

# TRIUMPHANT PLUTOCRACY

The Story of  
American Public Life  
from 1870 to 1920

By  
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Formerly United States Senator  
from South Dakota



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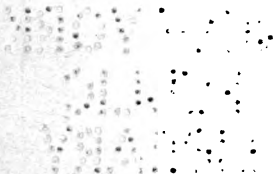
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## 1. LAND GRABBING

My first struggle with the business interests, after I entered the Senate in 1889, came over the question of land-grabbing. At that time the Federal Government still owned millions of acres of valuable timber, mineral and agricultural land that might easily have been utilized for public advantage instead of for private gain. The attorneys and other representatives that the vested interests maintained in Washington were busy grabbing this land. I set myself to save it for the people.

I was thoroughly familiar with the public Land Laws of the United States as I had been a practicing lawyer before the Land Department, a surveyor on the public domain, and beside that I had planted a timber claim with white ash trees which stand today. I, therefore, sought appointment upon the Senate Committee on Public Lands, of which Preston B. Plumb, of Kansas, was Chairman. In that position I had an excellent opportunity to see land grabbing from the inside.

The House passed a bill to repeal the timber culture law "and for other purposes" in February, 1890. When the bill reached the Senate it was referred to the Committee on Public Lands, and Chairman Plumb appointed Senator Walthall of Mississippi and me as a sub-committee to consider the bill. I gave the matter very careful attention and, after some weeks of study and work, I reported the bill to the Senate in such a form that it involved a complete revision of the Federal land laws. The bill, containing nineteen sections, finally passed the Senate on the 16th of September, 1890.

Immediately, upon its passage, a conference was requested and Senators Plumb, Walthall and Pettigrew were appointed as Conference Committee on the part of the Senate. In the House the bill was referred to the Committee on Public Lands, which reported it back, early in the next session of Congress, agreeing to the Conference asked for by the Senate and appoint-

ing three conferees, Payson of Illinois, Holman of Indiana and Pickler of South Dakota. Plumb did not act with the Conference Committee. Walthall of Mississippi and myself took full charge of the work and, after many conferences, we finally agreed upon and did report to each house a bill just as the Senate had passed it, with five additional sections, making twenty-four in all. The 24th section was as follows:

"SEC. 24, p. 1103, 51st CONGRESS, MARCH 3, 1891.

"That the President of the United States may from time to time set apart and reserve, in any State or Territory having public land bearing forests in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not as public reservations and the President shall by public proclamation declare the establishment of such reservations and the limits thereof."

I give this section in full, first, because it resulted in departure in public policy that was highly advantageous to the people of the United States, and second, because it led to one of the most bitterly fought parliamentary struggles in which I have ever participated.

Section 24 was placed in the bill at my suggestion to take the place of the timber culture law, which never had produced any timber. I had offered this section in the Senate Committee on Public Lands, but the Western Senators were opposed to "locking up" the country in forest reservations. In conference, while I had some difficulty, I secured an agreement which included this section in the bill.

Nothing was done under Section 24 until after Cleveland commenced his second term and then he, as President, appointed a commission of eastern people to go out into the Western country—Dakota, Wyoming, Colorado—and establish the forest reservations. These men rode about the country in a Pullman car, and prescribed the boundaries of forest reservations without any discriminating judgment. For example, they established the reservation of Black Hills in South Dakota, and embraced within its boundaries the city of

Deadwood, and the towns of Leed, Custer and Hill City, which contained thousands of people who were mining, home-building and getting the timber necessary for these activities from the surrounding forests. Once these reservations were established it became impossible to cut any timber upon them; consequently the people who had made their homes in the reserved area were practically compelled to move.

Since no law had been passed for the administration of these newly created reserves, the country was completely locked up. No new people could go in and settle, and those already there found themselves restricted on every hand. The result was a general dissatisfaction with the whole policy of forest reservations.

I realized that, unless some change was made, the whole policy would be discredited, and therefore I secured legislation suspending reservations already located until proper legislation could be secured for their administration.

Finally, at my request, Wolcott, who was then at the head of the Geological Survey, prepared an amendment to the Sundry Civil Appropriation Bill, which I offered in the Senate, providing for the administration of these forests. After this law for administration was enacted, the Secretary of the Interior informed me that he would make the boundaries of the Black Hills Forest Reservation whatever I might recommend. I went out to the Black Hills, held meetings of the people, and explained to them the purpose of the Forest Reservation. In every instance they passed resolutions in favor of being embraced with the Forest Reservation as administered under the new laws. By this direct appeal to the people most intimately concerned I was able to enlarge the reservation by over 200,000 acres.

