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WHAT CONGRESS HAS DONE

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SPEECH

OF

HON. JOHN W. DAVIS

OF WEST VIRGINIA

IN THE

HOUSE OF REPRESENTATIVES

AUGUST 26, 1912



WASHINGTON

1912

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OF WEST VIRGINIA,

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Mr. DAVIS of West Virginia said:

Mr. SPEAKER: The fall of the gavel to-day will mark the end of the first regular session of the Sixty-second Congress. It was convened in special session on the 4th day of April, 1911, and sat until the 22d day of August in that year, a total of 141 days. Its first regular session began on the 4th day of December, 1911, and will close to-day on this 26th day of August, a total of 267 days, or a grand total for the two sessions of 408 days. Few Congresses in the history of the Republic have been in more continuous session, and I believe it no exaggeration to say that the body over which you, Mr. Speaker, preside, has never been surpassed in an earnest desire to carry out the will of the people.

This House is composed at present of 394 Members, of which 230 are Democrats, 159 Republicans, 1 Independent, 1 Socialist, and 3 vacancies—a Democratic majority of 69. The Senate, on the other hand, is composed of 96 Members, of whom 51 are Republicans, 43 are Democrats, and 2 vacancies. Yet, notwithstanding this difference in the make-up of the two Houses, many laws of far-reaching import have been placed upon the statute books, and but for the opposition of the Senate and the vetoes of the President, many more would have been made effective. Within a short time the people of the United States will be called upon to pass judgment on the work of their servants. It is a wise provision in our Federal Constitution which calls for frequent expressions of the popular will. This fall the people will determine whether the work of this House has been a fulfillment of party promises; they will decide as between the House and the President, which has best reflected the public will. I believe their judgment is already prepared and awaits but the occasion for its expression.

If this Government is to be truly representative, there can be no higher duty for any Member of Congress than to cultivate an intimate acquaintance with the desires and needs of his constituency. He is their "watchman on the tower" and they have the right to expect from him not only faithful service, but from time to time information on those matters of government affecting their interest. I feel accordingly, Mr. Speaker, that I am justified in entering upon the Record a summary of the work of this Democratic House. Such a summary must include both measures enacted into law and those which having passed the House were halted by the Republican Senate or vetoed by the President. Under the first division the following may be enumerated:

1. The rules of the House of Representatives were revised and liberalized in the interest of free speech and action on the part of the people's representatives. Autocratic power was taken from the Speaker, and "Cannonism" is a thing of the past.

2. Useless employees kept on the rolls of the House by political favoritism were dropped, and as an example of the economy that begins at home, the annual expenses of conducting the House of Representatives was decreased by \$180,000.

3. The long fight for direct election of United States Senators by popular vote was won, and a resolution passed proposing to the States for their adoption such an amendment to the Constitution of the United States.

4. A law was enacted providing for the publication of all campaign expenses, both before and after election, and fixing the maximum amount to be expended by any senatorial or congressional candidate.

5. New Mexico and Arizona have been admitted to the Union—not as one unwieldy State, but as two sovereign Commonwealths.

6. Self-government has been granted to Alaska.

7. In conformity with the pledge of a "generous pension policy" in the Democratic platform of 1908, the Sherwood bill granting increased pensions to survivors of the Mexican and Civil Wars is now a law.

8. The long-continued refusal of Russia to recognize American passports when issued to Jews, Roman Catholic priests, or Protestant missionaries has been met by an abrogation of the treaty with Russia and a demand for treatment in accord with our national ideals of civic equality and religious freedom.

9. The industrial disease known as "phossy jaw" has been stamped out for the future by the act taxing phosphorus matches out of existence.

10. A "Children's Bureau" has been created to investigate and assemble in form for action the facts with reference to infant mortality, birth rate, orphanage, juvenile courts, child labor, diseases of children, and other matters bearing on the welfare of those who represent the future of the land.

11. The benevolent principle of the eight-hour day was recognized and extended by a law providing that every contract made for or on behalf of the United States requiring the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work shall be required to work more than eight hours in any calendar day.

12. A Commission on Industrial Relations has been authorized to study in all its branches the relations between capital and labor and to report to Congress thereon. The commission will be composed of nine members, three to be chosen from the ranks of the employers, three from the employees, and three from the public at large. It should point the way to industrial peace.

