

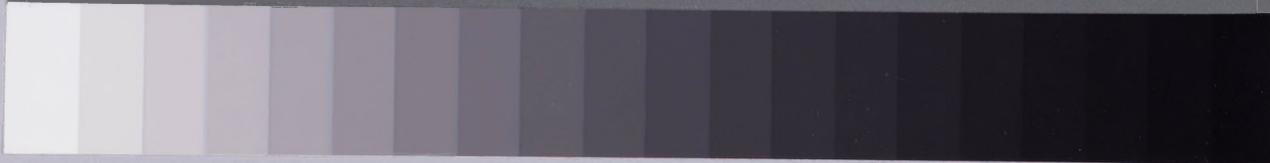
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United States Senate,

COMMITTEE ON MILITARY AFFAIRS.

WASHINGTON, D. C.

May 1, 1919.

Mr. Hiram W. Johnson, Jr.,
The Ritz Carlton,
New York City, N.Y.

My dear Jack:

You'll be interested in a telegram I received from
Dr. Dow about the reclamation matter. It is as follows:

"San Francisco, Calif.

"Reclamation Board District Fifteen
Hundred West Side Sutter County farmers all
agree that if State will put up three million
for flood control portion of levees we would
not object to assessment on flowage rights
and clearing. Three bills were presented to
Legislature, one providing for issuance of
bonds by General District based on assessments,
one for appropriation by State three million,
extending over ten years, and one amending rec-
lamation board act to apply this money to flood
control portion of levees and retiring bonds.
Bond bill and amendments to act passed by both
Houses unanimously. Appropriation Bill passed
Senate thirty one to five and Assembly fifty five
to one. All now in hands of Governor. Bill now
supported by practically all press of northern
California and all Los Angeles papers, except
Times, which is now doing nothing against us. We
are to have hearing before Governor soon and only
doubt on the question is Governor's economy program.
All people in whole fourteen counties very grateful
to you. Sure it would have been impossible to pass
bills without support of Al. who spent days and
nights assisting us. All your friends helped us,
and particularly gentlemen to whom you wired.
Partridge writing you fully. " E.L.Dow.

Apparently, the bills have been duly passed. The only question now is the signature, And, apparently, also, Al. did good service in this matter. I am writing you because you'll get back while the bills are still in Stephens's hands. Every conceivable bit of pressure ought to be brought to bear upon him to have him sign these bills, and I can not conceive that he will not. Of course, as you know, personally, I cannot approach him, and if I did, it might do more harm than good. If there is the least doubt of his signing the bills, delegations from every county ought to go down to him, so that he would believe there is a tremendous popular demand, as I understand there really is. He is certain of nothing, and if you can impress this idea upon him he will do anything in its behalf. Just as soon as you get to California investigate the situation, and if there is any doubt, wire me, because I will, by subterranean courses, undertake to be of service.

I received your note yesterday. I do wish you would come down here for Sunday, and then leave here Monday for home. It has been beautiful here this week with the exception of today, when it is raining.

I received yesterday the cigars from Benson and Hedges. I don't want you to pay for these, and so I wish you would let me know what they are, so I can send check. Also, I have not received my Ritz bill yet. I presume You'll send this, however, today or tomorrow.

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We have missed you, lad, very, very much. Each evening, as we've sat upon the porch, we have talked of you, and both of us have lamented that what ought to have been a real vacation for you has been anything but a vacation. However, I think that having but one thing on your mind here has been of some value to you. Do try to make your departure from Washington on Monday and spend Sunday with us.

With all our love,

Affectionately,

Dad

GEO. E. CHAMBERLAIN, OREG., CHAIRMAN.
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United States Senate,

COMMITTEE ON MILITARY AFFAIRS,

WASHINGTON, D. C.

May 6, 1919.

Major Archibald M. Johnson,
Mills Bldg.,
San Francisco, California.

My dear Arch:

How time passes and what marvelous changes a few hours bring! Tomorrow, Jack ought to be with you again, and yet it seems only a few minutes ago I was bidding him good-bye over the telephone. He was mighty glad to start home. I could not blame him. First, because of his long absence, then, his yearning for his children, and then, because his whole time here was engrossed with his infernal Telegraph Company.

In the last letter I had from you, you said you had not been feeling very well. I presume you must expect periods of wretchedness and must be content if you are able to keep on your feet. If you get too low you ought to quit altogether. I wish you were here now. While we have had two hot days, the rest of the weather has been charming. The extremes of climate here are demonstrated by yesterday and today. Yesterday the thermometer was ninety and today it is sixty. The yard grows more beautiful constantly and I enjoy it more and more. If you could only sit still and amuse yourself doing nothing, the old place would be quite ideal for a rest.

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General Wood is getting off to a flying start in his candidacy for President. Indeed, at the moment he is far ahead of any other man. He has obtained ample financial backing in Dan Hanna of Cleveland, the son of Senator Hanna, the Warwick of the McKinley administration. He has a very shrewd manager now, Penrose's protege, John King of Connecticut, and he has, as well, the big shirt front Progressives. The Harding boom seems to have played out completely since Wood got his real start. Everybody seems to have a good word for him and nobody seems to know what he stands for. This used to be the ideal candidacy, and in the circumstances of present politics, when any "yellow-dog" Republican will be elected next year, it probably will be a most effective position. Of all those who have been mentioned as candidates for President I rather think Wood is head and shoulders above any. Of course, I am careful about committing myself in the Senate born hope that lightning might strike, but I regret to say that I can not find any very great popular clamor directed to this particular quarter. Seriously, if there's a chance in a million, I will take a flyer, but I would hate to make it a chance in a billion.

A couple of weeks ago I wrote you suggesting that you write to Mother. I would not make the suggestion again but for the fact that no letter has yet arrived for Mother, and she has remarked it several times. Take a minute and thirty seconds off, if you can, and dictate half a page to her. When I don't hear

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from you for several days, as has been the fact now, I really become quite worried and fear you are sick. I don't like to say this at home because it worries Mother so much, but I am a little bit worried now, and if I don't hear from you within the next forty-eight hours I shall make the wires sizzle.

With all our love,

Affectionately,

Dad

GEO. E. CHAMBERLAIN, OREG., CHAIRMAN.
GILBERT M. HITCHCOCK, NEBR.
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United States Senate,

COMMITTEE ON MILITARY AFFAIRS.

WASHINGTON, D. C.

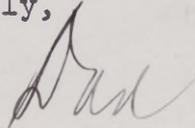
May 7, 1919.

Major Archibald M. Johnson,
Mills Bldg.,
San Francisco, California.

My dear Arch:

Yesterday I gave you my sage advice about writing to mother again. Last night I learned you had written her a letter which you directed to Riverdale, and she had received it. Thank you very much for doing so, and consider the advice yesterday unsaid.

Affectionately,



GEO. E. CHAMBERLAIN, OREG., CHAIRMAN.
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PHILANDER C. KNOX, PA.

United States Senate,

COMMITTEE ON MILITARY AFFAIRS.

WASHINGTON, D. C.

May 8, 1919.

Mr. Hiram W. Johnson, Jr.,
Mills Building,
San Francisco, California.

My dear Jack:

I presumed you reached San Francisco in due time, and in fair shape yesterday. Your two wires from Chicago and Ogden came to us and were very, very welcome. It seems to me only yesterday that I was bidding you good-bye over the 'phone, and yet as I write this, you must be down to your ordinary routine in California, and probably it seems to you as if you had not left at all. It was fortunate that I did not attempt to go back with you, as at one time I seriously considered. Yesterday, the call for the extra session was issued, and had I gone out with you, it would have meant turning around at once and coming back. We meet on the 19th, and Washington is agog at present. The big thing coming before us will be the League of Nations, and I have thoroughly convinced myself of the iniquity of the present covenant. I am convinced, however, that California is very strongly in favor of this League of Nations, and that I must ^{act} ~~go~~ in the face of my constituency. This, however, is what any man in public office must contemplate whenever his judgment runs counter to that of those he represents. The Republicans will caucus next week, and there is a possibility

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that there may be a row in the caucus over Penrose, and the endeavor of the standpatters to hog everything in sight.

I can't for the life of me see how it can be prevented.

What a pleasure it must have been to you to get back to your boys. I do hope you found them in fine shape, and that your household is all right. Ours is still in the condition that it was when you left, and there is no indication of any improvement. I don't mind particularly except that I would like to have people at our house occasionally, and this, of course, is impossible now.

There is nothing to write you of here. I simply wanted to send you just a note to tell you how much we have thought of you since your departure for New York, and how we followed your trip across the continent.

With all our love,

Affectionately,

Dad.

Just received your wire. Awfully sorry the kiddies have been ill but gather from your dispatch they have fully recovered. Give them our love.

UNITED STATES SENATE

Washington, D.C.

May 7, 1919.

