

Mr. MANN. There is but one more legislative day in this Congress.

Mr. STAFFORD. The request should be for three calendar days.

Mr. CLARK of Florida. Very well.

The SPEAKER. Is there objection?

Mr. GARLAND. Mr. Speaker, is it necessary to indicate the nature of a protest in objecting to the extension of remarks or in extending them in the Record? I intend to answer if I may be permitted by inserting remarks in the Record the letter which has been inserted by the gentleman from Tennessee, and to present objections to the acceptance of the letter by Congress.

The SPEAKER. The letter was not accepted by Congress.

Mr. GARLAND. It was put into the Record.

Mr. MANN. Permit me to suggest to the gentleman from Pennsylvania that when a letter is read it goes into the Record regardless.

Mr. GARLAND. Is it objectionable that I deny the facts?

Mr. SIMS. Mr. Speaker, time was yielded to me by the gentleman from Florida, and I was in regular order to read it myself.

The SPEAKER. The gentleman from Florida asks unanimous consent that all gentlemen who have spoken on this bill have three calendar days within which to extend their remarks in the Record. Is there objection?

Mr. SABATH. Mr. Speaker, in connection with that I ask that my colleague, Mr. McANDREWS, may be accorded that privilege.

The SPEAKER. And the gentleman asks that the name of Mr. McANDREWS be added. Is there objection?

There was no objection.

Mr. GARLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, on what subject?

Mr. GARLAND. On the subject of the letter which was read in the time of the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. Is there objection?

There was no objection.

HOOR OF MEETING MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m., Monday, March 3, 1919.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, out of respect to the memory of our deceased colleague, the late Representative BORLAND, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 37 minutes p. m.) the House adjourned until Monday, March 3, 1919, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. POU, from the Committee on Rules, to which was referred the resolution (H. Res. 620) providing for the consideration of H. R. 12352, reported the same without amendment, accompanied by a report (No. 1166), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on Woman Suffrage, to which was referred the joint resolution (H. J. Res. 440) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, reported the same without amendment, accompanied by a report (No. 1167), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAMPERT: A bill (H. R. 16216) granting a gratuity to members of the United States Army, Navy, and Marine Corps, Army Nurse Corps, Army field clerks, and naval reservists; to the Committee on Military Affairs.

By Mr. GANDY: A bill (H. R. 16217) to authorize a lieu selection by the State of South Dakota of 160 acres on Pine

Ridge Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

By Mr. GALLIVAN: Memorial from the Legislature of the State of Massachusetts, urging Congress to provide additional pay for soldiers and sailors discharged from the service of the United States; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. GREENE of Vermont: Petition of W. S. Clark and 45 other citizens of Rutland, Vt., and vicinity, favoring Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: Petition of G. W. Long and 121 other Denver (Colo.) residents, favoring the withdrawal of the American Army from Russia; to the Committee on Military Affairs.

By Mr. LUFKIN: Memorial of the General Court of Massachusetts, urging Congress to provide additional pay for soldiers and sailors discharged from the military service of the United States; to the Committee on Military Affairs.

By Mr. SABATH: Petition of the Virden Commercial Club, of Virden, Macoupin County, Ill., favoring an emergency public-works board, to coordinate with and expedite national improvement; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of the Providence (R. I.) Engineering Society, protesting against the repeal of the daylight-saving law; to the Committee on Agriculture.

By Mr. VARE: Petition of the Archbishop Ryan Assembly of Philadelphia, recommending the continuation of the appropriation for the United States Employment Service; to the Committee on Appropriations.

SENATE.

MONDAY, March 3, 1919.

(Legislative day of Saturday, March 1, 1919.)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

THE COAL PROBLEM.

Mr. VARDAMAN. Mr. President, I ask the indulgence of the Senate for a few moments.

There is no economic problem of more importance to the American people than the production and distribution of bituminous and anthracite coal. Bituminous coal is scattered over a larger area of the earth than anthracite; the former is found in every section of this Republic, and it is, therefore, more difficult to monopolize its production and distribution. But anthracite coal is confined to one very limited spot of the Western Hemisphere, and the monopoly of its production and distribution is complete.

Anthracite coal is found in a small area in the State of Pennsylvania, embracing something like 300,000 acres. It is confined principally to four counties. The Manufactures Committee of the Senate devoted considerable time a year ago to the investigation of bituminous coal and sugar. That was during the unfortunate reign of Mr. Hoover and Dr. Garfield. Mr. Hoover has gone to Europe, happily for the American people, and the end of his interference with and control of the food supply of America will soon be at an end, while Dr. Garfield, bless his dear patriotic soul, has gone into the quiet shades of "innocuous desuetude."

The testimony taken and printed by the Manufactures Committee of the Senate on coal and sugar will be of great use to the Congress in dealing with these two questions, even in time of peace. I regret that the time was so limited that the committee during my chairmanship was unable to go as completely into the subject as the gravity and importance of the question demand. But we have taken volumes of testimony which has been printed, and I trust that the coming session of the new Congress may carry this work on to a successful and complete conclusion. Owing to my inability to have the testimony all printed in time for the individual members of the committee to go over it, I am unable to present a report from the committee, but I have gathered together certain facts which I trust will be of help to the next Congress in dealing with the question. I ask, Mr. President, permission to have the statement published in the Record, without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"The principal anthracite coal lands known to be developed in North America are found in Pennsylvania. There is anthracite found west of Martinsburg, W. Va., and some near the Arctic Circle, but it is not now for the market, because the West Virginia anthracite is so friable and in such small veins as not to make it profitable, while the Canadian product is so distant from any transportation lines that it could not be marketed. These coal lands are principally in four counties—Schuylkill, Luzerne, Northumberland, and Lackawanna Counties. The original content of anthracite, conservatively estimated, was 26,000,000,000 tons. There has been taken to the surface about 4,000,000,000 tons, and there has been marketed 2,774,000,000 short tons, or about two and one-half billion long tons. The 1,000,000,000 tons of coal brought to the surface and not marketed represented small sizes that were dumped, much of which went into the streams and were washed away, and all triturated or pulverized coal, for which up to the present time there has been practically no market at all. The effort to convert this pulverized coal into briquettes has up to this time been more of an experiment than a success. It is estimated that there remains in the earth about 22,000,000,000 tons of anthracite coal in Pennsylvania. The percentage of coal to be won and marketed in the future depends largely upon improved engineering methods of holding up the surface by other methods than pillars of coal that are now principally depended upon to hold up the mining roofs while coal is taken from the breasts or chambers.

"The aggregate extent of the well-defined coal territory is over 300,000 acres. There are about 25,000 additional acres carrying more or less coal, some of which, because of its friable nature, will not be worked until the harder coal is less abundant.

"The anthracite territory has been principally divided into three fields—the Wyoming, Lehigh, and Schuylkill.

"1. The Wyoming, comprising the northern field, is traversed by the Lackawanna and Susquehanna Rivers.

"2. The Lehigh fields comprise territory found at an average of from 700 to 1,000 feet higher than either the Wyoming or the Schuylkill fields. They are all on what is known as the Broad Mountain, the backbone mountain of eastern Pennsylvania.

