

under which I took my examination with an equal opportunity with all the other candidates, I would not be the postmaster at ——— to-day. For, being a Republican, I would have had no chance if the matter was to be decided politically.

I am frank to say that I fail to see where there are any facts to base this criticism upon. In fact, if it was to be political and one party favored, then why was the order issued?

In the judgment of the writer, while a Republican, and should any changes be made, the postmaster stands in line for continuous service, yet I believe the order was one of the finest things issued from the Executive Office, for it removes all political squabbles for the postmaster-ships and places them upon a competitive basis. The result will be, not as often would happen, incompetency, but highest efficiency. I sincerely hope that the new administration will go one step further and place the postmasters under the classified civil service. This will be a great step forward.

I will further add that when I took my examination I was warned in writing by the commission not to mention religion or politics anywhere.

It would certainly be of interest and value, I think, if the result of your inquiry could be sent to all the postmasters.

Another Republican whose appointment came as a surprise says:

The inclosed communication does not call for more information than stated on the blank spaces, but I think my case is just a little different than most appointments. I served four terms as postmaster in this office from 1898 to 1914. When the postmaster who succeeded me resigned, I was requested by patrons of the office to take up the examination. I could not see any reason for appointing a Republican, but to test the new rule of civil service I submitted my papers and was very much surprised when I received notice that I was at the head of the list and was appointed postmaster. There certainly was no political influence in my case. Had I known that the Post Office appointments were going back to politics, I never would have given up a good position to come back.

Another says:

I desire to advise that absolutely no political, religious, or fraternal affiliations were mentioned in the appointment of the postmaster at * * *. I have been a lifelong Republican and received my appointment solely on merit after passing the highest grade in the civil service examination for the position.

One postmaster says:

I am in possession of three commissions signed by Republican Presidents for postmaster at another office of the third class, and at the examination held for postmaster at * * * the other applicant was a Democrat and chairman of the precinct committee, so I can truthfully state that there was no discrimination shown in this case for political or other reasons. The Hon. Frank W. Mondell will verify that he has recommended me to the previous appointments as postmaster under a Republican administration, and am satisfied that the ruling of March 31, 1917, was strictly adhered to in this case. Any further information will be cheerfully supplied.

One of the postmasters who is a Democrat writes:

I am glad to state that in making my appointment the department adhered strictly to the presidential order of March 31, 1917. The department had no knowledge at that time of my party preference, as I made no reference thereto on the papers I submitted with my application. As a matter of fact, I had the combined opposition of both major parties in my own town, and also the opposition of the Congressman from my district. Had the appointment been made from a political standpoint I certainly would not have received it. My appointment was due to the fact that I received the highest grade in the competitive examination.

An independent says:

Have always been strictly an Independent in politics, not affiliated with any political party, but guided entirely by the issues and men presented in each campaign. Have twice voted for a Republican President and three times for a Democratic President. During the past 20 years, with one or two exceptions, I have supported the Republican Members of Congress, and generally speaking have supported the Republican State ticket. At the time I was appointed postmaster here my appointment was strongly opposed by every Democratic politician in the State.

In another instance of a Democrat being appointed the postmaster writes:

When the civil service examination was held to fill the position as postmaster at this office four applicants contested; three Democrats and one Republican.

The Democrat who had the indorsement of the Democratic organization, and who had secured the appointment as acting postmaster at this office, stood third in the examination, and the Republican stood fourth, and I stood first, and in compliance with the Executive order I was nominated for the position.

The department did not know or ask what my political affiliation was. I am convinced I could have never secured the appointment on a political basis.

A Republican writes that he was rejected by the local board in August, 1917 (draft), because of bad eyes and that his attention was called to the President's Executive order relative to the competitive appointment of postmasters and advised to take the examination. Of the four applicants who took the examination, he says:

The other three were affiliated with the Democratic Party and two have been candidates for other offices. I and my father before me have always been affiliated with the Republican Party.

No information was asked of me at any time as to my political affiliations, and I can say further that the Democratic committeemen from this precinct worked for one of the candidates and that a friend of another of the candidates who happened to be at the Capitol, made a special call in the interests of his friend, and I can also say further that one of the applicants also had petitions signed by about 25 asking for his appointment.

A Democrat, explaining how he got into office says (names being omitted):

* * * Politics did not enter into the appointment of the postmaster at * * * in any way.

* * * A Republican had charge of the office at the beginning of the present administration. Soon after his time expired and an examination was held to fill the vacancy.

He * * * and I * * * took the examination. His grade was three or four points higher than mine and he was given the position and held it five years. His health failed and he was appointed his son * * * assistant.

The office was then raised to the third class and an examination was held for third-class postmasters to fill the position at * * *. This son * * * and I took the examination. But before the appointment was made * * * resigned to take a better position in a bank and I was appointed postmaster.

There was no politics in it at all. It was not even suggested. The same thing happened at * * *. A Republican and a Democrat took the examination. The Republican was given the position because he passed the best examination.

