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KODAK Gray Scale



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HIRAM W. JOHNSON, CALIF., CHAIRMAN.
GEORGE W. NORRIS, NEBR. ELLISON D. SMITH, S. C.
FRANK B. BRANDEGEE, CONN. AUGUSTUS O. STANLEY, KY.
RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 1, 1922

Major Archibald M. Johnson,
Hotel Coronado,
San Diego, California

My dear Arch:

I am back in the office at work again. The past couple of weeks have been spent practically in work on the treaties. The treaties now have been reported to the Senate, and I can spend a little time in the office attending to my correspondence.

I wrote you about Victor. Apparently, he has been getting worse, so much so, that on one of the days recently, he was practically on three legs. Yesterday, he seemed to get better, but I am very much worried about him. I wish there was something you could suggest we could do for him.

I am assuming that you are still at Coronado, and that you are doing everything possible to get yourself into good physical shape. I beg you to stick to it. I would do anything if you would continue your efforts for many months yet.

We're in for a nasty fight on the treaties. One of the most important upon which the fight will center is what is called the Four-power Treaty. At present, there are only four on the Republican side against it, and I cannot see that there will be any recruits to these four. The same people, apparently, who went mad over the League of Nations have gone crazy over this treaty, and the same sort of propaganda is in evidence. The old League of

Major Archibald M. Johnson - 2

Nations' people have in addition to their original number, *of the*
regular Republican papers, ^{*like*} the San Francisco Chronicle now ad-
vocating what once they fought, because the label has been
changed from Democratic to Republican.

We're going on at home in the usual fashion. Winter
is passing, however, and the next couple of months ought to be
rather delightful. What would you think of trying to come
back to us for a month? If you could keep from getting too
nervous, you could rest at the old house, and the spring time,
with the budding of the trees, and the new verdure, is really
beautiful. Mother and I would just love to have you with us.

Affectionately,

Dad

HIRAM W. JOHNSON, CALIF., CHAIRMAN.
 GEORGE W. NORRIS, NEBR. ELLISON D. SMITH, S. C.
 FRANK B. BRANDEGEE, CONN. AUGUSTUS O. STANLEY, KY.
 RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
 R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 2, 1922

Mr. Hiram W. Johnson, Jr.,
 Attorney at law,
 Mills Building,
 San Francisco.

My dear Jack:

I am enclosing you herein two income tax returns
 duly verified by me. They are in blank, and I will have to
 depend on you to fill them out. My income for the year 1921
 has been as follows:

Salary - - - - -	\$7500.00
Mileage allowed for extra session -	1292.80
" " " regular "	1292.80
Total - - - - -	<u>\$10085.60</u>

The deductions, I take it, to which I am entitled, are as
 follows:

Traveling expenses, estimated - - -	\$1000.00
Real Estate taxes - - - - -	419.21
Amount paid Odgers, stenographer	400.00
Total - - - - -	<u>\$1819.21</u>
Net income - - - - -	<u>\$8266.39</u>
Amount of tax payable - - - - -	454.73

There should be a statement made in the return of the
 receipt by me from the City of New York last year of Six Thousand
 Dollars (\$6,000.00), so that the fairness and frankness of my re-
 turn can not be questioned, and so that the officials of the ap-
 propriate department may determine whether or not I should pay

Mr. Hiram W. Johnson, Jr.

upon the amount thus received. I had Mr. Burr go to the Department day before yesterday, presenting the case as his own, and he was advised by the Department that probably the amount received by me was not subject to the tax, because from a municipality, but was advised that there should be a statement of fact in order that the appropriate division of the Income Tax organization might pass upon it. The sort of statement to be made, I take it, should be about this -

I was employed by the City of New York, a municipal corporation, as attorney in certain litigation, which employment is continuing, and on account of which, during 1921, I received Six Thousand Dollars. I have not computed the tax upon this sum, because I am advised the amount having been paid by a municipality, under the circumstances, is exempt from taxation. I make this statement that the facts may be in possession of the appropriate department.

Perhaps I have phrased this awkwardly and that it is not as it should be, but what I want to do is to make a perfectly frank statement of the situation, so that no just complaint can be made in the future against me, and so that if the department desires hereafter to rule otherwise than as it stated to Burr, it might do so. Because Mr. David H. Blair, whom I opposed, is Internal Revenue Collector, I want to do even more than would be done ordinarily by any citizen. Perhaps, it might even be better for me to address a letter in my own name to Blair stating all the facts, and asking a ruling, before I file my return. Let me know what you think of this.

Mr. Hiram W. Johnson, Jr. - 3

I hope this letter finds your household recovering. We were very glad to have your wire that little Hiram and Miss Schow were both sitting up. Both Mother and I are feeling fairly well. Victor, however, worries us greatly.