"3. The Schuylkill fields are divided by Broad Mountain. The northern Schuylkill field is along the Mahanoy and Shamokin Creeks. The main body of the southern Schuylkill field is drained by streams that flow into and make up the Schuylkill River. The great wealth of unmined coal is in this southern Schuylkill field, bounded on the south by Sharp Mountain and on the north by Broad Mountain.

"All of these fields except the southern of these two Schuylkill fields are under active development. The coal is much more accessible in the northern part of the Wyoming field and in the Lehigh field than in the southern part of the Wyoming field or in either of these two Schuylkill fields, except where the coal outcrops in the several fields.

"The anthracite production in the year 1917 was 89,443,277 tons, and for the year 1918 it was 86,338,136 tons, or a total for the two years of 175,781,413 tons.

"Seventy-two per cent of the production from the anthracite coal territory is controlled by eight transportation companies. Most of this coal land is owned by these transportation companies or their subsidiaries in fee. Notwithstanding the fact that the constitution of Pennsylvania prohibits a transportation company from engaging in mining, these transportation companies are in this business of not only transporting this coal but of mining it. The transportation companies rank in the following order, according to their holdings and production:

"The Reading (which is the holding company of the Philadelphia & Reading Coal & Iron Co. and the Jersey Central, which in turn owns all of the stock of the Lehigh & Wilkes-Barre Co.);

"The Lehigh Valley;

"The Delaware, Lackawanna & Western;

"The Delaware & Hudson;

"The Lehigh Coal & Navigation Co. (which owns and controls the Lehigh & New England);

"The Erie; and

"The New York, Ontario & Western.

"Among the things proved at the hearing was the fact that the Susquehanna Collieries Co., which produced 5½ per cent of all of the coal mined, has taken over all the coal companies that heretofore were known as Pennsylvania companies; that is, companies that were formerly in the control of the Pennsylvania Railroad.

"The Lehigh Valley, the Delaware, Lackawanna & Western, Delaware & Hudson, Jersey Central, Erie, Pennsylvania, and the New York, Ontario & Western Railroads transport the coal from the Wyoming field; the Lehigh Valley, the Jersey Central, and the Pennsylvania, from the Lehigh field. The coal from

the northern Schuylkill field is carried by the Lehigh Valley, the Reading, and the Pennsylvania, and from the southern field by the Philadelphia & Reading, the Jersey Central, the Lehigh Coal & Navigation Co. (or the Lehigh & New England), and the Pennsylvania.

"The Reading owns and controls 51 per cent of all the unmined coal—that is, the coal in place—45 per cent through its subsidiary, the Philadelphia & Reading Coal & Iron Co., and 6 per cent through its subsidiary, the Lehigh & Wilkes-Barre. The total acreage owned and controlled by the Reading is 113,188, of which 96,687 acres are held in fee and 16,501 under lease. Of this holding, the Philadelphia & Reading Coal & Iron Co. owns and controls 97,868 acres, of which 84,932 it holds in fee and 12,936 operated under lease. And the other subsidiary, the Lehigh & Wilkes-Barre, owns and controls 14,320 acres, of which 11,755 are held in fee and 3,565 operated under lease.

"The Lehigh Valley owns and controls 42,000 acres of coal land, of which 25,000 acres are held in fee and 17,000 acres under lease.

"The Delaware, Lackawanna & Western owns and controls 13,922 acres of coal land, of which 10,500 acres are held in fee and 3,342 acres under lease.

"The Delaware & Hudson owns and controls 24,000 acres of coal land.

"The Lehigh & Navigation (the Lehigh & New England Railroad Co.) owns and controls 13,863 acres of coal land.

"The Erie owns and controls 18,600 acres.

"The New York, Ontario & Western owns and controls 7,000 acres in coal.

"The Susquehanna Collieries Co. owns and controls in coal 21,880 acres.

"The Girard estate owns in fee 12,780 acres, of which there are 4,880 in coal.

"The Locust Mountain Coal Co. paid to the Girard estate in royalties in the year 1918, \$658,000; in the year 1917, \$517,000; paying in the year 1918 on the average of \$1.04 a ton royalty and in 1917, 83 cents a ton royalty. The total royalty received by the Girard estate for the year 1918 was \$2,482,930.70. That was the amount of royalty paid to the Girard estate on a total of a little over 4,000 acres, the Locust Mountain Coal Co. paying \$658,000 on a shipment of 629,742 tons. The total acreage under lease by the Locust Mountain Coal Co. is 390 acres; that is, the Locust Mountain Coal Co. is paying over \$1,600 an acre annually on the lands they hold under lease. If the Locust Mountain Coal Co.'s shipment of 1919 equals that of 1918, it will receive an amount in excess of \$1,600 an acre. The contracts with the Girard estate provide for a percentage of the selling price of the year previous; that is, the prevailing figure that they will receive for the coal mined from their property in 1919 will be based upon the high prices of coal in 1918. The first cost of the coal being so great in royalty means a correspondingly high price of coal to the consumer, as it is a well-established economic fact that nothing contributes so much in the final cost of any product as the initial cost.

"While the domination and control of the anthracite product, and the fact that 72 per cent of all the anthracite is produced and marketed by transportation companies, accounts largely for the present high price of coal, that is not the full story. These companies not only control 72 per cent of the production, but make it impossible for independent operators to compete with them on any fair basis. They produce coal in such quantities that they can control what is known as the 'cargo market,' the coal that is put in boats at tidewater. The customer wants a size of coal that is best adapted to his needs, whether it be steamboat, broken, stove, chestnut, pea, buckwheat, or rice. There being so many different sizes, the independent operator is not in a position to furnish the cargo sizes in sufficient quantity, unless either at the place of production or the point of delivery he accumulates cars of coal of that particular size. But when such cars are held beyond a certain day, the independent operator is charged demurrage, and that demurrage to the independent operator is a loss. But demurrage is no loss to the transportation companies, which only take the money out of one pocket and put it in the other. For instance, the Hudson Coal Co. operates lands owned and controlled by the Delaware & Hudson Railroad Co., but the Delaware & Hudson Railroad Co. owns and controls the Hudson Coal Co., so that demurrage charged against the Hudson Coal Co. is simply paid to its own owner and controller, the Delaware & Hudson Railroad Co. The result is that the independent operator is in no position to compete for the market where the coal is taken from tidal points by boats.

"Another handicap of the independent operator is that he is not in a position to accumulate large quantities of coal of various sizes in storage yards or bins. There was a time when the

Lehigh Valley maintained and permitted the independent operator to use large storage bins at tidal points until such time as he had accumulated cargo lots. But there is no longer any such provision as that to put the independent operator on a competitive basis with the operating transportation companies.

"During the years 1917 and 1918, independent coal operators could have greatly increased their output had they been permitted to mine coal in close proximity to their workings. Their efforts to get this coal to mine for the market availed them nothing. It was coal that the transportation companies had no facilities themselves to mine.

