.

After much discussion on the stump and in the public press, in the meeting places and in the homes of the people, there was great interest aroused all over the State. Opposition to "system" domination was intense. In the caucuses and conventions of 1900 the old ring crowd was defeated and the State convention was controlled by a new element. The party and the candidates nominated were pledged to certain specific reforms. The platform declared in direct, plain language in favor of a primary election law. This was the leading issue of the ensuing campaign and was indorsed by a larger majority than was ever previously given to any party in the State. The people felt that they had shaken off ring rule, and that a primary law would be enacted that would make impossible control of the State by such methods as had previously been pursued; but they had misjudged the purposes and resources of the "system." Control of a State was too profitable to be given up without a determined struggle. When the legislature met the old crowd of lobbyists and ring leaders were on hand looking after the welfare of their principals, the railroads and the allied interests. They defeated the enactment of a primary election law, and no reform legislation of particular moment was enacted. Great, still, was the power of the "system" lobby.

Now, what was done?

When the measures demanded by the people and the Republican Party were defeated by a legislature elected to favor such legislation, but corrupted by the lobbyists of "big business," the friends of reform in that State went to the people telling them how their State was being run, and who was running it, and how they were doing it. The roll call was read, showing how unfaithful public servants voted on measures affecting the "big interests" or intended to correct existing bad conditions. They plead with the people to elect men to the legislature who were true and who could stand against the blandishments and intrigues of the trained lobbyists of "the system." These campaigns were prosecuted on issues, mind you—the primary election law, taxation of the property of public-service corporations on the same basis as other property was taxed, and the regulation of railroads and other public-service corporations. Good issues, these, you will say. Yes; but they were fought by those responsible for the old order of things at every stage. They fought most bitterly the adoption of declarations by the Republican Party pledging the party to these reforms, and

sought by every trick and subterfuge to defeat the redemption of the party's pledges. The election was won only after a most desperate and hard-fought campaign. Bribery, bulldozing, espionage, intimidation, and all the means known to the resourceful and unscrupulous "system" were resorted to and freely employed to defeat the nomination and election of men to State offices who were in sympathy with these reforms. The fight was renewed in the legislature. Again the legislature fell under the power of "big business." The most that could be secured was a primary-election law with a referendum and taxation of the railroads on the ad valorem plan. Regulation of transportation, so essentially a counterpart of the new system of taxation, was defeated, thus leaving the way open for the railroads to reimburse themselves for any increase of taxes they might have to pay in consequence of the change in system of taxing their property.

A campaign for the adoption of the primary election law, submitted under the referendum, was made, and the law was approved by an overwhelming majority, though fiercely opposed by the machine and "big business" at every stage.

And the fight was renewed for the creation of a railroad commission with power to regulate transportation. After a memorable fight in the legislature, where the proposition was fiercely fought by the railroads and the allied interests, a law was enacted that, in its practical operation, has proved most wholesome and satisfactory to the people of the State and is, in fact, apparently satisfactory to the railroads. At least, the decisions of the commission have been generally acquiesced in and respected.

Now, what was accomplished in Wisconsin and what is the effect upon the general welfare?

The old lobby was abolished. The lobby was bad, very bad. This in itself was a great achievement.

A civil-service system was established that is a real and permament reform. No more machine politics in Wisconsin by means of patronage.

A primary election law was enacted that gives to every voter an opportunity to vote directly for persons of his choice to become the candidates for office on his party ticket, from coroner to United States Senator. No more boss-ridden caucuses or manipulated conventions in Wisconsin.

A change in the system of taxing railroad and other public-service corporation property was made, so that their property is valued, assessed, and taxed upon the same plan as other property of the State. Under this change the taxes collected from the railroad companies was increased from about $1,600,000, the maximum under the former system, to about $2,700,000 a year under the new plan. This system permanently equalizes taxes.

A law creating a railroad commission, with power to regulate the charges and business of transportation and of all other public-service corporations in the State, was enacted. Under the direction of this commission passenger and freight rates have been reduced in Wisconsin, which amounts to a saving to the shippers of that State of approximately $2,500,000 a year; and, in addition, this commission has rendered most valuable service to communities in the State in equitably adjusting differences between light, water, and kindred public-service corporations and the citizens, and also in adjusting, without charge to the individual, grievances and difficulties between persons and the railroads and other public servants. This legislation has brought about more equitable conditions in regard to the relation of the public-service corporations of the State to the people, and is an enduring proof of the wisdom of those responsible for its enactment.

Upon urgent recommendation of the governor, authority was given by the legislature to examine the books of the railroad companies to ascertain whether or not they had reported their true gross earnings to the State for a basis of taxation. After an exhaustive examination, it was ascertained that they had methodically reported an amount much less than their actual gross earnings, and as a result, under the administration's vigorous policy of protecting the State's interests, the railroads were compelled to pay to the State over $900,000 in back taxes. This, however, was not paid until suits were successfully prosecuted to compel them to do so.

Valuation of the physical property of the railroads of the State was carefully made, which serves as a basis for intelligent rate making and regulation.

Wisconsin continues to go ahead in solving in statesmanlike manner problems of government. Industrial insurance, State insurance, inheritance, taxation, income taxation, and initiative and referendum, and other progressive policies that are beneficent and just are being carried into effect in that State.

How about the effect of these policies and laws upon the business interests of the State?

No legitimate enterprise has suffered. Every legitimate business is enabled to go ahead as its merits warrant. The State as a whole, the corporations, big and little, the individual merchant and artisan, the wage earner and farmer have improved their respective conditions under the wise policies and the equitable laws of the new régime. Banks and commercial agencies testify to the stability and prosperity of business in Wisconsin. Instead of the charge made by the enemies of Mr. LA FOLLETTE, who was the leader in the campaign for these reforms, that he is a dreamer and a radical, a disturber and a dissenter, being true, the results prove him a conservative, far-seeing statesman. He recognized the evils that existed, had the courage to attack them and those responsible for them, and the far-sighted wisdom to apply the remedy. And the remedy is good.

Proof of the beneficial effects of the change in policy in Wisconsin can be found in the following facts:

For the fiscal year ending June 30, 1905, the total operating revenue received from all sources by the railroads in Wisconsin was $50,144,702.43. This revenue was earned on a total mileage, exclusive of trackage rights, of 6,931.15 miles.

For the fiscal year ending June 30, 1910, the total operating revenue of the State of Wisconsin amounted to $65,055,928.76. This revenue was earned on a total mileage, exclusive of trackage rights, of 7,209.04 miles.

So that, notwithstanding the decrease in transportation rates made by the railroad commission, the operating revenues of the railroads of that State for the year 1910 exceeded those of the year 1905 by $14,911,226.33.

As a further proof of the growth and prosperity of business in Wisconsin under the new policies, the deposits in commercial and savings banks in Wisconsin increased from $187,357,527.82 on November 9, 1905, to $276,505,295.50 on November 9, 1910, an increase of $93,147,667.58, or 51 per cent.

These are significant instances which are only an index to the general advance along the entire line of commercial and industrial activity and production.

With a leadership less able, or less determined, these reforms could not have been accomplished in that State. If the leader had been less courageous—if there had been one weak place in his armor, a shade of lack of integrity of purpose, or a disposition to compromise or temporize—then failure would have been inevitable. But there was no weakness in the plan or in the man. He was shielded by the truth. For the truth he fought and lost; for the truth he fought and won.

Wisconsin, her condition 10 years ago, and her condition to-day, proves that the change of policy was wise and that the results of the policy have wrought a great improvement in the general welfare in that State.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, on August 1 an able speech of a highly technical nature, pertaining to the cotton schedule, was made by the gentleman from New York [Mr. REDFIELD]. In the course of that speech he referred to a visit to the mill of the Forstmann & Huffmann Co., in Passaic, N. J. Mr. Julius Forstmann, a member of the firm, and a former member of the German Tariff Commission, has written by way of reply a letter addressed to Mr. REDFIELD, which I desire to have extended as a part of my remarks. I have consulted with the gentleman from New York and find he does not object to this request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the letter referred to may be printed in the RECORD. Is there objection?

There was no objection.

Following is the letter:

AUGUST 8, 1911.

Hon. WILLIAM C. REDFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: I have read in the Daily Trade Record of August 5 the reprint of your latest speech delivered in the House of Representatives.

In inviting you, at the instance of a mutual friend, to pay a visit to our mill I did so thinking it might be of interest for a member of the opposite political party, who is so ardent an advocate of tariff revision as yourself, to see the actual conditions described by me in my article on the tariff question, and it might help to modify, in some measure, the unfavorable opinion you seem to hold of the woolen and worsted industry in general. By your own admission you seem to have been favorably impressed by your visit, and you say some very kind things about our mill, which I duly appreciate.

Judging, however, from the general tone of your second speech, delivered after your visit to me, you are so firmly convinced of the universal applicability of your ideas to all industries and all conditions in this country that it would be useless for me to attempt still further to prove the contrary to you. With your general statements regarding the desirability of the most efficient management possible in American

mills. I am entirely in accord. That much more can be accomplished in this direction than has already been done is undoubtedly true. But when you propose to take away protection from American manufacturers in order to force them to the adoption of more economic methods—the possible extent and effectiveness of which is after all debatable—I must confess that it looks to me as if you were putting the cart before the horse.

If it were merely a matter of general principles I should be satisfied to differ with you and not trouble you with this letter. You have, however, in open debate on the floor of the House made many statements and drawn a number of general conclusions seriously affecting the industry in which I am engaged and the welfare of which I, in common with all other woolen and worsted manufacturers, have very much at heart. As you have in this connection made free reference to my pamphlet, The Wool Manufacture in America and Europe, and also to your visit to our mill and the conversations which took place at that time between us, I take the liberty of addressing these lines to you to correct what seems to me to be erroneous conclusions arrived at in the course of your argument.

NO DIFFERENT THAN OTHER MANUFACTURERS.

In your speech you make the following reference to a remark made to me by you on the occasion of your recent visit: "I finally pointed out to Mr. Forstmann that I believed he was being used by other woolen manufacturers, differently circumstanced, to cover their inefficiency behind his exceptional circumstances and difficulties." Being acquainted, as I am, with many other American woolen mills and their management, I must deny most emphatically that my situation is in any way exceptional with regard to the tariff. You will remember that I stated this to you most positively when you were here, but you merely answered: "Oh, you are too loyal." My loyalty consisted merely in a plain statement of the facts, made to convince you of the mistakenness of your assumption. If I have taken up the defense of the protective system as affecting the woolen and worsted industry, it is because I have had years of experience in this branch here and abroad and can speak with positive confidence regarding it—with just as much confidence, in fact, as you can speak of your own particular line. Indeed, I think it is rather illogical for you to ask your fellow Members of Congress or the people at large to believe that my statements apply only to my own individual case and not even to the rest of my particular industry, while demanding, expressedly or by implication, that the statements based on your own experience should be accepted as applying to all manufacturing industries throughout the country.

AS TO IMPORTED MACHINERY.

Referring to textile machinery, you say:

"While he (Mr. Forstmann) could probably do nothing else at the start under his conditions than purchase foreign machinery, I told him, and believe it is true, that our machinery makers would agree, if given an opportunity and a fair chance at all his business, to equip him as time went on with American machinery designed and manufactured for his service, equal or superior to the best foreign make."

You omitted to mention, however, that when you made this remark to me at the mill I replied that I was very sorry that I had not had the pleasure of your acquaintance before I placed the orders for all our machinery, but that in any event I should probably not have been able to wait until American machinery makers had had time to experiment with the construction of the particular machines I needed, knowing, as I do, that machines exactly suited for my purpose could be imported in a very short time from abroad. You, as an exponent of scientific management, have admitted in the above-quoted statement that that was the only course open to me.

AS TO THE LABOR EMPLOYED.

With regard to the labor employed at our mill you say:

"If I were to criticize a courteous host and an able man, I should say the weak spot in his management was on the labor side."

As I have stated in my pamphlet from which you quote, the reason for the less efficient labor in a very great number of the woolen and worsted mills of this country, as compared with Europe, is the fact that in the older seats of the industry in Europe the workers have been trained for years in their particular occupation, while here by far the majority of the workers have been but a short time in the business, coming to it from most varied occupations, with a training absolutely inadequate for the duties required of them. And even those who have once learned the business do not or can not always stay in it. The prime cause for their giving up the industry is one which even now, as a matter of fact, is having its effect on the woolen and worsted workers all over the country. Many mills have been compelled, by reason of lack of employment, due to recent tariff agitation, to run on part time, and their employees—in many cases the best—finding their weekly earnings diminished, are drifting away into industries which have so far not been threatened by tariff revision and are therefore still enjoying full employment. When the tariff question is finally settled and business again revives, the woolen and worsted mills will have great difficulty in again completing the organization necessary for them in busy times, and in many cases will again have to break in green hands, to the detriment of the business. Whatever may be true of other industries, I know from experience that it takes many years to train spinners, weavers, and other operatives in woolen and worsted mills properly, and the development of a competent and reliable personnel in such mills is a task consuming a period greater than any period during which American woolen mills have enjoyed the benefit of adequate tariff protection, free from actual or threatened radical revision. You admitted to me when at our mill that we had not had sufficient time to educate our people properly. This is also true of many other mills. I am surprised at your criticism of our handling the labor question. When you were here I told you we had the premium system, whereby these operatives who do better work receive better pay, and the longer they stay with us the better their position becomes. You said you were familiar with this system and considered it a good one.

EXPLAINS COST OF PLANT AND RAW MATERIAL.

You further assert:

"It is an extraordinary condition of our law that it promotes such price for cloth to use as clothing as will permit a manufacturer to pay (as he says) 55 per cent more for his buildings, $500,000 more for his plant, 40 per cent more for his raw material than is the case in Germany, and, with inefficient labor to boot, to still make a profit out of us."

This reversing of the argument presented by me is a plausible rhetorical device designed to catch the unwary. In the first place I should not have incurred such an extra expense for the privilege of constructing a mill in this country, unless I had firmly believed (as I still firmly believe) that the American people were committed in principle to the policy of protection, under which policy the country has achieved such marvelous success, and that they were too wise to sacrifice their present favored position, with their high scale of wages, for the illusion of the cheap products and cheap prices of European countries with the concomitant low wage scales of those countries. Furthermore, we did not pay more for our buildings and for our plant because we wanted to, but because we had to, if we wished to build a mill in America. Neither do we pay more for raw material from choice, but because under existing circumstances we can not obtain it more cheaply. We merely paid and still pay American prices created by conditions as they exist in this country, prices which any manufacturer must pay who wishes to build a woolen and worsted mill in this country, before it is possible for him to engage in business. And my argument was that, conditions being as they are and the whole industrial system of America being predicated upon a protective tariff, it is eminently unjust now to seek to rob the woolen and worsted manufacturers of that protection in reliance upon which they embarked upon their several undertakings. As Grover Cleveland once said: "It is a condition which confronts us—not a theory." Natural conditions so far as regards woolen and worsted manufacturing are not essentially different in America, and if other conditions were equal Americans could manufacture any fabrics made abroad and compete with manufacturers the world over. But the conditions under which we live and conduct our business differ most decidedly from the conditions of Europe. If the woolen and worsted manufacturers are to be placed upon an equal footing with Europeans as to the selling price of their output, then they must be placed on an equal footing with them in all other respects. Not only must they obtain everything they use in their own industry at the same low price at which Europeans can obtain it, but they must also pay the same low wages, and both the employers and employees in such undertakings must then be put upon the same level with regard to the purchasing power of their income as that on which Europeans now find themselves. You know, moreover, that it is not merely the protected industries—as, for instance, the much-maligned woolen and worsted industry—which demand high prices for their products. Many other industries, as outlined in my pamphlet, which are in the nature of things entirely free from foreign competition, ask and obtain equally high prices for their product. Wages and salaries, too, in all lines are higher here than in Europe; much higher in proportion even than the wages of mill operatives. How do the fees of doctors and lawyers compare with those asked in Europe? How do rents compare with those in Europe? How does the salary of a Member of Congress, for instance—$7,500—compare with that of a British Member of Parliament, who receives nothing, or a Member of the German Reichstag, who receives a certain amount—$5 a day—for each session he attends, aggregating about $1,000 per annum?