Mr. Meyer Lissner,
Union League Building,
Los Angeles, California.

My dear Lissner:

I am writing this note to you, Rowell, Eustace Cullinan, McCabe, DeLigne, Williams, Joe Scott, Roche, Mike Kelly, Jack Neylan, Frank Devlin, and any others of our little intimate group. At the moment I am extremely engaged with the League of Nations, or I would write separate letters, and I wish you to make apologies to the individuals for writing in this form, and because I have not individually written to each.

The political situation here is crystallizing. Wood has got off to a flying start. If he can maintain anything like the pace at which he is now going, he will, undoubtedly, be the Republican nominee in 1920. The requisite financial help is at hand. Dan Hanna personally furnishes the present coin essential, and a group of financiers in New York will make up any deficit. Penrose's protege, John King of Connecticut, who was gum-shoeing for Roosevelt just before Roosevelt's death, and who is a clever and astute politician, will be the manager of Wood's campaign. Offices are about to be opened in Washington, and headquarters in New York. Publicity men have been obtained and

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propaganda has been started. There are unlimited means at his disposal. In the straw votes that have been taken about the country he shows a decided strength with the people, although these straw votes have been of little consequence, and in but a few isolated localities. The Harding boom, and Harding was backed by Standard Oil and other powerful interests, seems to have collapsed, although he is still in the campaign, and still has some real backing. Lowden of Illinois is making an active fight with, of course, the millions of the Pullman Company behind him. Lowden seems to have made a fair Governor, and unless signs fail, ought to have the Illinois delegation solidly behind him. Whether he can get any strength outside of his State is more or less doubtful. Watson of Indiana, who was Penrose's candidate, owing to the exigencies of the Senatorial fight in Indiana, will probably quit. Indiana will put forth her Governor Goodrich, who amounts to nothing, and will use the delegation in the usual Indiana fashion, probably for trading for Vice President. Poin-dexter of Washington really thinks he is a candidate, and there's probably about as much demand for him as for some of the rest of us, who hope lightning may strike. Knox has in the financial interests in the East powerful backing, if he chooses to get into the contest. He was 66 years old yesterday, and while I think he would like to get into it, I am by no means clear that he will make any active endeavor. There're many others who believe themselves presidential timber and active candidates, but those I have mentioned above, all have some strength and all can finance

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something of a fight. You know how very difficult it is for me to write of myself personally. I am this morning screwing myself up to it, because of the kindness of all of you good friends in California, and because if any but a passive effort is to be made plans should be agreed upon without delay. I have resolved, if it can be done, and there's a chance in a million, to endeavor to take that chance. I don't want to undertake it if it is one in a billion. But assuming the former, I think I should like to go to the bat. Now, it is obvious that I cannot do what these other candidates are doing. It would be silly to think that we could maintain headquarters in Chicago, New York, and Washington, or any headquarters at all in the East, or that we could employ publicity men, propaganda agents, managers, and the like. What can be done, as I see the situation is this, without any formality and without any publicity, practically: The small group in California could constitute itself an organization, even without coming together, and call itself by some appropriate name. It could then take the Progressive delegates of 1912 and 1916, the National State Committees of the Progressive Party during that period and make an appropriate argument for a Progressive candidate, reciting the achievements accomplished in California, how Progressivism there justified itself, how, by actual demonstration, we proved the beneficence of the Progressive platform of 1912, and were the only people in the United States who successfully carried out that platform and the Party's principles; that, with the passing

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of the Progressive Party, we were all within the Republican Party, and anxious for Republican success, but that we had not abated at all our Progressivism; and desired to make it the creed of the Republican Party; that Progressive principles could be made effective nationally only by a national candidate who represented them; and (while, my good sense rebels, and my vanity urges me on) the one candidate who could do all the things, etc., is a Californian. Any candidacy of mine would have to have as its foundation Progressivism, and as its advocates former members of the Progressive Party. It is with the utmost regret that I say to you that the "shirt-fronts" of the Progressive Party, the men, who, ostensibly, were the leaders, are falling over themselves to get into the Wood camp, because he looks like the best bet at present. They are like a lot of other people whom we know, weary of being outcasts and pariahs politically. They want to be regular again, and they are penitent, and they are anxious that the regulars in command shall condone their past sins and forget them; and they, themselves, want to put forever behind them their lapse from regularity in 1912. Walter Brown of Ohio, Jim Garfield of Ohio, and Frank Knox of New Hampshire are absolutely in the Wood fight. They have been sending for the other so-called Progressive leaders and undoubtedly have many of them committed. It will be a mighty difficult thing to get many of those old Progressive leaders in to any other camp. They are not unfriendly, and I think I am on terms of intimacy with most of them. But it requires no great

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psychological endeavor to understand that they would mightily prefer to be successful with the candidate who is not tarred with past offenses than to make a fight which would probably be a losing fight with a pioneer in the movement. Nobody understood this human trait better than Roosevelt, and if he wrote to me once he wrote to me many times about pioneers in movements, who become battered and splattered by their very pioneering, so that those whom they led originally were very glad to follow another leadership less battered and splattered to ultimate success. I do not mean to imply that there was any leadership on my part, but we of California were among the foremost in the fight of 1912, and I do not think it is any exaggeration to say that if it had not been for the California delegation to the Republican convention in that year, there would have been no Progressive Party. Roosevelt himself realized this, and in the days when we were fighting together, was generous enough often to say it, and to express his fervent wish that there were more like our California group. We must keep in mind, therefore, that if we go at all we can not look to the so-called leaders of the old Progressive Party, nor to the shirt-front aristocrats of that Party; but I believe we can look, in a measure, to the rank and file, and it is to the rank and file I would like to have the appeal made. Now, beyond this appeal, which should form the ground-work of any campaign made, an appeal could be made to Republicans in such general fashion as your good judgment would dictate, upon the theory of accomplishment in

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California, and a square-deal there to all classes and all interests. If we started, it would be my purpose then, if it could be done, to go into States with Presidential preference primaries and talk to the people themselves. I think from my mail that I have sufficiently entered the consciousness of people in those States so that I could draw crowds. I do not mean that I have won them, or that there is any great popular demand for me. I have none of that kind of egotism and vanity, and I beg you to think, therefore, that I am writing what seems to me to be a program, not with the idea that we are going to win, but upon the theory of endeavoring to take the millionth chance.

Now the latter part of the program, going into the States with Presidential preference primaries will be much more difficult than the first part of simply sending a circular letter to Progressives and even to Republicans. It requires some sort of introduction into the State, some sort of preparation of meetings. I am trying to investigate this matter now, and will again write you concerning it. There are one or two places where I think the matter can be accomplished, but in the vast majority of localities, I am quite at sea as to how to enter and how to get up the necessary meetings. This, however, is a matter which need not be touched for some months, because my idea would be that such an appeal to the people should not begin to be made until in the fall or winter. It would lose its force if made now. The Sacramento Bee recently through C. K. McClatchy, rather launched a candidacy. The Bee sent its editorials broadcast to the different newspapers and its

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publicity extended all over the country, whether there was any reflex or not. In some instances, like in the old established Springfield Republican, the editorial was reprinted with the statement that this sort of editorial arrested attention, etc. Any newspaper publicity which could obtain a reflex outside of California, of course, would be valuable. Another thing, too, and that is the Pacific Coast. It ought to be possible for us to make a fight successfully in Oregon, but I confess I know as little about Oregon, or even less than I do about Massachusetts. Somebody among us, however, ought to know the State, and there ought to be some people there with whom we could get in touch.

All of this is written to you tentatively. I would not feel a bit hurt, and I rather think I would agree with your judgment, if you gentlemen concluded the whole thing was not worth while, the result would be useless, and that the best thing to do was simply to sit tight and hope that lightning would strike. I am quite in earnest in this statement. The more so, because I realize, being on the ground there, better perhaps than you can, the almost insuperable obstacles, and the very, very remote possibility that there is in the whole thing. One of the things which will militate very strongly against me and arouse intense antagonism is the story of the Hughes campaign in California in 1916, and the lie that we treacherously turned the State over to Wilson. Strong partisans everywhere have placed more or less credence in this tale, and while Hughes is not cared for by anybody, partic-

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ularly, yet these strong partisans can ever use the lie to one's defeat.

