

next, including those appointments made at Unionists' insistence. The action will be a part of a trip to the Washington, D. C. Of course, I don't know that he means just January 12th, 1922. In any event, he claims that the Governor will have to make new appointments, and, of course, suitable to their wishes.

Honorable Jose Tous Soto, P. R. ate, was here as the interpretation of the law and if it is simply a non-conformity, the President, and in this

My dear friend:-

Ever since I wrote you last I have been laid up with a terrible cold and am still under the weather and suppose that I shall not commence to feel any better until I strike a balmy climate. I did get up on Saturday to keep my engagement with the Secretary of War and present to him the name of Honorable Carlos Franco for the Supreme Court. He said that he would take the matter under advisement, as it would not be taken up by the President until after Judge Toro's confirmation, which is still pending in the Senate on account of the Newberry situation.

I am enclosing herewith copies of letters sent to the President by both Mr. Iglesias and Mr. Gompers, recommending Judge Franco. I also have the promise from Hartzell that Mr. Bancroft, the President of Aguirre, would write Weeks, Making the same recommendation, and I had a telegram from Governor Reilly two days ago from Kansas City, saying that he would also recommend Mr. Franco on his arrival here, which I expect will be day after tomorrow.

Mr. Hartzell is here waiting for the Governor and we have conferred upon the situation and we are going to urge the Governor to see the President and ask him as a personal favor to appoint Franco, as it would not do at all to have a Unionist appointed. In the situation in which we find ourselves, it would mean a slap on the Governor, and at the same time the Governor needs friends in the Supreme Court for any emergency which might arise.

The Governor was expected here today, but he did not reach. You have probably heard by cable of a document which has been produced in the House of Representatives by our Commissioner here and signed by Barcelo, the Commissioner, Guerra, and Mc K. Jones, calling themselves a Porto Rican Delegation to Congress. It is simply a petition to have an autonomous form of government for Porto Rico, similar to the one now obtaining in Canada. I don't know what these people are driving at, but I am sure that they are not getting anywhere with such an old-fashioned proposition, which is foreign to the United States. So much so after we have become full-fledged American citizens.

Yesterday Mr. Guerra had a long talk with Bennett and told him lots of inside stories, for instance, he claims that the Unionists have decided not to confirm any of the Governor's appointments when the matter comes up before the Senate in February



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might make a demonstration for him, and by-the-way it seems that McIntyre is not keeping faith with the Governor, for he requested that the date of his sailing be kept secret. Yet Barcelo told Bennett that he knew the Governor was sailing on the 19th.

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January 13, 1922.

Although the Senate got through yesterday with the Newberry case, it has adjourned until Monday, the 16th. The Secretary of the Committee on Territories and Porto Rico told me today that the favorable report of said Committee on the appointment of Justice Toro was ready to go in at the first meeting of the Senate in Executive Session.

In a long talk had yesterday by Hartzell with Secretary Weeks the subject of the vacancy in the Supreme Court was discussed and the Secretary said that he had consulted some friend about the different names suggested and he had a letter before him which boiled the proposition down to two candidates, namely, Franco and Martinez. He then told Hartzell that he did not know what to do, as he believed that the majority party was entitled to some consideration in the matter of appointments and he did not want them to think that because of their unfairness that the administration was going to take advantage and not give them their due. At the same time, he agreed with Hartzell that any recognition made now by the Administration in favor of the majority party would be an encouragement to them in the fight against the Governor, and that it was more than convenient that Mr. Barcelo should return home without any favors to show as a result of his trip. Weeks said that he would keep the matter in abeyance, as he supposed that there was no hurry in the filling of the vacancy in the Supreme Court and the matter of filling the vacancy would be taken up later, depending upon the behavior of the majority party.

Secretary Weeks also agreed with Hartzell in the procedure to be carried out by the Governor when the Senate meets next February and refuses to confirm his nominations. He is prepared for the situation and knows that it is part of the plan of the Unionists to control the Executive of Porto Rico, and he states that if Reily should yield in this fight, his usefulness as Governor would be over.