If when you say "his success is evidenced by the erection recently of his second large mill," you mean to imply that the erection of our second plant in Garfield was prompted by any phenomenal profits made in our original plant in Passaic, you are entirely in error. The erection of that plant was undertaken primarily to round out our enterprise and to make it a complete unit, so that we could control in our own mill all the various processes of manufacture, from the raw wool to the finished fabric, and thus more satisfactorily fulfill all our own requirements with regard to raw material, yarns, etc.

PEOPLE THEMSELVES, NOT BUSINESS MEN, WHO ASK FOR IMPORTED GOODS.

In passing permit me to correct for the sake of those who have read your published speech, a slight misunderstanding on your part of the conversation which took place between us. You say I stated to you "that a most serious handicap was the prejudice on the part of customers for high-class goods in favor of imported goods." The fact is that it is not our customers, who are business men—jobbers, manufacturers of women's and men's clothing, and retail dry goods merchants—who have any prejudice against domestic goods, but the people buying high-class goods from the retail dry-goods houses who have the idea, fostered by years of tradition, that imported goods are better. Leading retail merchants have repeatedly assured me that they consider our fabrics as good as imported cloth, and in many cases superior; but nevertheless they can not bring many of their customers to realize this. It is this feature which I spoke of to you personally and have also mentioned in my pamphlet as a further argument for the need of protection of American fabrics against others of foreign manufacture to enable American manufacturers in due time to overcome this prejudice.

When you ask the question "Has protection failed after 50 years of high duties to support adequately the woolen industry?" I am compelled to wonder whether you are familiar with the tariff history of this country, or whether you are willfully shutting your eyes to familiar facts which do not harmonize with the trend of your argument. When such a statement is made, as it has repeatedly been made during the present tariff agitation, by men unfamiliar with practical business, I pass it by; but when such a man as you, having a business experience of a quarter of a century, makes a remark of this kind, I must challenge it. You know very well that the Wilson law was in operation from 1895 to 1897, and that years of tariff agitation and uncertainty preceded the enactment of that law. That period of agitation and subsequent low duties was disastrous to the woolen industry. In 1896 80 per cent of the woolen mills of the country were closed and lost their workers. On resuming business they had to break in the greater portion of their help anew. I am not now talking of economic theories, but of cold facts within the recollection of most men engaged in our industry.

And the record since the enactment of the Dingley bill in 1897 and the rehabilitation of the protective system shows a decided growth in all branches of our industry. Before you can judge of the success or nonsuccess of a tariff policy the United States must have, as European countries have, a settled policy based on sound business principles and free from the possibility of tariff agitation and radical upheavals. No one imagines that we ought not always to be ready to make necessary adjustments of the tariff schedule, but experience has shown that the Democratic aim in this direction has always been toward free trade, euphemistically called a policy of "tariff for revenue only." With a settled protective policy in force for a sufficient time, the United States can build up a woolen and worsted industry equal to that of any other country. As I explained to you in person, my own experience has demonstrated that any fabrics which are produced in Europe can be produced in this country. There is nothing in natural conditions in the United States to prevent the manufacture of all kinds and qualities of woolen and worsted fabrics equal to any made in Eu-

rope, and the adoption of measures which could only result in the extinction of the woolen and worsted industry would be the acme of inexcusable political folly. Natural conditions are equal, but the conditions of production are not equal. Unless you are prepared to equalize them by reducing the American basis to that of Europe—which I do not believe you are prepared to do—you must equalize them by granting the American woolen and worsted industry adequate protection. You can not make a scapegoat of our industry or of any other industry dependent upon protection while maintaining other industries and occupations, especially those freed by natural conditions from foreign competition, upon the present basis. All we ask for is a square deal. Given that, it may even in the long run be possible for our industry to compete in the markets of the world. But why hanker after the world's markets when we have 90,000,000 people right at our door to provide for?

COMPARISON OF WAGES IN WOOLEN INDUSTRY WITH OTHER INDUSTRIES IS IN FAVOR OF AMERICA.

In the course of your speech you draw a comparison between the wages paid in American woolen and worsted mills and those paid by American railroads, forgetting that the character of the labor in the former is altogether different from that in the latter. In the woolen industry quickness and dexterity are important, and the work requires little physical strength, so that many women and, in some cases, minors are employed. On the railroads, however, where strength is essential, male help is necessary. I may also say that I am better informed about the wages paid in the different industries in Europe than you are, and I can assure you that if one compares the ratio of wages paid in the American woolen and worsted industry to those paid in the iron industry with the similar ratio in Germany the comparison is in favor of our domestic industry.

You go on to say: "It seems to be the industries paying low wages that squeal the most. The industries paying high wages have not, to my knowledge, knocked at the door of the Ways and Means Committee." Inasmuch as the textile industries have been so far the principal victims of the concentrated attacks of you and your Democratic colleagues, it is but natural that you should have heard from them first. You will undoubtedly hear loudly enough from the others as soon as the Ways and Means Committee takes up the remaining schedules.

REASONS FOR HIGH EXPENSES IN WOOLEN INDUSTRY.

When you insist upon making a comparison between those industries with which you are familiar and the woolen and worsted industry, you overlook certain well-known facts, all of which tend to lessen the force of your illustrations. In the first place, a large part of the American export trade consists of specialties and trade-marked goods, which have been advertised the world over and have won for themselves a world-wide market; or of patented articles, which, to a certain extent, have a monopoly in their field. Many of the articles you mention also represent comparatively few and simple processes of work, and it is self-evident that the simpler the article and the fewer the processes involved in its manufacture, the more such manufacture can be systematized and cheapened, the more the output can be increased with a steadily diminishing cost and the more uniform the product will become. Wherever this is possible, there is no question that Americans have excelled and been able to meet foreign competition more successfully. In our industry, an altogether different state of things exists. The processes are extremely complicated, as any one will admit who has had occasion to study the industry. Fashions are constantly changing and new requirements on the part of the public have continually to be met. Hardly has a manufacturer succeeded in putting a certain style into work and begun to turn it out successfully, than the style changes and he must bring out new patterns to hold his trade. Besides the heavy cost of pattern making—all of which is a burden on the goods finally sold—the cost of changing frequently from one style to another is very great.

You said in your first speech in the House: "And yet the feature of this discussion is the fear of foreign makers in American markets, ignoring the fact that foreign designs, foreign measurements, foreign methods are often such as to make their products useless here at any price."

I can not say whether this applies to the lines with which you are familiar. It certainly does not apply to the woolen and worsted industry. Just the reverse is true, especially as far as the better class of fabrics is concerned. The general public favors imported goods, as I have already pointed out to you. In our industry it is the American manufacturer who must in many cases, if he wishes to compete with the European manufacturer, follow the lead of the latter, changing styles frequently, thus entailing considerable expense. This is only one of the many instances which could be cited to show that the experience gained by you in your lines does not warrant you in drawing general conclusions regarding the woolen and worsted industry. By dwelling upon the above point you evidently realize its importance, and when I made the above explanation to you at our mill, you agreed with me that in this respect our industry was differently situated than others, and what for them was an advantage was for us a handicap.

In conclusion, let me repeat that I am not addressing this letter to you in the hope of being able to change your opinions, for you seem to be too firmly wedded to your point of view to make that possible. I have deemed it proper, however, in the interest of the woolen and worsted industry in general, as well as in the interest of the company which I represent—including that great army of workers whose livelihood depends upon the continued welfare of our industry—to answer some of the more important points contained in your speech and to challenge certain mistaken conclusions arrived at by you regarding our industry—conclusions based upon an inadequate knowledge of the facts or upon a too hasty generalization from insufficient data.

I consider it proper to inform you that I have furnished a copy of this letter to the papers which published your speech. Believe me, dear sir,

Yours, very truly, JULIUS FORSTMANN.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. FLOOD], to be yielded by him to some one else.

Mr. FLOOD of Virginia. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Chairman, what I shall say will be with reference to the resolution that is being considered by the committee at this time. I want to say that I am going to vote for the pending resolution, but I am not going to vote for it because I believe it to be right. I am going to vote for it to meet a condition that exists in New Mexico and Arizona, knowing that those people are entitled to statehood. I want to say here that, so far as the initiative and referendum are concerned, I am for them, and I disagree with our President upon the question of recall. I have never yet in my limited experience of the practice of law found that a judge was any more sacred than any other gentleman filling a public trust. [Applause on the Democratic side.] And I can not believe, nor do I believe, that the office of an elective judge or an appointive judge is any more sacred than any other elective or appointive office in any State. Realizing, though, that the people of Arizona and New Mexico are entitled to statehood, I have brought to bear all my efforts toward the consideration of a new resolution that will permit them to come into the Union as States in the next few months. I can not understand why any gentleman can object to the recall of the judiciary so long as they fail to object to the initiative and referendum remaining in the constitution. The very moment Arizona is admitted into the Union 25 per cent of the voters voting at the last general election will initiate an amendment to the constitution and adopt the recall as a part of the constitution. I want to say to you, gentlemen, as one who has lived under a bureaucratic government for 15 years, that there comes a time, with due deference to honest and well qualified judges, when, if you could exercise the recall on some judges, they would be more conservative and would administer justice more accurately than those who administer it in my country. I want to say to those gentlemen who may have occupied the bench that I would not have favored it if I had not lived under a bureaucratic government for 15 years, where all the officers were appointed, from constable up, and the appointing power was many miles away.

And I say to you to-day that I would vote for any resolution that did not require me to forfeit my manhood or principle to bring about statehood for and relieve the condition that exists in New Mexico and in Arizona. New Mexico, with trust-written and trust-ridden laws, needs to have them changed, and this resolution provides a way by which it may do so. And Arizona's laws and the manner of administering them need to be changed, and Arizona has written provisions in its constitution whereby a change desired may be made. And I say to you it will be done as quickly as they get in the Union, and our President, in my opinion, will sign the pending resolution, and I am for it.

Congress, by the terms of the enabling act approved June 20, 1910, provided for the calling of a constitutional convention in each of the Territories of Arizona and New Mexico; the submission of the constitution proposed by the convention of each of the Territories to the electors; the approval of the constitution by the President and Congress, or, if the President should approve the constitution and Congress did not approve it on or before the close of the first regular session of the Sixty-second Congress, the Territories should be admitted as States. The Territories each held a constitutional convention, by which convention a constitution was written and submitted to the vote of the people, and, by a very large majority in each of the Territories, the constitution was adopted.

When the constitutions were submitted to the President during the Sixty-first Congress the President approved the constitution of New Mexico but did not approve the constitution of Arizona.

The House of Representatives in the Sixty-first Congress also approved the constitution of New Mexico, but it failed of approval in the Senate.

When this session of Congress convened a resolution was introduced providing for the admission of the two Territories, requiring New Mexico before she be admitted into the Union to resubmit to her voters certain amendments to her constitution, and requiring Arizona before she be admitted to the sisterhood of States to submit to her voters again the question as to whether or not the judiciary should be subject to the recall. Both branches of Congress by a large majority adopted the resolution and the same was presented to the President for his approval; and on the 15th day of August, 1911, the President returned to Congres the resolution without his approval, based upon the ground of an objection to the recall of the judiciary in the constitution of Arizona. After due consideration by the Committee on the Territories of the House and consultation with the members of the Senate, it was deemed advisable to introduce the pending resolution and require Arizona as a precedent to her admission to resubmit the question of the recall of the judiciary to her voters and to vote it out of her constitution.

I desire to direct special attention of the people of the United States and to the citizens of the two Territories affected by this resolution to the grounds upon which the President refused his approval of the resolution. Nowhere in his message does he attempt to say that the constitution of Arizona is not republican in form or in violation of any provision of the Constitution of the United States, the Declaration of Independence, and the terms of the enabling act. He approved the provision in the constitution of New Mexico before, as well as after, the amendment required to be submitted by Congress. He finds no objection to the constitution of New Mexico, because it would seem that the constitution of New Mexico was written in the interest of the big interests of the country, of which the President talked so much in other messages, and that by its provisions the interests would be protected. The only objection he raises to the constitution of Arizona is that it contained a provision that would permit Arizona to recall a judge if by petition 25 per cent of the voters, voting at the last election, should petition to have the judge recalled. Then an election would have to be called and a vote taken as to whether the judge should be recalled. No objection is raised by the President as to the recall of other officers in the State, only the judiciary.

Whether or not the President's objection is based upon the fact that he at one time occupied the bench as a Federal judge and had the opportunity of knowing what influence was thrown around a judge or the criticisms that might be made of him, I do not pretend to say; but it is strikingly strange that the President of the United States will refuse to approve a resolution admitting Territories as States upon the sole ground of his own opinion as to whether or not the judiciary in that State should be subject to the recall. No question is raised by the President as to the initiative and referendum. By his refusal to approve the constitution of Arizona he has compelled the Congress of the United States to write a provision in the pending resolution requiring the people of Arizona to take from her constitution a provision that they desire to have in it. He has required Congress to write into the resolution a provision compelling Arizona to take out of her constitution, before she be admitted, the provision relating to the recall of the judiciary, but in doing so, I desire to say that we do not require Arizona to take from her constitution the recall of the judiciary because the President failed to approve it with that provision in it, but we do so knowing that if we do not pass the resolution requiring them to take it out of their constitution, the President will continue to exercise his power and keep Arizona out of the Union as a State for a number of years.

I do not agree with the President upon his views as to the recall of the judiciary. I believe that judges should be subject to the same law as any other elective officer, and I am quite sure that if they were subject to the recall that many times they would be more careful in rendering their decisions and their decisions would not be written by representatives of the special interests or the corporations or the attorney on the opposite side, as many decisions have been written in the past for judges who presided in Territories and States.

My experience of more than 15 years living in a Territory, where all of the officers were appointed, leads me to believe that the system of appointive government is wrong, and that the closer you can bring the government to the people the better government you have, and my experience has further taught me to know that a great many of the judges who are not responsible directly to the people for the position they occupy do not have the interest of the people at heart and do not administer the law with the same degree of justice and fairness as judges do who are elected by the people.

In refusing to approve the resolution the President has attempted, in my judgment, to raise a new political issue, and purposely so to try and divert the attention of the people of the United States from the real issues that are now confronting them, and that is, Shall this Government be administered by the people or the interests? But his effort along this line will fail. He will find that the people have been deceived in the past and they are not going to be misled in the future; but, on the other hand, the present administration, by the refusal to approve the constitution of Arizona, will be charged, and rightfully so, in my judgment, that they are trying to keep Arizona out of the Union until after the next presidential election. In refusing to approve the resolution permitting Arizona to come in as a State, it is not the recall of the judiciary that the President refused to approve, but he refused to approve what the people of Arizona desired. By his action he says to the people of Arizona, You shall not have statehood; you shall not be admitted into the Union with a constitution as you desire it; you shall not be admitted into the Union as a State unless you incorporate into your constitution what I believe should be in it. Even though you are seeking to be a local sovereign, you shall not be unless you place into your constitution my ideas and my words.

I ask you, Will the people of the United States and the Territories seeking admission approve of such action by the President? Are they willing to deliver to the President the arbitrary power to dictate to a people what they shall have in their local constitutions? If so, then I say to you the very foundation of local self-government has been undermined and is in danger of going to pieces. I am firmly convinced that the Congress of the United States and the President have no right whatever to undertake to dictate to the Territories what they shall have in their constitutions, so long as they are republican in form and not contrary to the Constitution of the United States, the Declaration of Independence, and conform to the enabling act. And I want to say here that the only reason that caused me to work with the members of the committee and get them to introduce the pending resolution for the admission of the two Territories as States was because I feared that we did not have a sufficient number to pass the resolution the President had returned without approval over the President's veto, and I believed if we should fail in passing the resolution over the veto there would be no chance at this session of Congress to get a resolution through admitting the Territories as States; and I earnestly believed that if we fail to pass the resolution over the veto of the President at this session of Congress that Arizona would not be admitted as a State into the Union until after the next presidential election, and for that reason in the Committee of the House on Territories I supported the motion to take up with the Senate committee the question of introducing a new resolution requiring Arizona to cut out of her constitution the recall of the judiciary. I did this because I now think if Arizona desired to have the recall of the judiciary in her constitution, as soon as she was admitted as a State she could initiate a petition and vote it into her constitution, and that it would be only a few months until this result could be accomplished. I know it was not right to require Arizona to vote the recall out of its constitution, and I believe that I share the opinion of every man who will honestly express himself, who has given any thought to the study of constitutional law and the organization of a State, and it is my opinion that the President only forced this action and demand on Arizona because he had the power to do so.