Again apologizing for writing to a group in this fashion, and with fondest regards to you all, I am

Most sincerely yours,

(Signed) Hiram W. Johnson

P.S. There was one thing I neglected to tell you, and that was that two or three of us, -Ickes, Pinchot and myself, made an effort to get a few of our Progressives here for a conference. There were two failures, which I could not quite understand. Ickes, and Pinchot have taken hold of the matter and are going to have a conference Monday in Chicago. It was my intention to attend that conference, but I found that the men who were likely to be there like Garfield, Frank Knox of Manchester, New Hampshire, are leading the Wood fight, and I did not wish to get into an equivocal position, or be forced into the attitude of saying to them that I would not commit myself for Wood because I myself might want to be a candidate, although, confidentially, Pinchot understands that attitude on my part. Whether this conference will take place Monday I do not know. If it does we may have the old Progressives - Henry Allen, Ickes, Pinchot, Smith, Knox, and Garfield in line for Wood. Of course, if this is so, you can understand how infinitely it minimizes any chances of mine. I do not think that Pinchot or Ickes will get into this attitude, nor do I think Raymond Robins will, but I will not hazard an opinion as to the rest.

UNITED STATES SENATE

Washington, D. C.

May 8, 1919.

Mr. Meyer Lissner,
Union League Bldg.,
Los Angeles, Calif.

My dear Lissner:

Yesterday in writing to you I forgot one thing. It is but fair to say to you and the others who are interested, that I find myself utterly unable to support the League of Nations. I would not only in voting for it, in my opinion, betray the Republic, but I would betray myself. And feeling thus, to the uttermost of my ability, no matter what the consequences, I shall fight this project. It seems to me that the sentiment in our State is overwhelmingly in favor of the present covenant; that our people are not only wholly reconciled but entirely enthusiastic in having their sons fight to maintain the territorial integrity of Japan, and the present greatly expanded boundaries of the British Empire; and that they view, not only with equanimity but with the utmost pride the fact that in a League of Nations the United States of America will be wholly subordinate and subject to Great Britain. I question no man's right to his predilections of this sort. I hope that he will not question the opposite view upon my part. There may be such intensity of feeling upon the subject among the people of California that it would greatly affect my political future, and, in order that I may be

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entirely frank I wanted you and the others who are dear to me
to know just how I feel upon this momentous question.

Sincerely yours,

(Signed) HIRAM W. JOHNSON.

GEO. E. CHAMBERLAIN, OREG., CHAIRMAN.
GILBERT M. HITCHCOCK, NEBR. FRANCIS E. WARREN, WYO.
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CARALYN B. SHELTON, CLERK.
SAMUEL W. MCINTOSH, ASST. CLERK.

United States Senate,

COMMITTEE ON MILITARY AFFAIRS,

WASHINGTON, D. C.

May 14, 1919.

Major Archibald M. Johnson,
Mills Bldg.,
San Francisco, California.

My dear Arch:

I was very much interested to observe in your last letter that you had just received five of my letters written to you while you were in France last June. I wrote you so often that there are probably somewhere around France still a dozen or two more of my letters. It is simply another concrete instance of the inefficiency of this rotten administration.

I've been off my feed^d the last two days. I am sending you this just as a "How do you do" note before I am leaving now for home, where I am going to remain tomorrow. We're in somewhat of a turmoil in the Senate centering upon Penrose'as chairman of the Finance Committee. Of course, he will receive the particular place, but a few of us will make our protest publicly against him. The Republican majority is so very narrow that the situation became more or less delicate. Both sides with absolute unanimity offered me the one bauble, the President pro temship of the Senate. For very many reasons which subsequently I will try to write, I declined it. It was very gratifying however to have the offer made and to be the one selected by all of them for the particular place. If I can I am going to write a speech on the League of Nations this week and deliver it at the first opportunity. I get

SUPREME COURT OF THE UNITED STATES.

No. 282.—OCTOBER TERM, 1918.

United Railroads of San Francisco, Ap- pellant, vs. City and County of San Francisco, et al.)	} Appeal from the District Court of the United States for the North- ern District of Cali- fornia.
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[April 21, 1919.]

Mr. Justice HOLMES delivered the opinion of the court.

This is a bill in equity brought by the appellant to prevent the construction of a municipal street railway on Market street and adjoining streets in San Francisco with tracks on the two sides of the plaintiff's double track, for more than five blocks, and also to prevent the incidental cutting of the plaintiff's tracks. The appellant claims the right by grant and contract to forbid the proposed action and relies upon the Constitution of the United States, upon the State Constitution which provides that private property shall not be taken or damaged for public use without just compensation having first been made, and upon Article XII, § 2 of the charter of the city, requiring it to consider offers for the sale of existing public utilities before constructing new ones. The answer denies that damage to the plaintiff will ensue from the new tracks and denies as matter of law that the plaintiff has the contract or property rights alleged. On application for a preliminary injunction the District Court held that the plaintiff had failed to make out a case for it, and denied it, intimating an opinion against the plaintiff upon the matter of law involved. It then entered what is called a final decree denying all relief to the plaintiff with costs to the defendant. 239 Fed. Rep. 987. The present appeal is from that decree.

The franchise of the plaintiff to maintain its two tracks on Market street was granted to its predecessor in title in September, 1879. At that time by § 499 of the Civil Code of California, "two corporations may be permitted to use the same streets, each paying

an equal portion for the construction of the track; but in no case must two railroad corporations occupy and use the same street or track for a distance of more than five blocks." The existence of this general law is the first ground relied upon for the assertion of exclusive rights in the street by the plaintiff. The other ground is the order of the Board of Supervisors of San Francisco granting the franchise, and especially § 5 which is as follows: "It shall be lawful for the Board of Supervisors of the city and county of San Francisco to grant to one other corporation, and no more, the right to use either of the aforesaid streets for a distance of five blocks, and no more, after the forms and conditions specified in the 499th section of the civil code of the State. This section shall apply to persons and companies, as well as corporations." We agree with the District Court that these sections did not give to the plaintiff the right it claims.

The section of the Code would seem to be a limitation of the powers conferred upon the Board of Supervisors by that and the adjoining sections, not a contract by the State, or an authority to the Board to contract, against a larger use of the streets. It most naturally is read as merely a general law declaring the present legislative policy of the State. *Wheeling & Belmont Bridge Co. v. Wheeling Bridge Co.* 138 U. S. 287, 292; *Williams v. Wingo*, 177 U. S. 601; *Wisconsin & Michigan Ry. Co. v. Powers*, 191 U. S. 379, 387; *San Jose-Los Gatos Interurban Ry. Co. v. San Jose Ry. Co.*, 156 Fed. Rep. 455, 458. But however this may be neither that section nor § 5 of the order granting the franchise purports in terms to prevent the city from itself establishing a parallel road. If it be true, as the plaintiff argues, that the grant or contract in sec. 5 of the order means what the statute means and is to be construed by that, we have suggested what seems to us the natural construction of the act. But in any event it is decided by *Knoxville Water Co. v. Knoxville*, 200 U. S. 22, that a covenant by a city not to grant to any other person or corporation a privilege similar to that granted to the covenantee does not restrict the city from itself exercising similar power; and it is assumed in that case, that the principle already is established as to legislative grants. 200 U. S. 34. That is the assumption also of an amendment of sec. 499 by an Act of April 24, 1911. The city now is given power to establish and operate transportation service by the amendment of sec. 499

just mentioned and by the constitution of the State. Article XI, sec. 19. Amendment approved October 10, 1911. The plaintiff took the risk of the judicial interpretation of its franchise and of this possible event. *Madera Water Works v. Madera*, 228 U. S. 454. Of course, so far as the harm to the plaintiff is an inevitable consequence of the city's doing what the plaintiff's franchise did not make it unlawful for the city to do, the infliction of that harm is not a taking of the plaintiff's property that requires a resort to eminent domain.

We understand that the municipal road now has been built, and the question is whether to retain the bill for a claim of damages. But as that would require new evidence and practically would present a new case, and as further, with such light as we now have, the right to damages seems at least doubtful, we deem it sufficient if the rights of the plaintiff, if any, in that regard, are reserved. The question is raised pointedly by Article I, § 14, of the Constitution of 1879. That provides that "private property shall not be taken or damaged for public use without just compensation having first been made", &c. The plaintiff seems to argue that this section entitles it to preliminary compensation for any considerable pecuniary detriment that the City may inflict by the establishment of the new road, however lawfully it may act. Courts and judges have differed widely in their interpretation of this class of provisions in statutes of different sorts; but we should suppose, until otherwise instructed by the Supreme Court of the State, that the damage referred to in this section of the State Constitution in the main would be damage resulting from conduct that, like taking, would be tortious unless in proceedings under eminent domain or some law authorizing it on condition that damages be paid.

As to crossing the plaintiff's tracks we are inclined to agree with the District Court that the plaintiff's franchise must be understood to be subject to this incident and that a taking by eminent domain was not necessary. *Market Street Railway Co. v. Central Ry. Co.*, 51 Cal. 583. *Consolidated Traction Co. v. South Orange & Maplewood Traction Co.*, 56 N. J. Eq. 569, 574, *et seq.* 3 Dillon, *Municipal Corporations*, 5th ed. § 1241, p. 1983. If we are wrong and if the crossings or the manner of operating the parallel tracks should give or has given rise to any claim, the decree

*United Railroads of San Francisco vs.
City and County of San Francisco.*

will be without prejudice to such claim. We assume in accordance with the plaintiff's evidence and argument that the damage may be considerable and we think it just to leave open whatever can be left open, but at present we cannot say that the loss is or will be of such a character that it must be paid for, and we are satisfied that it is not such as to call for equitable relief.