"The pernicious evil of these transportation companies leasing and not developing is shown in the case of the lease of a 360-acre tract between Pottsville and Minersville. The Lehigh Valley has had that tract under lease since 1890, paying a minimum royalty of \$21,000 a year. That company has paid on that lease in royalty and taxes about \$600,000 and has not mined or shipped a pound of coal from that property or permitted anyone else to mine and ship from it.

"The nearest operating mine to tide, by the present all-rail route, is about 95 miles. The anthracite mine or mines farthest from tide can be reached by about 180 miles.

"Another evil is the 'dog-in-the-manger' attitude of these corporations. Not only do they have an advantage in holding their large percentage of the anthracite unmined coal in fee and under lease, so that individual operators can not get this land and mine it, but, with much of their own property undeveloped, they pursue a policy of reaching out and become the most aggressive competitors in getting control of lands, other than what they own or hold in fee, by leasing them. For instance, the Reading, which owns and controls more than 50 per cent of all the unmined anthracite, paid out \$693,536 in 1918 in royalties on leases, although less than half of its own property was under development at the time.

"Millions of tons of coal could have been won to relieve the coal shortage of 1917 had the Fuel Administration used the despotic power given the President to compel the transportation companies to reclaim the culm banks. They have great banks carrying many of the small sizes of coal, commonly known as "dumps" or culm banks. No skilled labor is required to reclaim this coal from the bank and put it on board cars. One man can produce for the market three times as much coal from a culm bank as he could win of fresh from the mine. Many enterprising people were keen and anxious to reclaim this coal from the banks and put it on board cars, even offering excessive royalties. Yet, in spite of all the suffering growing out of the coal shortage, these appeals fell upon deaf ears. Not only were new enterprises denied the right to reclaim these culm banks, but in some cases operators actually dismantled their plants for want of material to keep them going, because transportation companies would not permit these culm banks to be reclaimed. This disregard of the public interest is due to two causes—the greed and cupidity of the mine owners and the inefficiency of the Fuel Administration.

"Other than transportation companies, the largest owner of unmined coal is what is known as the Girard estate. The Girard estate owns over 4,000 acres of coal-bearing land. The Lehigh Valley Coal Co. has 13,000 acres in the southern anthracite field alone, and notwithstanding the fact that it is operating less than 1,000 of its own 13,000 acres in the southern anthracite field it is paying excessive royalties to control and operate nearly one-half of the Girard estate under lease.

"The Reading also is a tenant of the Girard estate, notwithstanding the fact that it has about 40,000 acres of its own undeveloped, practically virgin territory.

"The Girard estate receives annually in royalties an average of over \$600 an acre on its 4,000 acres. Although the will of Stephen Girard intended to establish a great charity for orphan boys, the present management and operation of the Girard estate makes it one of the greatest curses to the householder. By reason of its commanding position in the coal business, the royalties received by the Girard estate fix the standard for high royalties. While the average cost of royalties on bituminous coal in Pennsylvania is only 10 cents a ton, the average cost of the royalties paid to the Girard estate is more than ten times that amount for anthracite coal mined for domestic purposes, thus causing this domestic necessity, which ought to go to the poor people at the lowest possible price, to be almost a luxury.

"The sale price of coal is controlled by what is sent out through a publication or folder called 'the circular.' These prices are known to the trade as 'circular prices.' The cir-

cular prices are published each month in the coal trade publications. They are the law of the business. 'The circular' is issued by the Reading Co.

"The Reading holds its large percentage of coal by reason of foreclosures of former holding companies of large interests. The financial interest under which these foreclosure proceedings were directed was Morgan & Co., of New York, affiliated with the banking house of Drexel & Co., of Philadelphia, and practically the same directors control all the different corporations involved.

"All facts set forth in the above report are based upon testimony and geological data bearing upon the anthracite coal situation.

"It will be readily seen from the foregoing report that there is no commodity in common use that is so absolutely monopolized as the anthracite coal production and there is no commodity upon which there is such a high rate of tolls paid for the carrying of the same. It is a low-grade commodity, where the loading is through chutes from bins, carried in carload lots, and dumped without any more hand labor than the mere opening of gates to permit the coal to run from the cars. This same character of product, to wit, the bituminous coal, is carried to the market at about one-half of the toll rates charged for anthracite. It has been stated time and again, it is the backbone of a least six of these nine anthracite carrying companies because of the great receipts for this product.

"When it is taken into consideration that the royalty cost is ten times greater than bituminous and that the tonnage cost is twice as great as bituminous, it can be readily understood why anthracite is commanding such a high figure.

"If there is any subject matter that needs the serious consideration of the Congress of the United States, it is these excessive royalties and high tonnage rates of anthracite coal, together with the great underlying cause of all—that one group of financiers control the anthracite production of this country.

"The Creator of this universe placed coal in the bowels of the earth for the use and benefit of man. It is one of the vital necessities of life; and the great corporations which own and control it should not be permitted to exercise the monopoly which they now enjoy, to the disadvantage and discomfort of mankind generally. The great transportation companies have no more right to this God-given article of necessity than the humblest citizen of this Republic. The transportation companies that profit by the monopoly of coal production have no natural rights which rise higher than the law that permits them to be chartered to transport the coal, and the monopoly is not in accordance with the constitution of the State of Pennsylvania, which forbids them to engage in mining it. If the constitution of Pennsylvania, which forbids the transportation companies to mine coal, is a dead letter in that State, there is no reason why the Federal Government should not interpose and forbid these companies who are engaged in interstate commerce from doing the unlawful thing of mining coal.

"It is within the power of the Federal Government, and a power which should be exercised, to divorce the transportation companies from the mining companies. It is a matter which can be easily and effectually accomplished under the interstate-commerce clause of the Federal Constitution. The people of the United States have a right to demand of Congress that they be protected from the greed, cupidity, and avarice of these soulless corporations. It is unfortunate, in my judgment, that the Federal Constitution is so constructed that the Federal Government can not take control of coal mines and operate them for the benefit of all the people. Governments are made for men rather than men for Governments, and the Government that fails to protect its citizens from the cupidity of corporations in the distribution of one of the necessities of life is faithless to its people.

"Owing to the limited time, the many phases, and ramifications of this business, the committee has found it impossible to finish this work. The time at hand will not permit a thorough investigation and the working out of some proper solution; but we have succeeded in uncovering so many facts and have gathered together so much evidence, that Congress will find the completion of the task easy of accomplishment.

"We sincerely hope that necessary legislation may be enacted at an early date which will vouchsafe to the people of America, an ample supply of anthracite coal at a reasonable cost. If the Government will so act in dealing with this problem as to secure justice for all, it will relieve the world from much suffering. The price of coal should be fixed by the Government, and a fair return on the investment of those who have secured a monopoly on one essential of life should also be vouchsafed by the Government."

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Nugent	Smoot,
Bankhead	Jones, N. Mex.	Overman	Spencer
Caldor	Jones, Wash.	Owen	Sterling
Colt	Kellogg	Page	Sutherland
Culberson	Kenyon	Pittman	Swanson
Curtis	King	Pomerene	Thomas
Dillingham	La Follette	Ransdell	Thompson
France	McCumber	Robinson	Trammell
Frelinghuysen	McKellar	Saulsbury	Vardaman
Gay	McLean	Shaforth	Wadsworth
Gronna	Martin, Va.	Sheppard	Walsh
Hale	Moses	Sherman	Warren
Harding	Myers	Simmons	Williams
Hardwick	Nelson	Smith, Ga.	Wolcott
Henderson	New	Smith, Mich.	
Hitchcock	Norris	Smith, S. C.	