When I returned to Washington, the Secretary of the Interior asked me to suggest such rules and regulations as would best enable his Department to administer the forest reservations laws. In accordance with this re-

quest I wrote out the rules and regulations which were afterwards adopted by him.

I remember in one of the regulations that I provided for sowing the Black Hills spruce seed upon the snow in all the open parks and denuded places, so that when the snow melted these seeds would sink down into the moist ground and immediately sprout and grow; and, today, there are many thousands more acres of forest in the Black Hills reservations than there were when the law was enacted.

Thus far matters had gone very nicely. I had had a hard fight to get the policy of forest reservation adopted and the reservations themselves established. Now came the real fight—to hold them for the people.

In the amendment which was added to the Sundry Civil Appropriation Bill I inserted a provision that permitted any settler, who was embraced within a Forest Reservation, to exchange his land, acre by acre, for other government land, outside of the reservation. Such a provision enabled settlers who had taken land before the establishment of reservations to take up a new quarter section in case they did not care to live under the reservation regulations.

The Conference Committee of the two houses that considered the Sundry Civil Bill changed the wording of this section in such a way that the land grant railroads, which had received in all nearly two hundred million acres of land, could exchange their land, if embraced within a forest reservation, for the very best land the Government had remaining on the public domain outside of the reservation. Allison of Iowa was Chairman on the part of the Senate and Joe Cannon of Illinois, Chairman on the part of the House. The Conference report came to the Senate the day before the end of the session. Therefore it was not printed, but was rushed through after having been read hurriedly by the clerk. I listened to the reading, but I did not notice this change of wording in my amendment, and so this monstrous proposition became a law.

Of course, the conferees knew what they were doing when they slipped through this provision. Under it, the Interior Department ruled that the land grant railroads could exchange their odd sections, embraced within a forest reservation, for the best remaining acres of the public domain. The right to make this exchange was worth at least fifty millions of dollars to the land grant railroads.

I did not discover this change, made by the Conference Committee, until I learned that the Department of the Interior was permitting the railroads to make these exchanges. As soon as I discovered this, I looked up the law and found what an enormous fraud had been practiced through the cunning of Senator Allison of Iowa, Chairman of the Committee on Appropriations, and Joe Cannon, Representative from Illinois, a banker and lawyer, and Chairman of the Committee on Appropriations in the House. Nearly ten years had dragged along, from the time I began the fight in favor of forest reservations, until this fraud was perpetuated on the American people by these two representatives of business.

In order to meet the situation I presented an amendment to the Sundry Civil Bill on May 31, 1900 (56th Congress, 1st Session, pages 6289 to 6298 of the Congressional Record), which reads as follows:

"And said superintendents, assistant inspectors, supervisors and rangers shall, under the direction of the Secretary of the Interior, examine all lands within the boundaries of any forest reservation that belong to any land-grant railroad company, and have not heretofore been sold in good faith for a valuable consideration, and report to the Secretary the character and value of said land, and pending such examination and report none of said lands shall be exchanged for other lands outside of said reservation."

It may be well to state at this point that the Central and Union Pacific Railroad had received grants by an Act of Congress, 20 miles wide, from the Missouri River on the west boundary of the State of Iowa, straight across the continent to the Pacific Ocean,

through the length of the States of Nebraska, Wyoming, Utah, Nevada, and California. The road has the odd sections on a strip 10 miles wide on each side of the tracks. The Northern Pacific Road received a grant of land 40 miles in width from some point in the State of Minnesota, clear through to the Pacific Ocean. This grant extended through the States of Minnesota, North Dakota, Montana, Idaho and Washington, and the area granted included the odd sections throughout this entire region. These grants embraced the good and the bad land alike. Of necessity they included large areas on the tops of the Rocky Mountains and the Cascade Range and a great deal of desert land. Whether by design or not, when the forest reservations were created, they embraced, indiscriminately, forested and non-forested districts. By some chance they also embraced large areas of desert land. These deserts were probably embraced intentionally so that the railroads could exchange their odd sections of worthless desert land for lands of great value outside the reservation.

After I had presented the amendment just referred to, I made a statement of these facts, after which the following significant debate took place. I quote it in order to show where certain Senators lined up when it came to an issue between private interest and the public welfare. (Cong. Record, May 31, 1900, 1st session, 56th Congress, p. 6288.)