A general solicitation of offers for sale to the City of any existing street railway in San Francisco was passed by the Board of Supervisors and was ordered to be sent and was sent to the plaintiff, among others. We agree with the District Court that Article XII, § 2 of the City Charter does not better the plaintiff's case.

Decree affirmed without prejudice to further proceedings to recover any damages to which the plaintiff may be entitled.

A true copy.

Test:

Clerk Supreme Court, U. S.

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more and more bitter upon the subject. The offensive and defensive alliances with England and France shows conclusively what a fraud the League of Nations is.

I do hope you are taking care of yourself and that you are in good shape. I don't say anything particularly about your business, because, the first consideration is your health. Your business is bound to come, but your business will be of no value without your health.

With all our love,

Affectionately,

Dad

GEO. E. CHAMBERLAIN, OREG., CHAIRMAN.
GILBERT M. HITCHCOCK, NEBR.
DUNCAN U. FLETCHER, FLA.
HENRY L. MYERS, MONT.
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HIRAM W. JOHNSON, CAL.
PHILANDER C. KNOX, PA.

United States Senate,

COMMITTEE ON MILITARY AFFAIRS,

WASHINGTON, D. C.

May 14, 1919.

Mr. Hiram W. Johnson, Jr.,
Mills Bldg.,
San Francisco, Calif.

My dear Jack:

I have been under the weather the last few days, but I feel that word is due you from me, so I am sending you just this note. You may indulge in all sorts of "I told you so's" because, undoubtedly, the present little indisposition is due to the dinners, against which you so eloquently inveighed.

We've been in the throes of what may turn out to be a very nasty fight in the Senate. A few of us are trying to prevent the selection of Penrose as chairman of the Finance Committee, because it makes him the leader in the most important legislation that comes before Congress. There are only a few of us. Out of it came the selection by all factions of myself as the President pro tem. The office, while of no particular consequence, is the one honor that the Republicans have to confer, and it is really a very great compliment to have it tendered to me. I declined it for very many reasons, that I will not attempt to write you now.

How happy you must be to be at home again and be with the kiddies. We are anxiously awaiting the first letters of their

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condition. I finally got Dow's son released. They lied to me repeatedly but by keeping on the back of the department we have accomplished the result.

With all our love

Affectionately,

Dad

MEYER LISSNER
UNION LEAGUE BUILDING
LOS ANGELES

May 15, 1919.

Hiram W. Johnson, Jr.,
Mills Building,
San Francisco, California.

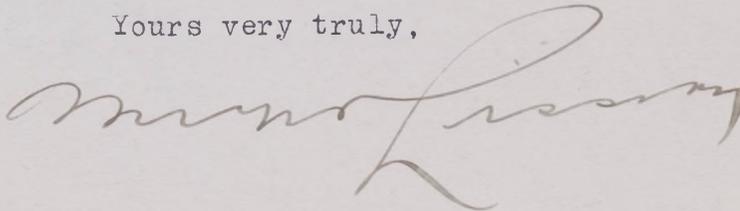
Dear Jack:

I enclose copy of another letter received from the Chief. I tried to connect with you a couple of times before I left San Francisco last week but you had just returned and I took it were busy clearing your desk.

Al McCabe telephoned to me from San Francisco upon receipt of a copy of the Chief's letter, suggesting that he thought Cullinan was not the right man to call the meeting and proposing that he have a talk with Cullinan and arrange the matter to their mutual satisfaction, which I told him would be o.k. My understanding is that there will be some intimate discussion with our inside group during the day on Monday as a preliminary to anything further. I will try to get in touch with you Monday morning.

In the meanwhile, with best regard,

Yours very truly,



ML-MFL

P. S. I just received a note from Eustace in which he says that Al thinks that Eustace, Al and I ought to have a preliminary meeting and make up a list of fellows to invite to the first conference, so there will be no soreness over omissions, and that they fixed next Monday, May 19th, at 2 o'clock p.m., at Cullinan's office for a meeting, subject to my convenience, which I confirmed.

I expect to see you in the morning and, of course, you should be at the conference at 2 o'clock.

GEO. E. CHAMBERLAIN, ORE., CHAIRMAN.
GILBERT M. HITCHCOCK, NEBR. FRANCIS E. WARREN, WYO.
DUNCAN U. FLETCHER, FLA. JOHN W. WEEKS, MASS.
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JAMES A. REED, MO.
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SHELDON S. JONES, ASSISTANT CLERK.

United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

May 20, 1919.

Mr. Hiram W. Johnson, Jr.,
Mills Building,
San Francisco, California.

My dear Jack:

I want to acknowledge your long letter received the other day, and yours dated May 13th received yesterday. Schwerin did not call, and I have heard nothing from him. I would have been very glad to have taken up the matter you mentioned, if he had desired it, but I presume it probably was satisfactorily arranged. At any rate, I have not seen him. Of course, I will be very glad to see Mr. Whittaker's friend, and will do whatever I can. I feel like you do, that I am under very many obligations to Whittaker, and I should welcome an opportunity to repay them.

You mentioned something about the possibility of employment in your Telegraph case, and because you mentioned it, I do. I am inclined to think it would be better not to get into a case of that sort, because its ramifications might take us into our official life.

Congress met yesterday. We're in for a big fight, this year, and it ought to be an interesting one. At the end of the week, I intend to write you my idea of a Peace Treaty, the most imperialistic document put forth since the world commenced, and of the peculiar world attitude our country at pres-

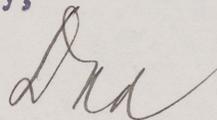
-2-

ent occupies. The Peace Treaty confirms me in opposition to the League of Nations, and some private information brought to me the other day confirms this opposition. I am hoping I may be able to make public what I have learned, that the League of Nations is just a huge war trust, backed by international capitalists, who prefer to have an international clearing house, where they can deal with and control a few individuals instead of many in different nations.

Mother and I have been so sorry that your domestic affairs were found in such bad shape. I do hope they've turned out all right.

Love to the kiddies, and lots to yourself.

Affectionately,



GEO. E. CHAMBERLAIN, ORE., CHAIRMAN.
GILBERT M. HITCHCOCK, NEBR.
DUNCAN U. FLETCHER, FLA.
HENRY L. MYERS, MONT.
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HIRAM W. JOHNSON, CAL.
CARALYN B. SHELTON, CLERK.
SHELDON S. JONES, ASSISTANT CLERK.

United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

May 22, 1919.

Major Archibald M. Johnson,
Mills Building,
San Francisco, California.

My dear Arch:

I am dictating this letter on the porch of the house to Miss Connor, who has come out here to work with me. She will write it when she goes in, and will sign it for me. I wont put the usual commercial precautionary decalration at the end of it "Dictated but not signed", and yet, you'll understand that this is the exact fact in this instance.

We both have been feeling pretty rotten of late, and I find that an hour or two in town in the office listening to very small matters puts me completely out of tune, and I have made up my mind that I will stay at home much more than in the past. In addition to this, the big things that are before us are wholly engrossing to me, and I have neither time to think of them nor to work upon them at the office, because of callers, and the innumerable little things that have to be done.

I was awfully glad that you wrote your mother. She had commenced to feel that she was quite neglected, but your recent letters to her have been just the thing.

There is little to say to you except concerning the Treaty of Peace and the League of Nations. On these subjects I am hoping soon to write, merely in the fashion in which I did last year, my views to you and Jack. The Treaty, apparently, includes within its jurisdiction the germs of many future wars. It is a short-sighted and imperialistic document totally at variance with our high pretenses. I am not concerned with the harshness of the terms in respect to Germany. They, doubtless, are fully deserved. But, the callous and cynical fashion in which we participated in the carving of territory and the disposition of peoples is bound ultimately to bring bitterness, and strife, and other wars. I will try to amplify my views within a few days to you.

Some time next week I hope to make some sort of a speech on the League of Nations. I shall lay my greatest stress upon Article X by which we guarantee from external aggression the territorial limits of the signatories to the League. I can not understand how any American, and much less, any liberal, can subscribe to any such doctrine. And then, the doctrine is silly, because no set of men today can freeze the world into immutability for all time.

I wont go into detail with you about my gardening. I have enjoyed it, and taken intense interest in planting everything under the sun here. If all my flowers were to come up I would have the most variegated landscape in Christendom. But this morning "Woe is me!" The yard is full of locusts, and I fear

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when they get through with us we'll have nothing green nor beautiful left. The cat made a heroic effort this morning to eat up many of these pests. I have just gathered her and taken her in the house for fear she would die in the performance of the tremendous task she set for herself.