Affectionately,

Did

P:S: The gentleman who is assisting the Senators to make out their tax receipts figured for me the amount of the taxes as \$454.73 on the statement I send you, and I send you herein check made out to McLaughlin for that amount. I remember last year you made up the difference in my return, and you were never repaid. I don't want you to do it this year. In addition, I confess if you believe I ought to pay on this \$6,000, I will pay it and get done with it. Just wire me for anything that you deem necessary.

I'm sending you by this mail Regulations 62 (1922 Ed.) relating to Income Tax etc. under Revenue Act of 1921. See art. 88 p. 53.

COMPUTATION .

Total income	\$10085.60		
Deductions	<u>1819.21</u>		
	8266.39		
Personal exemption	<u>2000.00</u>		
	6266.39		
Tax of 4% on	<u>4000.00</u>	-	160.00
Tax of 8% on	<u>2266.39</u>	-	181.31
Surtax on	10085.60		
" "	<u>10000.00</u>	-	110.00
" "	85.60	<u>3.42</u>	-
		Total tax	- <u>113.42</u>
			454.73

Real Estate taxes are Green Street property,	150.73
March instalment	
Vallejo Street	31.48
In November, 1921, paid on Green Street	164.48
" " paid on Vallejo "	34.35
Personal property taxes paid in November	<u>38.17</u>
	419.21

United States Senate,

WASHINGTON, D. C.

At Home, Sunday, March 5
My dear Jack: [1922]

Over the phone this morning the Telegraph Co. read us your wire of yesterday containing the good news that your household is again itself. We were mighty glad of course.

Yesterday Mother was in bed all day for the first time in many years and the day was a dismal one for me.

Today she seems herself again and I'm very thankful.

There's little to write you except our treaty fight has commenced. The outrageous refusal to give us any information but intensifies my opposition and makes me more certain the whole thing will not bear the scrutiny necessary for an honest decision. The President sent for me and argued two hours with me. The only result of the interview was to demonstrate he knows nothing of the treaty. He

finally took refuge in the only determining factor in his life, politics, and told me the Disarmament Conference was the greatest of Republican achievements and that I'd be fifty per cent stronger in California if I'd change my attitude. I disarmed him by telling him he was doubtless right, but nevertheless in a matter involving the future of the nation, one could only follow the course he thought for the country's good. I'll try to dictate something of our long conversation during the week. Really, I think I'm going to make a pretty tough road for myself in California, but that's part of the game in the only way we know how to play it.

We're greatly worried about Victor. His trouble is diagnosed as chorea, a not unusual sequel to distemper. He has now practically only three legs, his right hind leg constantly jerking exactly like a man with an advanced case of palsy. The veterinarian here is attending him and each day we take him in for Dr. Walters to

United States Senate,

WASHINGTON, D. C.

2

treat him osteopathically. (That's a word of my own manufacture).

I observed how greatly you liked "The Mucker". Now I know the stories of wonderful adventure that enthrall you, I'll be able in future to supply you with reading in your leisure moments.

I've heard from Arch lately. There's a mental telepathy between my sons and myself and reading between the lines with Arch, I think he is passing through a very severe nervous crisis. I know I don't need to ask you to be gentle with him, to overlook what at other times might not be overlooked. I'm very much in earnest about this and very, very much concerned about the boy.

I sent you the record of the Disarmament Conference principally because I thought it contained everything

Relating to radio. I hope it is of
some use to you. If however, in
relation to radio it was as scant
and as false as in relation to the
new alliance, it won't be of much
value.

Since you left, we've had another
severe snow storm, not as bad as
the one you were a part of but bad
enough to make our trips to and
from the house quite unpleasant. Today
is like spring and I'm hoping the
winter is gone for good. This rotten
climate however, is so variable, that one
day is no indication of the next.

Goodbye. Lots of love to the boys.
Affectionately,
Dad

HIRAM W. JOHNSON, CALIF., CHAIRMAN.
GEORGE W. MORRIS, NEBR. ELLISON D. SMITH, S. C.
FRANK S. BRANDEGEE, CONN. AUGUSTUS O. STANLEY, KY.
RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
R. A. BURR, OLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 6, 1922

Major Archibald M. Johnson,
Hotel del Coronado,
Coronado, California

My dear Arch:

I received your letter on Saturday, and immediately upon its receipt, I wired you. I am very glad that you wrote me frankly. While I had not understood in detail all that you wrote, I think that long ago I understood the situation generally. With what you have been through the past few years, with war, its horrors and its terrible experiences, with your breakdown thereafter, and then, with your endeavor to plunge into work to bring back a disintegrated and lost law practice, it's small wonder that your nervous system has been unable to stand the strain. If you had broken your arm and continued to use it, of course, you would not have expected again in the arm the usual strength. You broke your nervous system and have not given it the opportunity to mend. Now, really, you have got to give it that chance. That it will mend, there is no doubt. But you can not get back to your usual normal self with the cares and the worries of business, and with all of the difficulties under which you have labored in San Francisco. I am very serious in talking to you now. I think your future is at stake. As I tried to say to you repeatedly in San Francisco, I say again now. You have no right to risk your entire future for a few months of the present. I am not going to lecture, but you

Major Archibald M. Johnson - 2

must know just as well as I do that you have got to take time to rest. You must remember that you are half of all your Mother and I have. If you will not let your reason prevail, permit our love to.