In supporting the pending resolution, Mr. Chairman, I do so for the sole and only purpose of getting Arizona admitted into the Union, and I feel that the ultimate result to be accomplished is greater to the people of Arizona than the question of the recall of the judiciary, and for that reason, and that alone, I support this resolution.

I respectfully request the people of Arizona and New Mexico, as well as the people of the United States, to carefully consider the message of the President and not to be misled by it, and to consider the underlying motive which actuated his refusal to admit Arizona to statehood, which is shown in his message as being his personal ideas as to whether or not the recall of the judiciary was detrimental to good government, and I respectfully submit to the candid judgment of the people of the United States and the people of Arizona and New Mexico as to whether or not our action in reporting the pending resolution was justified by the desire and right of the people of Arizona and New Mexico to be admitted into the Union as States, and I am willing to submit to and abide by the judgment of the people, and abide their decision when rendered.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. MANN. I do not wish to take advantage of the Chair, but unless the gentleman from Nebraska [Mr. NORRIS] did not use all of his time, I do not see how I have six minutes remaining.

Mr. Chairman, I do not propose to enter upon any defense of the attitude of the President or his position in his veto message. No clearer statement was ever made by any President than President Taft has made in his message vetoing the joint resolution which was passed. In my opinion, his position is not only sound but it is as clearly and as forcibly expressed as anyone has the power to express it.

But I wish to say a word with reference to the apparent misunderstanding of the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Territories, and the President. If I understood the gentleman from Virginia correctly, he stated either that the President gave him to understand that the original amended Flood resolution was satisfactory to the President, or, at least, that the gentleman from Virginia understood that it was satisfactory.

I talked with President Taft before the subcommittee of the Committee on Territories talked with him. I talked with the President immediately after the Committee on Territories had talked with him. I talked with members of that committee. I think I understand fully the position which the President then had in his mind—the position that he expected to take if called upon in the future; and it never was the intention of the President, in my opinion, to say that he approved the original amended Flood resolution—the one that passed—and I am sure that the gentleman from Virginia entirely misunderstood the President.

I understood the President at the time to say, both before and after the subcommittee had talked with him, that he would be satisfied with the passage of a resolution along the lines of the resolution now pending, but would not be satisfied with a resolution which admitted Arizona as a State regardless of the adoption of an amendment to the constitution removing the provision for the recall of judges. With that statement, which I think it is proper to make in view of what has been said, although it is always unfortunate to state conversations with the Chief Executive, who can not very well reply to them—with that statement I desire to yield the balance of my time to my colleague from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has but one minute remaining of his time.

Mr. CANNON. Then I can come in under the five-minute rule.

The CHAIRMAN. Under the order of the House all time for general debate has expired. The Clerk will read the bill by paragraphs.

The Clerk read as follows:

Resolved, etc., That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act approved June 20, 1910, and upon the terms and conditions hereinafter set forth. The admission herein provided for shall take effect upon the proclamation of the President of the United States, when the conditions explicitly set forth in this joint resolution shall have been complied with, which proclamation shall issue at the earliest practicable time after the results of the election herein provided for shall have been certified to the President, and also after evidence shall have been submitted to him of the compliance with the terms and conditions of this resolution.

The President is authorized and directed to certify the adoption of this resolution to the governor of each Territory as soon as practicable after the adoption hereof, and each of said governors shall issue his proclamation for the holding of the first general election as provided for in the constitution of New Mexico heretofore adopted and the election ordinance No. 2 adopted by the constitutional convention of Arizona, respectively, and for the submission to a vote of the electors of said Territories of the amendments of the constitutions of said proposed States, respectively, herein set forth in accordance with the terms and conditions of this joint resolution. The results of said elections shall be certified to the President by the governor of each of said Territories; and if the terms and conditions of this joint resolution shall have been complied with, the proclamation shall immediately issue by the President announcing the result of said elections so ascertained, and upon the issuance of said proclamation the proposed State or States so complying shall be deemed admitted by Congress into the Union upon an equal footing with the other States.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I shall detain the committee but a very short time.

I take great pleasure in embracing this opportunity most heartily to approve of the veto referred to by the gentleman of the joint resolution admitting the Territory of Arizona to statehood. I not only take pleasure in making this statement, but I will not weaken a statement of the grounds upon which the veto was placed by attempting to add thereto.

I might go further and say I believe that in the swing of the twentieth century it may, under some conditions, become the duty of the United States perchance to go further than the President has gone. This is a representative Government, established as a Government republican in form, and under our civilization and under the Constitution it is the duty of the United States to guarantee to every State in this Union a republican form of government. But that is a matter that can only be met when the necessity arises.

I have listened to what gentlemen have said, especially upon the other side. One gentleman from New York and one from Oklahoma said, "Oh, yes; we will vote for this resolution, because the very moment that Arizona is admitted she can write anything she pleases into her constitution." They guarded it by saying, "Not in conflict with the Constitution of the United States." I think the amendment these gentlemen have in mind would be in conflict with the Constitution of the United States, or that clause of it which I have read in part; but it will be time enough to meet that when it is necessary to meet it, because no State can change its government to one that is not republican in form without being subject to the intervention of the Federal Government. [Applause on the Republican side.]

Mr. Chairman, having said that much, I desire, without detaining the committee further, to ask unanimous consent to extend in the RECORD my remarks touching this and kindred subjects.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. If there be no objection, it will be so ordered.

There was no objection.

Mr. CANNON. Mr. Chairman, as a part of my remarks I insert a speech made by our late colleague Hon. James A. Tawney on the 21st day of June, 1911, before the Minnesota Bankers' Association.

PROPOSED REFORMS OF THE SO-CALLED PROGRESSIVES.

Mr. CHAIRMAN: For 34 years I have been a citizen and a resident of Minnesota. Twenty years of that time was spent in the service of the State in a representative capacity. I may be pardoned, therefore, if, in discussing a subject of the magnitude and importance of the one I am to speak to to-day, I refer briefly to the pride I have always felt in the State of my adoption. No State has been more progressive in government, or in its industrial and educational development, and none have enjoyed a higher reputation for patriotic achievement, intelligence, and sanity in the consideration and determination of all great public questions, either national or State, than Minnesota.

When neighboring States were swept by the fallacies of greenbackism, free coinage of silver, or the hydraheaded political monster named populism, or other form of extreme radicalism, the State of Minnesota remained steadfast and true to sound principles of representative government, to sound and sane theories of finance, and to progressive ideas in State legislation and administration.

The men who were then looked upon and respected as leaders in political thought and action, whose master minds guided our ship of state through these trying periods of political agitation and excitement, and who were then applauded for their wisdom and unselfish devotion to State and Nation, and to the interests of the people, would in these days of political crazy quilt be denounced as reactionaries, as the representatives of the "interests," and as the enemies of progress, engaged in an effort to thwart the will of the people in the interests of corporate greed and power.

MINNESOTA'S LAWS HAVE SERVED AS MODELS.

Until recently no State in the Northwest was effected or influenced less by political nostrums than Minnesota. No Northwestern State had written into its statutes less extreme radical or populistic legislation. Many of its previous enactments dealing with important and complex problems of State government have been used and followed by older States as models. But the microbe of populism disguised in the attractive word "progressive" has worked its way so far into the blood, the brain, and the ambition of some pretended patriots and would-be leaders of political thought that our State to-day, like some others, stands on the verge of a parliamentary revolution. In fact, our late legislature fired the first gun when it enacted the so-called Oregon, but unconstitutional, plan for the election of United States Senators. It is altogether probable, too, that but for the fatigue of an officer of our State senate other similar bills would have been passed, and that, too, without petition or other demand on the part of the people. Thus, Minnesota, which has always and steadfastly refused to follow the lead of the demagogue, the quack doctors of reform, and professors of oratory, would, but for an accident, have taken a place in the front rank among the populistic States of the Union, like Oregon, Kansas, and Nebraska.

Believing, as I do, that before any change in our fundamental system of State government is adopted, the people should thoroughly understand the effect of such change; and believing also that the adoption of the proposed reforms of the so-called progressives would be a backward step in the science of government, that history proves them to have been failures wherever adopted, and that before many months we will be asked to pass judgment upon them in some form or other, I accepted the invitation to address this convention on "The proposed reforms of the so-called progressives."

THE MEANING AND EFFECT OF PROGRESSIVE REFORMS.

What are these reforms? Those discussed most, and relied on principally to popularize the cause of the progressives, are the initiative, referendum, and recall. How many in this audience, composed of men far above the average in intelligence, who know what the initiative, referendum, and recall are: what they mean; how they would operate in practice; and to what extent our whole system of representative government would be changed by their adoption? I ask this question, not for the purpose of embarrassing anyone, but because, only a few days ago, an intelligent and leading business man called on me, and in an apologetic way asked these same questions, candidly confessing that he did not know. If the same questions were propounded to the individual voter I do not believe one-third of them would be able to answer, and yet the so-called progressives would have you believe that the people en mass are demanding these radical changes in the fundamental system of their government.

The intiative and referendum means that on the petition of a certain percentage of the legal voters of the State legislation may be enacted, or legislation proposed, in the form of bills and passed by the legislature must be referred to the people for their approval by vote before they become law. The recall, as proposed by our last legislature, would mean that upon the petition of a small percentage of the popular vote any elective officer, whether executive, administrative, legislative, or judicial, may be recalled, and the people would then be required to determine by ballot whether he or someone else should be elected for the remainder of his term.

THE DIFFERENCE BETWEEN PRESENT AND FORMER POPULISTIC REFORMS.

It will be readily seen that these reforms differ radically from the reforms advocated by the Populists in the past. They are fundamental, and, if adopted as a part of our system of government, can not be changed or repealed by an act of the legislature. It is in this respect that they differ so widely and radically from reforms hitherto advocated. The reforms urged in previous populistic cycles, related only to legislative enactments, such as changes in existing law, or the enactment of new laws for the alleged purpose of better protecting the rights

and interests of the people. They did not contemplate radical amendments, either in fact or in effect, to the constitution of the State. Nor the repeal of that part of the constitution under which the people delegated the exercise of their legislative power to the legislative department of our State government. The almost absolute permanence of these proposed changes in our system of government is in itself sufficient to prompt the most careful investigation and study of their merits and to cause the people to think for themselves, before passing judgment upon them. The questions which they involve are of the highest importance. They involve the future welfare of the people and the State, therefore, we should not be influenced either by prejudice, sentiment, or passion in their determination. If we act at all such action should be the result only of our deliberate judgment formed after thorough investigation and the most careful study.

THE ALLEGED NECESSITY FOR CHANGING OUR SYSTEM OF GOVERNMENT.

The alleged necessity for these proposed changes in the fundamental principles of our Government is, that under our present system representatives of the people have, in some instances, proven inefficient, in others they have betrayed their trust by acting more in the interest of the few than in the interest of the many, or that they have been corrupt in the discharge of their duties We may concede all this, and yet these evils do not prove that the principle of representative government is a failure, or that in order to correct them it is necessary for us to abandon representative government and adopt the principle of a pure democracy, a system of government discarded centuries ago. A system, too, under which greater evils have existed than any thus far developed under the principles of representative government. On the contrary, we should endeavor to improve the government and control of political parties and their methods of selecting candidates for public office before we abandon the only principle under which government by the will of the majority is possible.

The principle of representative government is the product, and has been evolved by the Anglo-Saxon race out of the world's experience in science of government. It consists in the rule of the majority for the time being. Under the old democracies of Europe, most of which existed in counties limited in area and in population, it was possible, or it was at least thought to be possible, to ascertain the opinion of the majority by the simple process of referring matters to the people. The principle of representative government is therefore the great political invention of the modern world. It was not invented in a day, nor in a year, nor in a century. It is the masterpiece of modern political genius, which enables the majority in a democratic country, however wide in its area and however numerous its population, to make its will felt, not only in administration, but in legislation.

THOSE INCLUDED IN THE TERM PEOPLE WOULD NOT CONTROL.

The only argument of the so-called progressives in favor of the initiative and referendum as a remedy for the evils under our present system of government is that it would give to the people themselves the right to enact the legislation of the State. This right the people now possess. They have always had it. They have never parted with it. They have merely delegated the exercise of that right to their representatives, because in thus delegating the exercise of the right to legislate, they get rid of what otherwise would be an intolerable difficulty, and secure legislation that represents the will of the majority. Those who oppose this so-called reform, or these proposed changes in our system of government, are charged with being "afraid of the people," or that "they can not safely rely upon the people for the enactment of our laws," or that "they are opposed to the rule of the people." In this way the so-called progressives seek not to answer the arguments of their opponents, but to discredit them by endeavoring to arouse the prejudices of the people by claiming that their opponents distrust the people.

For myself, I do not fear, nor do I distrust the people in the sense in which the word "people" applies to the permanent population of the State. This class of the people usually gives intelligent consideration to public questions which they are called upon to determine by their ballot. But, under our system of government, with universal suffrage, it is a well-known fact that in almost every State in the Union these are not the people who control elections, because in almost every State the people differ in opinion as to how such questions should be determined, and are, therefore, almost equally divided. They are not, therefore, the people who would rule, or control the enactment of legislation under the initiative and referendum. It is the floating population of a State, the people who have no material interests in legislation, who have no property rights involved; who are here to-day and there to-morrow; in other words, it is the "birds of passage" who control elections in almost all the States and who would control the enactment of legislation under the initiative and referendum. These are the people whom the progressives would clothe with the power of determining the rights and interests of the farmer, the business man, and all other classes of property owners involved in legislation submitted under the initiative and referendum for approval or rejection by the people. These are the people I do fear. They are the people who should never be empowered to legislate directly for the permanent population of a great State. It is for this reason that those to whom the word "people" is really meant to apply should, in my judgment, unanimously oppose changing our representative form of government into a pure democracy where the purchasable quantity would be the ultimate controlling governmental power.

ONLY UNDER REPRESENTATIVE GOVERNMENT CAN MAJORITY RULE BE OBTAINED.

But there are other objections to the initiative and referendum. The fundamental principle of our Government, as in all representative governments, is that the majority shall rule, and not the minority. This is the basic principle around which our national and all of our State governments are formed. It is the superstructure of representative government. Never in the history of the world has a nation devised a republican form of government and secured rule by the majority, except by the people delegating their legislative and executive power to those whom they may elect to represent them. If because of the floating vote, or the vote of the "birds of passage," or if because of indifference in the matter of selecting suitable representatives, the people do not choose wisely in their selection of those who are to represent them in legislative, executive, or judicial offices, on what can the argument be based that they would vote more intelligently or that they would secure better results in lawmaking, if they withdrew or abandoned their representative form of government and themselves proceeded to exercise directly their undoubted power in respect to government and legislation?

UNDER OUR CONSTITUTION NO LAW CAN BE ENACTED EXCEPT BY A MAJORITY.

So careful were the people in adopting our State government to guard against the enactment of legislation by less than a majority, that they expressly provided in their constitution that no law should be enacted except by the affirmative vote of a majority of their representatives in each branch of the legislature. In this respect our representative form of government differs widely from a democracy, where, except in cases of great agitation or excitement, the rule of the people is the rule of the minority and not the rule of the majority. This is proven in every country where the initiative and referendum is now in force, or in any country in which it has ever been in force. It is even true in the State of Oregon, where the initiative and referendum has been in force for only a few years. In the recent election in Portland some 30 proposed laws were submitted to a vote of the people; about 27 of these were rejected, including a proposed law to compel street railway companies to provide suitable transportation accommodations for their patrons, a law which was enacted by the representatives of the people and is now being enforced in the Twin Cities of our State. This rule by the minority, under the initiative and referendum, is proven also by our own experience in Minnesota.