Mr. SMITH of Michigan. I again announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of serious illness in his family.

Mr. SHEPPARD. The Senator from Kentucky [Mr. BECKHAM] is unavoidably detained on official business.

I also wish to announce that the Senator from Arkansas [Mr. KIRBY] is detained on official business.

Mr. SAULSBURY. The senior Senator from Maryland [Mr. SMITH] is absent on account of illness.

Mr. PITTMAN. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is detained on official business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

INVESTIGATION BY JUDICIARY COMMITTEE.

Mr. OVERMAN. I ask the Senator from Virginia [Mr. MARTIN], who is in charge of the deficiency appropriation bill, to yield to me temporarily to make a motion.

Mr. MARTIN of Virginia. I have no objection to yielding temporarily, assuming the matter the Senator brings up will not consume any considerable time. If it should take any considerable time, I must insist on the regular order.

Mr. OVERMAN. If it does, I will agree to lay it aside. Four times I have asked unanimous consent to take up an important matter in which the Senate is involved. It is Senate resolution 469, instructing the Judiciary Committee to make an investigation. We have not been able to make a complete investigation and make a report on account of the jam here before the Senate, because we had to be here in the Senate in the last few weeks. I ask unanimous consent to proceed once more to the consideration of the resolution, and I want to say that if unanimous consent is not given I propose to move to take it up and pass it.

Mr. JOHNSON of California. May I ask what the particular resolution is?

Mr. OVERMAN. It is the resolution to investigate the liquor traffic, German propaganda, and Bolshevism.

Mr. JOHNSON of California. I object.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the resolution.

The motion was agreed to.

The VICE PRESIDENT. The resolution will be read.

Mr. OVERMAN. It was read Saturday night.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on the Judiciary, conducting, by subcommittee, under resolutions of the Senate numbered 307 and 436, investigations of German propaganda and Bolsheviki propaganda, be, and they are hereby, authorized and directed to continue said investigations until the expiration of one calendar week from the commencement of the first session of the Sixty-sixth Congress; to sit in Washington or elsewhere during the period between the end of the Sixty-fifth Congress and the beginning of the Sixty-sixth Congress and thereafter during the sessions or recesses of the Senate, and to report in the first session of the Sixty-sixth Congress; and the authority for the incurring and payment of the expenses of said investigations, whether incurred in Washington or elsewhere, is hereby extended for the same length of time.

JOINT COMMISSION ON RECLASSIFICATION OF SALARIES.

The VICE PRESIDENT. As senatorial members of the Joint Commission on Reclassification of Salaries, as provided for by section 9 of the legislative, executive, and judicial appropriation act, approved March 1, 1919, I appoint the Senator from New Mexico [Mr. JONES], the Senator from Nevada [Mr. HENDERSON], and the Senator from Missouri [Mr. SPENCER].

SALARIES OF POSTMASTERS AND POSTAL SERVICE EMPLOYEES.

The VICE PRESIDENT. In pursuance of section 3 of the Post Office appropriation act approved February 28, 1919, authorizing the appointment of a commission consisting of five members of the Committee on Post Offices and Post Roads of the United States Senate, to be appointed by the President of the Senate, together with a similar committee from the Committee on the Post Office and Post Roads of the House of Representatives, to investigate the salaries of postmasters and employees of the Postal Service, with a view to reclassification and readjustment of such salaries on an equitable basis, the Chair appoints the Senator from Alabama [Mr. BANKHEAD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Louisiana [Mr. GAY], the Senator from South Dakota [Mr. STERLING], and the Senator from Connecticut [Mr. McLEAN] as the committee on the part of the Senate.

FUNERAL OF THE LATE REPRESENTATIVE BORLAND.

The VICE PRESIDENT. In pursuance of the resolution submitted by the senior Senator from Missouri [Mr. REED] on the 25th ultimo, the Chair appoints the senior Senator from Missouri [Mr. REED], the junior Senator from Missouri [Mr. SPENCER], the Senator from Oklahoma [Mr. GORE], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Iowa [Mr. KENYON], the Senator from Colorado [Mr. THOMAS], the Senator from Illinois [Mr. SHERMAN], the Senator from Kansas [Mr. CURTIS], the Senator from Arkansas [Mr. KIRBY], and the Senator from Idaho [Mr. NUGENT] as the committee on the part of the Senate to attend the funeral of the late Representative Borland, of Missouri.

WAR DEPARTMENT EMPLOYEES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, in response to a resolution of the 14th instant, which will be inserted in the Record and referred to the Committee on Military Affairs.

The communication is as follows:

WAR DEPARTMENT,
Washington, March 3, 1919.

To the PRESIDENT OF THE UNITED STATES SENATE.

SIR: In reply to the Senate resolution of January 14 (calendar day, Jan. 18), I report that so far as the records of the department show all former civil-service employees of the War Department in the District of Columbia who resigned and volunteered or were drafted into the Army and who have been discharged therefrom and applied for reinstatement to their former positions have been reapointed and are being assigned to duty as rapidly as they report.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

MORGAN'S LOUISIANA & TEXAS RAILROAD (S. DOC. NO. 438).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 28th ultimo, a report of the facts as shown by the records of the Treasury Department as to a claim for \$2,094.17 of Morgan's Louisiana & Texas Railroad & Steamship Co., as assignee of Charles Morgan, mail contractor, which was ordered to lie on the table and be printed.

COST OF THE WAR (S. DOC. NO. 441).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a report relative to the cost of war with Germany and Austria as shown by expenditures under the appropriations for the service of the Department of Commerce, which, with the accompanying paper, was ordered to lie on the table and be printed.

SEIZED ALIEN PROPERTY (S. DOC. NO. 439).

The VICE PRESIDENT laid before the Senate a communication from the Alien Property Custodian, transmitting, in response to a resolution of the 24th ultimo, certain information relative to property taken over by him and the disposition made of the same, etc., which was referred to the Committee on Commerce and ordered to be printed.

GOVERNMENT EMPLOYEES (S. DOC. NO. 437).

The VICE PRESIDENT laid before the Senate a communication from the Director of the War Trade Board, transmitting, in response to a resolution of December 15, 1918, a list showing the number of civil employees in that board on February 26, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

REPORT OF THE SERGEANT AT ARMS (S. DOC. NO. 440).

