

But on the 10th the House passed the bill with the pooling and merger clauses struck out and amendments objectionable to the President inserted. A motion of one of the President's supporters to restore the merger clause was defeated by 169 to 160. The bill as altered passed by 200 to 126, receiving the solid support of the Republicans and the votes of 14 Democrats.

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On the 13th the President's supporters in the Senate were forced to accept an amendment prohibiting any railroad's charging a lower passenger or freight rate for a long haul than for a shorter haul until the Interstate Commerce Commission, after a thorough inquiry, determines that the two hauls so differ in circumstances as to warrant a difference in passenger or freight rates. This amendment was adopted in the Senate by 56 to 10. Senators Aldrich and Elkins had assured the President that they could rally a sufficient vote to prevent the adoption of any "long and short haul clause." They depended upon 15 Democratic Senators whose votes however they were unable to command when the test came. In a vote on the 16th upon the Court of Commerce clauses of the bill, Senator Cummins having moved to strike them out, 8 Insurgent Republicans—Borah, Crawford, Beveridge, Bristow, Clapp, Cummins, Dolliver and La Follette—and 20 Democrats were defeated, the vote to strike out standing 37 to 28.

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#### President Taft's Letter on the Ballinger Case.

A letter dated the 15th from President Taft to Senator Nelson, chairman of the Congressional investigating committee in the case of Secretary Ballinger of the Department of the Interior (pp. 83, 272, 413), has created a sensation of historical magnitude. This committee has been engaged in its inquiry for several weeks. The prosecution, conducted by Louis D. Brandeis, of Boston, as counsel for Louis R. Glavis (vol. xii, pp. 921, 922), had closed its case before the committee (p. 460), and Secretary Ballinger had entered upon his defense. At various times it had appeared vaguely that President Taft's opinion of last September (vol. xii, pp. 920, 922) exonerating Mr. Ballinger, had been written by one of Secretary Ballinger's subordinates; also that a report upon the case by Attorney General Wickersham, upon which President Taft acted, had not been written and filed at the time it purported to be, but was written several weeks later and antedated. On the 12th Attorney General Wickersham's admission that his report had been antedated was brought before the committee by Secretary Ballinger in the form of a letter from Mr. Wickersham, in which the latter said he had discussed the matter with the President and supplied him with a mass of information

bearing on the subject, but that the summary "necessarily was made up afterward and properly bore the date upon which the matter it contained was presented to and considered by the President." Then there was published in a Washington newspaper a statement by a stenographer in the Department of the Interior (whom Secretary Ballinger has since dismissed for "treachery"), who said that Mr. Lawler, Assistant Attorney General in the Department of the Interior, and therefore Secretary Ballinger's subordinate, had drafted the opinion which President Taft afterward revised and used as his own in deciding the Glavis-Ballinger controversy last September. Thereupon President Taft wrote to Senator Nelson, chairman of the Congressional committee, the letter which is mentioned at the beginning of this paragraph.

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Beginning with a reference to his decision of last September in favor of Secretary Ballinger, Mr. Taft says:

The majority of the committee have decided that my action was not within the jurisdiction of the committee to investigate. In spite of this ruling, references to the matter have crept into the record. For this reason I deem it proper to write you and state with such accuracy as my memory permits what the facts are.

The President's letter then relates interviews on the Glavis charges between himself and members of his Cabinet, including Secretary Ballinger, and tells of his having read the whole record at Beverly, Mass., on the 6th and 7th of September and come then to the decision he subsequently made. Mr. Ballinger and Mr. Lawler were at Beverly together on those days. They had come on September 6 and conferences were had on the 6th and 7th. The letter then proceeds:

In the discussions of the second evening Mr. Lawler, who was present at my suggestion, discussed the evidence at some length. I said to Mr. Lawler that I was anxious to write a full statement of the case, and set out the reasons for my decision, but that the time for my departure on a long Western trip, occupying two months, was just one week from that day; that I had six or seven speeches to deliver at the beginning of that journey, and that I could not give the time to the preparation of such a detailed statement and opinion as I would like to render in the matter. I therefore requested Mr. Lawler to prepare an opinion as if he were President. During the 8th, 9th and 10th I gave such consideration to the Glavis record as was consistent with previous engagements, but paid no attention to the speeches. On the 9th I telegraphed the Attorney-General to come to Beverly in order that I might consult him in respect to the case. He arrived there Saturday afternoon, Sept. 11, and, pursuant to an appointment made by telephone, he came to my home on Sunday morning, Sept. 12. He then delivered to me the draft of opinion prepared by Mr. Lawler and said

