

BILL H.R. 14441

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ACTION Passed

There are no antistrike provisions in the bill, nothing to prevent employees from striking, nothing to penalize them if they do. Reliance is placed in confidence in the willingness of employees and railroad officials to do right and justice, and on public opinion to uphold the right when it is decided in the mind of the public by a disclosure of the facts of the case. It is an effort to substitute peace for war, reason for force, in the settlement of disputes. It takes from neither employee nor employer any right that he has heretofore exercised under the law. I do not see how any fair man can object to this effort, at least before trial has shown that it will not produce just results.

A large number of the European countries had antistrike laws in the early part of the last century. In experience they were found not to be satisfactory and practically all have abandoned this method and have sought others. Personally, I have not favored antistrike provisions as contained in the Cummins bill. In the first place, as I was informed, they had not proven satisfactory in other countries, and I had no reason to believe that they would here. I have heard men express fear that a nation-wide strike would or might come, and antistrike laws were necessary to prevent it. I do not and can not believe that the railroad men of the country, or any part of them, would produce a nation-wide strike, whatever might be the state of feeling. If this ever comes, it would mean the starvation of the millions of our people and would not be a strike but a revolution, and the people would not be starved, regardless of what they thought of the merits of the dispute that gave rise to it. They would run the roads to get bread, as a matter of self-defense, and the man or men or combination who stood in the way would be swept aside as chaff before the wind never to return. If a condition ever arises where a nation-wide strike is possible or probable, no mere law will stop it. The only law that will be on the statute books that day will be the primal law of struggle to survive.

Now, I have made this letter too long, but could not use less space and present the matters I desired. I have not the time to discuss the other features of the bill. It is a wise measure in many particulars which I can not mention. As I have observed it, a great deal of the opposition to the bill arose out of a desire for permanent Government ownership and operation, and objection would have been made to any bill but this, regardless of its provisions. I do not believe in Government ownership. I am a Democrat and individualist. I believe that it is the function of Government to regulate business when necessary, but not to go into business. We are no more dependent on the railroads than we are on other industries. Why not have the Government go into the packing industry? We are no more dependent on railroads than we are becoming to be on gasoline. Why should the Government not go into the oil business? Government ownership of railroads in other countries has not been a success, and Government operation in this country has not been successful, though it was necessary.

There has not been a question before the Congress since I have been here of more importance, as far as domestic questions are concerned, than this railroad problem. Upon its wise solution depended the prosperity and good of the whole country. There was tremendous pressure from all sides for all sorts of things. Many threats were made by various interests to secure votes for or against it through fear.

It would have been very easy to take to cover and say to oneself: "The bill will pass anyway; I will vote against it and so avoid any criticism from anyone who does not like any of its terms." Some did so for these reasons; as they told me. Others, of course, did not act from such motives in voting against it.

I believed, as did a majority of the House and Senate, that the bill ought to pass; that it was the best bill that we could get; that not to pass one would be disastrous; and if I had run to cover I would have been a traitor to what I believed to be the best interests of my people, and a dirty coward besides.

I know that there have been threats both before and after as to what would be done to me if I did not vote as certain individuals wanted. If I had been scared and had voted through my fears and not through my judgment of what was best, I would not be fit to be here. Personally I do not want a Representative whom I can make do what I tell him, regardless of his judgment of what is right. I do not want one that I own. If I can own him, the other fellow might get him with a bigger price. Neither do I personally want a Representative that I can scare into doing what he thinks is wrong. The other fellow might some day throw a bigger scare into him than I could and he would vote my life away. The man who will be a crook for one will be a crook against him if given the proper inducement.

It will be a sad day for the country when men come to Congress owned by any group. From the nature of the case, the opportunity to know the merits of many public questions is not so good for the body of the citizenship as it is for the man whose business it is to study them and seek all the information he can obtain. As I see it, a man comes to Congress to represent everyone—every person—and to do what is best for them. What is best for all is best for each; the greatest good to the greatest number works out the greatest good to all. If he comes to Congress representing only one class, looking only to a local group, he must necessarily reach wrong conclusions, and winds up not even serving the class that he represents, for what is wrong will not stand and can not produce good even to those in whose behalf the wrong is done. The purpose of government is to preserve to each citizen his just right, whatever they may be, and the representative in government who proceeds on any other theory will misrepresent and not represent his people.