The constitution of our State can be amended only by and through a referendum; that is, all proposed amendments must be referred to the people for their approval, but less than a majority of all those voting at a general election can not amend the constitution. It requires the affirmative vote of all those voting at a general election. If our constitution could be amended by the affirmative vote of a majority of those voting on the amendment, then no less than 100 amendments would have been adopted in the last 15 or 20 years, for usually a majority of those voting on the amendment vote in the affirmative, but they are in almost every case only a small minority of the total vote cast at a general election, and for that reason so many proposed amendments are rejected.

That minority rule obtains almost exclusively in every country where the initiative and referendum is in force let me cite the experience of the people of Switzerland. Last March, when this question was under consideration by our legislature, I wrote to our minister at Berne, Switzerland, a personal letter for information concerning the operation of the initiative and referendum in that country. I did this because the operation of this principle of government in Switzerland was being used to prove the beneficial advantage to the people of this policy. At that time Hon. Lauritz S. Swenson, of Minneapolis, now minister to Christiania, was our minister at Berne. A short time ago I received his personal and unofficial reply. I wish that every citizen of Minnesota could read it. It is full of facts and information that they ought to know. Mr. Swenson says:

BERNE, SWITZERLAND, *April 14, 1911.*

Hon. JAMES A. TAWNEY, *Winona, Minn.*

MY DEAR SIR: In compliance with your request of the 30th ultimo, I hasten to furnish you such data and observations on the Swiss initiative, referendum, and recall as suggest themselves to me.

The recall does not exist in Switzerland; the Federal initiative applies only to the revision or amendment of the constitution; and the Federal referendum, which is obligatory as to all measures involving constitutional changes, may be invoked in the case of laws and decrees "of a general nature and not of an urgent character," the Federal Assembly being the judge on the latter point. An initiative requires 50,000 signatures; a referendum, 30,000, or 8 Cantons, within 90 days from the date of publication of the law. The total registered vote in the Confederation is ca. 775,000. To change the constitution requires a majority of the Cantons, as well as a majority of votes cast on the question. All the Cantons have the initiative or the referendum, or both—constitutional and legislative. Its introduction was a compromise between the party advocating pure democracy and the party advocating representative government. It derives its origin from the practice under the old Swiss Confederation, when the ambassadors of the 13 independent States had to refer to their governments for confirmation the decisions of the Federal Diet. The constitution of 1848, under which the present Confederation was formed, provided for initiative and referendum on the question of revising or amending the constitution only. In time there arose a demand for greater centralization, with the referendum as a check. The constitution was accordingly revised in 1874, the referendum being included as above, but the initiative suppressed. In 1891 the initiative on constitutional questions was reestablished, but by only 183,000 votes out of a total registered vote of 642,000; the total cast being 304,000, or less than half the registered vote.

It is important to bear in mind that the national legislature elects the Federal Executive as well as the Federal judiciary, and that no veto power can be exercised by the Executive, nor can any judicial power question the constitutionality of its statutes. The Executive, not being elected by the people, can not as their direct representative be expected to counterbalance the power of the legislature, which elects him. Only by means of the referendum, or "people's veto," can a negative be interposed. This is the situation also in the Cantons. You will notice how essentially Switzerland differs from us in this respect. It should also be mentioned in this connection that the Swiss Parliament is not restricted by any "bill of rights" embodied in the constitution. The legislators are not nominated at primaries; and their terms of office are longer than with us—three years. To base legislation in Minnesota or elsewhere in the United States on experience had in Switzerland is not logical. Nevertheless, certain deductions of value and general application can be drawn therefrom.

Conditions in Switzerland differ widely from ours socially, commercially, industrially, politically, and geographically. Here is an established society extending back over hundreds of years. Institutions are more stable, and the people are more conservative and cautious by training and tradition. The population is largely composed of rural freeholders, and there is not a continuous influx of immigrants of all kinds who in short order become voters. Naturalization is not easily acquired in Switzerland. To become a citizen of the Confederation a foreigner must first be admitted to citizenship in the commune and the Canton. The communes possess property, the proceeds from which are distributed in some way or other among its citizens. An applicant for the privilege of becoming a "burger" must accordingly pay for it—in most cases quite a respectable amount. He then feels that he has a property interest in the community, and will naturally help to safeguard it against any radical interference. Innovations are, therefore, discouraged. An election is more an affair of sober judgment than with us, and it is not accompanied by such turbulence and sinister moves. There is not so much fuss and friction in solving political problems, nor is there an army of political workers. Elections are not expensive.

Political questions are less complex, and the voters have closer personal knowledge of the conditions under discussion, owing to the smallness of the country. The voters are, as a rule, more conservative than their legislators.

Switzerland has a government for a simple people and a small country. The population of Switzerland is ca. 3,800,000. Its area is about 16,000 square miles; that of Minnesota ca. 83,000 square miles. St. Louis County has an area of nearly 6,000 square miles, I think. The largest Canton (State) in Switzerland has ca. 2,900 square miles, the smallest 91 square miles, or less than two townships. More than half of them have less than 500 square miles each. The eleven smallest tCantons, with a total area of 2,056 square miles, could be put into Otter Tail County. Five Cantons would go into Freeborn or Goodhue, and four into Nicollet and almost into Dodge. The most populous Canton has a population of ca. 600,000, mostly rural. Its area is 2,660 square miles, as compared with Otter Tail's 2,200. Nothwithstanding the apparently favorable conditions under which the Swiss initiative and referendum have operated, the practical workings of the system have brought out many drawbacks.

It is said to be weapon in the hands of the minority to keep up a constant political agitation; and owing to the large abstention from voting, it is not the people, but a relatively small part of the electoral body that rejects or enacts a law. A majority of the legislature, representing a majority of the electors, may pass a law, and a minority of the voters may, on a referendum, defeat the expressed will of the majority. And the people will time and again reelect the lawmakers whose measures have been thus rejected—and repeat the performance of setting their work aside by a decided minority vote. In some communes it has happened that only 19, 14, and as low as 10 per cent of the voters have participated in a referendum election. In the most populous Canton, that of Berne, 68 measures were submitted between 1869 and 1888. The average absentations during that time was 45 per cent. In one Canton a majority of the electors remained away in 17 referendum elections.

In one case a law was rejected by 207,000 out of a total registered vote of 625,000, 410,000 votes having been cast. Another law was rejected by 193,000 out of a registered vote of 600,000, the total cast being 313,000. Again, a law was rejected by 177,00 out of 700,000 registered and 300,000 cast. By law I mean a bill passed by the legislative body. I give the round numbers.

One bill unanimously passed by both houses was rejected by the people. A legislative proposal to revise the constitution was defeated by 260,000 out of 642,000 registered votes and 380,000 cast. Still another proposed amendment was turned down by 156,000 out of 625,000 registered and 297,000 cast. One amendment was adopted by 156,000 out of 716,000 registered and 245,000 cast. Another by 162,000 out of 716,000 registered and 248,000 cast. One constitutional amendment proposed by initiative carried by 191,000 in a registration of 669,000, 127,000 being cast in the negatives.

Some years ago the Socialists secured the necessary number of signatures for a proposal to revise the constitution so as to provide that the right of every Swiss citizen to remunerative labor should be recognized and made effective in every possible way by federal, cantonal, and communal legislation. Though not strong enough to effect this change, they put the people to the inconvenience and expense of an election. It has proved an easy matter to procure signatures; and a compact minority selfishly interested may, and often does, control the situation at the polls, because of the indifference among the voters in such elections. (The charter or home-rule election in Minneapolis four or five years ago is a case in point.)

The difficulty in getting out the vote has resulted in the enactment of obligatory voting laws in some of the Cantons. In other words, the people first demanded the right to initiative and referendum vote and then pass laws to compel themselves to use that right.

At present, proportional representation is being advocated as the best method for securing popular government. The question of electing the members of the lower house in the national legislature by that method was decided adversely at an initiative election held last October. The parliamentary members representing the defeated portion of the electors thereupon petitioned the federal council to submit such a bill for legislative enactment. This presented the anomaly of an appeal from the people to the legislature by the very persons who had demanded the initiative election. This month the Canton of Zurich was compelled to hold an election on the same subject (election of its cantonal legislators by the "proporz") with the same result.

It is urged against the system under discussion that it is an appeal from calm deliberation to prejudice and spasmodic, artificial sentiment. Also that the people have not the facilities, leisure, or will to study legislation as a legislative body of competent persons does. Then, too, it lessens the sense of responsibility on the part of the legislator.

The initiative, referendum, and recall in a country where conditions are more or less unstable and in a state of constant transition and rapid development would have a tendency toward radical, hasty, and ill-digested legislation. The statesman would be at a discount, whereas the impractical theorist, the agitator, and demagogue would be at a premium.

The referendum should be reserved largely for fundamental questions—that is, it should be the exception instead of the rule. Even then it is not an easy matter to induce the people to show the proper interest, as is evidenced by our experience in attempts to amend the State constitution.

With best regards, I am,

Very truly, yours, LAURITZ S. SWENSON.

Thus we see that even in Switzerland, with a staid and homogenious people, inhabiting territory not as large as three counties in our State the size of St. Louis County, where the compactness of its population and intercommunications by rail and electricity make it possible for the people of every section to be near and familiar with those of every other section; where they have a restricted suffrage; where only property owners can exercise the right of franchise; where they have no foreign population unacquainted with their language, their laws, their customs, their institutions, their history, and the traditions of their country, the initiative and referendum has not proven a success as a means of securing government by majority rule. Even if it were a success in Switzerland, it would not, as Prof. Swenson says, be any indication that it would be a success with us, because of the widely differing conditions socially, politically, and geographically.

THE LEGISLATIVE ACTS OF THE PEOPLE FINAL AND CONCLUSIVE.

If, then, we were to adopt the initiative and referendum, logically, we should at the same time abolish the legislature entirely as a useless, expensive, and unnecessary piece of governmental machinery. For in that case the only function remaining for the legislature to perform would be to draft measures to be referred to the people for adoption or rejection. A board of five or seven, composed of expert legislative architects or draftsmen, could perform all the legislature would then have to do, and, no doubt, perform it more efficiently and more satisfactory to the people. We could then abolish the Constitution, so far as it relates to legislation. We could also abolish the bill of rights, which is a limitation only upon the power of the legislature and not upon the power of the people; and we could abolish the veto power of the Chief Executive, for if the people abandon representative government by the adoption of the initiative and referendum and themselves assume the exercise of all legislative power, neither courts nor governors could question their enactments. The people are the source of all political power, and no one will contend that a creature of the people, like a constitution, a governor, or a judge, could possess the power to overrule or set aside the action of their creator. Their legislative enactments under the initiative and referendum would have the same force and effect in law as the provisions of the Constitution. They both emanate from the same source. Hence, there would be no limitation upon the legislative power of the people; there would be no bill of rights the people would be bound to respect, nor could there be any veto, either executive or judicial, of their legislative action.

That this is so, necessarily follows from the undisputed fact that the people are the source of all political power. In Luther *v.* Borden, in the seventh of Howard, Webster, in his argument, said:

"Let me state what I understand these principles to be: The first is, that the people are the source of all political power. Everyone believes this. Where else is there any power? There is no hereditary legislature; no large property; no throne; no primogeniture. Everybody may buy and sell. There is an equality of rights. Anyone who should look to any other source of power than the people would be as much out of his mind as Don Quixote, who imagined that he saw things which did not exist. Let us all admit that the people are sovereign. Jay said that in this country there are many sovereigns and no subjects. A portion of this sovereign power has been delegated to government, which represents and speaks the will of the people as far as they choose to delegate their power."

THE OPPORTUNITY FOR DISCRIMINATION IN LEGISLATION UNLIMITED.

This doctrine has been accepted and followed by the Supreme Court of the United States and by the supreme courts of the States throughout our entire history. It of necessity would make the legislative acts of the people under the initiative and referendum final and conclusive. This being so, it does not require a vivid imagination nor any profound thought to see the extent to which the people in one section of the State might be permanently injured for the benefit of those in a more thickly populated section, or the extent to which the rights of one class of citizens might be entirely ignored as the result of prejudice and passion, or the extent to which property of one section or one class could be made to bear the burden of State government while that of another class might be exempt. In this way the progress and development of a State might be permanently injured, capital necessary to the development of industries could not be obtained.

If it is possible under representative government to corrupt the electorate, as has been done in order to control the election of certain men, it is equally possible to corrupt that same electorate for the purpose of controlling legislation, especially when legislation can be enacted or rejected by a small minority, as is the case wherever the initiative or referendum has been or is now in force.

GOV. WOODROW WILSON.

In speaking on these reforms in different parts of the West, a distinguished gentleman, the governor of a great State and a candidate for President of the United States, Gov. Woodrow Wilson, on May 18, at Portland, Oreg., said:

"To nullify bad legislation the referendum must be adopted, and it is only a question of time until it will be extended to the Nation. The better education of the people through the various States, of which Oregon was the first, will enable them to pass intelligently upon national measures. In such manner will popular government be lifted from the ranks of theory to actuality, and a democracy which represents the will of the people be established.

"I have not yet made up my mind on the subject of the recall of the judiciary. [I wonder why.] I am open to conviction, but as yet fail to see where it would be a wise law in many respects, as fear of the people's displeasure might lead some judges more to popular expression than to an interpretation of the law."

But let us appeal from "Philip Drunk" to "Philip Sober." By reading what Gov. Wilson said on this subject, when not a candidate for the nomination for President of the United States, but president of the Princeton University, writing deliberately and thoughtfully on the subject of government. Among other things, he said:

"A government must have organs; it can not act inorganically, by masses. It must have a lawmaking body; it can no more make laws through its voters than it can make laws through its newspapers."

Then, in speaking of the effect of the initiative and referendum in Switzerland, Gov. Wilson again admits that this policy of government has not proved a success. He says:

"The initiative has been very little used, having given place in practice, for the most part, to the referendum. Where it has been employed it has not promised progress or enlightenment, leaving rather to doubtful experiment and reactionary displays of prejudice than to really useful legislation."

With respect to the referendum, Mr. Wilson says:

"It has led in most cases to the rejection of radical legislation, even to the rejection of radical labor legislation, such as the ordinary voter might be expected to accept with avidity. They have shown themselves apt to reject also complicated measures which they do not fully comprehend and measures involving expense which seems to them unnecessary. And yet they have shown themselves not a little indifferent, too. The vote upon most measures submitted to the ballot is usually very light; there is not much popular discussion; and the referendum by no means creates that quick interest in affairs which its originators had hoped to see excited. It has dulled the sense of responsibility among legislatures without in fact quickening the people to the exercise of any real control in affairs."

The inconsistency of so distinguished a man as Gov. Wilson in his views on this important question, when a candidate for office and when writing his deliberate judgment in the quiet of his study, giving his reasons therefor, illustrates the danger to the people of acting upon the views of any man, however learned or exalted, when his views may be colored by or be the result of political ambition.

THE RECALL.

The importance of this subject makes it impossible in a single address to more than touch the high places or call attention to only a few of the chief objections to the adoption of these proposed reforms.

The recall has been discussed recently and quite extensively, especially in its application to judges, and is, therefore, better understood. Then, too, the people are gaining knowledge concerning the recall from experience. There is nothing more instructive in government or nothing that proves more conclusively the fallacies of populism than experience. Let me read from an editorial of May 5, 1911, on the experience of the city of Tacoma, Wash., under their municipal recall:

"ONE RECALL EXPERIENCE.

"Those who revel in the excitement of a political campaign can wish for nothing more satisfying than the recall system as it is being operated in the city of Tacoma. On the 5th of April an election was held to determine whether the mayor should be ousted before the expiration of his term. None of the candidates received a majority of the votes cast and another election was held 10 days later. This time the mayor was deprived of his seat. Two weeks later, on the 2d of May, the required petition having been filed, the four city commissioners were hauled up for the ordeal. The election was not decisive, and another election has been ordered for the 16th of May. If this contest does not give a majority, the citizens will have to try again. When the commissionership has been disposed of the requisite number of citizens may take it into their heads to petition for the recall of some other officers, if there are any others subject to the law.