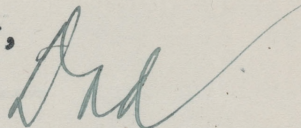
Now, as to the means. Recently, I received the sum that was due me from New York City. I therefore have plenty of ready money. To devote a part of this to your health will give me a joy and a pleasure that you can not understand, because of your lack of knowledge of the parent feeling. Why not let me have in this old age of mine this little pleasure, and why not let your Mother feel that her mother love finds expression in this small material way?

I am enclosing you my check on Riggs National Bank for Fifteen Hundred Dollars (\$1500.00). I want you to utilize this in staying in Coronado, or coming on here to us. I would really prefer the latter course, if you would not go crazy doing nothing out at the old house, but Mother and I in talking it over thought that you could stand it there intermittently. We could now, that the spring has come, take automobile trips to surrounding places, spend a few days in New York, motor through New England, and the like. In addition to this, if you wanted to do anything, you could be of very great service to me here. First, in the New York case, and by the way, O'Brien suggested Saturday that if I could come over, he thought he had another suit in which he wished to employ me; and secondly, in taking care of my political difficulties in California from this end, and doing what I don't do and what is essential.

Major Archibald M. Johnson - 3

I wired you this morning that I was sending you this letter. I do hope you will stay at Coronado, at least until you receive it.

Affectionately,

A handwritten signature in cursive script, appearing to read "Arch", is written over the typed word "Affectionately". The signature is written in dark ink and has a long, sweeping flourish extending to the right.

HIRAM W. JOHNSON, CALIF., CHAIRMAN.
GEORGE W. NORRIS, NEBR. ELLISON D. SMITH, S. O.
FRANK B. BRANDEGEE, CONN. AUGUSTUS O. STANLEY, KY.
RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 9, 1922

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

My dear Jack:

Yesterday, taking the advice you sent me by wire, I put the question up to the Treasury Department as to whether or not I should pay taxes on the six thousand dollars collected last year from the City of New York. This morning I am in receipt of the Department's decision, copy of which I enclose you. Under this decision I will have to pay upon the amount I have received. I am enclosing you, therefore, the computations made by the expert here and an additional check to J. P. McLaughlin for \$569.90. Pardon me for sending these checks as I have to McLaughlin, but that is the way Miss Connor made them out, instead of making them, as I suggested, to you. Let me know if I have sent enough.

Thank you very very much for attending to this matter for me. Really I don't think the decision of the Department is correct but I am in no position to quarrel with the distinguished Mr. Blair who is the head of it.

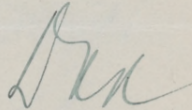
Mother is feeling all right again apparently. The both of us, however, feel very wretched about Victor. I think

Mr. Hiram W. Johnson, Jr. - 2

he is gradually getting worse and it is only a question of time when he will be practically wholly crippled.

Love to the Kiddies.

Affecti onately,

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

COPY

TREASURY DEPARTMENT

Washington

Office of
Commissioner of Internal Revenue

Honorable Hiram W. Johnson
United States Senate

My dear Senator:

I have the honor to acknowledge receipt of your letter dated March 8, 1922, in which you request to be advised concerning a matter affecting your income tax return. You state that in the early part of 1921 you were employed as attorney by the City of New York in certain matters then pending and yet pending. The employment and the service have been continuous and you received last year on account \$6,000. You request to be advised whether the amount received by you from the City of New York under the circumstances is exempt from taxation.

I have to advise that compensation received for services rendered to a State or a political subdivision thereof should be included in gross income unless the person receives such compensation as an officer or employee of a State or a political subdivision thereof. Article 88, Regulations 62, defines "officer" and "employee" as follows:

"An officer is a person who occupies a position in the service of the State or political subdivision, the tenure of which is continuous and not temporary and the duties of which are established by law or regulations and not by agreement. An employee is one whose duties consist in the rendition of prescribed services and not the accomplishment of specific objects, and whose services are continuous, not occasional or temporary."