The Vice President laid before the Senate a communication from the Sergeant at Arms of the United States Senate, transmitting a full and complete report of all the property in his

possession and in the Senate Office Building on the 21st of December, 1918, which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13026) to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 357. An act conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States;

H. R. 11219. An act providing for the appraisal and sale of Gig Harbor abandoned military reservation in the State of Washington, and for other purposes;

H. R. 12860. An act granting to members of the Army Nurse Corps (female) and Navy Nurse Corps (female), Army field clerks, field clerks, Quartermaster Corps, and civil employees of the Army pay and allowances during any period of involuntary captivity by the enemy of the United States; and

H. R. 13482. An act creating a commission for the maintenance, control, care, and so forth, of the Perry victory memorial on Put in Bay Island, Lake Erie, Ohio, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. ASHURST. I present a telegram in the nature of a petition from Leroy Holt, president of the Imperial Irrigation District, of Los Angeles, Cal., relative to an appropriation to furnish employment and homes for returning soldiers and sailors, which I ask may be printed in the RECORD.

The telegram was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CAL., March 1, 1919.

Senator HENRY F. ASHURST,
Washington, D. C.:

As a community which has been credited with furnishing the largest number of men for the military service of the United States according to its actual population, Imperial Valley urges your support of Lane's hundred million dollar appropriation to furnish employment and homes for returning soldiers. Imperial Valley with its wonderful record of over \$30,000,000 of production annually is an example of what can be done in the way of turning desert and waste places into pleasant and profitable homes. Over 300,000 additional acres of public land equally fertile lie within the Imperial Valley, but beyond the present irrigation system which could be reclaimed by a reasonable expenditure and made into homes for returning soldiers. Other communities probably offer similar attractive proposition. We feel that Secretary Lane's plan offers a wonderful constructive program for the reconstruction period which will not only constitute a suitable recognition of the courage and patriotism of our soldiers and sailors but also will increase the resources of our country, add to the stability of our Government, and increase the contentment of society in general.

IMPERIAL IRRIGATION DISTRICT,
By LEROY HOLT, President.

Mr. CURTIS. I present concurrent resolution No. 34 of the Legislature of Kansas, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

The resolution is as follows:

House concurrent resolution 34.

A resolution concerning the return of the Thirty-fifth Division from service overseas.

Whereas it has been announced that the Thirty-fifth Division, composed of the National Guard of Kansas and Missouri, will shortly be returned to this country for muster out of Federal service; and

Whereas this division was organized and trained by National Guard officers of Kansas and Missouri, and the record made by the citizens of Kansas and Missouri constituting its membership in the battle of the Argonne Forest was one of unsurpassed heroism and efficiency; and

Whereas the affection existing between the officers and men composing the division and their State pride and esprit de corps contributed in the largest measure to their gallant achievements against the professional soldiers of Germany; and

Whereas it is the desire of the members of the division and of the citizens of Kansas that our citizen soldiers be permitted to return to their own people under their own officers; Therefore be it

Resolved by the Legislature of the State of Kansas, That the President of the United States be, and is hereby, respectfully petitioned to direct that upon the embarkation of the division the officers who accompanied it across be returned to it, and that National Guard officers of Kansas and Missouri, serving with the same be assigned to the command of its regiments, battalions, companies, and batteries to accompany the same to the point of demobilization.

Resolved further, That the governor be requested to cause these resolutions to be laid before the President and to acquaint him with the earnest desire of the people of this State that this simple act of justice be done the survivors of more than 10,000 Kansans whose efforts and sacrifice have made possible the glorious achievements of this division; and

Resolved further, That the Senators and Representatives of this State in Congress be requested to call on the President immediately upon his return from France and petition him to cause the necessary orders to be issued in the premises.

I hereby certify that the above concurrent resolution originated in the house and passed that body February 25, 1919.

D. A. N. CHASE,
Speaker of the House pro tempore.
CLARENCE W. MILLER,
Chief Clerk of the House.

Passed the senate February 26, 1919.

CHAS. S. HOFFMAN,
President of the Senate.
EMMET D. GEORGE,
Secretary of the Senate.

Approved, February 27, 1919.

HENRY J. ALLEN, Governor.

Mr. SHEPPARD. I present a resolution of the Legislature of the State of Texas, favoring the return of telegraph and telephone lines to private ownership, which I ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

The resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Simple resolution 54.

Feeling that the public sentiment of the people of Texas, as expressed by resolution of this senate, would better enable the Congress of the United States to solve and direct the course of the problem of Government ownership of telegraph and telephone lines: Therefore be it

Resolved by the Senate of the Thirty-sixth Legislature of the State of Texas, That we are opposed to Government ownership of telegraph and telephone lines. Be it further

Resolved, That we favor the return of the telegraph and telephone lines to their owners at the earliest possible moment. Be it further

Resolved, That the Secretary of the senate forward properly authenticated copies of this resolution to each Senator and Member of Congress, in the United States Congress, and copies to the chief clerk of the legislature of every State in the United States.

Mr. WEEKS. I present resolutions adopted by the General Court of Massachusetts, favoring the granting of six months' additional pay to honorably discharged soldiers and sailors, which I ask to have printed in the RECORD and referred to the Committee on Military Affairs.

The resolutions are as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
IN THE YEAR 1919.

Resolutions urging Congress to provide additional pay for soldiers and sailors discharged from the service of the United States.

Whereas thousands of soldiers and sailors in the service of their country are daily being discharged from the Army or Navy of the United States; and

Whereas such discharged soldiers and sailors are encountering much difficulty in securing employment on account of the present industrial condition of the country; and

Whereas in the opinion of the General Court of Massachusetts it is the duty of the National Government to provide for the care and support of such discharged soldiers and sailors until they secure employment: Therefore be it

Resolved, That the General Court of Massachusetts hereby requests the Congress of the United States to pass suitable legislation for the purpose of providing six months' additional pay for soldiers and sailors upon their discharge from the service of the United States; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States Senate, to the Speaker of the National House of Representatives, and to the Members of the Senate and House in Congress from this Commonwealth.

In house of representative adopted February 13, 1919.

In senate adopted, in concurrence, February 18, 1919.

A true copy.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. HENDERSON. I present for the Senator from California [Mr. PHELAN] a resolution adopted by the Legislature of the State of California favoring an appropriation of \$100,000,000 for placing the returning soldiers and sailors upon farms, and so forth, which I ask to have printed in the RECORD.

The resolution was ordered to lie on the table and be printed in the RECORD, as follows:

CALIFORNIA LEGISLATURE, FORTY-THIRD SESSION,
AT SACRAMENTO, ASSEMBLY CHAMBER, January 25, 1919.

To the Hon. Franklin K. Lane, Secretary of the Interior, to the President of the United States Senate, Speaker of the House of Representatives, and to each Senator and Member of Congress from the State of California:

In compliance with the provisions of assembly joint resolution No. 14, adopted by the Legislature of the State of California at the forty-third session, I am sending you a true copy thereof, in title and words, as follows:

CHAPTER 21.

Assembly joint resolution 14.

(By Mr. N. J. Prendergast, of the twenty-seventh district)

Relative to the plan recommended by the Hon. Franklin K. Lane, Secretary of the Interior, for the placing of returning United States soldiers upon farms.