13. A parcel post has been made a reality and will soon be in operation, with provision for such development and modification as experience may from time to time suggest.

14. In order to get the best out of the many conflicting proposals and bills for highway improvement, a joint committee of the Senate and House has been appointed to study the subject

of good roads and to recommend, as soon as may be, what steps shall be taken by the Federal Government in the matter.

15. Ample provision has been made for continued improvement of the rivers and harbors of the country. For the Ohio River we have appropriated \$3,400,000 and for the Mississippi—including \$1,500,000 for relief work in flooded districts—\$6,000,000.

16. In order to provide a permanent body to assemble and prepare facts upon which fiscal legislation may be based, we have consolidated in the Department of Commerce and Labor the two old Bureaus of Manufactures and of Statistics under a new and well-equipped bureau, to be known as the Bureau of Foreign and Domestic Commerce, with largely increased and well-defined powers and functions.

Under our constitutional system of government the power to lay and collect taxes must always be with Congress, the elected representatives of the people. It can not be delegated to any board, body, or individual; and, in this sense, those who speak of "taking the tariff out of politics" are proposing the impossible. But, in the language of the distinguished gentleman from New York [Mr. FITZGERALD], with whose committee this great piece of constructive legislation originated:

What every sincere man desired was the establishment of some service through which might be obtained accurate information in systematized form relative to the infinite variety of matters affected by tariff legislation without having such information filter through some intervening body, to be colored or modified or affected by such a course. In the bureau now established there will be developed a force of statistical experts, apart from the political atmosphere, who will compile the facts upon which legislation may be intelligently based in accordance with the economic theory of the party in control of the Government.

How different such a body from the present miscalled "Tariff Board," responsible and subservient to the President alone.

17. The government and operation of the Panama Canal have been arranged. The law, among other things, forbids the use of the canal to railroad-owned ships engaged in domestic trade, and thus makes the canal a competitor of the transcontinental railroads and a permanent barrier against extortionate rates.

18. The odious "gag rule" imposed by the Executive orders of Presidents Roosevelt and Taft on Government employees was removed, and the pay of railway mail clerks and rural letter carriers was increased.

19. Laws and regulations have been adopted to increase the safety of passengers at sea.

20. The Canadian reciprocity act was passed and offered to Canada for her approval, which, as all know, has not been given.

21. A reduction has been effected in the annual expenditures, and the swelling tide of governmental extravagance has been checked. The total estimates of appropriations for the support of the Government submitted to this Congress by the Executive were \$1,040,648,026.55. The total of the supply bills as the Democratic House passed them was less by \$40,868,434.54, and the total appropriations finally made, after increases added by the Republican Senate, were \$1,019,636,143.66, or \$21,011,882.89 less than the Executive estimates, \$7,046,738.06 less than the appropriations made at the last session of the last Congress, \$8,265,285.52 less than those for the year 1911, and \$8,870,427.28 less

than for the year 1910, at all which times both branches of Congress were under Republican control.

The foregoing partial summary of the work of this Congress is of itself, Mr. Speaker, sufficiently creditable. It represents but a portion of the laws actually passed and the reforms actually effected, and it represents a far smaller proportion of the work of this Democratic House. When to it we add the measures which the House has passed, but which for one reason or another have not yet become laws, the total is surprising. Let me go on with the enumeration and list some of the further things the House has struggled to effect:

22. Five times within a year the House has passed a bill to revise the "indefensible" Schedule K (the woolen schedule) and reduce the cost of clothing to the people. Twice it has reached the President, only to meet his veto, and once his veto has been overridden by a vote of more than two-thirds of the House—a rebuke almost without precedent in American history.

23. We have passed a bill to revise the cotton schedule, which the President vetoed; and having been passed a second time, it is now in conference between the two Houses.

24. We have passed a bill to revise the metal schedule which the President vetoed, and his veto has been overridden by a two-thirds vote of the House.

25. We have passed a bill to revise the chemical schedule, which was defeated by the Republican Senate.

26. We have passed a bill to put sugar on the free list, which was likewise defeated in the Republican Senate.

27. We passed the farmers' free-list bill removing the tax on agricultural implements, sewing machines, fencing wire, lumber, shingles, leather, and shoes, which the President vetoed.