Mr. PETTIGREW: "Mr. President, the amendment I propose is a provision for the protection and administration of forest reservation. Three years ago in an appropriation bill we provided for the protection and administration of these reservations, and provided that any actual and bona-fide settler who had taken a claim within a forest reservation afterwards created could exchange his land if he desired to do so, for a like area of the public domain. It was the intention of the law to allow a settler whose land was embraced in any forest reservation to exchange his land, if he desired to do so, for lands outside of the reservations, acre for acre.



"But certain words were inserted under which the Department has decided that a land-grant railroad can exchange the worthless lands—lands from which the timber has all been cut, tops of mountains, the inaccessible and snow-capped peaks of the Rockies and Sierra Nevadas—for the best land the Government has, acre for acre. So they have swapped lands on the Cascade Range, which are covered forever with ice and snow, not worth a tenth of a cent an acre, for lands worth from six to ten dollars in the valleys of Washington and Oregon and Idaho and Montana, thus depriving the settlers of a chance to secure these lands, besides enlarging the grants of the railroads to that extent.

"Now, my amendment simply provides that these lands shall be inspected and examined by the officers who have charge of the reservations, and they shall report to the Secretary the character of the lands that belong to these companies, so that in the future we can make a proper adjustment—not an adjustment by which they shall receive a thousand times more than which they surrender—and that while the appraisal is going on no more exchanges shall be made. That is all that the amendment aims to accomplish, and it is one in the interest of the public beyond all questions, suspending the operation of a law which Congress would never have passed if it had been discussed."

Mr. ALLISON: "I wish to say that this amendment, as it appears to me, is general legislation. Certainly on the statement made by the Senator from South Dakota, it changes the existing law. I hope he will not press it on this bill, because if he does we shall be obliged to make the point of order that it is proposed general legislation."

Mr. PETTIGREW: "I wish to say that I do not believe it is subject to the point of order, because it prescribes the duties of these officers who are provided for and the method of the expenditure of the appropriation now in the bill. Therefore, I do not believe it is

subject to the point of order. It seems to me if it is possible to insert the amendment we ought to do it and protect the Government and the people of this country against the execution of a law which we never would have passed if we had known what it contained."

Mr. PETTIGREW: "I should like to ask the chairman of the Committee on Appropriations if the Secretary of the Interior did not think the law should be entirely repealed?"

Mr. ALLISON: "The Secretary did."

Mr. PETTIGREW: "Did he not think there were great frauds being practiced under it?"

Mr. ALLISON: "I have no doubt that is all true, but that is a subject we cannot deal with now."

(The amendment is read again.)

Mr. PENROSE: "I make the point of order that this is general legislation and contrary to the rule."

THE PRESIDENT (protempore): "The Chair has overruled that point of order. It has already been made. The question is on agreeing to the amendment."

"The amendment was agreed to."

Allison of Iowa, Tom Carter of Montana, Chandler of New Hampshire, Platt of Connecticut, Aldrich of Rhode Island, Penrose of Pennsylvania, Walcott of Colorado, Hawley of Connecticut, all joined in the fight against me to see that the land-grant railroads were given this vast graft at the expense of the people of the United States and against the public welfare. This is but a typical case. The lawyers in the Senate always lined up against the people of the United States and in favor of the railroads and the other predatory interests who are the real government of the United States. This Senate debate is significant because it shows that rascality, graft, and public plunder are not political questions, especially in so far as the Senate of the United States is concerned.

Observe that Allison of Iowa, who had inserted the amendment making possible the exchange of these railroad lands, was among the first to attack my amend-

ment and to insist that it should not go into the bill. Observe further that Tom Carter, Chairman of the Republican National Committee, took the same side. It was he who figured in the scandalous affair during Harriman's second campaign for election, at which time he collected from Cramp, the shipbuilder, \$400,000 and told Cramp where the money was to be expended. When Tom Carter died he left a large fortune. This same debate was participated in by Bill Chandler of New Hampshire, Stewart of Nevada and finally by Penrose of Pennsylvania, who arose and for the second time raised the point of order against my amendment. Penrose is still in public life and he is still a faithful servant and representative of the great predatory interests. He has never been a representative of the people of Pennsylvania or of the United States.

Despite all of this opposition my amendment was adopted without a roll-call. The reason is plain. Neither these men nor their backers desired to have the amendment become a law, but the scandal connected with the exchange of the railroad lands had gained such publicity, and the amendment was so clearly in the public interest that they did not dare to kill it openly. Besides, this was an amendment to the Sundry Civil Bill and could be changed in conference, and the conference report forced through the Senate on the last day of the session. Allison of Iowa was called "Pussy-foot Allison" by his fellow Senators because of his cunning, his unscrupulous rascality, and his suavity, and he could be relied upon to throw out of the bill as reported from the conference committee anything that threatened property interests.

