

THE WEEKS BILL IN CONGRESS

The Story of Its Passage in the House of the Sixty-first Congress, and of the Senate Filibuster

IN THIS magazine (then known as *Conservation*) for May, 1909, there was published a brief history of "The Fight for the Appalachian Forests," bringing the story up to that time, and closing with this statement: "The issue is now clearly before Congress and the country. It rests on the vital principle of conservation of natural resources, and will not down. The people have unmistakably asked for legislation on this subject. They will demand it of the Sixty-first Congress."

The first session of the Sixty-first Congress has closed, and it is possible now to write another chapter of this history—unfortunately, not the final one.

Mr. Weeks took his bill which had been before the last Congress and eliminated one or two features which, while they seemed wise to him, were unimportant and made enemies for the bill—especially the provision designating the income from the national forests as the source of the funds for purchasing the new forests. This modified bill, agreed to by the best friends of the proposed legislation in both houses, was introduced during the extra session in the House by Mr. Weeks, and in the Senate by Senator Gallinger. In both bodies it was referred to the committees on agriculture, but the Senate reference was later changed to the committee on forest reservations, the committee which had previously had charge of it, and of which Senator Brandegee of Connecticut is chairman. The Connecticut senator had been subjected to some criticism at home for lack of interest in this bill and was quite ready to take it into his committee and assume charge of it,

The policy of the senators was, however, to await the action of the House—a policy that proved to be a tactical mistake, however good the reasons may have been for it. It produced a feeling in the country outside, where interest in the bill was keen, that the Senate's interest in it was perfunctory. The senators who were most actively enlisted for the bill, however, gave assurance that the bill could be reported and passed in that body at any time. The statement was repeatedly made, up to the last hours of the session, "We have the votes." The policy of delay was encouraged by the President, who wished the bill to wait until what he regarded as the more urgent administration measures were disposed of.

Meanwhile, action dragged in the House. The members of the committee on Agriculture were known to be divided eight to seven, with three new members whose position was unknown. Of the seven one was Chairman Scott, an uncompromising enemy of the bill, who would do everything within the limit of the law to defeat it. The committee did not find time for the hearing that had been asked for on the bill until February 23. This resolved itself largely into a discussion by experts, chiefly Professors Swain, Roth, and Glenn, of the pronouncements of Willis L. Moore, chief of the Weather Bureau, and certain officers of the Engineer Corps, in regard to the influence of forests upon streamflow. So effective were the attacks upon the views of these officials that they were given an opportunity to appear before the committee on the 1st and 2d of March to defend their own position.

Reports of these discussions and papers more fully presenting the case, were published in this magazine in March and April, and it is not necessary to review them at this time.

Some time elapsed without any further action being taken by the committee. Finally, a vote was taken and all of the new members voted for the bill, making the standing of the committee eleven for and seven against. It is interesting to note in this connection that the advocates of this measure have never failed to convince a majority of any committee they have appeared before in either house that the measure is a good one and should become a law.

Within a few days of the action by the committee, the report of the majority, which had been put in charge of Mr. Lever of South Carolina and Mr. Plumley of Vermont, was ready to submit to the House, but that of the minority was delayed several days. This was in charge of Chairman Scott, and his reason for the delay was pressure of other work, but every day's delay hindered the passage of the bill, which Mr. Scott was certainly not anxious to further.

There are many times in the course of legislation when a minority can be just as effective as a majority, if obstruction is all that is needed.

On the 15th of April, the report was made and committed to the committee of the whole house on the state of the Union and ordered to be printed. It was then hoped that an early opportunity would come to bring it up on calendar Wednesday, when, under the rules, each committee in turn has an opportunity to call up bills for consideration. It soon developed, however, that the turn of agriculture on the calendar had passed and was not likely to come again, owing to the number of important bills to come from other committees that had the call before it.

The friends of the bill outside of Congress meanwhile grew anxious, and appeals for action began to pour in upon the members, especially those from the New England states. It had become evident that the only hope for

action was in a special rule, which must be obtained from the new rules committee of ten. It was no longer a question of securing the consent of the Speaker, who is not even a member of the new committee. Of the ten members only one, Mr. Lawrence of Massachusetts, was in favor of the bill, but so well was the case urged by Mr. Weeks, Mr. Lawrence, Mr. Currier, Mr. Lever, and their supporters, that the committee consented to bring in a rule.