that he had had an opportunity on coming from New York to read the answers of Mr. Ballinger and others. I then said to him that I had made up my mind as to my conclusions and had drafted part of my opinion, but that I wished him to examine the full record and bring me his conclusions before I stated mine. He took the whole record away. During the day I examined the draft opinion of Mr. Lawler, but its thirty pages did not state the case in the way in which I wished it stated. It contained references to the evidence which were useful, but its criticisms of Mr. Pinchot and Mr. Glavis I did not think it proper or wise to adopt. I only used a few paragraphs from it containing merely general statements. The Attorney General returned in the evening with notes of the examination which he had made, and reported to me the conclusions which he had reached, which were in substantial accord with my own. We then discussed the matter at some length, particularly some points of law which were involved, and took up the opinion which I had finished and made a number of alterations, and as the result of that discussion, I determined the final form which I employed, and signed the same on Monday, Sept. 13. The conclusions which I reached were based upon my reading of the record, and were fortified by the oral analysis of the evidence and the conclusions which the Attorney General gave me, using the notes which he had made during his reading of the record. I was sorry not to be able to embody this analysis in my opinion, but time did not permit. I therefore directed him to embody in a written statement such analysis and conclusions as he had given me, file it with the record, and date it prior to the date of my opinion, so as to show that my decision was fortified by his summary of the evidence and his conclusions therefrom.

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#### American Socialist Congress.

A Socialist party congress of the United States recently chosen (p. 350), assembled in Chicago on the 15th for the purpose of settling certain questions of party policy, namely, (1) the attitude of the party toward immigration; (2) its relation to agriculture; (3) organization; (4) campaign methods; and (5) propaganda.

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On the question of immigration, the committee to which that subject had been referred, was unable to agree upon a report. The majority, consisting of Victor L. Berger, Joshua Wanhope, and Ernest Unterman, reported against permitting immigration of Japanese, Chinese, Koreans and Hindus. The minority report is by John Spargo. Premising that "the Socialist party aims to realize a system of society in which economic distinctions, the foundation of all other class distinctions, shall no longer exist, and in which all human beings without regard to nationality or race, shall have equal opportunities as members of the industrial army of the world," the majority report declares nevertheless that—  
our present decaying capitalist system generates many contradictory phases in antagonisms which at

times compel the Socialist movement in its efforts to conform its acts to the present immediate interests of the working class, to come into apparent conflict with its ultimate ideals. This, however, is an unavoidable condition of the general law of social progress. We work toward our ultimate ideals through and despite these apparent contradictions. . . . The general question of immigration and emigration with its multitude of conflicting elements falls clearly into the category of contradictions referred to above. In a conflict between ultimate and immediate class interests, the law of self preservation asserts itself above all ultimate ideals. The Socialist party, in its present activities, cannot outrun the general development of the working class, but must keep step with it. . . . In advocating the policy of restricted immigration, or even a temporary exclusion of specific races, we are not necessarily in contradiction with the essential principles of solidarity of the working class. On the contrary, we are convinced that this policy may, under some conditions, and especially under present conditions in the United States, be the most effective means of promoting the ultimate realization of international and inter-racial solidarity.

Proceeding then to disapprove of so much of the declarations on this subject of the Stuttgart international congress of Socialists as "refer to specific restrictions or to the exclusion of definite races or nations," the report declares that—

present conditions in the United States compel us to make an important exception in the matter of exclusion of immigrants from specific and definite nations. This exception refers altogether to the mass immigration of Chinese, Japanese, Koreans and Hindus to the United States. We advocate the unconditional exclusion of these races, not as races per se—not as peoples with definite physiological characteristics,—but for the evident reason that these peoples occupy definite portions of the earth which are so far behind the general modern development of industry, psychologically as well as economically, that they constitute a drawback, an obstacle and menace to the progress of the most aggressive, militant and intelligent elements of our working class population.

The minority report asserts that "the movement against Asiatic immigration is due to a misunderstanding of facts," the volume of such immigration being "too small to constitute a menace," and there being "no signs of an appreciable increase." Final action on the subject has not yet been taken by the Congress.

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#### Tom L. Johnson's Home Coming.

A large meeting in Cleveland welcomed ex-Mayor Tom L. Johnson home (p. 441) on the 13th, at which, after an enthusiastic reception, he spoke without referring to local politics. Of his health the Cleveland Press in reporting the meeting said:

Thinner, perhaps, and with some traces of illness remaining, it was apparent to everyone of the crowd of 2,000 that he has gained much in strength and