Now, I must close. Permit me to say that I think that one of the best votes that I have cast for the good of the country, in view of the whole situation, was my vote on this bill; and if I may say something personal, I think that one of the best votes that I have cast for you as a knight of labor was this selfsame vote.

Assuming that this question is to be decided from considerations of immediate self-interest alone, let one ask oneself the question: "What would have become of railroad labor if the roads had been turned back without legislation and had gone, as they would have done, into bankruptcy or receiverships?"

With best wishes, I am,

Your friend,

WEBB VENABLE.

#### EXTENSION OF REMARKS.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by including the address of the Secretary of the Navy to the graduating class at Annapolis the other day. It is worthy of preservation.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks on the legislation of the Sixty-fifth and Sixty-sixth Congresses.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of tax legislation in the Sixty-sixth Congress.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

#### THE BUDGET BILL.

Mr. GOOD. Mr. Speaker, I now desire to return to the matter that was pending. I suggest that the Members get copies of the budget bill and follow the reading of the amendments which I propose to offer and thereby by unanimous consent modify the bill.

The amendments were read, as follows:

On page 11, lines 7 and 8, strike out the words "Supreme Court of the United States" and insert in lieu thereof the words "President, with the advice and consent of the Senate," so that it will read: "There shall be in the general accounting office a comptroller general of the United States and an assistant comptroller general of the United States, who shall be appointed by the President, with the advice and consent of the Senate."

On page 11, strike out the comma at the end of line 15 and strike out lines 16 to 24, inclusive, and all of line 25, down to and including the word "office," so that it will read: "The comptroller general and the assistant comptroller general shall hold office during good behavior."

Mr. MONTAGUE. And keep the residue of the section?

Mr. GOOD. The lines that I have referred to are stricken out, but commencing with the word "When," on line 25, the rest of the section remains just as it is in the bill.

Mr. WINGO. In other words, it would read: "That the comptroller general and assistant comptroller general shall hold office during good behavior. When a comptroller general or assistant comptroller general attains the age of 70 years, he shall be retired from office."

Mr. GOOD. The gentleman is correct.

Mr. WINGO. As I understand, the gentleman modifies the bill as he proposes?

Mr. GOOD. Yes, Mr. Speaker, I ask unanimous consent to modify the bill as proposed.

The SPEAKER. The Clerk will report the amendment submitted.

The Clerk read as follows:

On page 11, lines 7 and 8, strike out the words "Supreme Court of the United States" and insert in lieu thereof the words "President, with the advice and consent of the Senate," and on page 11 strike out the comma at the end of line 15, and strike out lines 16 to 24, inclusive, and all of line 25 down to and including the word "offices."

The SPEAKER. Is there objection to the request of the gentleman?

Mr. GARD. Reserving the right to object, I understand that the gentleman's proposed amendment includes the insertion of a period after the word "behavior" in line 15?

Mr. GOOD. That is correct.

Mr. GARD. Is the language in lines 23, 24, and 25 stricken out?

Mr. GOOD. Yes.

Mr. GARD. Down to and including the word "offices"?

Mr. GOOD. Yes.

Mr. HUMPHREYS. Mr. Speaker, reserving the right to object for a moment—and I do not intend to object—I want to say that in my opinion you can not have any effective independent audit by Congress when the man to do the auditing for Congress is responsible to the executive branch of the Government and removable by the President, and I think this amendment takes 90 per cent of the merit and virtue out of the budget legislation.

Mr. GOOD. I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, the statement has been made upon the floor that this bill as presented this morning from the Budget Committee is an affront to the President of the United States. I yield to no man in admiration and respect for the present President of the United States, and I want to say to the House that the Budget Committee in presenting this bill had no idea of putting any affront upon the President of the United States. This bill is to become permanent law. It does not apply to the present Executive alone, but it is expected to apply to future Presidents of the United States whoever they may be, and I have the best of reasons—I say it advisedly—for believing that the President of the United States does not regard the intention of the Budget Committee to place the authority of appointing the comptroller general in the Supreme Court as in any sense a personal reflection upon him or an affront to him, but that, on the contrary, he is considering this matter wholly with reference to its constitutional aspects.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I wish to confirm with emphasis the statement that has just been made by my friend Mr. BYRNS of Tennessee that the President does not, as I am most reliably advised, regard this matter from a personal point of view in any sense whatever, but has only been considering the constitutional question presented in the veto message. It would be most unfair for the House and unfair for the country to believe for a moment that the President is in any manner constrained in the expression of his opinion by any personal bearing that the method of appointment might be conceived to have. This it should really be unnecessary to say.