Even then so much business intervened that days passed before the rule was reported, and it was not until the afternoon of June 24 that Mr. Smith of Iowa introduced the rule for the committee and yielded the floor to Mr. Lawrence of Massachusetts, who made an admirable speech, brief, clear, and pointed, in support of the rule and the bill. Concluding, he said:

It would be interesting to consider at length just what is being done for the preservation and development of forests in France, Italy, Switzerland, Austria, Great Britain, Sweden, Norway, Denmark, Germany, and Japan. Such consideration would convince us that America has been very slow to realize the importance of this work. We are much behind other first-class countries.

But we are waking up, and the passage of this bill will be a long step forward. I wish it might have carried a larger appropriation and provided for work covering a longer period. Its advocates, however, are sure that the expenditure here provided for will remove all doubt as to the wisdom of the policy and that it will be followed by much larger appropriations, which will permit more rapid and thorough development. This is practical conservation. It proposes to save what the people want saved, and the proposition should receive the hearty and unanimous support of the members of this house.

The rule was adopted on a roll call, 154 voting in favor of consideration and ninety-nine against. Twenty-two answered present, and 114 did not vote. Several opponents of the bill were fair enough to vote for its consideration, but others fought the measure even at this point, and Mr. Rucker of Missouri began the dilatory tactics with which he endeavored up to the final passage of the bill to obstruct it and to tire out

the House. Conference reports also intervened, and it was late in the afternoon of a very hot day when the bill finally came up in committee of the whole. Mr. Rucker continued his dilatory tactics, but Mr. Weeks and Mr. Lever held control of the committee and of the House through it all, and to Mr. Weeks, when he was given the floor by Mr. Lever, to speak for the bill which has been known by his name and to which he has given so much patient effort, diplomacy, and parliamentary skill, was accorded the rare tribute of genuine applause from all over the house.

Following his brief and straightforward statement, an attempt was made to put the matter over until the following day, but the men who had determined to pass that bill could not be shaken, and it was only when an agreement to go on in the evening was secured that a recess was taken until eight o'clock.

A large number of members took part in the general debate and in the debate under the five-minute rule. The principal argument against the bill was by Mr. Scott of Kansas, chairman of the committee on agriculture. Mr. Scott based his objections chiefly upon the allegation, which he claimed was supported by the most competent engineering testimony, that the forests at the headwaters of streams do not exercise any appreciable effect upon the navigability of the streams. Mr. Scott reached this conclusion by the simple and convenient intellectual process of eliminating all conflicting testimony and accepting only that which fitted his prejudice.

Mr. Tawney of Minnesota discovered a peril to the structure of our government in the make-up of the commission under the bill, in that it included members of the executive and legislative branches, thus transgressing the complete separation decreed by the fathers.

A point made much of in the House debate and by Senator Burton in his filibuster in the Senate, was the fact that the bill was brought forward in the closing hours of the session and

an attempt made to rush it through without adequate discussion. This taunt came with bad grace from the men who for years have used every means in their power to prevent the consideration of this or the similar measures that preceded it, and have only yielded when they were fought to a finish by a majority that was the final product of ten years of extraordinarily full discussion in Congress and outside, years in which several official government investigations have been made by Congress, resulting in reports which have been available in printed form for varying periods of time.

If there was not sufficient information, and if there had not been sufficient discussion, these opponents of the bill were the responsible parties, and the ignorance which they claim argues their own failure to do their duty in considering a great public measure. There has been no desire on the part of its friends to hold it back. The truth is that the opponents of the bill were driven to the last resort of opposition in fighting a plan which had ample precedent and ample warrant in the history of our governmental activities, and was so strong that it could only be beaten by delay. They had found arguments against it, not by a survey of all the evidence, but by choosing their own witnesses and belittling those on the opposite side. The speakers in opposition to the bill were, beside Mr. Scott and Mr. Rucker: Mr. Englebright of California, Mr. Howland of Ohio, Mr. Beall of Texas, Mr. Parker of New Jersey, Mr. Sims and Mr. Garrett of Tennessee, Mr. Crumpacker and Mr. Cox of Indiana, Mr. Focht of Pennsylvania, Mr. Southwick of New York, and Mr. Tawney of Minnesota.