"With officeholders liable to be called into three or four campaigns during a single term, on the initiative of political machines whom they offend, how long will Tacoma or any other city that adopts a similar system be able to induce men of the right caliber to run for office? How long will the better class of voters take an interest in this kind of business and go to the polls to give expression to the honest sentiment of the majority whenever a handful of citizens compels an election?"

Under the municipal recall of Tacoma, therefore, there were four elections in less than two months. That ought to satisfy the most progressive progressive. It also ought to afford all the political excitement necessary to satisfy all of the active politicians, and furnish almost permanent employment at regular campaign rates of pay for all the political heelers, and insure a thriving business for the "gin mills," especially in the "down-town wards" where most of the "birds of passage" vote.

THE RIGHT OF RECALL MUST BE UNIVERSAL.

But it is said by our junior Senator and other progressives that the recall would never be used to recall a good officer or the good judge, but only to recall the bad ones. Who is to determine the good from the bad? The wild-eyed reformer whose uncontrolled zeal and unbalanced judgment may find executive or legislative officers too bad, because too conservative to suit his notions of reform legislation and administration, or the courts too rigid or technical in their interpretation of the law to serve the elastic purposes of his proposed reforms; whereupon in his righteous wrath he proceeds to stir the souls of his faithful followers to issue a recall of the governor or other State officer, members of the legislature, or the judge, in the name of progressive reforms?

The right to petition for the recall of an officer can not be restricted to those alone who are supposed to be qualified to determine the good from the bad official. The exercise of this right can not be limited to United States Senators, college professors, lawyers, and doctors, to farmers and railroad officials, nor to wholesale and retail merchants. If the right is granted it must be granted to all alike, to be exercised by any or all alike. The recall therefore, if adopted, would instantly change the title of every elective officer from that of a fee-simple title to that of a title at will. That is, where an elective officer who now has a fixed term established by the will of the majority, it is proposed to limit that term, dependent on the will of a small minority, who, for any reason or no reason, except perhaps political advantage or the gratification of personal malice, may petition for his recall.

THE RECALL IN THE NATURE OF A PUBLIC INDICTMENT.

Under this system it will be seen, therefore, that the misguided or malignant passions of an unimportant part of the community may accuse the most efficient elective officer, and by the use of groundless charges or published misrepresentations, create suspicion and distrust where formerly public confidence and faith existed; thus depriving the State of the services of an efficient and an upright executive officer or stainless judge. The recall is in the nature of a public indictment, returned, not upon evidence, but upon the will or the caprice of those who frame and sign it, charging no offense, moral or legal; presented to a court that is bound by no rules except the rule of the majority, where the defendant is denied all presumptions in his favor, and where he can not answer any specific charge, for no specific charge is necessary to secure his conviction.

Our junior Senator would say that the recall merely affords the elective officers an opportunity to go before the people again at another election.

"Yes," as it has been well said in respect to the recall of judges, "but how does he go? Does he go as a clean-hearted, clear-headed candidate, resting his claims upon his ability as a judge or his honor as a man? Does he go with pride, gathered as the fruits of a useful life? Does he go as the embodiment of courage and patriotism? No; he goes with character dismantled by the attacks of those who would destroy him. He goes with his oath of office broken by the furtive whisperings of those who hold a grudge. He goes with his honor stained by the vulgar hand of the reckless accuser. He goes leaving his family at home in the shadow of disgrace. He goes impugned, impeached, outraged, and dishonored, not so much to regain the worthless office, but to restore his shattered fame and recover his foreclosed honor."

THE MALICIOUS CHARGES AGAINST OUR SUPREME COURT.

We can all remember when, only a few years ago, through a leading newspaper of the State, a member of the Minnesota bar arraigned the judges of our supreme court upon reckless, groundless, and malicious charges. If he and the newspaper referred to would then have had the right to have invoked the recall, they doubtless would have secured the requisite number of signers and recalled the entire supreme court, thereby subjecting its members to the humiliation and disgrace of defending themselves before the people against the baseless charges of their reckless accusers.

THE EFFECT OF THE RECALL UPON EFFICIENCY IN PUBLIC SERVICE.

How do the advocates of the recall expect to improve, or even secure efficiency in the public service, under that policy? What elective office is there to which there is attached sufficient honor or salary, or both, to induce a man with the knowledge, ability, and character the position demands, to seek or even accept the office and thereby subject himself to the humiliation of the recall upon the groundless petition of a small percentage of those who may have opposed him for the place?

If it is the purpose of the advocates of the recall to lower the standard of efficiency in the public service, if they want men for public office not actuated by a high sense of public duty, men whose sole ambition is to be in the spot light or seek public office for the salary alone, they could not favor a law that would more completely accomplish their purpose than the recall.

In private employment it would not be possible to secure the services of a man competent for the position of president, general manager, or other important positions in any business organization where the employer reserved the right to, at will and without cause, recall such officer in three or six months. In the Federal civil service and in the civil service in many of the States the right of recall at will has been abandoned. This right under the civil-service law and regulation can be exercised only upon a specific complaint in writing, setting forth all the charges, which must be supported by competent evidence under oath at a hearing where the employee is given an opportunity to confront civil service in many of the States the right of recall at will has been which his recall is asked. Under existing law, both State and national, the same rule applies with respect to judges and all other officers; that is, the people, through their representatives, possess the right of recall in the form of impeachment. If the delinquency complained of is not an impeachable offense, then the cause for which his removal is desired must have existed before the people elected him and with proper attention to their own interests prior to the election could have been ascertained. Even in such cases the people are not without a remedy. Such officer can be recalled when his term expires, which under our system is always short.

NOT PROGRESSIVE, BUT DISCARDED PRINCIPLES OF GOVERNMENT.

But it is said the initiative, referendum, and recall are progressive principles of government and that those who oppose their adoption are necessarily reactionaries. This is the first time in the political history of our country when it has been claimed that principles of government in practical operation as part of the governmental system of many nations more than a century ago and discarded because of their inefficiency in securing government by the rule of the majority could be revived in the twentieth century and claimed to be progressive governmental principles. Yet that is the situation to-day.

The initiative, referendum, and recall formed part of the governmental system of almost every Republic that has ever existed. We ourselves lived under the recall prior to the adoption of our Federal Constitution. The first tentative draft of the Constitution of the United States, presented to the Constitutional Convention in 1787 by Edmund Randolph, of Virginia, contained a provision for the recall of Members of Congress. When this provision was under discussion in that convention, in connection with the election of Members of Congress, Gerry, of Massachusetts, made a powerful argument in favor of a representative democracy as against a pure democracy. He did not fear the people, but he feared the pretended patriots. He said:

"The evils we experience flow from the excess of democracy. The people do not want (lack) virtue, but are the dupes of pretended patriots. In Massachusetts it had been fully confirmed by experience that they (the people) are daily misled into the most baneful measures and opinions by the false reports circulated by designing men and which no one on the spot can refute."

Randolph, in speaking on the same subject, observed:

"That the general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and follies of democracy; that some check, therefore, was to be sought for against this tendency of our Government."

Jefferson also said:

"Modern times have * * * discovered the only device by which the (equal) rights (of man) can be secured, to wit: Government by the people, acting not in person, but by representatives chosen by themselves."

THE RECALL REJECTED BY FEDERAL CONSTITUTIONAL CONVENTION.

On June 12, 1787, on motion of Mr. Pinckney, the provision for the recall of Members of Congress was unanimously stricken out of the proposed draft of the Federal Constitution.

In view of the fact that for 10 years prior to that time the people of the United States had the recall under the Articles of Confederation, and in some of the States, and the experience of the people was known to the delegates in that Constitutional Convention, their unanimous action in rejecting it as one of the principles of our Federal and State Governments is very significant. It should cause our people to reflect seriously upon the question of now reviving and adopting as part of our system of government a principle thus unanimously rejected by the founders of our Republic and rejected, too, in the light of 10 years' experience under its operation.

SO-CALLED PROGRESSIVES ARE REAL REACTIONARIES.

In advocating the initiative, referendum, and recall our friends the progressives are, in the light of the history of these principles of government, now proposed as progressive reforms, the reactionaries under the ordinary acceptation of that term, and not those who are opposed to them. They are "harking back" into the governmental graveyards of more than a century ago and resurrecting the decayed remains of old and discarded theories and principles of government buried for centuries beneath the sod of public disapproval and attempting to vitalize them with the magic word "progressive."

They may succeed in making a majority of the people of Minnesota believe that this would be progress, but it is not the kind of progress our State has been making for more than a half century. It is not the kind of progress that has made Minnesota one of the most progressive States in the Union and our Nation the most progressive in the world. It would be progress backward.

Mr. SAUNDERS. Mr. Chairman, a few moments ago in the course of this debate a gentleman stated that no one had arisen in this House to defend the constitution of Arizona. I desire to say in response to that statement that no gentleman, either in this House, or in the Senate, has attacked the constitution of Arizona in the only respect in which we are concerned to examine it, and that is to determine whether, or not, it is Republican in its form and character. Until that attack is made it is unnecessary for any Member to defend that constitution on this floor. The gentleman from Illinois [Mr. CANNON] said that he heartily defends, and approves the veto

of the President. Let us see what it is that he approves, and defends. Not the recall, for that is not in issue; not the question whether, or not, as an abstract proposition the recall is right, because that proposition is not presented to this House; but the gentleman from Illinois defends the proposition that a Territory which has framed a government confessedly republican in form, and character, shall not be admitted into this Union, until it pares down the features of that government to meet the views and wishes of the President. That is the proposition that the gentleman from Illinois defends before this body, when he defends that veto.

Mr. CANNON. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. CANNON. I want to say that in my judgment those provisions are not republican in form.

Mr. SAUNDERS. The gentleman from Illinois is the first gentleman who has arisen, either in this House, or in the other body, to undertake to maintain the proposition that the constitution tendered by the people of Arizona does not provide a government that is republican in form, and character. It has been a concession in this debate, it is admitted by the President, that the constitution of Arizona is not obnoxious to this criticism. We have had no occasion to maintain the proposition that this constitution was unrepublican, for the reason that up to this time, no man has dared to assert that it was not republican both in form and character. [Applause on the Democratic side.] I affirm anew that not even the President himself, has undertaken to maintain such a proposition.

The gentleman from Illinois asserts that this is not a popular, but a representative form of Government. It is both, but it is only representative by the popular authority. The Constitution does not guarantee to the States a representative, but a republican Government. The issue presented by the President's veto is not upon the merits of the recall. On the last analysis, the issue tendered is upon the right of local self-government. The President's veto attacks popular sovereignty. No application of a Territory for admission, has ever heretofore been rejected on the grounds advanced by the President. Should this House agree to the proposition that this veto is well taken, or that no Territory shall be admitted into the Union, so long as the Executive can cavil at the wisdom of some detail of the constitution which she tenders? Suppose Arizona were admitted into the sisterhood of States with no change in her constitution? Would she find herself standing solitary and alone in the enjoyment of the recall? By no means. The right of recall is exercised in modified form in more than one State.

In its absolute and complete form, it is exercised in the State of Oregon, and the great State of California is preparing to adopt an amendment which provides for the application of the recall to every official in that State.

The President of the United States for the present has the power, but not the moral right to say to the people of Arizona that they shall not exercise a right of popular sovereignty which now inheres in every State in the Union. I say that the issue raised by the veto is a greater issue than the one the President vainly seeks to present. We are not concerned to quibble over the recall, initiative, or referendum when they are presented as a part of a republican government created in their sovereign capacity by the people of Arizona. The real question is not whether the recall is a good thing, or a bad thing, but whether the people of Arizona have the right to write it into their constitution if they so desire. I care not about the arguments advanced in the message. These arguments are directed against a man of straw. We are not concerned whether the President approves or disapproves of the recall, the initiative, or referendum.

We are not exercised over his opinion that a corrupt judge should be protected against that exercise of popular sovereignty known as the recall, but as a liberty-loving people living under a Constitution which merely provides that every State shall be guaranteed a republican form of government, we are concerned to see the President refuse to follow the plain implication of that Constitution, that a Territory tendering a republican form of government, if qualified in other respects, shall be admitted into the Union. The President seeks to scotch the principle of the recall. His action has really advanced it. The people of Arizona will doubtless expunge the offending article from their constitution in order to secure admission into the Union, but once admitted and smarting under a sense of flagrant injustice, they will take immediate steps to embed anew, in their fundamental law, the provision for the recall, a provision which under the vote provided for by the original resolution might otherwise have been rejected. [Applause on the Democratic side.]

Mr. DICKINSON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it had not been my purpose to speak on this joint resolution, seeking without further delay to enable the people of New Mexico and of Arizona to each form for their respective States a constitution and State government and to be admitted into the Union on an equal footing with the original States, but living in a section of country that has furnished no small portion of the citizenship of these States, and for years having been anxious to see the people of these Territories have accorded to them the rights of statehood, I could not refrain from protesting against any further delay.

I want to see New Mexico admitted as a State into the Union and I want Arizona likewise admitted. Both of the great parties of this Nation have for years repeatedly, in their national party platforms, promised these people that they should be speedily admitted as States into the Union.

The constitution of New Mexico has been approved by the President, notwithstanding serious defects in its provisions. The constitution of Arizona has not been approved by the President, and, as I understand, his approval has been withheld because it provided for a recall of the judiciary. To meet the views of the President the joint resolution introduced at this session provided that the people of Arizona should vote again and separately upon the question of the recall of judges, and the joint resolution admitting both Territories, with the provision that the people of Arizona should vote separately upon the recall of judges and that the people of New Mexico should vote upon a separate resolution making her constitution more easily amendable, was submitted to the votes of both Houses of Congress, and was passed by the House by about 4 to 1 and by the Senate by about 3 to 1.

The only controversy was over the question of the recall of the judiciary in the constitution of Arizona. The requirement under the enabling act was that these constitutions should be republican in form and not in conflict with the Constitution of the United States and both subject to the approval of the President. No one contended in either branch of Congress that the constitution of Arizona was not republican in form or in conflict with the Constitution of the United States. I believed that these Territories were entitled to be admitted under the original resolution submitted at this session by the committee, modified to conform to the views of the President as by them understood. It would have saved much time and trouble, much controversy, and would have prevented much criticism and display of partisanship if no misunderstanding had arisen. However that may be, I have no special desire to criticize the President or anyone. Surely the committee or these gentlemen and members of the committee who saw the President in the desire to know his views before preparing and submitting their joint resolution are not subject to criticism.

Their anxiety for the admission of these States induced them to call upon the President and to confer with him, and it was a courteous act. If the President at that time was not satisfied with a mere resubmission by which the people of Arizona could vote again upon the question of recall of judges, or if he afterwards reached the conclusion that he would veto the joint resolution admitting Arizona as a State unless there was a mandatory provision that upon a new vote the right to recall the judges should be taken out of the Arizona constitution, he does not seem to have conveyed to the Committee on Territories, who prepared the joint resolution, his definite views upon the subject.

If the President preferred to remain quiet and to withhold knowledge of his probable conduct, it was a right that he could exercise, and yet at the same time his partisan supporters have no just grounds for complaint if criticism resulted. The President of the United States is but a man, although holding the high position of President. He is just as much subject to criticism by any citizen of this Republic and by any Member of this Congress as Congress is subject to be criticized by the President in a veto message. [Applause on the Democratic side.]

However popular he may be as an individual by reason of his genial personality, which delights those who come in contact with him and cause so many to speak of him in friendly words, yet when he acts as a public officer or as a partisan he is subject to the criticism of the American people and their Representatives in Congress. And the right to criticize the mistaken judgment or partisan conduct of a high official as evidenced by his words or acts will be preserved to the American people as long as the Republic lives. And the right of just criticism will be asserted as long as a free people are permitted to contend for better laws and better conditions, for free-

dom of speech will not be denied wherever free government exists.