Many things were taken up in this conversation which I do not believe I should write you about, inasmuch as this is the last letter which I will write you from here, I hope to have a conversation with you and other friends the very day of my arrival, in which I will be able to tell you many things that you ought to know. I may say, nevertheless, that there is nothing to worry about and everything will be satisfactory.



Jan. 13, 1922.

I had a very amusing conversation this morning with my immediate superior, the Commissioner General of Immigration. He called me up on the phone and wanted to know when I was leaving town and when I told him within a couple of days, he asked me to come over any time today or tomorrow, and I did go over immediately thereafter. After we spoke about different pending matters, he fished out from lots of papers those referring to the subject on which he wanted to speak to me. He said that he supposed that I knew about the matter which had been pending in his office since the first part of last month and that now that I was leaving, he wanted to be able to answer the Secretary of Labor what I had to say about the matter. I found that the subject was a letter of complaint written on December 9th in Spanish by Mr. Barcelo to General McIntyre complaining about me for the alleged statements made by me on November 21st, 1921, the day after our arrival in New York recounting the fire on the "Tanamo". Mr. Barcelo bitterly complains against me and says that his first intention was to sue the newspaper and myself for libel for accusing his party of incinerism. He goes on to state that inasmuch as I was the first one to see Governor Reily in Washington immediately after his appointment as Governor, I was evidently the one most responsible for all that the Governor did because I counseled him against Porto Rico, and the Governor consulted with me concerning everything which he did in Porto Rico. He goes on to state that I have been very active politically, taking advantage of my official business, and winds up his foolish letter by requesting my removal or dismissal from office as a fitting rebuke as a Federal employee for all this misbehavior in office.

General McIntyre had a translation made of this letter and forwarded it to the Secretary of War and the Secretary sends it, with a cordial note to Secretary Davis for his information, stating that inasmuch as the said official was under the Department of Labor, it was up to the Secretary of Labor to decide. The Secretary of Labor sent the matter to the Commissioner General of Immigration, where it has been laying ever since.

When I read Mr. Barcelo's letter and the interview in the Journal of Commerce, I told Mr. Husband the truth of what had happened, which is the same as I wrote you some time ago. The next day of my arrival in New York I called on Governor Reily at the Hotel Vanderbilt and found him in the midst of about ten or twelve newspaper men who had been there for some time, discussing Porto Rican matters and, naturally, about the fire on the "Tanamo". I was introduced by the Governor and I sat down and took part in the conversation, but it was not over five minutes after my arrival that the reporters were ready to take their leave and then the Governor told me that he would not like to be quoted in whatever they published, as he would like to see the President and Secretary of War first. He then said that everything which he had told them I would be responsible for. Of course, I didn't like this, but made the best of it, saying that I supposed he had not accused anybody of horse stealing and he said that the only thing he had said was that the Captain and other officers of the "Tanamo" had declared in the presence of witnesses that the fire



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was intentional, as they could not see by the circumstances surrounding same how it could have been otherwise. The next morning when I got hold of the two or three newspapers which I generally read, I was surprised, to say the least, to see the things that the Governor had made me responsible for. Under the circumstances, it was not possible to correct the mis-statements printed, as the harm had already been done, but I want to say that if I had read the things that I was supposed to have said in the Journal of Commerce, I would have written a direct letter to that paper correcting them.

Mr. Husband saw immediately my position and suggested that I dictate a few lines to his stenographer so that the record might be kept complete and so that he at the same time might be able to tell the Secretary of Labor that he had investigated the subject.

I now see one of the other reasons why Mr. Barcelo has been waiting here so long. He probably was waiting for my "goat," but I don't believe he will get it.

There is nothing more to add and I have requested Lee Nixon to keep on the lookout and as soon as Toro is confirmed to send a cablegram to the "Times". In fact, any other news which is worthwhile knowing, he will send.

Believe me to remain,

Yours friend,