It is frequently said in letters by postmasters who avow themselves to be Democrats that no political influence was used to secure their appointments and that though they were Democrats their political affiliation was not known or inquired into. One Democrat says:

In connection with the inclosure I might say that I filed my application for the local post office, passed the examination, and was appointed and confirmed without at any time writing or asking anyone either in public or private life for any assistance. My politics could not have been known to anyone handling the matter unless such persons on his own initiative discovered what my politics were and if this was done I do not know anything about it.

One Republican postmaster closes his communication with this suggestion:

The Republican Party will do well to copy the Democratic Party in the matter of post-office appointments. A lot of my friends thought there would be no use for me to take the examination for postmaster on account of being a Republican, but politics did not enter into the matter at all. The Democratic Party has been very fair as far as I am concerned and the Republican Party will make a mistake if the old political spoils system is employed in making post-office appointments.

MEMORIAL OF THE LATE SURG. GEN. GORGAS.

Mr. HEFLIN. Mr. President, on February 14 last the Senate granted unanimous consent to print as a public document the memorial speeches on the late Surg. Gen. Gorgas. I have been furnished a photograph of Surg. Gen. Gorgas, but the photograph can not be published with the public document except by unanimous consent.

Mr. SMOOT. May I inquire of the Senator whether that consent was given in the House or in the Senate?

Mr. HEFLIN. It was given in the Senate on the 14th of February.

Mr. SMOOT. The Government Printing Office can not publish the photograph without a specific order.

Mr. HEFLIN. I ask unanimous consent that the Government Printing Office be authorized to reproduce the photograph as a part of the document.

The VICE PRESIDENT. Is there objection? The Chair hears none; and it is so ordered.

INDIAN ALLOTMENTS—VETO MESSAGE.

Mr. OWEN. Mr. President, I ask unanimous consent to dispose of the bill (H. R. 517) amending an act to provide for drainage of Indian allotments of the Five Civilized Tribes, approved March 27, 1914, together with the objections of the President thereto, which was reported last night from the Committee on Indian Affairs. There is no objection to it in any way so far as I know. It was vetoed by the President under an obvious misapprehension. The only change made in the existing law is a provision permitting the amount of \$15—the previous limit—to be raised because of the increased cost of making the drainage and removing the right of an individual to veto the matter. The bill was passed by the House over the President's veto by a vote of 322 to 18, and I think there will be no one in the Senate objecting to it.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCormick]. Being unable to secure a transfer, I withhold my vote.

Mr. JONES of New Mexico. Mr. President, I should like the privilege of asking unanimous consent that some Senator who understands the veto message on which we are voting may make some explanation of it. I do not know a thing about it, and I do not care to vote unadvisedly.

The VICE PRESIDENT. Unfortunately, the rules provide that there can be no discussion or explanation during the calling of the roll.

Mr. JONES of New Mexico. Not even by unanimous consent? I rose for the purpose of asking unanimous consent that that might be done.

The VICE PRESIDENT. That can not be done even by unanimous consent. After the roll call has started nothing can be done but to continue and conclude the call.

Mr. POINDEXTER. I ask for the regular order.

The reading clerk resumed the calling of the roll.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM], which I transfer to the junior Senator from California [Mr. JOHNSON] and will vote. I vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 67, nays 5, as follows:

YEAS—67.

Ashurst	Gronna	Moses	Smith, S. C.
Ball	Hale	Myers	Smoot
Brandegee	Harrison	Nelson	Spencer
Caldor	Hellin	New	Sterling
Capper	Hitchcock	Norris	Sutherland
Cummins	Jones, N. Mex.	Overman	Swanson
Curtis	Jones, Wash.	Owen	Thomas
Dial	Kellogg	Page	Townsend
Dillingham	Kenyon	Phipps	Underwood
Edge	Keyes	Pomerene	Wadsworth
Elkins	King	Ransdell	Walsh, Mass.
Fletcher	Kirby	Reed	Walsh, Mont.
France	La Follette	Robinson	Warren
Frelinghuysen	Lenroot	Sheppard	Watson
Gerry	Lodge	Shields	Willis
Gooding	McKellar	Simmons	Wolcott
Gore	McNary	Smith, Ga.	

NAYS—5.

Gay	McCumber	Poindexter	Williams
Harris			

NOT VOTING—24.

Beckham	Fernald	Knox	Pittman
Borah	Glass	McCormick	Sherman
Chamberlain	Henderson	McLean	Smith, Ariz.
Colt	Johnson, Calif.	Newberry	Smith, Md.
Culberson	Johnson, S. Dak.	Penrose	Stanley
Fall	Kendrick	Phelan	Trammell

The VICE PRESIDENT. A quorum of the Senate being present, and more than two-thirds thereof having voted in the affirmative, the bill becomes a law, the objections of the President of the United States to the contrary notwithstanding.

THE MERCHANT MARINE.

The VICE PRESIDENT laid before the Senate a communication, with accompanying papers, from the United States Shipping Board in response to Senate resolution No. 413, of December 27, 1920, which was referred to the Committee on Commerce and ordered to be printed.