We heard from Jack that you were in pretty good physical condition, and we were overjoyed. Take care of yourself, please.

With all our love,

Affectionately,

Dad.

GEO. E. CHAMBERLAIN, ORE., CHAIRMAN.
GILBERT M. HITCHCOCK, NEBR.
DUNCAN U. FLETCHER, FLA.
HENRY L. MYERS, MONT.
CHARLES S. THOMAS, COLO.
MORRIS SHEPPARD, TEX.
J. C. W. BECKHAM, KY.
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HARRY S. NEW, IND.
JOSEPH S. FRELINGHUYSEN, N. J.
HIRAM W. JOHNSON, CAL.

United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

May 22, 1919.

Mr. Hiram W. Johnson, Jr.,
Mills Building,
San Francisco, California.

My dear Jack:

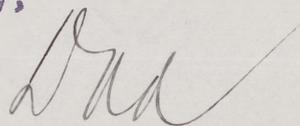
I received this morning the enclosed letter from Lissner. I wired him at once as per the attached wire, and then I wrote him, as per the attached letter. I am sending you these things, so that you may be advised. I am feeling so very deeply about the League of Nations that I would sacrifice any political prospects I might have rather than forego my opinion concerning it. Indeed, the League means the subordination of the Republic and the destruction of much that we hold most dear. As I said to Lissner, I must choose between certain of my old friends and my conscience in the performance of a very high duty. With You and with me, there can be no hesitancy in such a choice. I want you to read Lissner's letter to McCabe, Gullinan, and any others that you think wise. I do not want the mistake made of attempting public organization when some man like Dr. Haynes, or some of the women, such as are mentioned by Lissner, could go into the Los Angeles Times and the San Francisco Chronicle and repudiate me. This would be wholly fatal in the East, and ~~it~~ would be infinitely better to pursue the course that originally I suggested to ^{Lissner}you and wait, rather than attempt a state-wide public organization, which

-2-

would be repudiated by many of my old supporters. I can not make this too plain.

I am not attempting to write you otherwise than in this one respect today.

Affectionately,

A handwritten signature in cursive script, appearing to read "H. W. Johnson", written in dark ink.

COPY

MEYER LISSNER
Union League Building,
Los Angeles

May 16, 1919.

U.S. Senator
Hiram W. Johnson,
Washington, D.C.

Dear Chief:

This afternoon I got my first reaction on our venture when I read your long letter to Dr. Haynes. I held in reserve your subsequent letter about your attitude on the League of Nations. His comment about the general proposal was not particularly intelligent; he said, among other things, that the only chance for the nomination of a Progressive by the Republicans was to bring home to the old guard the knowledge that if they again nominate a reactionary there would be a repetition of 1912, and if they got the real comprehension of that situation your chances for the nomination were as good as anyone's. He was against Wood because Wood is a militarist and he doesn't want a military man as President. One thing he volunteered on which he had a positive opinion -- you must at once stop your opposition to the League of Nations or you wouldn't have a ghost of a show. When I read your personal expression on that subject and when I got through he said it was all off -- that he couldn't support his own brother on that attitude. He said, however, that he thought it was a little early to commence the campaign and he hoped that the League of Nations proposition would be passed upon and out of the way before the real campaign commenced and even though you opposed it, if

-2-

it carried and became the law of the land, he would then be glad to support you and to help in any way he could; but if you opposed it and it was defeated he would hold it against you.

I met former Senator Cogswell, now Supervisor, on the street the other day and he volunteered to inquire what was the matter with Johnson on the League of Nations. He said that 99 people out of 100 he met were for it, and he thought you would make a serious political blunder in openly opposing it. I told him to write you his sentiments and he said he would.

After Dr. Haynes had expressed himself he asked me whether, in view of your attitude on the League of Nations, I was going ahead with the plan and I told him I surely was if the boys in San Francisco were of the same mind that I was, and of that I had no doubt. I told him that while I did not rely upon the League of Nations, with my present light I would vote for it if it were put up to me, but I recognized there was much to say on the other side. Incidentally Camp, at the X Club the other night, when asked about his attitude on the League of Nations said that he had never yet refused to swallow a sugar coated bread pill. I am wondering what Rowell will say. I sent him and the other "boys" a copy of your expression on the League and have asked him to write a pretty full letter expressing his sentiments on the general proposition, in view of your sentiments, for presentation to the bunch in San Francisco. I expect to have a letter from him when I reach the San Francisco office on Monday. I shall probably from time to time, quite disconnectedly, write you such expressions as I hear from those whose opinions are worth while.

By way of diversion, I am sending you a copy of "An Act to Provide for participation by employees of corporations in the management and profits of their employers." The X Club, which you know is a little select dinner club to which I belong, has been discussing the general subject of democratization of industry for several of its recent meetings and Camp was, in a way, challenged to put down in black and white something like he has done. It is, I think, refreshing reading and eventually we may look back upon it as the start of something. I will not attempt to discuss it in detail but will simply say that the general idea listens good to me. I take it, however, that it will be many years before any such legislation is adopted and that there will have to be a whole lot of pioneering and voluntary action of that sort before it may be taken seriously as a legislative proposition.

I just read your note about the League of Nations to Camp, who also had read your longer letter. As soon as Camp heard your unequivocal utterance on the subject, he said "Well, that does him up". He seems to think that the covenant in its present shape is harmless, doesn't bind anybody, and that you take it altogether too seriously. He thinks you should vote for it and say nothing about it. I suggested that he write you his views and he said he would.

Yesterday, at the executive committee meeting of the Municipal League of Los Angeles, I had an opportunity of sounding out some of its members on the question of a candidacy by you and of your attitude on the League of Nations. I was particularly curious to know the reflex of a young progressive attorney named Shelton, who has

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always been very strong for you although he was active in the Wilson campaign. He has an office arrangement with Tom Gibbons. Shelton said right quick, in effect, that he was getting tired of your attitude and it seemed to him it was taken principally for political effect and his sentiment seemed to meet with pretty general approval in the little group to which I was speaking. George Dunlop, whom you appointed on the Social Insurance Commission, and who is president of the Municipal League, is very strong for the League of Nations and very critical of your attitude. Langmuir, who represents the New York Life Insurance Company here, feels the same way about it. In fact, the only one in that group who was inclined to give consideration to your views was Brennan' who is on Camp's staff in the Santa Fe law department, and even he, when I read him afterwards your unequivocal attitude on the League as expressed to me in your note of May 8th, seemed to think that you were unnecessarily inflexible in that regard. I had a talk with Guy Barham yesterday. I wanted to find out the real inside of the Express situation and the relationship between Hearst, Barham and Kellogg. Incidentally I read to Barham what you said about your attitude on the League of Nations and he said that made him stronger for you than ever.

Of course you can depend on the Herald for as much publicity as it is good for you to have in that paper.

The relations between Barham and Kellogg are now strained and it would not be surprising to find them at each others throats within a short time. Barham now seems to have a very poor opinion of Kellogg, says that he is principally wind, hasn't got a great deal of

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money, is unreliable, untruthful, etc., etc. He intimates, very confidentially, something about pending changes in the Call and discounts the story that Kellogg tells about this financial interest in the Call, his right to sell to Hearst, and so forth.

I think I have a pretty straight line now on the deal that Kellogg and Dickson have with the Earl Estate. Dr. Haynes claims to have read the contract and Barham practically confirms Haynes' statement to this effect: Kellogg and Dickson have an option to buy the Express within five years at a certain fixed price. They are to run the paper in the meanwhile without any loss to the Estate. If any profit is made the Estate gets a share of it and the balance of the profit is divided between Kellogg and Dickson. It is claimed that Kellogg and Dickson have made a remarkable showing on the financial end since taking over the paper and that whereas before they took it it was running about \$15,000 a month in the red the first month thereafter it was about \$8000 in the black and the second month about \$12,000 in the black; but Barham explains this by saying that that showing is made principally because they have discontinued the Sunday paper and cut out some other unnecessary extravagances. He says that the Express, after having cut out its waste and exchange circulation now has only about 40,000, although claiming in their statement 55,000, and indicates that from now on there will be a real fight between the Express and the Herald to maintain their relative positions.

Mrs. Gibson, who has just returned from San Diego where the club women had their State meeting, says the women are all strongly for the

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League and regard the opposition to it as purely political and resent the making of a party issue of it. They are displeased with Will Hays, too, she says, because he is opposed to the social program and she personally is particularly displeased with him because he is trying to make of the Americanization matter a basis for party organization.

Mrs. Edson was just in, having also been at San Diego, and she regards your attitude on the League of Nations, if persisted in, as absolutely fatal so far as the women's vote in California is concerned. She says they are practically a unit on the subject and she herself would have to stultify herself if she took any other attitude.