Employment under a contract to do an act or perform a service does not constitute one an officer. U. S., v. Maurice, Fed. cases No. 15747. Employment of a person in a particular transaction to accomplish a specific result, who, while in the execution thereof is not under the direction of the employer, does not constitute such person an employee. In Louisville, etc., Railway v. Wilson (138 U. S. 501, 505), the Court decided as follows:

"The terms 'officers' and 'employees' both alike, refer to those in regular continual service. Within the ordinary acceptance of the terms, one who is engaged to render service in a particular transaction is neither an officer nor an employee. They imply continuity of

Honorable Hiram W. Johnson.

service, and exclude those employed for a special and single transaction. An attorney of an individual, retained for a single suit, is not his employee. It is true he was engaged to render services; but his engagement is rather that of a contractor than that of an employee."

It would appear from the facts stated in your letter that you were merely employed by the City to render service in a particular transaction, in which case the compensation received by you does not represent compensation paid to an officer or employee of the City. Such compensation, therefore, should be included in gross income.

If you desire to take this matter up with me further, consideration will be expedited by reference to IT:R:RR-AM.

Sincerely yours,

(signed) D. H. Blair

Commissioner

INCOME TAX COMPUTATION

INCOME

Salary	\$ 7500.00
Mileage, 2 X 1292.80 . . .	2585.60
City of New York fee . . .	<u>6000.00</u>
	16085.60

DEDUCTIONS

Traveling expenses	\$1,000.00	
Stenographer hire	400.00	
Real Estate taxes	<u>419.21</u>	
	\$1,819.21	1819.21
		<u>\$14266.39</u>

Personal Exemption	3000.00
Net income	<u>\$12266.39</u>

4% tax on	4000.00	-	160.00
8% tax on	<u>8266.39</u>	-	661.31

Surtax on net income	-\$12266.39	
Tax on	<u>12000.00</u>	- \$190.00
Tax at 5%	266.39	- <u>13.32</u>
		\$203.32

203.32

\$1024.63

Check on Riggs National Bank sent you with my
letter of March 2, amount

454.73

Check #865, Riggs National Bank, herewith en-
closed in the amount of - - - - -

569.90

HIRAM W. JOHNSON, CALIF., CHAIRMAN.
GEORGE W. NORRIS, NEBR. ELLISON D. SMITH, S. C.
FRANK B. BRANDEGEE, CONN. AUGUSTUS O. STANLEY, KY.
RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 16, 1922

Mr. Hiram W. Johnson, Jr.,
Major Archibald M. Johnson,
Attorneys at law,
Mills Building,
San Francisco.

My dear Boys:

I have been very hard at it of late, and for that reason I have not written you. Indeed, I think I have gone a longer time without writing you now than for some years past. Sunday, I devoted myself exclusively to the speech I delivered on the treaties, and therefore that day I could not write. I would like you to read the speech. I think probably it's the best thing I have done since I have been here. What I say is absolutely sound, too. It is, however, impossible to stem the torrent at present. The country has become wholly pacifist, first, and secondly, the Republican Party presents a solidarity in favor of what is now a Republican measure, but what only a day or two ago was a Democratic policy. It is quite unlike the League of Nations' fight, and we have no means of reaching the people except through the Hearst press. In addition to that, there is not very much stomach for a fight here. Borah gets into the press daily, but he does not fight worth a damn otherwise. The only time he has shown any of his old spirit was when he was making his own speech, and he is playing his own game. A few of

-2-

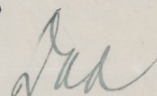
the Democrats have done the best they could, but they are hampered by their previous attitude, which was the antithesis of their present one. The specious arguments and pretense that the treaty means nothing, the iterated and reiterated assertions that we are not entering into an alliance, uttered by the highest in the land, and echoed by every newspaper, and re-echoed by every church and civic association, have had their effect, and will put the treaty over. My own view is that the maximum vote we'll poll when the final vote for ratification is taken, will be 28, twenty four Democrats and four Republicans. I intend to make one more effort, not at any great length, but substantially ~~at~~ the parting of the ways, so far as our country's foreign policy is concerned. Of course, I am disgusted with the attitude of the Senate and the Senators. It is humiliating to me as an American. But I am more disgusted at the attitude of California. In northern California there are a certain number who are steadfast. Outside of northern California, in our State the sentiment, I think, is overwhelmingly against us. To think that our State, of all places on earth, should wish to enter into a partnership with Japan and guarantee Japan's island possessions passes belief. My attitude is going to give me mighty hard sledding in the campaign, but I will write you of this hereafter. I wish that we had time to present this thing to the people, but there is not time, and it can't be done, and then the fact is, there would be nobody to present it but myself, anyway.

-3-

The weather is beginning now to be delightful. I wish you were both here. Victor grows progressively worse. I can rouse him to run for a ball ~~now~~, so that he will use ~~his~~ all four legs, but otherwise than when thus in action, he travels on three legs., and is more and more inclined, when lying down, to drag himself along, instead of getting on his feet. His ailment is, they tell me, similar to St. Vitus' dance in human beings. No remedy has yet been found for it. As a last resort, I am having heat applied daily to his spine in the hope that we may aid him. He has not responded either to the treatments of the veterinarian or to those of the osteopath. It is very pitiful to see him, and your Mother and I feel very wretched about his condition. He is by no means gone yet, and we still have plenty of hope; but I observe that he gradually grows worse.