Mr. EDGE. Mr. President, inasmuch as the communication from the Shipping Board in response to the resolution passed by the Senate some time ago, requesting certain information, is very short, being but a single page, I ask unanimous consent to have it read to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The reading clerk read as follows:

UNITED STATES SHIPPING BOARD,
Washington, March 1, 1921.

Sir: Pursuant to directions of the United States Shipping Board, I quote below resolution adopted by said board at a meeting on March 1, 1921:

- "Whereas on December 27, 1920, Senator WALTER E. EDGE submitted a resolution (S. Res. 413) to the Senate of the United States, which was considered and agreed to, instructing the United States Shipping Board to submit a report on moneys appropriated from September 7, 1916, to November 30, 1920, on profits, capital, number and description of vessels, system of accounting, contracts of operation, number of employees, etc.; and
- "Whereas said resolution was submitted to the general comptroller with instructions to prepare an answer thereto for the board; and
- "Whereas said general comptroller's department has since the 1st day of January had in hand most important matters demanding in the interests of the public immediate attention, and thus far has been unable to prepare a complete answer to said Senate resolution 413 as requested by the board; and
- "Whereas a report has been prepared by Joseph N. Teal, one of the Commissioners of the United States Shipping Board, covering in substance the facts required by said resolution; and
- "Whereas said report has been examined by the general comptroller as well as by members of his staff, and has been approved by him and them as being substantially a correct statement of facts; and
- "Whereas said general comptroller has advised the board that said report in substance answers the inquiries in said resolution heretofore referred to, and advises the submission of said report as a proper response thereto.

"Resolved, That the said report prepared by Joseph N. Teal, covering operations of the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation from September 7, 1916,

to January 1, 1921, be submitted to the Senate as an answer so far as it may be germane to the resolution above referred to."

Two copies of the report referred to in the above-quoted resolution are transmitted herewith.

Respectfully,

JOHN J. FLAHERTY, Secretary.

The PRESIDENT OF THE SENATE,
Washington, D. C.

DUTIES OF UNITED STATES JUDGES.

Mr. NELSON. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 5042) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge, and I submit a report (No. 826) thereon. I call the attention of the Senator from South Carolina [Mr. DIAL] to the bill.

Mr. DIAL. Mr. President, I ask that Senate bill 5042, just reported by the Senator from Minnesota, the chairman of the Committee on the Judiciary, be read, and I ask unanimous consent for its immediate consideration. I do not think it will cause any debate.

The VICE PRESIDENT. Is there any objection?

Mr. POINDEXTER. The Senator from South Carolina advises me that if the bill leads to any discussion he will withdraw the request.

Mr. DIAL. Yes, sir.

Mr. POINDEXTER. Under that condition I will not make an objection to it, but I will be compelled to object to the presentation of any other matter save the conference report upon the Agricultural appropriation bill, which I understand has been agreed to except as to two items. The Senator from North Dakota agrees, and will make the request, I understand, that not exceeding 30 minutes be devoted to the consideration of that report.

Mr. GRONNA. If the Senator will pardon me—

Mr. POINDEXTER. Just one word. I should like to take advantage of this opportunity to say, by way of notice, that I will undertake to keep the naval appropriation bill before the Senate continuously until we get a vote on the bill either to pass it or to defeat it.

Mr. NORRIS. Mr. President, before the Senator sits down may I ask him a question?

Mr. POINDEXTER. Certainly.

Mr. NORRIS. The Senator would not be willing to lay aside the bill for a conference report?

Mr. POINDEXTER. There seem to be so many conference reports that they practically operate to blanket and defeat the consideration of the naval appropriation bill. What conference report is it?

Mr. NORRIS. It is the conference report on the Patent Office bill.

Mr. SMOOT. I can assure the Senator that it will lead to a great deal of discussion.

Mr. POINDEXTER. The Senator, I think, would not ask me to lay aside the naval appropriation bill under those circumstances. Let us get a vote upon the naval bill.

Mr. NORRIS. Unfortunately I can not assure the Senator that the conference report will lead to no discussion, as the Senator from Utah has just said that it will lead to a great deal of debate; but it ought to be disposed of.

Mr. POINDEXTER. That would amount practically to defeating the naval appropriation bill.

Mr. NORRIS. If we should reach a time when it became obvious that it would be impossible to finish the naval bill, would the Senator then yield for the purpose I have indicated?

Mr. POINDEXTER. I will confer with the Senator in that event.

Mr. NORRIS. I should be very glad to have the Senator do so. I do not want, of course, to displace the naval appropriation bill.

Mr. POINDEXTER. I am sure the Senator does not.

Mr. NORRIS. I realize that I probably can not get the conference report disposed of.

Mr. SMITH of South Carolina. Mr. President, before the Senator from Nebraska takes his seat I should like to ask him what has become of the conference report on the Patent Office bill.

Mr. NORRIS. That is the conference report about which I was talking to the Senator from Washington. I have never been able to get it up, or to get an agreement as to a vote. I will state frankly to the Senator from South Carolina that it looks as though it was going to be impossible to reach a vote on it, because, as the Senator knows, if there should be extended debate on it, it could not be disposed of; and there is promise of a good deal of debate, which, under the existing circumstances, would make it impossible to secure a vote.