Whereas it has been recommended by the Hon. Franklin K. Lane, Secretary of the Interior, that Congress immediately appropriate the sum of \$100,000,000 for placing the returning soldiers of the United States upon farms, thereby inaugurating a plan whereby at least 100,000 men will be immediately employed in the creation of at least 25,000 farms within the territory of the United States; and

Whereas the plan as outlined by the honorable Secretary of the Interior proposes the reclamation of approximately 215,000,000 acres of arid and swamp land within the United States at present unfit for cultivation because of the lack of water in the one case and drainage in the other; and

Whereas the plan suggested is not a "charity scheme," and under appropriate management will be self-funding, and will offer alluring opportunities to settlers as compared with the old land settlement systems, inasmuch as 40 years' time is to be given the settlers within which to reimburse the United States for the money and credit loaned to them: Now, therefore, be it

Resolved by the senate and assembly, jointly, That the plan as outlined by Secretary of the Interior Lane meets with its heartiest and utmost approval, and that this legislature urges upon the Congress of the United States the early enactment into law of the plan proposed and the appropriation of the money needed to carry out the provisions thereof; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby directed to forward copies of these resolutions to the Hon. Franklin K. Lane, Secretary of the Interior, to the President of the Senate of the United States, Speaker of the House of Representatives, and each of California's Senators and Representatives in Congress.

HENRY W. WRIGHT,
Speaker of the Assembly.
C. C. YOUNG,
President of the Senate.
MARTIN C. MADSEN,
Private Secretary to the Governor.
FRANK C. JORDAN,
Secretary of State.

And do hereby certify that the same was duly filed with the secretary of state on January 25, 1919.

B. O. BOOTHBY,
Chief Clerk of the Assembly.

Mr. HENDERSON. I also present for the Senator from California [Mr. PHELAN] a resolution of the Legislature of California concerning an adequate merchant marine, which I ask to have printed in the RECORD and referred to the Committee on Commerce.

The resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

CALIFORNIA LEGISLATURE,
AT SACRAMENTO, FORTY-THIRD SESSION,
Assembly Chamber, January 26, 1919.

To the honorable President of the United States, President of the United States Senate, Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of California:

In compliance with the provisions of assembly joint resolution No. 10, adopted by the Legislature of the State of California at the forty-third session, I am sending you a true copy thereof, in title and words, as follows:

CHAPTER 18.

Assembly joint resolution 10, by Mr. Edgar S. Hurley, of the thirty-eighth district, relative to the constructing and fitting out of all ships and vessels used by Emergency Fleet Corporation or coming under their control.

Whereas during our recent war there have been constructed within the United States many shipyards which, taken altogether, have a capacity sufficient to construct all the ships required by the Federal Government in the operation of the American merchant marine; and whereas we are now confronted with the problem of caring for our returned soldiers, there appearing to be more men than jobs; and whereas in face of this fact the Emergency Fleet Corporation is reported to have let contracts to the shipyards located in foreign countries in an amount exceeding \$30,000,000: Therefore be it

Resolved by the assembly and the senate, jointly, That the Legislature of the State of California memorializes the Congress of the United States that they take such steps as may be necessary to prevent final consummation of this deal and to cancel any contracts that have been entered into if the same can be done consistent with the honor and integrity of the United States. And that they enact such laws as will prevent a repetition of such, and that they further provide for all American ships to be constructed in shipyards in the United States.

Resolved, That the Senators and Representatives in Congress from the State of California be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid: And be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, President of the United States Senate, Speaker of the House of Representatives, and each of the Senators and Representatives in Congress from the State of California, including those who shall assume office on March 4, 1919.

HENRY W. WRIGHT,
Speaker of the Assembly.
C. C. YOUNG,
President of the Senate.
MARTIN C. MADSEN,
Private Secretary to the Governor.
FRANK C. JORDAN,
Secretary of State.

And do hereby certify that the same was duly filed with the secretary of state on January 25, 1919.

B. O. BOOTHBY,
Chief Clerk of the Assembly.

Mr. HENDERSON (for Mr. PHELAN) presented a petition of the governing committee of the Realty Board of Los Angeles, Cal., praying for the return to private ownership of the railroads of the country, which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented a resolution adopted by the Trades Council of Kemmerer, Wyo., favoring an investigation into the Postmaster General's administration of the wire system, which was referred to the Committee on Post Offices and Post Roads.

Mr. HALE presented a petition of Terminal Lodge, No. 602, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Portland, Me., praying for Federal control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. MYERS presented a petition of sundry citizens of Billings, Mont., praying for the repeal of the tax on sporting goods, which was referred to the Committee on Finance.

Mr. MOSES presented resolutions adopted by sundry manufacturers of Franklin, N. H., favoring the continuance of the daylight-saving law, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Hillsboro County Teachers' Association, of New Hampshire, praying for the establishment of a league of nations, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by Council No. 92, Knights of Columbus, of Manchester, N. H., favoring the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a petition of congregations of the Congregational and Methodist churches of Bristol, N. H., praying for the establishment of a league of nations, which was referred to the Committee on Foreign Relations.

Mr. KNOX presented a petition of the Board of Trade of Sellersville, Pa., and a petition of the Kiwanis Club, of Easton, Pa., praying the return to private ownership of telegraph and telephone lines be deferred until Congress shall have studied the question and determined upon a proper and safe procedure to be thereafter followed, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by Local Union No. 500, United Brotherhood of Carpenters and Joiners of America, of Butler, of the United Labor Council of Butler, and of Monongahela Lodge No. 430, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of West Elizabeth, all in the State of Pennsylvania, favoring the proposed five-year extension of Federal control of railroads, which were referred to the Committee on Interstate Commerce.

Mr. THOMPSON. I present a resolution adopted by the Legislature of the State of Kansas, relative to the embarkation of the Thirty-fifth Division, composed of the National Guard of Kansas and Missouri, which I ask to have printed in the RECORD and referred to the Committee on Military Affairs.

The resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

House concurrent resolution 34.

A resolution concerning the return of the Thirty-fifth Division from service overseas.

Whereas it has been announced that the Thirty-fifth Division, composed of the National Guard of Kansas and Missouri, will shortly be returned to this country for muster out of Federal service; and whereas the division was organized and trained by National Guard officers of Kansas and Missouri and the record made by the citizens of the Argonne Forest was one of unsurpassed heroism and efficiency; and

Whereas the affection existing between the officers and men composing the division and their State pride and esprit de corps contributed in the largest measure to their gallant achievements against the professional soldiers of Germany; and

Whereas it is the desire of the members of the division and of the citizens of Kansas that our citizen soldiers be permitted to return to their own people under their own officers: Therefore be it

Resolved by the Legislature of the State of Kansas: That the President of the United States be and is hereby respectfully petitioned to direct that upon the embarkation of the division the officers who accompanied it across be returned to it and that National Guard officers of Kansas and Missouri serving with the same be assigned to the command of its regiments, battalions, companies, and batteries to accompany the same to the point of demobilization.

Resolved further, That the governor be requested to cause these resolutions to be laid before the President and to acquaint him with the earnest desire of the people of this State that this simple act of justice be done the survivors of more than 10,000 Kansans whose efforts and sacrifice have made possible the glorious achievements of this division; and

Resolved further, That the Senators and Representatives of this State in Congress be requested to call on the President immediately upon his return from France and petition him to cause the necessary orders to be issued in the premises.