I will try to write you Sunday from home.

Affectionately,



HIRAM W. JOHNSON, CALIF., CHAIRMAN.
GEORGE W. NORRIS, NEBR. ELLISON D. SMITH, W. VA.
FRANK B. BRANDEE, CONN. AUGUSTUS O. STANLEY, KY.
RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 21, 1922

Major Archibald M. Johnson
Attorney at Law
Mills Building
San Francisco, California

My dear Arch:

It is impossible for me to write you at length at present. I must postpone that until Saturday when the Treaty fight is over. The press is a unit against us in this fight save the Hearst papers. The Republican Party has an absolute solidarity in it, and civic societies, churches and women are in unholy alliance with the great financial interests. The maximum vote we will poll on Friday against the Treaty is 28. My opinion is it will be two or three less.

My Los Angeles opponents have seized with avidity my attitude and have utilized it in creating there a tremendous sentiment against me. My old friends in California can't realize the situation as I sense it here and they solace themselves and comfort me with saying that I am sure to be successful if I run again this year, and because of our successes in 1910 and 1914 and 1916 they assume we will have the same success in 1922. They forget the ephemeral nature of popularity and how it may leave one in a night.

I confess that I am very seriously worried concerning this year's situation. The worry is not lessened by the disgust and humiliation I feel for the shameful and unjustified betrayal

Major Archibald M. Johnson - 2

of the people of this country by the Republican party.

I will try to write you a review on Saturday. I do hope your vacation has been of value to you and that you find yourself in fairly good shape again. I am anxiously awaiting word from you as to your condition.

Mother joins in love.

Affectionately,

*Your Dad
Russell M. Johnson*

HIRAM W. JOHNSON, CALIF., CHAIRMAN.
GEORGE W. NORRIS, NEBR. ELLISON D. SMITH, S. C.
FRANK B. BRANDEGEE, CONN. AUGUSTUS O. STANLEY, KY.
RICHARD P. ERNST, KY. EDWIN S. BROUSSARD, LA.
R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 21, 1922

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

My dear Jack:

I received last night yours of March 15 enclosing my checks to McLaughlin and my income tax return. Thank you very, very much for fixing my return. I haven't gone over it but I have no doubt what you have done is absolutely o. k. I observe that you paid for me \$692.74 and I send you that in the shape of my check No. on the Riggs National Bank. I am indebted to you, I am sure, in other sums and some day you ought to send me a statement of it so that we may have a settlement. At any rate, for the present I am immensely obliged to you.

You will receive no long letter from me until after the Treaty vote on Friday. The Four Power Treaty will then be ratified. The maximum vote we will obtain against it will be twenty eight and probably the vote will be two or three less.

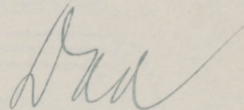
I have been having some telegraphic correspondence since Sunday with California about an interview with Ambassador Geddes purporting to appear in the Los Angeles Times which was a gross breach of his diplomatic privileges. This morning Older wires me that one of his men interviewed Geddes and Geddes denied he had had any such interview. I am so far away I cannot direct things and the people in California have an angle entirely different from

Mr. Hiram W. Johnson, Jr.

mine concerning them. There is a tremendous effort being made in Los Angeles at present to work up sentiment against me and I am very certain that it is measurably successful. It is next to impossible, however, to interest anybody in it. Our friends in California rest on the assumption I have the popularity I had in 1914, which I know is not the fact. My own belief is I am skating on mighty thin ice, but I can't make anybody else believe it, and the result is that it is difficult to get any activity. I must say to you, however, in justice to him, that I believe McCabe is doing what he can.

I will write you on Saturday giving you the review of the situation here.

Affectionately,

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

GEO. E. CHAMBERLAIN, OREG., 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.
WILLIAM F. KIRBY, ARK.
JAMES A. REED, MO.
KENNETH D. MCKELLAR, TENN.
HOKE SMITH, GA.
FRANCIS E. WARREN, WYO.
JOHN W. WEEKS, MASS.
JAMES W. WADSWORTH, JR., N. Y.
HOWARD SUTHERLAND, W. VA.
HARRY S. NEW, IND.
JOSEPH S. FRELINGHUYSEN, N. J.
HIRAM W. JOHNSON, CAL.
PHILANDER C. KNOX, PA.
CARALYN B. SHELTON, CLERK.
SAMUEL W. MCINTOSH, ASST. CLERK.

United States Senate,

COMMITTEE ON MILITARY AFFAIRS.

WASHINGTON, D. C.