The general character of the speeches for the bill was of a higher order. The speeches were more dignified, dealing with facts rather than with abuse of the other side, and always holding steadily to one purpose, to make the strongest possible case for the bill. The closing word for the bill in general debate was a brief, clear, snappy speech by Mr. Lever of South Carolina, who had

charge of the bill for the majority of the committee on agriculture. Those who spoke in favor of the bill, in addition to those who have already been mentioned, were: Mr. Currier of New Hampshire, Mr. Guernsey of Maine, Mr. Small of North Carolina, Mr. Burnett of Alabama, Mr. McCall of Massachusetts, Mr. Austin of Tennessee, Mr. Keliher of Massachusetts, Mr. Thomas of North Carolina, Mr. Cole of Ohio, Mr. Tilson of Connecticut, Mr. Tirrell of Massachusetts, Mr. Gillett of Massachusetts, Mr. Fordney of Michigan, Mr. Mann of Illinois, Mr. Keifer of Ohio, Mr. Saunders of Virginia, and Mr. Davis of Minnesota.

It was late in the evening when debate ended and voting began. Mr. Rucker of Missouri, tenacious in his hopeless attempt at delay, moved to recommit the bill to the committee, and

a roll call had to be taken on this motion, which was defeated by a vote of 112 yeas to 131 nays, with seventeen present and 129 not voting.

It was midnight when the final roll call on the passage of the bill ended and the result was declared, the bill having passed the House by 130 to 111. It had been a strong and courageous fight, in the face of odds and of the most determined opposition. At the same time, it detracts in no respect from the work done by members in the House to say that they would never have done it except in response to the vigorous expression of a widespread public demand for the passage of some measure that would make it possible to check the destruction of the forests of the Appalachian system, north and south. The vote is given below in detail, with an analysis:

THE ROLL CALL

The vote on the Weeks Bill in the House of Representatives, June 24, 1910, was as follows (this is a direct transcript from the *Congressional Record*):

YEAS—130

Ames	Esch	Hitchcock	Morgan, Mo.
Austin	Estopinal	Hubbard, W. Va.	Morgan, Okla.
Anthony	Finley	Hughes, N. J.	Murdock
Bell, Ga.	Fish	Hull, Tenn.	Needham
Bennett, N. Y.	Fordney	Johnson, S. C.	Nelson
Bingham	Fornes	Keifer	Nicholls
Borland	Foss, Ill.	Keliher	Norris
Boutell	Foss, Mass.	Kinkaid, Nebr.	O'Connell
Burke, S. Dak.	Foster, Vt.	Kinkead, N. J.	Olcott
Burleigh	Foulkrod	Kustermann	Padgett
Burnett	Gaines	Lamb	Palmer, A. M.
Byrns	Gallagher	Law	Plumley
Calder	Gardner, Mass.	Lawrence	Poindexter
Cary	Gardner, N. J.	Lenroot	Pou
Cocks, N. Y.	Gill, Md.	Lever	Pratt
Cole	Gill, Mo.	Loud	Rainey
Conry	Gillett	Loudenslager	Ransdell, La.
Cooper, Wis.	Graff	Lundin	Reynolds
Coudrey	Graham, Ill.	McCall	Roberts
Covington	Grant	McDermott	Robinson
Craig	Greene	McKinney	Rodenberg
Currier	Griest	McLachlan, Cal.	Saunders
Davidson	Guernsey	McLaughlin, Mich.	Sharp
Davis	Hamilton	Madison	Sheffield
Denby	Havens	Maguire, Nebr.	Slemp
Dodds	Heald	Mann	Small
Driscoll, D. A.	Heffin	Maynard	Sterling
Durey	Higgins	Moon, Tenn.	Sturgiss
Ellerbee	Hill	Morehead	Sulloway