I called on Joe Scott at his office this morning. He is for you first, last and all the time and regards your statement about the League of Nations very favorably. His Celtic extraction and connections undoubtedly have a great deal to do with his attitude. He recognizes that the advocates of the League out here are largely in the vocative but is not at all sure that they reflect the predominant sentiment. He says that the Irish vote, which has been 90% Democratic, will largely forget its old party allegiance in view of the intense feeling in the present exigency; and that analogous considerations might have a like effect with the patriotic Germans and their descendants. At any rate, he wants to be counted in on anything that is done.

-7-

Mrs. Barnum, whom you appointed a member of the State Board of Education, also was in San Diego and tells the same tale about the League of Nations and the women's attitude. She says she has always asserted that you would be the next president of the United States but when I put to her the direct question as to whether she would support you if you opposed the League, she side-stepped.

I have your note of May 12th, regarding funds. Of course, your wishes in that regard will have to be observed. The whole matter will naturally be discussed in San Francisco next week. Candidly, I think you are making a mistake in taking the attitude that you do about finances at this time. I think you are making a mistake in taking the attitude that you do about finances at this time. I think your interests call for some sort of organization, that considerable money will be required and that you ought with good grace to allow it to be contributed and expended along perfectly legitimate lines for organization and propaganda work.

McVey at the bank thought we had entered a new international era and that we had to face international obligations that the fathers of the republic did not contemplate. He was in favor of trying the League.

Just before I went to lunch I sounded out six or eight of our office force in the Commission on the subject of the League. None of them was enthusiastic about it, some thought it might be tried, some had their doubts about it and several had no opinion on the subject at all. I think this was a fairly representative group.

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It is plain, I think, that the women of California, and this includes the leaders as well as the rank and file, have very little party conscience; and so far as getting our leading women into the Republican organization is concerned, they insist upon having much more serious consideration and better treatment than they have had, and I think their demands are well taken. We have treated our women too cavalierly. They want to be in on the ground floor when the programing is done instead of being asked to swallow what is set before them, like good soldiers. They demand fair representation and recognition as well. They are very strongly progressive and fight shy of any reactionary tendency or leadership in the party. Mrs. Porter has outlived her usefulness with the leading women at least and I think with the rank and file generally. She has little influence and little force, either here or on the National Committee. Something should be done to let her down easy and put a really effective and efficient woman in her place; the trouble is to find the "right man."

The women are very much pleased that you have accepted the chairmanship of the Suffrage committee and I, too, am glad that this came your way. It will be an opportunity and be helpful.

I have been much interested in the efforts made by the little group of Progressives, in the United States Senate, to impress themselves on the conscience of the majority and hope they will continue to assert themselves. That is the only way to get anything, either in the Senate or in the National convention. Keep up the fight.

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It was very complimentary to have been tendered the presidency pro tempore of the Senate. You undoubtedly had good reasons for refusing it and I was not surprised that you did. It looked to me like an effort to shelve you.

Pardon this disconnected, rambling epistle. It was dictated as the things came to me, hot off the bat. I thought you would like to know what different people were thinking.

Summarizing the situation in California I would say that all of the old Progressive standbys and many regulars as well are very friendly to a candidacy on your part and were it not for your attitude on the League of Nations you would have the enthusiastic support of our leading women; but they seem to be absolutely off the trolley on that subject, as I have indicated. Nevertheless, I do not think there will be any difficulty about the concession of the delegation from California to you and about conceding the naming of the delegation by you or your particular friends.

I am not at all sure that the expressions which I have reported to you are broadly representative; in fact, I am rather inclined to think that they are the result of emotion rather than sound judgment, and come largely from the sort of people who are naturally of pacifistic tendency. They are always in the vocative and they make so much noise that we sometimes are confused and take it to be the "voice of the people". The most significant expression, I think, was from the office force in the Industrial Accident Commission, and I believe that is a more accurate community reflex than the expressions

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of our Progressive highbrows. I think the people generally are open to conviction on the proposition of the League, although the slogan "No more wars" will appeal to the masses just as the false cry "He Kept us out of war" effected the last presidential election.

What the general sentiment outside of California is, you are better able to judge than I. When you go to the people, or when you speak upon the subject, I hope you will preface your views with the suggestion that the League Idea seems plausible, that it appeals to your imagination, and that you hoped you would be able to support it but that for the very good and sufficient reasons which you will give you feel, no matter what the consequences may be, you cannot patriotically support the covenant as drawn and submitted. Of course, in the Senate when the discussion of the League is up you will be heard and you will talk on that subject; but when you go to the people I don't think that need be the predominant theme, but your main emphasis should be on the spirit of Progressivism and social service, on the new day for labor, and a working out of the problems of capital and labor; after all, I think those are the things that the people of this country are most interested in and that constitute our most vital national and international problem as well.

I think the point might well be made that if America had been prepared to do her international duty and to speak at the right time the great debacle need never have occurred, and such a thing, League of Nations or no League of Nations, need not occur in the future if we are alive to our international obligations and have the courage of our

-11-

convictions; but that, on the other hand, no matter what sort of a League of Nations we have, with pusillanimous government at home, and a weak foreign policy something similar may happen again.

What a great day this is, in the history of the world, the flight across the ocean having been successfully accomplished. I would have believed almost anything else possible sooner than that. To me it is one of the most thrilling things that has happened during my lifetime, and I am very proud that it was "America first". That slogan reminds me of something the women report Jessica Peixotto having said concerning yourself. On her return from Washington she reported that the women social workers who had "adored" you were weeping salt tears on account of your slogan and attitude on "America for Americans". They seem to think that it was narrow and selfish and largely political clap-trap, or words to that effect.

I hope you are not bored.

Yours very sincerely,

(Sgd) Meyer Lissner

ML-MFL

UNITED STATES SENATE
WASHINGTON D. C.

May 20, 1919.

Mr. Meyer Lissner,
Union League Building,
Los Angeles, California.

My dear Lissner:

I received your very long letter yesterday. It may be that in the future it will be wise to have somebody from California attempt to canvass the East. I do not think at the present time it is necessary or will accomplish great results. I do not want you, therefore, to get out of your position, or to contemplate coming East, as you suggested. I thank you from the bottom of my heart for what you say and for your willingness in the matter.

There could be, however, real accomplishment, it seems to me, if there is any foundation for a fight on our part, in the states immediately adjacent to California. Oregon, Nevada and Arizona are so close that there ought to be some way to reach into them, and also into Washington, and perhaps other western states; but in those immediately bordering upon our state, through friends residing there, or business connections, something ought to be able to be done. Our strength anyway must come from the West, and I suggest to you, for the immediate future, directing the energies which can be utilized without great cost or inconvenience to our immediately contiguous states.

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NIGHT MESSAGE	
NIGHT LETTER	
Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM	

WESTERN UNION TELEGRAM



NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

RECEIVER'S NO.
CHECK
CASH OR CHARGE
TIME FILED

Send the following message, subject to the terms
on back hereof, which are hereby agreed to

COPY

May 22, 1919.

Meyer Lissner,
Union League Bldg.,
Los Angeles, Calif.

Just have yours sixteenth (Stop) Have written (stop) Do nothing
in public fashion for organization which may be abortive or lead
to repudiation because of my League stand (Stop) This sort of
repudiation would be fatal and I do not want to risk it

HIRAM W. JOHNSON

NIGHT LETTER

PERSONAL.

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS.

To guard against mistakes or delays, the sender of a message should order it REPEATED, that is, telegraphed back to the originating office for comparison. For this, one-half the un-repeated message rate is charged in addition. Unless otherwise indicated on its face, THIS IS AN UNREPEATED MESSAGE AND PAID FOR AS SUCH, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any UNREPEATED message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially valued; nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.

2. In any event the Company shall not be liable for damages for any mistakes or delays in the transmission or delivery, or for the non-delivery, of this message, whether caused by the negligence of its servants or otherwise, beyond the sum of FIFTY DOLLARS, at which amount this message is hereby valued, unless a greater value is stated in writing hereon at the time the message is offered to the Company for transmission, and an additional sum paid or agreed to be paid based on such value equal to one-tenth of one per cent. thereof.

3. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other Company when necessary to reach its destination.

4. Messages will be delivered free within one-half mile of the Company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the Company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

5. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

6. The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

7. Special terms governing the transmission of messages under the classes of messages enumerated below shall apply to messages in each of such respective classes in addition to all foregoing terms.

8. No employee of the Company is authorized to vary the foregoing.

THE WESTERN UNION TELEGRAPH COMPANY
INCORPORATED
NEWCOMB CARLTON, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2.00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard Night Letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special "Day Letter" service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

B. Day Letters shall be written in plain English. Code language is not permissible.

C. This Day Letter may be delivered by the Telegraph Company by telephoning the same to the addressee, and such delivery shall be a complete discharge of the obligation of the Telegraph Company to deliver.

D. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day

Letter shall be delivered on the day of its date absolutely and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

No employee of the Company is authorized to vary the foregoing.

NIGHT LETTERS

Accepted up to 2.00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The standard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rate for this special "Night Letter" service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

B. Night Letters shall be written in plain English. Code language is not permissible.

No employee of the Company is authorized to vary the foregoing.

COPY

May 22, 1919.

Mr. Meyer Lissner,
Union League Bldg.,
Los Angeles, California.

My dear Lissner:

I have just received your letter of May 16th. What you say about the League of Nations and the attitude of many of our friends toward me because of my attitude upon that subject, was not at all unexpected. I have a singular intuition in matters of this sort, and that intuition led me to write you as I did upon the subject. The reason I am hastily writing now, immediately upon receipt of your letter, is that I want to impress upon you above all things do not make any public effort in the direction of organization for me in California, which may be, in any degree, abortive, or which will enable various people to repudiate your action or me. Far better would it be to leave public organization until after this League of Nations question shall have been decided. May I impress this upon you, and repeat it: Do not get into a public attitude where there may be public repudiation by any of our friends of an organization in my behalf, or a candidacy on my part. This would be absolutely fatal. I am taking the precaution of wiring you now at my very first opportunity after receiving your letter. It is with

full consciousness of exactly what it means that I take my position upon the League of Nations. If I did otherwise, I would be untrue to myself. And I must choose between the allegiance of some of my old friends to my personal ambitions and my sense of what it is my duty to do. Of course, when a man must make such a choice, he can do but one thing.

Sincerely,

UNITED STATES SENATE

Washington, D. C.

May 22, 1919.

Mr. Meyer Lissner,
Union League Bldg.,
Los Angeles, California.

My dear Lissner:

I have just received your letter of May 16th. What you say about the League of Nations and the attitude of many of our friends toward me because of my attitude upon that subject, was not at all unexpected. I have a singular intuition in matters of this sort, and that intuition led me to write you as I did upon the subject. The reason I am hastily writing now, immediately upon receipt of your letter, is that I want to impress upon you above all things do not make any public effort in the direction of organization for me in California, which may be, in any degree, abortive, or which will enable various people to repudiate your action or me. Far better would it be to leave public organization until after this League of Nations question shall have been decided. May I impress this upon you, and repeat it: Do not get into a public attitude where there may be public repudiation by any of our friends of an organization in my behalf, or a candidacy on my part. This would be absolutely fatal. I am taking the precaution of wiring you now at my very first opportunity after receiving your letter. It is with full

-2-

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Sincerely,

(Signed) HIRAM W. JOHNSON.

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United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

May 27, 1919.

Mr. Hiram W. Johnson, Jr.,
Major Archibald M. Johnson,
Mills Building,
San Francisco, California.

My dear Boys:

I am writing you together because my time is so limited, and because both of you have been so good as to advise me of what our friends are doing in California to put forth a candidacy of mine. In response to Jack's telegrams about the tentative plan, I wired him Saturday, as follows:

" I am very grateful to my friends for their organization and I want you to express my appreciation to them (Stop) It is too early to send manager or publicity man here (Stop) Everybody is on edge here full of the League of Nations and Treaty fight (Stop) Immediately after that shall have been completed will be the appropriate time to attempt headquarters here with manager and publicity man (Stop) Until then I am sure it is better to continue such contest and propaganda as may be possible from California (Stop) Letter from Lissner yesterday indicating many old supporters in south against us because of stand on League (Stop) Wired him to make no mistake in calling public conference in which we might be repudiated by former supporters. Mailed you yesterday his letter my response. "

In thinking of the matter over night, Sunday I confirmed my Saturday wire, thus:

"May 25, 1919.

"Reflection confirms me in views expressed in yesterday's telegram. It would be inadvisable and perhaps embarrassing to have headquarters in Washington at present. Let what seems appropriate be done from California. When time is propitious I will frankly ask for help here, but it would be mistake to begin open campaign from Washington now. Please send flowers for us to Hamilton funeral love. "

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My reasons for expressing myself in the manner I did were that we're in an epoch-making Congress, engrossed with very great national problems. Although there are many candidates in this Congress for President, none has opened headquarters here. I want to take part in the big questions before the Congress. I want to take part in them as an American, pure and simple, but I don't want whatever I may say, thought, by the portion of the populace I reach, to be dictated by any political aspirations on my part. If' with a splurge, headquarters were opened here and publicity attempted, it might embarrass what I am striving to do, and seriously detract from what I may say. It would have the tendency, too, (which perhaps is the more important) of affecting myself in my relations with my fellows, and with the problems before us. Beyond all this, such an attempt at publicity, organization, and managership is unnecessary now. From California can come the efforts from friends there with more consistency, and with greater aid to me, than from here at my elbow, where I, personally, would be shoving myself. I do hope, therefore, that, for the present, the idea of a Washington office, with publicity man, manager, etc., will be abandoned. I will not hesitate to ask for both when I think them necessary. There is another thing, too. Publicity agents and managers, unless they are the exactly right sort, are utterly useless. No mistake must be made in the selections. To take any man haphazard, or to select one because he is willing, without regard

-3-

to the possibilities, would be a sad error. I am quietly on the lookout for the right sort of individual, and thinking of the matter with very great care, so that their selection may safely be left in abeyance. I noted Art's letter that in some of the gatherings the idea was expressed of putting out a tremendously strong and lengthy Progressive platform. I quite agree with what he says. What was done in California as a record of achievement and accomplishment, and an earnest ~~one~~ of the possibilities of service to the Nation is the best platform at present. I think Art sizes the situation quite accurately in his letter. A distinct personal platform may be omitted temporarily, and a distinct achievement relied upon.

I wired Jack concerning Lissner's letter, because as I read that letter, men like Dr. Haynes, and Dunlap, and women like Mrs. Gibson and Mrs. Edson had turned from me because of my opposition upon the League of Nations. If all were to turn from me I could not support the League of Nations. But, I recognize my friends may hold such strong opinions upon the subject that they believe they can better serve their country by supporting Mr. Phelan, or Governor Stephens, or Woodrow Wilson, or the southern Senators, who solely because of their partisanship, are making a fight for the League of Nations. I do not want to get into the position of having all those extremely good people and very loyal friends of mine invited to a conference, and then have them wholly repudiate me, as, doubtless, their consciences would require them to do.

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I wrote you that with absolute unanimity I was offered the President pro temship of the Senate. It is the highest honor the Republicans can give. The Republicans have a majority of just two in the Senate. A few of us have been trying to fight Penrose as Chairman of the Finance Committee. It would be utterly impossible for me to take the highest honor the dominant faction had to give, and then continue in my attitude of hostility to their choice for the Chairman of the Finance Committee. While, it is true, that they were kind enough to say there were no conditions annexed to my acceptance of the particular place, I am temperamentally so constituted that I can not take a man's favors and then slap him in the face. Beyond this, I had one period in 1916 of having myself misrepresented and misunderstood, and a very large number of partisan Republicans in the East think that I betrayed the Republican Party then. I could not get into the attitude where anybody might assert, even unjustly, that I had sold out or surrendered my particular opposition to Penrose. I have known from the beginning that the opposition to Penrose could not be successful; that there would be but a few who would face him and state their hostility. I felt that the situation would really ultimately peter out, and I was determined, in some fashion, to register my own views. When events should have petered out and I should have held the highest honor, I never could have answered any accusation that would have been made, either by hair-brained Progressives or malicious reactionaries. I chose to hold myself free, independent, and aloof; to be Republican wholly; and to make clear

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that I would not turn the Senate organization over to the Democrats, but that I was opposed to Mr. Penrose. There is nothing in the particular position but the honor. And, really, it didn't appeal to me. I would rather be in the attitude of having refused it than of having it. I want to be on the floor, and I don't want to be hampered ever by having to sit in the Chair when I want to be on the floor. There is another angle, too, about the matter, which did not enter into my decision, but which confirmed it. The Vice-president is supposed to entertain prominent visitors at luncheon, and the like. Whenever any one of these prominent visitors is a nuisance and amounts to nothing, he turns them over to the President pro tem. Marshall would have taken a malicious delight in doing this with me, and I would not have appreciated this part of the job.