At Home, Riverdale, Md. Aug. 26, 1922.

My dear SonsN

At last on this Sunday at home, with my new Corona, I have the opportunity to talk to my dear ones, and tell them something of the recent contest. Temporarily at least, it is over now, although its echoes will remain for a short time. From the beginning, it was a hopeless and impossible fight. I could not have continued until the end had I not been sustained by the feeling of absolute certainty that I was right, and that not only my plighted word to the people but my duty to my country demanded I fight to the end. Every avenue of publicity, save the Hearst papers, was denied us; the propaganda was all one-sided; the power ever increasing its pressure; and the politics of the situation threatening all who followed their consciences with political ob livion. That which hurt me most was the attitude of the men who had gloriously stooped up against the same attempt under a Democratic administration. They were under no illusions. They knew and admitted that there was no difference except the change in the party presenting the new policy; and yet, these men, and I speak from actual personal conversations with them, Moses, McCormick and Brandegee, conceding they were doing their country a monstrous wrong, did it because it was part of the Republican program. On the Republican side, as you know, we had but four votes. When I turned to my brethren the other night and told them to their teeth that if this treaty had been given us by Woodrow Wilson, instead of four votes against it on our side, there would have been forty, I but voiced what they knew to be the truth, and what no one denied. Among our four votes, unfortunately we had La Follette whose voice does not carry far now, France who is abnormal and so regarded, and Borah. Borah was an enigma to me throughout the discussion. He acted like a man who wanted to keep his record straight, and yet had little stomach for the position he was taking. He really made no sequential effort no stirring appeals, no careful analysis - indeed, no extended fight. He appeared a couple of times, and presented some arguments, but his attitude was very different from what it was during the League fight. His trouble is in my opinion, that which afflicts the great, who believe they have finally come into their own, and who desire the plaudits of all contending factions Borah has too many mistresses at present. He is at ease with the Democratic New York World, and has its unstinted praise; he sits in the lap of the British New York Times and is soothed by its sweet cooing; he stands militant with the Hearst press for America. He's a many sided man, and in swift acrobatic gyrations, he is a marvel; but this last contest shook his prestige a bit. I wrote you once before he was at the zenith of his power and influence. I think he is just passing through now.

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He could have done much if he had had the same fire and fight in him as he had a couple of years ago. But he's been at the top of the mountain and he's been like so many before him, dazzled by what has been presented to his view. On our side therefore, really (although the sincerity of view of France and La Follette cannot be questioned) was myself alone.

The Democrats were in a peculiarly anomalous condition. They had supported the big League, and consistency would have required them to support the little one. Their position was like that of the Republicans who had opposed the League, only the sides had been changed. I must say some of them did remarkably well, and it took no small effort for twenty ^{three} of them to break with their leader and leave him only a minority of his party. The end of the struggle was when we consented to a unanimous consent agreement to vote on a particular day. I vigorously opposed this, but the men who were in our consultation had a complete answer to my objections, when they asked me if I would hold the floor indefinitely. I've never filibustered, indeed I talk but little. I could n't filibuster if I wished. From the time the unanimous consent agreement was made, the end was in sight. Our ally was time, and we separated ourselves from the one possibility of gains and success. I had a great prestige during the latter part of the League of Nations contest. I have little now. The presidential contest with its bitternesses; the constant newspaper abuse, the new administration representing the antithesis of my politics, the absolute dominion of the great financial interests, and I think I may say the preponderance the overwhelming preponderance, of the Republican party, representing for the moment, avarice and greed and exploitation, have reduced me for the time being at least and perhaps permanently to a position of little importance or consequence. I feel this, my dear boys, quite keenly; but I can do nothing except follow the course I ought to pursue, and trust to the years, if I continue in this life, ~~to~~ either to confirm the present conditions or change them. An illustration will indicate what I am driving at. I think you know I do not deceive myself, nor am I afflicted with the usual vanities of men in office. As I listened to the recent debate, disassociating myself from personalities, I honestly believe the best speech made on the subject, was the one I delivered. Because it was mine, it did not receive the comment it would have had coming from another. I have such a horror of egotistic expression, that I half regret saying what I have just said, even though it is said to my sons.

The sentiment of the country unquestionably was against us. The worst thing about this whole matter is that ~~has~~ our people have been so lied to. Not only has the whole campaign for the treaty been one of misrepresentation

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and falsehood, but it has been one of downright suppression of the facts. When Hughes claimed he wrote the treaty, he deliberately lied. They are two reasons which demonstrate this beyond cavil; first, no American would have included the main/and of Japan in the original treaty - that's unthinkable, and secondly the two corrections of the treaty, signed simultaneously with it, admittedly were written by Hughes, and it is inconceivable that the man who wrote the treaty would immediately write for signature by the same parties two reservations or corrections of what he held in his hand. The American people do not know one thing about this treaty or its negotiation except such facts as I dug out and others presented, from extrinsic matters.