Mr. BYRNS of Tennessee. The amendment proposed by the gentleman from Iowa relates alone to the comptroller general, who, among other duties, will audit the expenditures to be made by the executive departments, and I agree with the gentleman from Mississippi [Mr. HUMPHREYS] that when you take from the comptroller general the independence and freedom from control by the departments which it was sought to give him under the bill as originally proposed, you have destroyed, in my judgment, the chief merit and the most important feature of that particular portion of the bill. You have now a system whereby you have six auditors who audit the expenditures of the Government and who are appointed by and responsible to the executive departments. It is not good business, it is not sound policy, to permit the cashier of a bank to audit his own expenses or the books of his bank. [Applause.] Neither is it sound policy to permit the departments of this Government who make the expenditures to audit their own expenditures. Congress makes the appropriations. Congress ought to control the auditing of those expenditures. That is the reason why I have been so earnest in this matter. There has not been a student of this subject, there has not been a writer on the subject of the budget, there was not a witness before the Budget Committee, who has not taken the firm position that you must have an independent congressional audit or you will fail to have a complete

and rounded budget system [Applause.] Before that committee there appeared such men as ex-President Taft, Mr. Fitzgerald, Mr. Sherley, and other well-known students of the budget system. I simply make this statement in order that it may be made as clear and emphatic as language can express it that in presenting this proposition your committee had no idea of offering any affront to the present President or to any future President of the United States, but we have simply been interested in securing an independent audit of the expenditures made under the appropriations of Congress, which we believe and all students of the budget system believe is necessary if we are to follow the practices of every business concern in the country and adopt a businesslike control of the appropriations made by Congress. [Applause.]

Mr. MONDELL. Mr. Speaker, reserving the right to object, we are all interested in budget legislation. We all desire it. I think there is nothing more important in connection with budget legislation than the provision for an independent audit. The Committee on the Budget, in order to have that independent audit entirely uninfluenced by those whose duty it was to audit and check up, provided that the responsible heads of the audit system could only be removed by concurrent resolution of the two Houses of Congress or impeachment. The President has felt that that is an infringement of what he insists is his constitutional authority to remove officials. I can not agree with the President in that behalf, but we have tried to pass the bill over the President's veto and failed. I feel that to make the change we are now proposing is a most unfortunate and regrettable weakening of the system we have so earnestly labored to perfect. But, gentlemen, it is a condition and not a theory that confronts us, and it is the duty of a legislative body when it can not do what it considers best to do what it believes is the best thing that it is possible to do under the circumstances, and it is very clear that if we are to have a budget system now—and we ought to have a budget, we are pledged to a budget—we must have it with a provision for the appointment and removal by the President of the officers who are to examine the accounts of the executive departments. I think it is regrettable. I do not believe the Constitution so provides. But at any rate that is the president's view, and under the circumstances we must meet that view or have no budget legislation. I hope there will be no objection to the unanimous consent. I hope there will be no objection to the request of the gentleman from Iowa for the present consideration of the measure.

Mr. BLANTON. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. BLANTON. Since the amendment of the gentleman from Iowa has provided that this officer shall hold his office during good behavior, does not that remove the main objection?

Mr. MONDELL. Possibly so to some extent.

Mr. BLANTON. The President can not remove him unless he misbehaves himself.

Mr. MONDELL. At any rate it is the best we can do now, and I hope we will do it.

The SPEAKER. Is there objection to the amendment offered by the gentleman from Iowa?

There was no objection.

Mr. GOOD. Mr. Speaker, several gentlemen have asked me for a little time on this.

SEVERAL MEMBERS. Vote! Vote!

Mr. GOOD. I ask for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

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

#### COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. MONDELL. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Wyoming offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That a committee of two Members be appointed by the Chair to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Mr. MONDELL and Mr. CLARK of Missouri.