I hereby certify that the above concurrent resolution originated in the house and passed that body February 25, 1919.

D. A. N. CHASE,
Speaker of the House pro tempore.
CLARENCE W. MILLEB,
Chief Clerk of the House.

Passed the senate February 26, 1919.

CHAS. S. HUFFMAN,
President of the Senate.
EMMET D. GUGB,
Secretary of the Senate.

Approved February 27, 1919.

HENRY J. ALLEN,
Governor.

Mr. GORE. I should like to have printed in the RECORD a memorial introduced by State Senator Hill and adopted by the Oklahoma State Senate, and perhaps by this time adopted by the house. I also present a resolution adopted by the city council of Tulsa, Okla. I ask to have the memorial and resolution printed in the RECORD, together with certain other letters and matter which I will furnish later.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Senate resolution No. 22.

A resolution requesting the Senators and Representatives in Congress from Oklahoma to use their good offices in behalf of Oklahoma soldiers who are now confined in Federal prisons by order of courts-martial.

Whereas it has been currently reported that a number of Oklahoma soldiers who were at training camps have received severe and unjust prison sentences from military courts-martial; and

Whereas these soldiers came into the Army from civil occupations and were wholly unaccustomed to, and unfamiliar with, military rules and regulations; and

Whereas under such conditions the imposition by court-martial of such severe and unwarranted sentences is destructive to morale and discipline and tends to weaken the confidence of the civil population in the ability and integrity of our military leaders: Now, therefore, be it

Resolved by the senate, That our Senators and Representatives in Congress are hereby respectfully requested to use their good offices to the end that justice may be done to these soldiers, and that they may not, for minor offenses, be forced to languish behind prison bars.

Passed February 27, 1919.

RESOLUTION OF THE IRISH SITUATION.

Whereas the Great World War, by virtue of the armistice that has been heretofore executed, is at a standstill, and

Whereas there is at this time assembled a conference of the representatives of the different nations of the world being held upon French soil, and

Whereas there has been suggested the names of delegates to this great peace conference that have not been accorded a seat thereat, and

Whereas we feel that a country that has been the home of statesmen like Emmet, Curran, O'Connell, Purnell, and the Count Horace Plunkett, should be represented at this conference, for

As we look back over the pages of history we see in the distance a small nation that has, throughout the centuries, been struggling upward and onward and a country that has produced some of the brightest minds, the greatest intellects, the finest orators, and the sublimest statesmen that have been permitted to set their feet upon the footstool of the Almighty.

This small nation has been ruled and governed by the strong arm of a monarchy that has at times been of the most tyrannical nature that ever pressed down the crown of thorns upon the brow of human kind.

A few of the many acts of tyranny that have been enforced by this monarchical form of government against this small nation during the years that have dawned and died, have been,

The coercion acts in which the citizens were coerced into doing things that were revolting to their manhood.

The suspension of the habeas corpus act by which thousands of the people of this country were put in prison without charge or any means of any character afforded to them by which they could get release or relief.

The suspension of a trial by jury, the result of which meant new punishment or acts of tyranny against the individuals in such manner as might seem or be the pleasure of tyrannical judges to inflict.

A search by the police without warrant or ceremony of any character, ruthlessly crossing the threshold of the home at any time that their own peculiar inclinations might suggest.

The innocent were fined and imprisoned for offenses committed by the guilty, who were permitted to go without molestation.

The alien or foreign visitors have been expelled from this country.

The curfew law and the blood money of the Norman conquerors have been exacted; the press and the newspapers have been gagged, suppressed, and, in some instances, destroyed. This tyrannical monarchy has manufactured new crimes and offenses; yet and with it all, and through it all, the people of this country have struggled on and on, at all times looking toward the day when they could be free and independent and establish for themselves a republic and make a democracy that would be a benefit to themselves, a blessing to their inhabitants, and an inspiration to the world.

The eyes of America are turned at this time on the Irish people. The world knows of the Sinn Feiners and to the people of America the Sinn Feiners are standing in the same attitude toward England to-day as the Thirteen Colonies along the eastern shores of the United States stood in 1775, and are making the same fight for their own independence that the heroic men of Washington's Army made, and we sincerely hope that their success in obtaining their independence will be equal to that obtained by John Hancock, Benjamin Franklin, and the signers of the Declaration of Independence of 1776.

It occurs to the people of the United States, or at least a large number of them, that the Sinn Feiners are the democratic organization of the Irish colonies, and due recognition is given to their assertion that they never have relinquished their claim to separate nationhood and to the establishing of an Irish republic; and they feel that they have certain inalienable rights to sovereign independence and that they should choose their own form of government, and they deny the right of the British Parliament or British Crown or the right of any foreign government to legislate for the republic of Ireland. The people of the United States feel the same as a "highly placed Englishman in Dublin," when he recently said, "We have to choose now between recognition of Ireland's rights or the loss of our hard-won union with America, with all that that means to ourselves and to the world."

This is the cardinal fact, this is the menace in the Irish situation and the press of England's answer, appears to be to the Englishman, to "use all their influence to divert the disaster to the world which this threatens," and concluded by saying, "A little longer and it will be too late," and we feel that they should be recognized and be permitted a seat at the peace session in Paris, and that inasmuch as Count Plunkett, Edmond de Valera, and Arthur Griffith have been named by the Irish republic as their delegates to the peace conference: Therefore be it

Resolved by the mayor and board of commissioners of the city of Tulsa, Tulsa County, Okla., That the people of Ireland should, and of right, ought to be free and independent; and be it further

Resolved, That our Government should lend its assistance to this struggling country to aid it in establishing for itself a democratic form of government; and be it further

Resolved, That the representatives of our Government now sitting at the peace table in the Republic of France should insist upon the recognition of Count Horace Plunkett, Edmond de Valera, and Arthur Griffith as duly qualified and regularly elected representatives at said conference, and be it further.

Resolved, That the Government of the United States should recognize the Republic of Ireland with its Democratic ideas, ideals, and independence as a free and independent nation, and accord to it all of the rights and privileges of any Republic.

Adopted and approved this 28th day of January, A. D. 1919.

C. H. HUBBARD, Mayor.
M. J. MCNULTY, jr.,
Commissioner Streets and Public Property.
F. M. BOHN,
Commissioner Police and Fire.
H. F. NEWBLOCK,
Commissioner Finance and Revenue.
R. E. CURRAN,
Commissioner Water.

Attest:

[SEAL.]

CHAS. F. BURKE,
City Auditor.

STATE OF OKLAHOMA,

County of Tulsa, city of Tulsa:

I, Chas. F. Burke, the duly elected, qualified and acting city auditor and ex officio city clerk of the city of Tulsa, Okla., hereby certify that the foregoing copy of the "Resolution on the Irish Situation," is a true and correct copy of the original resolution now on file in my office.

Dated this the 25th day of February, 1919.

[SEAL.]

CHAS. F. BURKE,
City Auditor.

THE COTTON EMBARGO—LEAGUE OF NATIONS.