I am still too exercised to write you what I think has been done. Of course I do not believe that our country is ruined or that our people will be immediately destroyed. I do believe that we have entered upon a policy, which if continued to its logical conclusion, will mean an end to the Republic we have known and of which we have boasted. I do think that the world's history admonishes us of the consequences of this new course, and that it will plague the generations after us. I tried in a statement yesterday to express the thought that we were now just like other nations, linked with them in foreign policy, and henceforth to act with and like them. It is this I have fought so strenuously and to prevent this we have failed.

Of course, in Southern California I have had nothing but abuse. A too intense Americanism one would think, might appeal to our people, though they pitied its expression. If I had indulged in panegyrics to Great Britain and Japan, I would have had universal commendation in California.

Because I was only American, I have met with almost universal condemnation. I could understand the Southern part of our state. I was perplexed and shocked at the attitude of San Francisco. Of course, DeYoungs, Lawrences and that ilk, with neither principle nor patriotism, would follow the international bankers and the party dictum, but Jerry Sullivan and Judge Morrow, and others like them hurt. When I received the telegram signed by Morrow Friday morning, I read it twice, and the scene two years ago, when Morrow stood at my side before thousands of cheering people at the Coliseum, passed before me. I then dictated hastily my reply to his despatch, and I'm glad I did so. It stated succinctly, perhaps imperfectly, what was in my mind, and although it was so quickly dictated it will I think stand the test of time. When the Vice President as was his duty handed in Morrow's telegram, I had my reply printed immediately after it. Both documents are embalmed in the Congressional Record.

There's one thing which will come out of this

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that some Californian will greatly regret. It will be very difficult hereafter, if not impossible, for California to obtain relief from Japanese immigration, or sympathy for its position in relation to the Japanese. The Eastern press have commented, almost without exception, upon the attitude of California upon this treaty as evidencing that the so called Japanese feeling in California is a myth, confined only to demagogues and agitators. When we ask action in the coming session, the answer is obvious. We are allies of Japan. We must do nothing to disturb the harmonious concord existing.

We cannot be allies for maintaining Japanese territory, and at the same time, decline any association with Japanese.

These and a hundred other answers of like character will be made, and California particularly will rue the day this treaty was entered into, and will repent her attitude in sack cloth and ashes. The fact is in my opinion, just this thing was understood by some of the people who engineered the meeting last week. Moore has always been pro-British and pro-Jap particularly. Lawrence is merely a part of the Los Angeles Times, always pro-Japanese. The Chamber of Commerce is and always has been pro-Japanese. It fought if you'll remember, the alien land bill at the last election. Its President and Secretary are very strongly against California and for Japan. However, it's useless to talk of these things.

When the time again comes that one may be an American, without being reproached for it in America, we'll have our day; and if the time never comes again, we are as strong as our fellows and will be ourselves just the same.

The effect of this upon the campaign of course will be very important. I do not know whether it will be sufficient to defeat me or not. It will, of this I am certain, beat me very badly in Los Angeles county. It will make little difference who my opponent may be, he can roll up a great majority against me in Los Angeles, and the question for us to determine before it is too late, is whether this majority can be overcome in the North. The psychology of our people is against my position today. I am on dangerous ground in fighting for my country alone. Geddes, Hoover, Root, all by singular coincidence now in California, the first two making speeches for the treaty, are in harmony with our people. The British Ambassador the representative of Great Britain in the Cabinet, making British speeches, appeal for the moment to Californians. Is the feeling sufficient to overwhelm us? I do not need to tell my sons that if the feeling were a million times stronger, if every British statesman alive and British bottler in America were at present in California, organizing it in every hamlet village and city, I would not alter one jot of my views, nor temper them in any degree.

How the times have changed!

A few years ago,

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if the Br tish Ambassador and his flunkey had gone about the country making speeches on a matter pending before the national legislature, there would have been an outcry that would have resulted forthwith in the Ambassadors^A recall, and the flunkey would have been driven from the stage. Today, every public b body does them homage, our very University, creeps and crawls and kisses the garment of the representative of England, and they make Americanism a bye-word and reproach.

Winter is over. Yesterday waa a beautiful Spring day, and I looked forward to today that I might begin again my life in the yard. Unfortunately there's a high wind, like the North wind in the Sacramento valley, and my hopes have been shattered. Howe ver, from now on we'll have a month or so of really pleasurable and delightful weathe r. It is the only enjoyable time here.

Victor slowly gets worse. It's pitiful to see him now. We can arouse him to activity at stated intervals and we do this do that he will use his leg. The Doctor tells us it will atrophy if we do n't exercise him, and so three times a day for twenty minutes each time, we throw the ball and get him running. The remainder of the time he is on three legs with the constant horrible twitching that makes it impossible for him to be comfortable. We 're giving him arsenic, and applying heat to his spine daily. Nothing however, has stopped the progress of the disease, and I do not know what the end will be.

I'm tired now. I could write you indefinitely of what is in my mind; but perhaps I have shown you sufficient of it. Goodbye, lads. Love to the kiddies; lots to yourselves.

Affectionately,

Dan

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R. A. BURR, CLERK.

United States Senate,

COMMITTEE ON PATENTS.

March 28, 1922

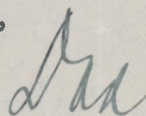
Mr. Hiram W. Johnson, Jr.,
Attorney at law,
Mills Bldg.,
San Francisco.

My dear Jack:

I forgot in writing you the other day to send you check for \$25.00 which you paid to DeHaas and Company, the tax experts. I send it herein. Thank you again for your kindness to me.

I have several letters from California saying that DeYoung is going to fight me in the present campaign. How very clear my vision was two years ago! The greatest harm ever done to me politically was by the ticket that was put over on me then. I have estopped myself from making the only kind of fight that could be effectively made against him with that ticket. You might call the attention of our distinguished friend, Mr. Cosgriff, to the attitude of his patron saint.

Affectionately,



HIRAM W. JOHNSON, CALIF., CHAIRMAN.
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United States Senate,

COMMITTEE ON PATENTS.

March 30, 1922

Mr. Hiram W. Johnson, Jr.,
Major Archibald M. Johnson,
Attorneys at law,
Mills Building,
San Francisco.

My dear Boys:

Last night we dined at the White House. The Moores were guests of the Hardings, and so we were asked. I want to record at the earliest moment a part of the conversation held with the President just after dinner, and I want to record it exactly as it occurred, and as nearly in the language of the President as I can. We were talking over our cigars ⁱⁿ of the usual banal generalities, when the President turned to me and said: "Johnson, you know there was a good deal of discussion about the preamble of the Fourpower Treaty." I said, "Yes, I talked of it myself quite a bit." "Do you know who wrote it," he asked. ~~I~~ I said, "No, I have not the slightest idea. We tried to find out during the progress of the debate, but without success. " He then said, "That preamble was written by Henry Cabot Lodge." Immediately I said, "Why in hell did he not say so then?" His response was, "I don't know why. The fact is, I did not know Lodge had written the preamble until Hughes' return from Bermuda, and then Hughes told me the circumstances. " The President then proceeded to detail the circum-

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stances surrounding the writing of the Treaty thus: Before the meeting of the Conference it had been determined to do something to supersede the Anglo-Japanese Alliance. When Balfour came to this country, he had a plan which was submitted to the Secretary of State and which was then discussed by the two. Lodge learning of these conversations undertook himself to write a Treaty, and in writing one, wrote a preamble as well as the succeeding clauses. Baron Shidihara, representing Japan, of course, learned of what was happening between the British and the Americans. Shidihara then wrote a plan, and brought it to Hughes. Hughes reading it, quickly saw that it would serve substantially as the Treaty desired, and told Shidihara he thought it might be acceptable. Hughes submitted the Shidihara draft to the experts in the State Department, and the Treaty was agreed upon substantially as subsequently adopted. Out of compliment to old Lodge, they took the shears and cut the preamble off of what Lodge had written, and literally pasted it on the Shidihara draft. The Shidihara draft, with the Lodge preamble constituted the Treaty signed and ratified.

Of course, it does not make very much difference who wrote the Treaty, but the President did not quite see, first, that he was condemning Lodge as a trickster in relation to the writing of the Treaty, for Lodge dodged all queries; and secondly, that he was proving Hughes to be an unmitigated liar.

I am writing this stuff simply for preservation.

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I have received your good letters about the Treaty fight. It's a real pleasure to have your enthusiastic commendation. God knows there was little enough of it from California. I think it was an inspiration that I wrote Morrow as I did. It was done on the spur of the moment and the dictation was hasty, and time did not permit going over the thing. In the week in which I made my speech on the Treaty I made two short speeches, I think on Thursday and Friday of that week. The first was a little more detailed analysis of the Anglo-Japanese Alliance, and I wish at your convenience you would read it, because I think it is unanswerable; the second did not amount to much, but arose from some little colloquy with Poindexter.

It's pretty plain I am going to have a fight. I don't want you to think that we are not going to have *one*.

I was glad to know your boys are fine and the house running well. We'll be out as soon as I can get through the Tariff Bill, but the Lord only knows when that will be.

It might be a mere coincidence that Geddes, Hoover and Root were all in California at the psychological moment of the treaty fight. It is scarcely possible that it is a coincidence they all speak in the same strain, and sing the same song. The old man is having his contest transmuted from a state fight into a national and even an international contest.

Affectionately,