It is estimated that these several bills, if enacted into law, would have resulted in a saving to the people of this country of not less than \$740,000,000 a year. Let the responsibility for preventing such a reduction in the high cost of living rest where it belongs. In a recent speech the distinguished gentleman from Alabama [Mr. UNDERWOOD] well said:

The Democratic majority (in the House) is 69. As shown by the record of the passage votes, every Democratic bill except that revising the chemical schedule received not only the solid support of the Democrats in the House, but enlisted many Republicans. While, as stated, the Democratic majority is only 69, the free-list bill passed with a majority of 127; the wool bill of last session by 120 majority and this session by 98 majority; the cotton bill by 112 majority at last session and by 86 majority at this session; metal bill by 101 majority, and the excise bill by a majority of 212.

In vetoing the tariff-revision bills of this Congress, Mr. Taft makes it plain that he is determined that the tariff shall not be revised except by the stand-pat element of the Republican Party.

28. We passed the excise bill, putting a tax of 1 per cent on all incomes in excess of \$5,000 derived from business. The object of this bill was to distribute the burden of taxation and place it upon the shoulders of those best able to bear it. The Republican Senate has attached to it an amendment to repeal the Canadian reciprocity act and continue the present Tariff Board, and on these amendments the two Houses have disagreed.

29. The House has met the long-standing complaint against the misuse of the writ of injunction and has passed a bill which,

if it becomes a law, will prevent the unquestioned abuses which have been indulged in.

30. There has also been passed by the House a bill providing for trial by jury in certain cases of contempt, which will do away with the charge that the courts under the equity power have invaded the criminal domain and subjected parties to a trial for crime without jury.

c This bill, as also the injunction bill, is now before the Senate for its action.

31. In the platform of 1908 the Democratic Party promised a law creating a department of labor, represented separately in the President's Cabinet. The House has passed a bill providing for such a department.

32. We passed the Bureau of Mines bill, to widen the scope of the Bureau of Mines so that it may be better able to develop methods of preventing accidents in mines and have greater efficiency in rescue work when accidents occur, not only in the coal-mining industry, but in the mineral and miscellaneous mines as well.

33. Recognizing the fact that the prosperity of the people depends first of all upon agriculture, we have passed a bill to establish agricultural extension departments in the various States and bring to the farmer at his home the latest and most scientific information with reference to his all-important calling.

34. We have passed various bills having to do with court procedure and intended to simplify the processes of the courts and to hasten the administration of justice.

35. Searching investigations have been made of the departments of the Government and of various trust-controlled industries, such as the United States Steel Corporation and the American Sugar Refining Co., which have exposed many evils, and will lead to their correction.

36. The Committee on the Judiciary, of which I have the honor to be a member, has been called upon to investigate the conduct of certain judges of the United States courts. The judge for the district court of the State of Washington—Judge Hanford—resigned in the midst of such an investigation, and the committee recommended and the House adopted articles of impeachment against Judge Archbald, of the United States Commerce Court, which will be tried before the Senate, sitting as a court, next December, seven Members of the House having been appointed to conduct the trial on behalf of the House, to wit, Messrs. CLAYTON, WEBB, FLOYD of Arkansas, DAVIS of West Virginia, STERLING, HOWLAND, and NORRIS.

Within the limits of the time assigned to me I can not attempt a more exhaustive history of the work of this Congress. Many matters of importance are still pending, such as the workmen's compensation act for railway employees, the revision of the patent laws, further legislation with regard to monopolies and trusts, the regulation of immigration, currency reform, and provision for a system of agricultural credits. What has already been said, however, is sufficient to justify the boast that few, if any, Congresses have equaled it in constructive and progressive legislation. On this record of promises kept and pledges fulfilled we appeal with full assurance to the American people. We know that we have not betrayed their confidence. We feel that we merit their approval. In

this country, as in every other, there must be fought out the endless warfare of equal rights against special privilege, of government for the many against government for and by the few, of liberty against bondage. Here and now the right of the people to equal partnership in their Government must be vindicated and preserved. Let us glory at the part assigned us in this combat; let us advance boldly and without shrinking to the contest, and let an abiding faith in the patriotism, capacity, and courage of our fellow countrymen remove all doubt or question as to the result.

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