The President saw fit to veto this joint resolution seeking to admit these peoples to statehood, regardless of their desire to enter the Union, regardless of the overwhelming vote in both Houses of the American Congress, regardless of the fact that it is admitted that the constitution of Arizona, which was complained of, was republican in form and not in conflict with the Constitution of the United States, meeting every requirement, yet because the people of this Territory preferred to reserve in their constitution the right of recall, as applied to the judiciary as well as other officers, with the high purpose of insuring an honest judiciary, the President saw fit to strike as with a mailed hand the effort of this people to enter and be admitted into the Union of States on an equal footing with the original States and to say to them and to Congress "not until you have first stricken out the right of recall of the judiciary from your first constitution." It is not denied that the President had the right to veto this act of Congress, nor will it be denied that Congress likewise has the right to pass this bill over his veto, if it can.

I was in favor of the original resolution, and would have voted again for that resolution and to pass it over the veto of the President if it had been reported out of the committee and resubmitted for a vote to this Congress; and no man is justly subject to criticism if he should cast his vote as he had cast it in the first instance.

But I desire, here and now, to cast my vote in favor of this joint resolution modified again to meet the supposed views of the President, as uttered in his veto message, whereby it is made mandatory that by a vote of the people of Arizona the recall of the judiciary shall be taken out of the proposed Arizona constitution before being submitted to the President for approval; and I shall vote for this modified and pending resolution, understanding and believing that the people of New Mexico and of Arizona are ready and anxious to become States of this Union and are verily knocking at the door of statehood, demanding admission into the sisterhood of States and anxious that Congress shall do no act to interfere with their early admission; and being informed that it is the desire of the people of Arizona, as expressed by recent communications, that this modified resolution shall pass, so that the door of hope may be opened to these people, who have long tired of Territorial government and Federal official control and who are anxious to govern themselves through their own chosen representatives, I shall gladly vote for this resolution.

I know that many courageous and strong men here, and men for whom I have the highest regard and whose leadership under different circumstances I might be glad to follow, differ with my views and feel that we ought to vote again upon the original resolution and pass it over the President's veto and take the chances of failure or success in the Senate and the chances of long delay of statehood certainly to Arizona, and for a time at least to New Mexico. But this perhaps logical course is against my judgment, against conservative conduct, against the best interests of the people of these two Territories; and I have grave fears of what might be the result if this pending resolution is not adopted.

The President has approved of the constitution of New Mexico, and by virtue of the enabling act, unless Congress should disapprove at its next regular session, New Mexico would be admitted at the close of said regular session, but the enabling act requires that the constitution of Arizona likewise should be approved by the President before admission. Suppose both Houses of Congress should pass the original resolution over the veto of the President, what then would be the status of Arizona?

I listened with great interest to what was said by the distinguished gentleman from California [Mr. KNOWLAND] when he referred to the fact that the President had not approved of the constitution of Arizona. The same thought has been in my mind, and I have offered the same suggestion in the personal discussion of this unfortunate situation; but whatever might be the possible action in regard to that, let us solve the question now, and I think it is the duty of this House, and especially the duty of those on this side, to throw no further obstacle in the way of the early admission of Arizona, as well as New Mexico, into the Union as States. The injustice of requiring the people of Arizona to first vote "the recall of the judiciary" out of their constitution against their convictions has been suggested, and that they ought not to be coerced, Members are urged to vote down this resolution, modified to conform to the views of the President, and to endeavor to pass the original resolution over the veto of the President. But I do not follow these suggestions, however much I regard those who give utterance to them.

In the first place, the recall of judges was not voted upon as a separate proposition, and, while it is possible and may be probable that if only required to be voted upon as a separate proposition, as in the first joint resolution, it would be retained, yet it is not certain that a majority of the people of Arizona desire or would vote for recall of judges, if submitted as a separate proposition. However, I can understand why a citizen of Arizona, believing in the recall, after this resolution is adopted, desiring the greater right and privilege of statehood, can postpone the right of recall of the judiciary, vote it out of its present adopted constitution, come into the Union under a constitution with the initiative, referendum, and recall of public officers, except the judiciary, and with that constitution approved by the President and being then in the Union on equal footing with the original States, it can, if its people so desire, by amendment of its constitution, adopt by vote of its people the recall of the judiciary. Having entered the Union, it might or might not desire to so amend its constitution—other States have the recall, as applied to all public officers, in their constitutions—and all the States can so amend, if they so desire.

The veto of the President was wrong. The people of Arizona had a right to make their own constitution as they saw fit, subject only to the conditions that it should be republican in form and not in conflict with the Constitution. The first resolution provided that the said recall should be voted upon at the first election, and regardless of the result the Territory admitted as a State. Under this resolution it shall be voted out in order to become a State. Such is the condition that confronts the people of Arizona. But the right of recall is the right of every State in this Union. [Applause on the Democratic side.] The agitation that has been raised will not be hurtful. The people of the several States may believe that the recall of the judiciary, like the recall of other public officers, is sufficiently fixed in short tenure of office by electing only to short terms of office all public officials and continue them in office by reelection for services well performed or by recalling public officials to private life when they have failed to acceptably fill their offices. The right of recall of judges in some form is recognized in the laws of almost every State in the Union.

I am inclined to believe that as a rule the people of the several States are better satisfied with their State judiciary than with the Federal judiciary, and there is being agitated before Congress now and resolutions have been introduced to so amend the Constitution of the United States as to put an end to life tenure of the Federal judiciary as applied to circuit and district United States judges and to make them elective or appointive for a limited period of years, and for this change I heartily stand; and if the people of the United States so amend the Federal Constitution so that Federal judges shall not hold office for life, but only for a term of years, the Federal judiciary will be more responsive to the public weal, less subject to just criticism for arbitrary conduct, less liable to be influenced by special interests, and more apt to write the law as it should be written, and in my judgment a greater and abler judiciary will fill the Federal bench; and when that change does come impartial justice, which is written in the human heart, is more liable to be done to all classes of litigants. Judges are but human, and whether State or Federal they should not be appointed for life, for fear they forget the responsibilities of their high office.

Mr. LENROOT. Mr. Chairman, I do not propose to say anything about the question of recall at this stage. I simply want to say that the responsibility for the failure to give to the people of Arizona self-government or the right to determine the question of recall of the judiciary for themselves can not be laid alone at the door of the President of the United States, for you gentlemen upon the other side of the aisle must to-day share that responsibility.

You might criticize the President if it were not for the fact that you, the majority in this House, have not done all within your power to place in the form of law the resolution that was passed some time ago. In time to come, in the campaign to come, when you criticize the President of the United States for his veto, you will be confronted with the record showing that when that resolution passed this House it passed by a vote of 4 to 1, and when it passed at the other end of the Capitol, a vote of 3 to 1, more than a sufficient two-thirds to enact that resolution into law, notwithstanding the objections of the President.

And why have you not done it? That resolution, with the veto message of the President, lies in a pigeonhole of your committee to-day, when it was your duty to bring it forth and pass it, giving to the people of Arizona the rights to which they were entitled. [Applause.]

Mr. FOWLER. Mr. Chairman and gentlemen of the committee, when the question of the admission of Arizona and New Mexico was before this House a few weeks ago I took occasion to make a few observations upon the rights of these Territories to be admitted into the Union as sovereign States. In the course of my remarks I said, "Greatness rarely comes from the mansions of the idle rich; it more readily flows from the ranks of the honest, sturdy poor," and cited Webster, Lincoln, John the Baptist, and the lowly birth of Christ as examples of greatness coming from the common walks of men. [Applause.] Gentlemen, you should not applaud after quotations from the Bible, for we have been told by MANN of authority that such is sacrilegious. The word "applause" followed this statement in the CONGRESSIONAL RECORD, which called forth a criticism from my dear colleague from Illinois [Mr. MANN], whose best boast is to style himself as the leader of a part only of the minority of this Chamber. [Applause and cheers.] Mr. Chairman, I repeat that statement now and desire to stand by the proposition as made. [Applause and cheers.] This criticism was made because I dared, in my humble way, to defend the rights of the common people to establish a form of government for themselves in these Territories. Again, Mr. Chairman, I stand on the floor of this House and declare in the name of the American system of government as handed down to us by our forefathers that all government derives its just powers from the consent of the governed, and to deny Arizona and New Mexico this right in framing their constitutions is an unwarranted invasion of the holy precincts of that sacred doctrine. These people, by large majorities, have expressed their will in the highest form of law—the constitution of a State—and I am in favor of recognizing their will instead of the will of any one man, even though that will be the will of the President of the United States. [Applause and cheers.]

Mr. Chairman, the President had a right to veto the other bill, and I do not pretend to question his power under the national Constitution to do so. The only question which can arise is the question of the wisdom of exercising the veto power under such circumstances. We must admit that he has the last guess at it. We are done guessing at the old bill, and the only thing we can do now is to pass the bill before us and give the people of these Territories a chance for a home in the Federal Union, or defeat it and keep them out in violation of antielection pledges. For my own part, I am in favor of passing it, although the President has abrogated the will of the people of Arizona as to the recall of judges. I stand in the attitude of a servant who unwillingly obeys a harsh order of his master rather than lose his job. I had rather vote for this bill unwillingly than to see the good people of these Territories stay out of the Union any longer. They have stayed out long enough, aye, too long. Their prayers ought to have been answered by Congress and the President long ago. Let us discharge our duty by passing this bill, and trust to the wisdom of the common people, after they have been admitted to statehood, to correct whatever wrong may have been done, if any, by the veto of the other bill.

EXAMPLE OF GREATNESS COMING FROM THE MANSIONS OF THE IDLE RICH.

Mr. Chairman, the long and persistent fight which the "honest, sturdy, poor"—the common people of these Territories—have put up for statehood is a living example of greatness flowing from the walks of common, sober sturdiness. It may not be interesting to the gentleman from Illinois [Mr. MANN]; doubtless it is not, for he voted against the passage of the other bill, and I have no doubt but that he will vote against this one. He does not seem concerned about the success of the lowly, struggling for higher civilization.

Mr. Chairman, I desire now to give an example of greatness coming from the mansions of the idle rich; perhaps that will be much more interesting to him than the discussion of this measure. During the Fourth of July holidays last month I spent a few days in Chicago. In the south side of that great city lies the second congressional district, represented by my distinguished colleague, JAMES R. MANN. [Applause and cheers.]

Concentrated here is a group of powerful, oppressive trusts, among which are the Illinois Steel Trust, the Pullman Palace Car Trust, the Lumber and Shipbuilding Trusts, the Asphalt and Cement Trusts, and still others. [Applause and cheers.] Hyde Park, the site of the World's Columbian Exposition in 1893, but now the home of the aristocrats of Chicago, and beautiful Lake Calumet adorn this district. Here, living in stately mansions far surpassing in cost the castles of kings, are congregated a bunch of idle rich, not one of whom have a baby to show [applause and cheers], but each of whom have a dog to show. [Applause and cheers.] They pour out their affections and lavish their ill-gotten gains upon these poodles, to the disgust of the decent public.

I had scarcely reached the city until I was attracted on all sides by a rumor of a birthday party to be given down in the second congressional district. On closer inquiry I learned that it was an affair of this bunch of idle rich in honor of the birth of a dog—"Madam Dog Lufra," if you please. This frivolity and hilarity among dogs was scheduled to take place at the home of Lufra's mistress, who had invited the dogs of other idle rich, together with their owners, to be present and take part in this curious but most interesting dog celebration. They had been trained to walk on their hind legs and were dressed like men and women. Lufra was dressed in Queen Anne style, with a long train to her dress. She wore a beautiful necklace around her neck and an anklet, set with a costly diamond, on her left ankle. "Billy," a big white duck, was her servant, and had been trained to walk behind her and hold up the long train of her dress.

One feature of the program was a parade on the lawn. As these dogs marched out of that beautiful mansion in pairs, dressed in costly finery and adorned with glittering jewels, with Billy performing his duties with as much skill and politeness as a trained servant in a king's court, the hearts of these childless rich were filled to overflowing with admiration and genuine pleasure.

While this magnificent procession was marching across that beautiful lawn, with the order and precision of trained soldiers on dress parade, with "Billy" doing his duty to the tail of Madam Dog's dress, all were filled with an inspiration to the point of self-forgetfulness. It was then that a cruel bystander threw a handful of corn in front of "Billy," who threw his eye down on the corn for a moment with a look of great anxiety, then greeted his old acquaintance—the corn—with a "quack," at the expense of dropping the tail of Madam Dog's dress, broke ranks, and went for the corn.

On discovering what had happened, one of the idle rich cried out, "La, look! 'Billy' has thrown up his job." An Irishman in the crowd replied, "No, madam, he's throwing down his job, after the corn." [Laughter.] Humiliated with "Billy's" forgetfulness and rudeness, his mistress rebuked him and ordered him to take his place in the parade, but he did not hear her; he had now become a duck again and was too busily engaged in conversation with the corn in the duck language. [Laughter.]

Highly incensed at his impudence and disobedience, she called Madam Dog's escort, "The Duke," to her assistance. The chase after "Billy" began at once. Forgetting her hobble, she tried to keep up with "The Duke," but soon fell down. Excitement ran high; pandemonium broke out in the ranks of the procession; its members, forgetting that they were playing the rôle of people, got down on their four feet, became real dogs again, and joined "The Duke" in chasing "Billy"—in real dog sport. "Lufra" was as anxious for the fun as any, but soon became entangled in the train of her dress and, while scratching to free herself, lost her anklet diamond. The chase now became general, but "Billy," by the aid of his wings, kept at a safe distance, circling the grounds in search of corn.

At last, discovering the lost anklet jewel and mistaking it for the last grain of corn, he quickly gobbled it up, then slowly arose, circled across the landscape, and safely alighted far out on the peaceful bosom of beautiful Lake Calumet, with a $50,000 anklet diamond in his crop and a red necktie under his throat. As he passed out of sight one of the idle rich gasped, "He swallowed 'Lufra's' diamond; he's gone; what shall we do?"

Where, where was Roderick then?
One blast upon his bugle horn
Were worth a thousand men.

[Loud applause.]

Mr. FOWLER. One minute more, Mr. Chairman. I ask unanimous consent for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his time may be extended for five minutes. Is there objection?

Mr. PAYNE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from New York demands the regular order, and the Clerk will read.

The Clerk proceeded to read the bill.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Illinois may be extended for one minute. Is there objection?

Mr. PALMER. Mr. Chairman, I object.

Mr. FOWLER. Mr. Chairman, I move to strike out the last line. [Loud applause.]

The CHAIRMAN. The motion of the gentleman is not in order. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the admission of New Mexico shall be subject to the terms and conditions of a joint resolution approved February 16, 1911, and entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico."

The CHAIRMAN. The pro forma amendment offered by the gentleman from Illinois will be withdrawn, and the Clerk will read.

The Clerk read as follows:

The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the State, where a newspaper is published once each week, for four consecutive weeks, in English and Spanish when newspapers in both of said languages are published in such counties, the last publication to be not more than two weeks prior to the election at which time said amendment or amendments shall be submitted to the electors of the State for their approval or rejection; and the said amendment or amendments shall be voted upon at the next regular election held in said State after the adjournment of the legislature proposing such amendment or amendments, or at such special election to be held not less than six months after the adjournment of said legislature, at such time as said legislature may by law provide. If the same be ratified by a majority of the electors voting thereon such amendment or amendments shall become part of this constitution. If two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately: *Provided*, That no amendment shall apply to or affect the provisions of sections 1 and 3 of Article VII hereof, on elective franchise, and sections 8 and 10 of Article XII hereof, on education, unless it be proposed by vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

Mr. CAMERON. Mr. Chairman, I arise at this moment when Arizona is on the very eve of attaining statehood to say but a few things about her desires, her ambitions, and the long and difficult road she has traveled to enter the sisterhood of States.

I believe, and deeply appreciate on behalf of the citizens of Arizona, that the House is at this moment ready to concur in the resolution that passed the Senate yesterday, and that resolution has been so drafted that it will meet with the approval of the President.