Mr. GORE. Mr. President, I should like to have printed in the RECORD a memorial introduced by State Senator Hill and adopted by the Oklahoma State Senate, and perhaps by this time adopted by the house. I also present a resolution adopted by the city council of Tulsa, Okla. I ask to have the memorial and resolution printed in the RECORD, together with certain other letters and matter which I will furnish.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE COTTON EMBARGO.

(Appeal to the President, signed by Senator GORE and other cotton States Senators.)

FEBRUARY 24, 1919.

Mr. PRESIDENT: We respectfully urge the necessity for immediately removing cotton from the embargo list.

The present price at which cotton sells is below the estimated cost of production in many localities. Bankers and merchants have advanced upon it in many instances beyond the prices at which it now sells.

The situation is demoralizing business conditions of the States in which cotton is raised, and threatens serious financial loss to cotton growers and to merchants and bankers who have advanced upon cotton.

We urge that this condition has been brought about in large part by the embargo which prevents shipments of cotton to markets in which it could otherwise be sold.

Cotton, now on the embargo list, can not be exported except where the exportation is approved by the War Trade Board. A number of us have learned recently of large sales of cotton which could be made to neutral countries but for the fact that the War Trade Board refused licenses, and cotton, being on the embargo list, could not be exported without the licenses.

We are advised that the burden resting upon cotton owners will be greatly relieved if you will remove cotton from the embargo list.

That you may appreciate the condition and the injury that this restriction of markets places upon holders of cotton, we call your attention to the fact that cotton was selling last September for 38 cents a pound. It was then that the subject of cotton was referred to the War Industries Board, with a view to stabilizing the price or fixing the price. This interference with the market broke the price and demoralized purchasers, so that buyers ceased to purchase at the 38-cent market and bid down the market to around 30 cents a pound. The War Industries Board finally determined that it had no authority to fix a price and no power to maintain it, but the injury had already been done.

Then it developed that the War Trade Board was seriously interfering with the export of cotton by restricting licenses for shipment even to countries not contiguous to Germany and Austria, and from which countries cotton could not have reached either of the enemy countries. This still further demoralized the cotton market and forced down the price.

If cotton is taken off the embargo list broader opportunities for sale at once will follow, and the injury which has been done to cotton raisers and merchants and bankers in the sections where cotton is raised will be reduced.

We earnestly appeal to you to take cotton off the embargo list and permit it normally to be sold and shipped where purchasers are willing to buy.

The cotton raiser has suffered more from the war than any class of our citizens. He is not now asking the Government to give him the assistance which is going to other farm products. We only ask that he be relieved from burdens placed on him by his own Government.

Respectfully,

VATICAN FINDS FAULT WITH PROPOSED LEAGUE.—"MIGHT HAVE BEEN CONSTITUTED IN SIMPLE MANNER," SAYS PAPER.

ROME, March 12.

The Osservatore Romano, the semi-official organ of the Vatican, prints an article on the league of nations which is understood to embody the viewpoint of the Holy See. It says the league "might have been constituted in a simpler manner" and outlines the functions of the league as follows:

The setting up of an arbitration tribunal to solve international conflicts.

The formation of a society of all civilized nations, including those defeated in the war, which will pledge themselves to submit their differences to a tribunal and accept its rulings.

The bringing about of an agreement to declare an economic boycott against any nation which refuses to submit controversies to a tribunal or which will not accept decisions on matters which have been so submitted.

In conclusion the article recalls that such a project was suggested in the pope's appeal to belligerent nations on August 1, 1917.

OSCAR STRAUS URGES PEACE LEAGUE CHANGE—FAILS TO GET AMENDMENT AT UNION MEETING TO GUARD MONROE DOCTRINE.

LONDON, March 12.

(By the Associated Press.)

The efforts of Oscar Straus, of the American League to Enforce Peace, to have the league of nations union favor an amendment to the league of nations covenant designed to safeguard the Monroe doctrine failed to-day.

The French and English delegates, who dominated the conference, pleaded that the subject was too far-reaching for quick action, while the Chinese protested that it too vitally affected them.

Mr. Straus proposed an addition to article 10, providing that should two States threaten war on each other the nearest great power "in the first instance" was obligated to step in without calling for the assistance of the other great powers. Should this power fail, then it would be a matter for the entire league's fighting forces to handle.

The British proposal that article 16 be changed to make any nation which breaks the covenant ipso facto at war with all the other members of the league, rather than merely committing an act of war, as the covenant provides, was defeated on the plea of Mr. Straus, who maintained that it conflicted with the Constitution of the United States. Whereupon the other delegates said they were glad to drop the matter as they were unwilling to arouse further feeling in the United States.

The French and British societies presented many proposed changes, but those agreed upon were relatively unimportant.

LEAGUE OF NATIONS INDORSED BY BRYAN—FORMER SECRETARY, HOWEVER, FINDS SOME FAULT AND PROPOSES CHANGES—BIG STEP TOWARD PEACE—WOULD PRESERVE MONROE DOCTRINE, INCREASE UNITED STATES VOTE, AND LIMIT AUTHORITY OF GENERAL COUNCIL.

WASHINGTON, March 11.

William Jennings Bryan issued a statement here to-night indorsing the league of nations but suggesting amendments to the proposed constitution which, among other things, would preserve specifically the Monroe doctrine, enlarge the proportionate voting power of the United States, and make it clear that each member nation might decide for itself whether it would support decrees of the league's general council.

While pointing to imperfections, Mr. Bryan argued that they should not be allowed to lead to rejection of the plan, declaring that risks to be run in accepting the league were less than those involved in rejection and returning "to the old ways of blood and slaughter."

Mr. Bryan dictated the statement from his sick bed at the home of friends, where he has been confined for nearly three weeks. He said the league of nations idea, "the greatest step toward peace in a thousand years," was taken from the 30 arbitration treaties negotiated by the United States while he was Secretary of State. It was not to be expected, he said, that so great an idea would be made perfect in detail in so short a time, and added that while President Wilson "had done the best he could" he would be helped by intelligent and friendly criticism from the American public.

MR. BRYAN'S STATEMENT.

The statement follows:

"The league of nations is the greatest step toward peace in a thousand years. The idea of substituting reason for force in the settlement of international disputes is in itself an epoch-making advance. The constitution of the league as announced provides for three things which constitute in themselves an advantage the importance of which can scarcely be estimated. Deliberation before the war, the investigation of all disputes, of their kind and character, before hostilities begin. This almost ends war. The idea is taken from the 30 treaties negotiated by the United States with three-quarters of the world. Our Nation, therefore, gives to the peace league its greatest piece of machinery. Second, the reduction of armaments will make it impossible for a nation to prepare for war without notifying the world of its intention. Third, the abolition of secret treaties, which will do much to prevent the combinations which lead to war. If the league of nations did nothing more than provide for these three things, our Nation would be justified in supporting it to the utmost.

"It is not to be expected that so great an idea as the league of nations can be made perfect in detail in so short a time. There are defects that should be corrected, and the fullest discussion of proposed amendments should be invited. The newspapers of Great Britain, France, and Italy are not backward in the expression of their views as to changes that should be made. Why should the American people be silent? