

purest principles of honesty; and when any man can get recommendations of the strongest kind it requires great circumspection to avoid imposition and select honest men.

Concern for the public purse, moving with great caution to avoid imposition and to select only honest men, are principles befitting the greatest, wisest, and best of statesmen. Such were the principles and motives of Andrew Jackson. I cannot help believing that this letter written to his friend, and without doubt from the depths of his heart, portrays Andrew Jackson as he was—honest, sincere, devoted to country and to duty. The letter is not the letter of the spoilsman. I am grateful to the author for having included this letter in the work he has prepared so painstakingly.

Such research as I have been able to make on the subject of patronage and the spoils system generally compels me to agree with the writers I have quoted. The spoils system cannot be blamed upon any one man or any one administration. Certainly it cannot be laid on the doorstep of President Andrew Jackson.

I make these remarks merely for the purpose of paying some measure of tribute to a great American whose patriotism and statesmanship, in my opinion, are not fully understood and appreciated by the great mass of American people. I hope that the motives which inspired Andrew Jackson may be the motives of every American citizen.

Mr. President, in speaking as I have concerning Andrew Jackson and in the brief reference I made to another great Democrat, Thomas Jefferson, I would not want to be understood as indicating at all that I consider Thomas Jefferson as a spoilsman, for I do not. Thomas Jefferson definitely declared his opposition to Federal employees participating in elections. Jefferson attempted to stop electioneering by governmental employees and had the following order proclaimed by the department heads:

The President of the United States has seen with dissatisfaction officers of the General Government taking, on various occasions, active part in elections of the public functionaries, whether of the General or the State Governments. Freedom of election being essential to the mutual independence of governments * * * so vitally cherished by most of our constitutions, it is deemed improper—

I remind Senators that I am still quoting from Thomas Jefferson—

it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right. * * * The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

On February 2, 1801, Thomas Jefferson, writing to Governor McKean, said:

Interference with elections, whether of the State or General Government by officers of the latter, should be deemed cause of removal because the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the Federal Government.

Thus wrote Thomas Jefferson in 1801.

Andrew Jackson himself, in an inaugural statement, declared it was the duty of the President to prevent the patronage of the Government from interfering in the freedom of elections.

In the beginning, Mr. President, I referred to the bills I introduced on Jackson day—measures intended to prevent the elective principle being smothered by the enormous patronage of the Federal Government; measures intended to prevent the patronage of the Government from interfering in the freedom of elections. These principles were the inspiration of the legislation enacted at the last session of the Congress. Those of us who believe in such legislation advocate it with a strong and vigorous belief that in so doing we are but carrying out the principles of these great and distinguished American patriots, the patron saints of the Democratic Party, Thomas Jefferson and Andrew Jackson.

It is my strong hope that the start made at the last session of the Congress will be continued for the ultimate welfare and good of our country.

LEGISLATIVE PROGRAM RECOMMENDED BY AMERICAN LEGION,
DEPARTMENT OF KANSAS

Mr. CAPPER. Mr. President, I desire to place in the RECORD the recommendation for a legislative program made by the American Legion, Department of Kansas, as set forth in a letter to me from Errett P. Scrivner, department commander. The program follows:

- (1) Provide for continuance of the Dies committee.
- (2) Improve our national defense by increase in naval and air forces and in modern equipment for all military forces.
- (3) Curb subversive activities.
- (4) Stop all immigration, at least until our own unemployment problem is solved.
- (5) Universal finger-printing of all citizens, and the finger-printing and registration of all aliens.
- (6) Reasonable compensation for widows and orphans of veterans.

In addition to this program, Commander Scrivner writes me as follows:

We believe that this Nation can keep out of the present European conflict, and that all honorable concessions should be made to avoid our being involved.

Incidentally, as part of our national-defense program, we can see no valid objection to voluntary military training in the Civilian Conservation Corps.

Mr. President, I think that program, on the whole, is a good one for Congress to follow during the present session.

The Dies committee has justified its existence, and I have no doubt that its work will be continued. Our national defense program must be adequate to meet whatever emergencies we may face, but at the same time I think the appropriations proposed should be carefully scrutinized. In fact, I believe it would be desirable to have a complete study made of national defense expenditures and policies for several years back. I want adequate defense, but I do not believe it is either necessary or desirable to indulge in or permit wanton extravagance, or the initiation of undesirable policies in the name of national defense.

This is no time to encourage immigration, when millions of our own people are unemployed and on relief rolls. I will support a program of reasonable compensation for widows and orphans of veterans; to do less would be unworthy of a great Nation.

I certainly believe we can keep out of the European war. It is not our war, and we should exert all our energies to keep out of it.

I am glad to place before the Senate these worthwhile recommendations from Department Commander Scrivner of the Kansas Department of the American Legion.

The PRESIDING OFFICER (Mr. KING in the Chair). Does the Senator from Kansas request that the memorandum be referred to any particular committee?

Mr. CAPPER. No, Mr. President. I read into the RECORD the recommendation for a legislative program made by the American Legion, Department of Kansas.

EMERGENCY POWERS OF GOVERNMENT

Mr. BORAH. Mr. President, the nomination of Mr. Charles Edison to be Secretary of the Navy is on the Executive Calendar.

Mr. Edison has sent to the Speaker of the House of Representatives a letter urging certain legislation of a most extraordinary nature.

For myself, I am not willing to have the nomination acted upon without calling attention to the proposed measure. I would not want, even by implication, to be placed in a position in which it might be thought that I had endorsed any such legislation.

The measure, if enacted, would confer power, or seek to confer power, to seize and confiscate property, such as factories, ships, and other materials, to cancel or modify contracts and agreements, and to interfere with the personal rights of the citizen and his personal liberty—all this to be done in time of peace before a declaration of war upon the part of this Government.

The theory seems to be that in a so-called emergency these arbitrary powers are to be called into existence and exercised. I am unable to ascertain that any explanation, or reason, or arguments accompanied the request or the

232 grains, and thus establishing for the first time in our history the ratio of 16 to 1. The distinguished senior Senator from Oklahoma [Mr. THOMAS] is very familiar with that fact and knows of the vision with which Jackson sought to serve the people, not the bankers; and he will bear me out in my statement in this connection.

I could, Mr. President, cite a score of other significant acts of Andrew Jackson, especially his effort, ignored by Congress, to set up a central Government bank, again, all with the purpose of preventing the exploitation of the people; but I must discuss briefly the most amazing and most persistent myth that was ever connected with Andrew Jackson's name. I refer to the myth that he was a spoilsman or that he ever subscribed to the dogma that "to the victors belong the spoils."

Andrew Jackson, of course, never uttered that phrase. Nor did he subscribe to it, and presently I will show why I make this assertion.

But turn for a moment from this sordid phrase to Andrew Jackson's real record. The most reliable figures as to the number of removals made by Jackson were given in the Washington Telegraph for September 27, 1830. These figures are cited in "Democracy in the Making," page 111, as follows:

This break-down of removals by departments has never been overturned by dependable evidence. It covers the period to September 1830, it being conceded that Jackson made few removals after that date. By this estimate Jackson replaced 543 postmasters out of 8,356. Increase this number by more than half again and the result is 843 postmasters out of 8,356. Compare this with Jefferson's 109 out of 433.

In the War Department Jackson removed 3, in the Navy 5, State 6, Treasury 22 (and here let me state that most of these were for corruption and defalcations uncovered by Amos Kendall), marshals and district attorneys combined 30, surveyors 7, registrars 16, consular and diplomatic 7, appraisers 8.

In fact, Mr. President, out of some 11,000 officeholders, the best available evidence shows that Andrew Jackson removed a total of 919.

This is well below the ratio for Jefferson, and far below that of Van Buren and William Henry Harrison, and nothing like the clean sweep that followed the election of Lincoln.

Why, then, has Jackson been slurred with the tag of "spoilsman"? Let me quote again for a moment from Democracy in the Making, page 112:

The origin of the special identification of Jackson with the spoils system is not hard to understand. In April 1830 John Holmes, of Maine, took the floor of the Senate to charge that Jackson had removed 1,981 persons within a year of taking office. He produced a set of figures which, he said, proved it. Subsequent investigation showed that his figures were false. Meanwhile, however, the opposition press took up Holmes' charges, widely publicized his bogus estimates, and from these sensational charges and false figures grew one of the greatest myths in American history—namely, that the spoils system in the United States originated with Jackson.

In point of fact, the spoils system was a gradual development, and no man can be singled out for special blame. Indeed, Prof. Erik Eriksson, author of the only complete and exhaustive study made of patronage under Jackson thus far available, arose from his painstaking and carefully documented analysis with this conclusion:

"The small number of Jackson's removals proves that he was not a true spoilsman. It is admitted now that President Jefferson removed about the same proportion of officeholders as did Jackson, and, further, the principles governing the removals were essentially the same. Therefore it is evident that no more blame should attach to Jackson than to Jefferson. If one would be just in his estimate, he must admit that the development of the spoils system was a gradual process for which no one man or administration should be blamed."

Incidentally, many of Jackson's removals were for fraud. Tobias Watkins, Auditor of the Treasury, was found to have stolen \$7,000. He was a close personal friend of ex-President Adams; yet he was arrested, convicted, and imprisoned. The collector at Perth Amboy was discovered to have misappropriated \$88,000; the collector at Elizabeth City, N. C., \$32,791; the collector at Buffalo gave false receipts for money never paid and was credited with it at the Treasury; the collector at Bath, Maine, stole \$56,315; the collector at Portsmouth engaged in smuggling; the collector at Petersburg stole \$24,857; indeed, shortages of more than \$280,000 were discovered in the Treasury Department alone. Had the law of 1820 been enforced, many of these defalcations would have been brought to light.

Much of the fraud during the Adams administration, however, may be traced to the mental attitude of hundreds of clerks who, believing they had lifetime jobs, lived extravagantly and getting deeper and deeper in debt, finally misappropriated Government funds. When these unfortunates were removed they found themselves in desperate straits, and some, when facing prosecution, committed suicide.

Jackson, in writing to his friend Gen. John Coffee, said:

The most disagreeable duty I have to perform is the removals and appointments to office. There is great distress here, and it appears that all who possess office depend on the emolument for their support, and thousands who are pressing for office [ask] it upon the ground that they are starving. These hungry expectants, as well as those who enjoy office, are dangerous contestants over the public purse unless possessed of the purest principles of honesty; and when any man can get recommendations of the strongest kind, it requires great circumspection to avoid imposition and select honest men.

Mr. President, I know there are many people, perhaps some in this Chamber, who frankly and avowedly believe in the spoils system, and like and admire Andrew Jackson because they think he, too, believed in it. I, of course, dissent from that view.

In connection with this subject of Andrew Jackson's being a spoilsman, I quote from a very interesting work by William E. Woodward, entitled "A New American History," in which Mr. Woodward says:

Jackson was not the spoilsman that he is reputed to have been. He never said "To the victors belong the spoils." That was said by Marcy of New York, and it must be asserted here in fairness to Jackson that he never believed in the philosophy it expressed. Bowers says that more than two-thirds of all Government employees during Jackson's 8 years of administration were members of the opposite party.

Channing points out that only 252 Presidential appointees of the preceding administration out of a total of 612 were removed; and that of the 8,600 postmasters in the country, Jackson removed no more than 600. Many of the conspicuous removals were for fraud.

It must be remembered, however, that in Jackson's day, even as perhaps in our own time, the pressure on the President for appointments to office was exceedingly heavy. Something of the pressure placed on Jackson is revealed in The Rise of American Civilization, by Charles A. Beard and Mary R. Beard, where they say:

As soon as the chiefs were installed, a survey of the gentlemen in Federal berths commenced. "No damn rascal who made use of an office or its profits for the purpose of keeping Mr. Adams in or General Jackson out of power is entitled to the least leniency save that of hanging," wrote one of the President's applicants. "You may say to all our anxious Adamsites that the barnacles will be scraped clean off the ship of state," declared a member of the kitchen sanhedrin, "most of them have grown so large and stick so tight that the scraping process will doubtless be fatal to them."

Following the recitation of these threats, the authors continue with their summary of the spoils system under Jackson:

Though the threats were terrifying, in fact the slaughter of the innocents was not as great as the opposition alleged. Indeed, many got only their just desserts; some of the tenants were found to be scoundrels, prosecuted, and convicted for fraudulent transactions while public servants, one of the "martyrs," a personal friend of Adams, being sent to prison for stealing from the Treasury. No doubt hundreds of old and faithful officers were ousted; but on the other hand hundreds were allowed to retain their places in spite of the severe pressure from the Jackson followers, begging for jobs.

It is therefore to the memory of the President to say that like Clive in India, he had reason to be proud of his moderation.

Here the authors continue with their statement to the effect that the custom of wholesale removals from office for party purposes began under Jackson. Yet, even if such removals did begin under Jackson, there is abundant evidence to show that Jackson himself never subscribed to the principle of awarding jobs for party service. Probably the innermost thoughts of Jackson on the subject of removals are expressed in a letter written to his friend, Gen. John Coffee, and which was contained in the quotation previously mentioned. Do the words of that letter sound like the words of a spoilsman? To me the words, "The most disagreeable duty I have to perform is the removals and appointments to office," can hardly be called the words of a machine politician.

There is great distress here, and it appears that all who possess office depend on the emolument for their support, and thousands who are pressing for office [ask] it upon the grounds that they are starving.

The deep concern revealed by these words is not usually associated with one who ruthlessly discharges and fires employees here and there to build his own or his party's political welfare.

These hungry expectants, as well as those who enjoy office, are dangerous contestants over the public purse unless possessed of the