Upon the passage of the resolution by Congress and the signing of the same by the President a period of great rejoicing for Arizona is at hand. It means, Mr. Chairman, that a fight of 30 years is very nearly at an end. It also means that the ban of being a voiceless subdivision of the United States is to be removed, and that the people of Arizona are to have a voice in the Government under which they live.

Mr. Chairman, these things have been difficult of attainment. A Territory in a most distant corner of a nation labors under great difficulties on account of having no Member of Congress with a vote who is vitally interested in its welfare. Congress is always deluged with a mass of business. Every Member of Congress is very busy with matters that deal directly with his constituents, and he has very little time to give to the details of other sections of the United States. It is unreasonable to expect any Member, either of the Senate or the House of Representatives, to go entirely outside of his own State and spend a great deal of time in working out the details of a community or State in which he does not live and has no material interest.

On account of this lack of friends in the body which controls the destiny of a Territory, it remains long in a condition of bondage before it receives the recognition it is entitled to. Arizona has long deserved to become a State, and has remained a Territory far longer than she should have remained. Arizona has waited for many years, like an orphan babe on a doorstep, for some kind-hearted legislator who would adopt her to himself and take her into the circle that sits about the governing board of these United States.

It is a difficult task to excite and induce so large a body as Congress to move in a matter in which it has no pressing interest.

A great deal was accomplished three years ago when Arizona aligned herself with the Republican Party and sent a Republican Delegate to Washington. The party of action at home, working with the party in control of the Government at Washington, made it easier for a Delegate who was determined to get results. Through the members of the Republican Party, both in Arizona and here in Washington, it became possible to set the legislative mill at work to draft and pass an enabling act authorizing the Territory to proceed along definite and rigid lines to the ultimate end of securing statehood.

Under the enabling act the Territory of Arizona was authorized to draft a constitution and submit the same to Congress and to the President for approval. Arizona was not to be admitted to the sisterhood of States without this approval. President Taft made a visit to Arizona, and in several speeches he delivered there outlined in a definite manner his views regarding the particular form of constitution which would meet with his approval.

In view of the fact that he had championed the passage of the enabling act, thereby proving himself a true friend of Arizona, had journeyed throughout the Territory and expressed his views as to what a constitution should and should not contain, it was reasonable to suppose that a constitution would be formulated embodying the suggestions and advice of one of the most learned jurists in our country to-day, our honored President, William Howard Taft.

However, adherents of the Democratic Party secured control of the constitutional convention, and partisan politics undoubtedly played its part in the framing of the constitution, which is to be regretted, inasmuch as members of every political creed and persons of all ages, sex, and condition must be governed by its provisions.

The convention drafted a constitution containing many doctrines that the President advised against, and left out many of the things that he favored. This constitution was sent on to Washington, and the friends of Arizona here were given the difficult task of getting Congress and the President to approve the same.

On account of my duty and interest in this matter and the long time which I had labored to obtain statehood for Arizona, I set about to secure the approval of the constitution which was submitted by the people of the Territory. I met a great many obstacles, but tried to the best of my ability to surmount them all. I received the impression at the very beginning of my efforts that the President was unalterably opposed to that clause in the Arizona constitution which dealt with the recall of judges. There were also several other provisions in our constitution against which the President had advised.

President Taft was himself a judge on the bench for many years. The people of the United States believe that he is very familiar with the difficulties that face the judiciary. The President must understand in minute detail the many embarrassments that the recall would force upon the judiciary. He is also firmly convinced that the recall as applied to the judiciary will result in great harm to our present form of government.

Being familiar with the President's attitude, I earnestly strove, in order to insure statehood for Arizona, to ascertain the particular procedure by which it could be secured. I was informed that it was possible to secure statehood provided the clause pertaining to the recall of the judges was eliminated in the constitution submitted. I was firmly convinced that the people of Arizona would agree to the elimination of this feature provided they could thereby secure admission. With this in mind I set about to secure the adoption of a resolution by Congress which would eliminate the recall of the judges, being satisfied that upon the passage of such a resolution it would meet the President's approval. This accounts for the filing of a minority report in the House Committee on Territories, which had the effect of eliminating the recall of the judges from the Arizona constitution. I, in conjunction with other friends, worked night and day for the passage of that minority report, for I was convinced that statehood could not be secured without the elimination of the recall clause. I was opposed, however, by the members of the Democratic Party who are in control of the Committee on Territories in the House. Those Members insisted upon the retention of the recall, and the Flood resolution was passed in the House and finally passed in the Senate.

I believe my Democratic friends were misguided to a certain extent by various citizens of Arizona who journeyed to Washington and proclaimed themselves as representing the majority opinion of the citizens of Arizona, and these emissaries were insistent upon the retention of the recall clause, even though it was obvious to most everyone that the retention of this clause would result in the President's vetoing the act admitting Arizona to statehood.

They seemed to forget that Arizona must secure the approval of the President, and hence it was highly important and expedient to meet his viewpoint, even though it was distasteful to do so.

However, the bill was finally sent to the President with the provision of the recall left intact. He realized it was unfortunate that Arizona should be kept out of the Union because of this clause. Had it merely meant the waving of personal consideration, the President would undoubtedly have signed the measure and allowed the Territory to become a State. But to establish the precedent that he as President of the United States should in any manner or form, directly or indirectly, seem to give his approval to the recall of judges, made it essential on account of his convictions on the subject to disapprove the resolution, owing to the provision pertaining to the recall of the judges being left intact in the constitution.

From what I had learned in my work to secure the approval of Arizona's constitution, I felt certain that the President would never give his approval to the recall of the judges. It seemed obvious to me and was well understood by unbiased friends of Arizona, except those certain people who were insisting upon the retention of the recall provision, even though it destroyed the chance for securing statehood. The real friends of statehood, those who had worked intelligently for it, were, to a certain extent, prepared for this emergency. The time for the passage of the Flood resolution by the Senate and the House before Congress would adjourn was, however, very limited—hardly a week remaining—and on account of the vast press of business which usually develops at the end of a session the outlook was gloomy to secure favorable consideration of a new measure in case the President vetoed the Flood resolution. But Arizona was particularly fortunate, and a new resolution was introduced, for which we have been able to secure friendly support in Congress, and I have no doubt but that the President will approve the resolution now before you. When this is done, it will show conclusively that the President was throughout the whole struggle the true and sincere friend of Arizona in his desires to admit the Territory to statehood. I am also gratified inasmuch that the part I have taken in the struggle to secure statehood for Arizona will have been successfully completed, and that the various steps I have taken from time to time will then be proven to have been the result of an unbiased, careful, and accurate analysis of all the influences, forces, and conditions which surrounded the statehood problem.

Mr. Chairman, during my address delivered here on May 20, of this year, I stated specifically that, in my opinion, the President would approve the minority resolution of the House Committee on the Territories, which provided for the admission of Arizona with the elimination of the judiciary recall; but, in spite of the warnings of my colleagues, Messrs. MANN and WILLIS, and myself, and in spite of the addresses delivered against the recall of judges by the President and members of his Cabinet, the majority or Flood resolution was adopted.

When I appeared before the Senate Committee on Territories at the time the Flood resolution was under consideration, and before the same was passed by the Senate and sent to the President, I made the following statements:

I favor the passage of the minority resolution, for the reason that, from my personal observations and from a great deal of study of the situation, I do not believe that we will be admitted into the Union under the Flood resolution; and for that reason I am appearing here to-day asking this committee if it will so amend the Flood resolution as to eliminate the recall of the judiciary.

Primarily I have no desire to amend the constitution that the people of Arizona have framed, but I say to you, Senators, that I have been in Washington for more than two years and that practically all my energies have been expended in this effort to get statehood. I therefore feel that I know as much as anyone of the situation that now confronts Arizona; and I say to you that it is my belief that unless this committee of the Senate amends the Flood resolution I do not think we will be admitted into the Union at this time.

If we can secure Arizona's admission into the Union by a slight amendment to the resolution now before you, and if we can not secure it unless it is amended, are you not in favor of the action suggested?

Simply as to that particular feature of the constitution—and the only reason I am asking this, as I have stated before, is because I believe it will let us into the Union, and under the other course I do not believe we will get in. I say this, not because of any personal feeling on my part. I am simply doing what I believe to be my duty, and that is the reason I am here before you this morning.

I am not asking this committee to be deterred. I am simply saying what I believe to be my duty to say as the representative of the people of Arizona. Then, if the committee does not acquiesce in what I have said, I shall feel that I have done my duty and it will then be up to Congress to say whether I am right or wrong. I am making this appeal to you, gentlemen, with no motive whatever except to help Arizona further toward statehood.

I am not asking this committee to formulate a constitution for Arizona, but there seems to be a stumbling block in one minor detail of that constitution, and I am appealing to you, gentlemen, to eliminate that stumbling block, so that there will be no question when the time comes that this resolution will be passed by Congress and signed by the President.

I am not applying to you for anything else. It is in the power of this committee to report this resolution back to the Senate in some form, and I believe the resolution that is reported to the Senate by this committee will be acquiesced in by the Senate of the United States. As I have said to you before, I will reiterate and say that if under the existing conditions there is the slightest doubt that this Flood resolution will be approved, or if there is the slightest danger that it will be disapproved, I do not see why you should not at this time so rectify and amend this resolution that it will relieve that doubt, so that the people of Arizona can come into their own. Now, you have bills, hundreds and thousands of them, that come before you in the different committees of the Senate, and it is very seldom that a bill finally passes in its original form unless it is a bill of minor consequence.

I think it is a very dangerous matter, gentlemen, to complicate the situation as it appears to be complicated in the Flood resolution at this most important time. I think, in all fairness to the people of Arizona, this minute detail should be amended so that there will be no question of admission into the Union at once. I do not know how I can possibly make this any plainer. I am talking to you, gentlemen, with all sincerity in the world. I came here as the representative of Arizona, and have worked hard and faithfully at all times. When I have come before you and made my statement in my humble way I have turned the matter over to you. This question is now in your hands, and I am appealing to you as good, big men, the biggest we have in the United States, to concede this one minor proposition which will insure our admission into the Union.

There seems to be a difference of opinion on the question at issue, and it is not of so vital importance that we should be kept out of the Union because of it. In future years this thing could be put into the constitution if the people of Arizona so wish.

The above statements have proven to be correct in all their details. The committees of both the Senate and the House have come to that way of looking at the matter and have agreed to a resolution that is practically what we insisted upon all the time. The Senate has passed that resolution and the House is now ready to pass it. It will go to the President, and he will undoubtedly sign it immediately. Statehood is to be a reality at last, despite the many stumbling blocks that have been thrown in its way. So at this time I want to say to this Committee of the Whole of the House of Representatives that I am deeply thankful for the final consummation of our desires. To my Republican friends of this House, who have always worked with me, I owe a debt of gratitude. To my Democratic friends, who have at times worked with me also, I want to say that I am equally thankful for this their final support.

Mr. Chairman, upon the admission of Arizona into the Union it will be exceeded in area by only four States, namely, Texas, California, Montana, and New Mexico.

Arizona embraces an area of very nearly 114,000 square miles, and has a population slightly in excess of 200,000 people. The number of persons per square mile equals 1.8. Its density of population per square mile has been exceeded by but a very small number of the many Territories which have been admitted into the Union from time to time. The density of population per square mile for continental United States equals 31 persons, according to the census of 1910. There are 21 States with a density of population per square mile less than the average for the United States. Only two of these States are to be found east of the Mississippi River, viz, Maine and Florida, each with a density of 25 and 14, respectively. The remaining 19 are located west of the Mississippi River, and I might add that the only States west of the Mississippi River which have a density to exceed, or very nearly equal that of, the mean for the United States are Iowa, Missouri, Arkansas, and Louisiana. All the other States west of the Mississippi have a density of population varying from 0.7 persons per square mile for Nevada to 25.7 for Minnesota.

A study of the resources of the West will show conclusively the possibilities for the relief of the overcrowded condition of certain portions of the eastern section of our country. However, my time is limited, and I must devote myself to a discussion of the resources embraced within the Territory of Arizona.

It is my belief that Arizona will take rank within a very few years as being one of the most important States in the Union. She has matchless mineral and agricultural resources. The copper output from her mines exceeds that produced by any other State in the Union. She is a large producer of gold and silver. She has billions of feet of the finest standing pine in the world. She has large areas of some of the most rich and profitable, developed, and undeveloped agricultural land in the world. According to statements by the Geological Survey, she has over 14,000,000,000 tons of coal. I am of the opinion that this will at least be doubled upon the completion of a more extended examination.

Immediately to the south of Arizona and adjacent thereto lies a population of 8,000,000 people along the western border of Mexico to which the industrial enterprises of Arizona in the future will dispose of the products which will be manufactured from the mineral wealth known to exist within her borders. We shall also have, upon the completion of the Panama Canal, most excellent facilities for delivering to the eastern seaboard of the United States the semitropical products from our agricultural lands, as well as the copper and other mineral products from the vast storehouse which nature has so bounteously provided within the confines of Arizona.

The agricultural lands embraced within the Salt River, the Gila River, and the Colorado River irrigation areas are not excelled by any equivalent areas in the world. I believe that each acre of these areas will support at least two people when the same has reached its maximum point of development. I expect to live to see the day when the agricultural area of Arizona will support a population of at least 2,000,000 people. I make the prediction, Mr. Chairman, that the development of the mineral resources of Arizona, and the manufacturing industries which are incident thereto, will support a population of at least a million and a half of people. I also make the prediction, Mr. Chairman, that the development of the timber, cattle, and sheep industries of Arizona will support a population of at least 500,000 persons.

Mr. Chairman, in summing up the foregoing, I make the prediction that within a few years Arizona will have a population of at least 4,000,000 people within her borders. I realize that the jump from 200,000 people to 4,000,000 means an increase of 20 times. However, to one familiar with the wonderful resources of Arizona this prophecy is not an unreasonable one, and will undoubtedly be fulfilled in the years to come. Many other States in this Union possessed of natural resources far less than those known to exist in Arizona have been quickly populated, and I see no reason why Arizona, with her resources, in conjunction with her wonderful, exhilarating, and rejuvenating climate, should not support a population within her borders at least equal to the mean density population of the United States.

As long as a subdivision of the United States remains under a Territorial form of government it appears that investors are reluctant to assist financially in the development of its natural resources. I am firmly convinced that when my fellow citizens of the United States become familiar with the wonderful natural resources existent in Arizona it will only take a very few years to secure the influx of hundreds of thousands of people.

Mr. Chairman, there is going to be great rejoicing in Arizona because of the favorable action this House is about to take. To give vent to their joy many of my friends from the surrounding hills and valleys will ride into my home town of Flagstaff. They will come from the long reaches beyond the tall grass over on the Little Colorado River; from beyond the fern thickets about Little Springs at the foot of the beautiful and majestic San Francisco Mountains, 14,000 feet high; from beyond Mormon Lake, in the midst of the great Mogollon Forest. In the larger cities of Bisbee, Globe, Morenci, Clifton, Jerome, and Miami, where the great, brawny miner goes underground and brings forth the copper that makes possible your twentieth-century living, there will be still more enthusiasm. These men are engaged in the development of the richest copper areas in the world. Throughout the irrigated valleys of the Territory there are farmers who every year produce six or seven crops of alfalfa from the lands they are tilling, and the income they derive would make the farmers of the East stand open-eyed in astonishment and amazement; they also will welcome the news of statehood as the realization of a long-harbored ambition.

Back in the hills are scattered the prospectors and miners who are exploring and developing the mineral areas for which Arizona has long been famous, and upon receipt of this news, although it will be days before the same reaches many of them, a great rejoicing will fill their hearts because they know that the world at large will more quickly learn of the unlimited mineral wealth of Arizona after she becomes a State, and when this fact becomes known the miner and prospector will be able to more readily interest capital, which is the energizing force in the development of the mining claims they own. And the people in the cities and towns throughout Arizona, of every age and temperament, will give vent to their joy in every imaginable way.