So the bill passed the Senate and went to conference.

Allison was chairman of the conference on the part of the Senate and Joe Cannon on the part of the House. The conference struck out my amendment, adopted by the Senate, and inserted in its place the following:

"That all selections of Land made in lieu of a tract covered by an unperfected bona-fide claim or by a patent in-

cluded within a public forest reservation as provided in the Act of June 4, 1897, shall be confined to vacant surveyed non-mineral public lands which are subject to Homestead entry not exceeding in area the tract covered by such claim or patent."

The conference simply struck out the Senate amendment and inserted the original clause that they had placed in the Sundry Civil Bill of 1897 and under which the fraudulent exchange had taken place. The change would have permitted the railroads to continue the exchange of their worthless lands for the best of the government land and thus to plunder the public domain.

The Conference report came up in the Senate on the day before adjournment. I was watching to see what had been done with my amendment, for I knew Allison and Cannon were but paid attorneys of the railroads. When the amendment was read (56th Congress, 1st Session, Congressional Rec., p. 6690):

Mr. PETTIGREW: "I should like to understand the paragraph in relation to non-mineral lands. As I understand it, as read from the Secretary's desk, it permits a continued exchange by the land-grant railroad companies of the worthless lands in the forest reservations for the best land the Government has. Is that correct?"

Mr. ALLISON: "I do not so understand it. The amendment provides for the exchange of surveyed lands only, and not of unsurveyed lands."

Mr. PETTIGREW: "But it allows the exchange?"

Mr. ALLISON: "It allows the exchange of surveyed lands."

Mr. PETTIGREW: "Mr. President, this conference report provides that lands where a railroad company has cut off all the timber or the land on the snow-capped peaks of the mountains, if they are within a forest reservation, can be exchanged for the best lands the Government owns, acre for acre, for timber lands. Hundreds of thousands of acres have already been exchanged, and yet, although the Senate placed upon this

bill an amendment which would stop that practice, the conference committee brings in a report to continue it."

I wish to call particular attention to the statements made by Allison and Wolcott, that only surveyed land could be exchanged. This statement is specifically contradicted by the wording of their own amendment. The falsity of the statement was well known to them, yet they made it for the purpose of deceiving the Senate.

A number of the faithful friends of the plutocrats distinguished themselves signally in this debate. Among them were Senators Wolcott of Colorado and Hawley of Connecticut.

Senator Wolcott, who came into the Senate without a dollar, retired from that body with a large fortune. He was always eager to get into the Record as having produced laughter on the part of the Senators. He considered his effort in the interest of the robbery of the public domain particularly worthy of credit.

Old Hawley of Connecticut was always a champion of the interests. As long as I know him he was mentally incapacitated from comprehending anything except the interests of the big business groups with which he always acted. He had an intellect like the soil of Connecticut, so poor by nature that it could not be exhausted by cultivation.

The amendment, as modified by the Committee on Conference was finally agreed to, because if we did not agree to the Senate Civil Sundry Bill with this amendment in it, an extra session would have been necessary. Thus the fraud was perpetuated, and the continued grabbing of public lands made possible.

The frauds thus deliberately ratified by Congress after all the facts were known caused me to wonder what forces were in control of the Government, and convinced me that the lawyers who composed two-thirds of both Houses of Congress were but the paid attorneys of the exploiters of the American people, and that both political parties were but the tools in the

hands of big business that were used to plunder the American people. The frauds begun under Cleveland, a Democratic President, were enlarged and completed under McKinley, a Republican President. Millions of acres of forest reservation were established in Montana, all within the grant of the Northern Pacific Railroad, where there was no timber or forests, only a little scrub pine that never was and never will be of any value for lumber or any kind of forest products, and that was done so that the Northern Pacific Railroad could exchange its odd sections of worthless desert for scrip, acre for acre, and this scrip sells for from \$8 to \$10 per acre, and can be located on any land the Government owns anywhere within our broad domain, and the desert for which this scrip was exchanged was not and is not worth ten cents per acre.

This is the story of one small event in the great drama of American public life that had been unfolding all around me. I have told it in detail because it shows, as well as anything that I ever learned, the fate that lay in wait for any measure aimed to promote the public welfare. When I began this fight for the enactment of forest legislation, I believed that we were enjoying a system of popular government in the United States. By the time the fight was ended, I understood that the country was being run by plunderers in the interest of capital.