The Committee on Committees named Borah and myself as two of the Committee. We both declined. We did it because we didn't want to be bound by the selections of the Committee. He is a strange and a temperamental man - Senator Borah, and I can not always agree with him. Indeed, we were not agreed as to the course to pursue in opposition to Penrose. Yesterday, the conference of Republicans met, a closed conference. I reached the conclusion, inasmuch as I did not propose to unite, under any circumstances, with the Democrats, to go into this conference, stand by the side of Mr. Penrose, and voice my opposition to him. I did so. It was rather a tense and a dramatic moment. After I had finished, I demanded a roll call, and just five Senators voted with me. I ac-

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accomplished, however, my purpose, to put my opposition of record as against Penrose. Today, there is an open conference when I expect Borah is going to voice his opposition. But, his opposition will go no farther, I am sure, than mine, and, neither of us will accomplish anything. The net result, however, of the whole situation has been that I am on the most important committee in the Senate, the Foreign Relations Committee, and the one I am most anxious to be on during this period. I also retain my place upon the Military Affairs Committee. I am given the Cuban Relations Committee, because it was the only one that would enable me to get some extra rooms in the Capitol, and this I very much desired. Indeed, I can find no fault at all with the way I have been treated by the other side. And, while I believe this is the result of my outstanding aloofness, and the closeness of the Senate, nevertheless, I appreciate it. I think I am going to be very happily situated in the next few months.

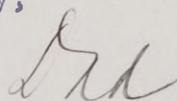
I reserve for another letter the story of the house, of the planting that I have done, and now, of the most amazing thing in nature, the 17-year old locusts, that have just appeared. I am getting ready for a speech on the League of Nations. I wish, in order that you may have the viewpoint of the Liberals of the country that you boys would get last week's Nation and last week's New Republic. Both papers were strong adherents originally of Wilson. Both now bitterly denounce the Peace. You ought, for your own sakes, to read some papers of this sort, in order that you may get

-7-

a different viewpoint from that given by the ordinary papers. It would do the men, who think themselves progressive and liberal in thought in California, some good to read the trend of liberal thought in the East. It doesn't make any difference whether we agree with these sheets. They print some truths that the newspapers absolutely will not print. Last week's Nation and New Republic were very interesting, because they dealt with the Peace Treaty.

With all our love,

Affectionately,

A handwritten signature in cursive script, appearing to be 'D.H.' or similar initials, written in dark ink.

GEO. E. CHAMBERLAIN, ORE., CHAIRMAN.
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United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

May 31, 1919. At Home.

My dear Jack:

I have been wanting to write to you since my joint letter to you and Arch, but have no opportunity. Today, Saturday, I have had the three girls in the office writing a League of Nations speech, which was concluded at 4:15. Monday I expect to deliver it. I resolved on the way home that I would devote the half hour before dinner to writing you, so you may picture me now in the little library down stairs, plugging away on the type-writer. When you were here the library, as was the fact during the winter, could not be used; but with the thermometer over ninety as it has been the past few days, it is the coolest place in the house, and really very comfortable.

Your two good letters were received this week, the first your long newsy one and the second containing the letter to be sent to political friends for an organization. Mother and I were most interested in your statement that the boys were to be operated upon for adenoids, and we were mighty glad to have your telegram saying everything was all right. Your letter reached me the same day the telegram did, or we should have been wiring you. We contented ourselves with a telegram to the kiddies. Both of us were glad, too, to learn that your household had straightened out. I wish ours would. We still are without a maid, and any day, I expect Mother to fire the chauffeur. He is beastly lazy, but he does drive well. Mother has conceived, doubtless justly, a dislike for him, and she can't refrain from giving it to him whenever

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United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

there's an opportunity, and of course, the end is certain.

How I wish you were here to see the house and garden now.

The vegetation grows by leaps and bounds, overnight it seems. The yard, while not laid out as an expensive gardener would have it, is to me beautiful.

I have been planting things myself, and really the pleasure one gets from seeing something one has stuck in the ground come peeping forth, is charming. I am a little fearful that of my flowers, only the nasturtiums will do well: and to add to the precarious existence of my treasures, mother bought recently a dozen young chickens, not hens to lay eggs, but nondescripts to be killed and eaten, and they are constantly invading my sacred preserves. We had talked quite a lot of having chickens and obtaining our own eggs, but in my wildest dreams, it had not occurred to me that we might have a lot of bob-tailed idiots running around the yard, in the hope that a tender broiler might be obtained.

I told mother she saw this coup full of monstrosities, and simply could n't resist the usual buying fever. However, I have hopes. Twelve little chickens, looking up to Heaven, The Dolly Varden died and then there were eleven. Eleven little chicks running from the pen, The cat chased one and then there ten. Two of the "boids" are gone, and if in three days we can lose two out of twelve, perhaps a week will see the end of jeopardy to my garden.

The Senate is in full swing again. The first business discussed has been my resolution calling for the peace treaty. We have had some little debate on this and will have more. The

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United States Senate

COMMITTEE ON MILITARY AFFAIRS

WASHINGTON, D. C.

Democrats of course, are determined to prevent the passage of the resolution, and will talk it to death. The matter is ^{so} simple, that I have been surprised to find so much misunderstanding. A few weeks ago, the administration officially through the State Department issued a summary of the treaty, which was officially declared to be the synopsis of the full and complete document. Just incidentally I learned that it was a "Phony" synopsis. But the newspapers published the document, and to all of ^{us} were given copies. I asked by my resolution for the complete document, and the administration papers all over the nation are pretending this is a most unusual request, and that we are not entitled to know what the treaty contains. I answer in vain, that the administration has presumably given us the document, that secrecy no longer obtains, that ^{the admin.} ~~has~~ given out the information, we are entitled to see the real thing. However, the publicity here has emphasized the administration method of doing things, and the resolution has served its purpose.

We stood up and were counted in the Republican conference against Penrose, but we determined that we would not turn the Senate organization over to the Democrats to beat him. It was a useless and hopeless contest, and I'm not sure it accomplished anything; but eight of us preferred in some manner to register our objections to him, and did it.

Monday I will be somewhat bitter in denouncing the League of Nations; but I firmly believe it to be the most

4
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iniquitous thing presented at least during my life time, and so believing, I shall not hesitate to declare myself. In the East, sentiment has changed greatly; and I think on a referendum the thing would be beaten. I gather from my California correspondence, and Ray Benjamin confirms me in this, that eighty per cent of our people are for the present document. How many of liberal views can support it passes my comprehension. One of the notable things of the East is that every liberal paper has turned against Wilson and his League. The peace made at Paris is a travesty on his fourteen points. It is a mockery of every idealistic utterance. The diplomats of the various nations have played the same old game of grab and gouge, and the accessions of territory of the principal participants stagger belief. The Germans, for whom it is impossible to have much sympathy, are put ~~in~~ in economic bondage for generations; and the efforts of the Peace conference seems not so much directed to disarmament and the like, as to dividing up for all time Germany's industries and trade and earning power. The League of Nations is the product of this cupidity and intrigue, the instrument for their maintenance and preservation. However, you'll read some of this in my speech, and I'll not twice inflict it upon you. Again, I suggest to you get the New York Nation and read it regularly. Do'n't read it in the expectation that you'll agree with what it says but it puts in good English and with good taste, the other side, the side different from that you encounter daily, and it gives very much information that the daily papers dare not publish.

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There is nothing I can add to what I have written you and Arch about politics and the organization in California. A week has made me certain of the course I suggested. It would have been a sad error to have hung out an organization here, and it might have had a very bad effect just at this time. I'll not hesitate to tell all of you when I think the time ripe, but I know it is not now the time. From California everything can be done that is essential at present. Later in the year, we may expand; but in Washington to have a headquarters, or to attempt to conduct a campaign now would be a boomerang. I am going to feel very keenly when we get in swing, the charges made against me in 1916. They are by no means forgotten. I get every little while a gentle reminder in the shape of a rotten letter, and some have come to C.K. since she commenced proselyting. However, we will try to meet this when it assumes big proportions.

I was mighty glad Stephens signed the Reclamation bill. I was a little fearful he would n't, and I held my fingers crossed awaiting his action. This, as I understand it, will relieve the situation and ultimately settle everything.

Schwerin called upon me and told me of his efforts, and hope of success. He did n't evidently wish me to do anything about Untermyer. Mother saw him yesterday, and as I understood her Schwerin said he had been wholly successful and had the contract he desired. Mother may have got this mixed but it was what she told me,

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Well, this has been quite a job; but it is infinitely better than writing in long hand. Tomorrow, Sunday, I shall try to add a couple of pages to my twelve thousand word speech. I'd like to tell all those good Californians who forget friendship and every old association in their love for Esthonia and Livonia and Courland and Lithuania and Finland and Ukrainia and Poland and Jugo-Slavia and Czecho-Slavia and the Hedjaz to - oh well, all but six. I described to you once their mental attitude. They are natural pacifists, quite religious. During the war, they had to deny their Christ. Now, at their first opportunity to express their ^{lifelong thought} ~~withi~~ out going to jail or being mobbed, they have the exalation of the martyr, who did n't quite have guts enough to be martyred.

Goodbye, lad. Love to the Kiddies.

Affectionately,

Dad