It may surprise you to know that in a score of towns in Arizona the publishers of papers are even now making up their extras to print the result of the vote of this House. Likewise will extras be published when the President signs the bill. For Arizona is a most remarkable State and is progressive and enterprising to the minutest degree, and the quality and progressiveness of the press of Arizona is not exceeded by that of any other State in this country.

I have stated to this House before, Mr. Chairman, that the people of Arizona embrace the highest grade of citizenship in the Nation, and are equal to any of the citizens of these United States. Our elimination from participation in national affairs has been a grievous discouragement to us. Now that we are about to stand on an equal basis with the other States in the Union we pledge you here and now that we will send to both Houses of this Congress such men as will reflect great credit upon Arizona and upon the Nation, and they will always be found in the forefront of the battle lines fighting for everything that is good and for the best interests of our country. I am firmly convinced that all of you who are this day participating, and by your votes making possible the admission of Arizona, will, in the years to come, feel many a pleasurable thrill when you remember the part you played in creating and adding this new State to the Union.

Mr. ANDERSON of Minnesota. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I sometimes think that it is a good thing that the American people do not know all about the Congress of the United States and some of the things that have occurred here this afternoon have not tended to make me change my opinion. I sometimes think that if they did know all about it that their protest against the theory so often advanced for legislation, that a few people know more than all the rest, would be more often heard than it is. The situation that has been presented here this afternoon has in it all the elements of a farce and a tragedy with a mental high tight-wire acrobatic side show thrown in for good measure. A few days ago, by an overwhelming majority, both Houses of Congress voted to give to the people of Arizona, not the right to place in their constitution the recall of judges, for that proposition was not involved in that resolution, but to give to the people of that Territory the right to vote like free men. Now, we propose to take away that right, and I suppose we will justify it upon some theory of mental gymnastics. So far as I am concerned the crags and peaks and desert wastes of Arizona will fade in the dim and far-reaches of eternity before I will vote to place this insult upon them. You may crucify the people of Arizona upon a cross of cowardice, but I thank God you can not pluck from out their breasts the spirit of progress that has placed in the constitution which they adopted the institutions of a popular government. I do not doubt the wisdom or the loyalty of the American Congress, but I sometimes doubt its courage. So far as I am concerned, I would as soon climb to Jehovah's throne and pluck from God's diadem of jewels his brightest star as I would vote for this resolution taking away as it does the right of the people of Arizona to establish a constitution according to the principles for which they stand and in which they believe. [Applause.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

Mr. WARBURTON. Mr. Chairman, I move to strike out the last three words. I am going to detain this House but a moment. If there is one thing that belongs to a free people and to a Territory that has the population, the culture, and the intelligence to be a State, it is the right to frame their own constitution. [Applause.] No man in this House can vote to deprive the people of Arizona of the right to fix for themselves their officers and the tenure of their office without depriving them of their natural-born rights. It belongs to them to say what shall be the tenure of judges of their State, and not to us. As a Congressman here, I would like to have some one point out to me what right I have to tell the people of Arizona how they shall elect their judges or how they shall remove them from office. In my State we have determined that for ourselves, and we would not yield it to any State in this Union or to the National Government. [Applause.] If we have the right to tell them that they can not recall their judges, by the same right and the same power we have the right to tell them they must elect their judges for life. By the same right we have the power to tell the people of Arizona that they can not remove their judges for any cause. [Applause.] If we have the right to tell the people of Arizona what they shall do in reference to their judges, we have the right to write their whole constitution. It is not a question of whether the recall is right or wrong; it is a question of whether in this Congress we are going to take from the people of Arizona the rights that belong to them—whether we are going to usurp the rights that belong to the electorate of Arizona. [Applause.]

Mr. HARDY. Mr. Chairman, I wish to say that I believe as strongly as any man in this House in the absolute right of the people of Arizona to put in their constitution anything that they see proper that leaves them a republican form of government and one not in conflict with the Federal Constitution. I believe that the exercise of the power of the President to veto the bill we passed, simply because he has that power, to take away from the people of Arizona or to make them surrender that right or stay out of the Union, is a tyrannical exercise of power. [Applause.] For one I was opposed to any measure that might surrender the rights of the people to the tyranny of one in temporary power. But practical statesmanship suggested to the representatives of Arizona themselves, as I am informed, that they did not care to lose the substance while they pursued a shadow. They said: "Let the right of recall as to judges be knocked out, and in three months after we are admitted as a State we will put it back." [Applause.] Now, as practical men, as Members of the House, should we pay attention to the request of those people who want the blessings of statehood, and shall we submit for a moment and be clubbed by the President, or do as the people of Arizona prefer and ask, knowing full well that they can do themselves justice when they are admitted to statehood? That is the proposition.

It has amused me to hear the gentleman from Illinois [Mr. CANNON] to-day talking about a republican form of government and asserting that the constitution presented by Arizona is not republican because it is not a representative form of government. There never has been a State in this Union that was

exclusively representative, and yet most of the States have been mainly representative in their government. And there is no authority in the history of the past, nor in example at the present time, that makes a republican form of government necessarily a representative form of government solely. Nearly all Republics and all the States of the Union are in their government partly representative and partly direct. This thing of stickling for mere form reminds me of a time centuries ago when a certain class known as Pharisees were said by the Master to follow the form and symbol but forget the substance. And the very gentleman who raises this question to-day of the form of government presented by the Arizona constitution has countenanced all his life the departure from the substance while adhering to the forms of a portion of the Constitution, in that he has written from time to time tariff laws for protection; and the President himself has countenanced the same departure in his veto message recently, when he gave as the ground of his veto the fear that the bill vetoed might not be sufficiently protective. Every protectionist knows that a tariff for protection is unconstitutional. Every judge knows that, if he read the purpose of the law in its caption, namely, that "this bill is for the protection of certain industries," the Supreme Court would hold it unconstitutional. Nearly every tariff law on our statute books is a fraud.

They make it in form constitutional, and say it is for the purpose of raising revenues, while it is in reality for another purpose. The Constitution authorizes taxation for revenue, but not for protection, so these sticklers for form, while they pass laws for protection, write in their caption that they are for revenue.

Talk to me about upholding the Constitution? They break it in spirit while they observe it in form, and the President only a few days ago vetoed a bill passed by this House—a tax bill—not because it would not raise revenue, the only constitutional purpose of a tax bill, but because it might not afford protection to certain industries—a purpose that would render it unconstitutional if it was admitted before the courts.

The President's vetoes are wonderful. He approved the Payne bill, which he knew to be excessive. He vetoed the Underwood bill because he did not know whether it was too protective or not sufficiently protective. He vetoed the Underwood bill because he must obey the Republican platform that declared for protection; and he vetoed this statehood bill in violation of the Republican platform, which demanded that Arizona and New Mexico be admitted into the Union as States. His own party and the Democrats joined in passing an enabling act, and these States or Territories did all they were required by the enabling act to do. Yet he vetoes a bill for their admission, and he does it because Arizona has a clause in her constitution which any other State in the Union may put in its constitution to-morrow, which some States have put in their constitutions, and which Arizona may put in her constitution as soon as she becomes a State. But I am thankful that the President did not adopt the quibbling and senseless pretense that her constitution was not republican in form; for to us the spirit of a republican government is that it shall be a government of the people, by the people, and for the people, and any form that provides such a government in fact is republican in form, and such was the constitution of Arizona, and such it will be. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that debate on that paragraph and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] moves that debate on this paragraph and all amendments thereto be closed. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 2. Whenever, during the first 25 years after the adoption of this constitution, the legislature, by a three-fourths vote of the members elected to each house, or, after the expiration of said period of 25 years, by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting on such question at said election in the State shall vote in favor of calling a convention the legislature shall, at the next session, provide by law for calling the same. Such convention shall consist of at least as many delegates as there are members of the house of representatives. The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] moves to strike out the last word.

Mr. AUSTIN. Mr. Chairman, I can not listen with patience and without a protest to an unjust arraignment of the President of the United States under a charge of tyranny such as that which was just made by the gentleman from Texas [Mr. HARDY]. The responsibility of the Chief Executive, under the Constitution and under his oath, is just as binding as our oath and obligation under the same instrument, and ill does it become any Member of this House to use language attributing to President Taft "tyranny" in the performance of what he conceives to be his duty under his oath of office. I resent it.

If we ever had a Chief Executive who had a high regard and a deep appreciation for his oath of office and his responsibility under the Constitution and under his duty in administering his high and responsible office for the best interests of the Republic, we have that Chief Executive in the person of William Howard Taft, the President of the United States. [Applause on the Republican side.]

If the President of the United States—and no one can deny it—in expressing his opposition in his veto to the measure passed here recently voiced his honest sentiments—and he certainly did—it was his solemn duty to object to the admission of Arizona under those conditions. If he entertained those sentiments, we would not respect him as our President if he did not stand by them as he did in the veto message which has been transmitted to Congress. If the gentlemen on the other side believe in and honestly stand for the principle of the recall of the judiciary, we challenge them to make an issue of it next year in the national contest. [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. AUSTIN. Certainly.

Mr. HARDY. Does the gentleman realize that this is a question as to whether we will submit it to the people of Arizona to decide for themselves what they want to do?

Mr. AUSTIN. I say, if the President, under his oath and under the Constitution, thinks he ought to veto or to approve a bill, he owes it to his conscience to do so. He has a conscience just as much as has the Member from Texas, and he owes a responsibility to all the people of the United States just as the gentleman from Texas does to the people who elected him as their Representative in Congress.

Mr. HARDY. Does not that also depend on whether the President believes the people of Arizona have the right to speak for themselves?

Mr. AUSTIN. The people of the United States have a voice in determining this question, just as the gentleman from Texas has and just as I have in voting for the admission of the Territory as a State.

Mr. HARDY. The gentleman does not answer my question.

Mr. AUSTIN. And if the President entertained these views, that this proposition for the recall of the judiciary is wrong, he performed a patriotic duty in vetoing that bill or resolution. [Applause on the Republican side.]

Mr. HARDY. Will the gentleman answer my question?

Mr. AUSTIN. If Arizona has the right to determine all these questions, she can write polygamy in her constitution, and we would have no right to prevent her from entering the Union of States.

Mr. HARDY. Does the gentleman yield?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the debate on the pending paragraph be closed.

The CHAIRMAN. The gentleman from Virginia moves that debate on the pending paragraph be closed. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

ARTICLE VIII.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona, except members of the judiciary, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

Mr. RAKER. Mr. Chairman, is the bill amendable at this point?

The CHAIRMAN. It is.

Mr. RAKER. I send up the following amendment.

Mr. HAY. Mr. Chairman, I make the point of order that the end of the section has not been reached.

The CHAIRMAN. The end of the paragraph has been reached.

Mr. LAWRENCE. The bill is being read by sections.

The CHAIRMAN. It is the impression of the Chair that each paragraph is subject to amendment, and as the Chair understands it, this completes the reading of a paragraph, but not the end of a section.

Mr. HAY. This is not an appropriation bill, and the same rule does not apply to a bill of this character that applies to an appropriation bill.

The CHAIRMAN. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Amend by striking out of line 13 on page 10 the words "except members of the judiciary"; also strike out the comma after the word "Arizona" on the same line and page.

Mr. RAKER. Mr. Chairman, the President in his message used the following language:

Those would profit by the recall who have the best opportunity of rousing the majority of the people to action on a sudden impulse. Are they likely to be the wisest or the best people in a community? Do they not include those who have money enough to employ the firebrands and slanderers in a community and the stirrers-up of social hate? Would not self-respecting men well hesitate to accept judicial office with such a sword of Damocles hanging over them? What kind of judgments might those on the unpopular side expect from courts whose judges must make their decisions under such legalized terrorism? The character of the judges would deteriorate to that of trimmers and timeservers, and independent judicial action would be a thing of the past. As the possibilities of such a system pass in review, is it too much to characterize it as one which will destroy the judiciary, its standing, and its usefulness?

Mr. Chairman, from that language I take it that the President of the United States has branded 120 members of the Legislature of California as firebrands, as slanderers, and as stirrers-up of public hate, when that legislature unanimously presented such an amendment to the people of that State, which is now before them and is going to carry by a vote of five to one.

Is it possible that all the wisdom, all the judgment, and all the accumulated knowledge of ages has been centered in one man, when at the present time not one man upon this floor has dared or attempted to state one occasion when the people have ever exercised unjustly their right to the recall of the judicary? The Legislature of Oregon and the people have passed a law of this kind, which has been on the statute books of the State for years. Has any injustice been done? Are those people firebrands and slanderers? Are they the kind of people who live there? Has it come to pass that when men of independence and intelligence dare to stand up for what they think is right in the government of their own people, and pass such laws as they believe to be right, under the constitution of that State, they are to be called firebrands, stirrers-up, and slanderers? In behalf of the people of California I want to say to you, sir, that we have as fine a citizenship, in intelligence and in manhood, as exists in the United States, and when that indictment has been made by the President of the United States he knows not whereof he speaks. [Applause on the Democratic side.]

Mr. Chairman, I call for a vote on the amendment.

[Mr. FLOOD of Virginia addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. All discussion on this amendment is closed, under the rule.

Mr. SIMS. I move to strike out the last word of this amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. SIMS. Mr. Chairman, this bill passed the House by a vote of four to one, as I understand, and the Senate by a vote of three to one, and yet we undertook to overrule the President's veto on tariff measures, when he was waiting simply for the report of the Tariff Board, and admitted that he was not informed sufficiently to act intelligently on a tariff bill. We had a majority of 98 on one vote and 99 on the other, and we had no such majority in passing those bills in the House as we had in passing this resolution. We sit here now and surrender without even an opportunity to let the country know how the House does really stand on passing this resolution over the President's veto.

I appreciate the motive of the gentleman from Virginia in trying to bring in these long-suffering people. I can see how they would promise almost anything and favor almost anything, just like men during the war down our way who took the oath of allegiance with a pistol to their heads. But do we want to admit them upon such a price and in like conduct as a free State into this Union? If we fail to pass this bill over the veto of the President after a vote, then the gentleman would be justified. The gentleman detailed here—and I have not the slightest question to make as to his honesty and true statement about it—that the President gave his committee to understand that he would sign the bill they pass, and the resolution was framed with that in view.

Mr. FLOOD of Virginia. Oh, Mr. Chairman, I never said——

Mr. SIMS. If I misunderstood the gentleman, I want him to correct me.

Mr. FLOOD of Virginia. I never said that the President said that he would sign the bill.

Mr. SIMS. Oh, no; but that he did not notify you that he would not sign it.

Mr. FLOOD of Virginia. Yes.

Mr. SIMS. Well, that led you to believe—and he must have known it would lead the committee to believe when he did not tell them that he could not approve such a resolution—when he was consulted with the view of ascertaining that very fact, that he would not veto the resolution. Does the gentleman know that the President will not change his mind again? You had his word before, and you can not have anything else now. Let us act like men who have the courage of their convictions, and at least take a vote to pass the resolution over the veto, and then, if we fail, accept the best terms of surrender that we can get. I can not vote for this bill, and I believe that I am a Democrat.

Mr. HOUSTON. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment to strike out the last word will be withdrawn.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to have the last amendment reported again.

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment just reported.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 3, noes 163.

So the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that everyone who has spoken may extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all gentlemen who have spoken——

Mr. MANN. Within what time?

Mr. FLOOD of Virginia. Within five days, Mr. Chairman.

The CHAIRMAN. That all gentlemen who have spoken upon this bill may have five days within which to extend their remarks in the RECORD.

Mr. MANN. Upon the subject of the bill?

The CHAIRMAN. Upon the subject of the bill. Is there objection to the request of the gentleman that all gentlemen who have spoken on the bill may have five calendar days in which to extend their remarks in the RECORD?

Mr. JAMES. On this bill?

The CHAIRMAN. On this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that commitee had had under consideration Senate joint resolution No. 57, and had directed him to report the same to the House with the recommendation that the resolution do pass.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to save time, and ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. The Chair would like to inquire, for the sake of information for the House, if the gentleman contemplates a night session to-night?

Mr. UNDERWOOD. I do; I intended to ask that afterwards.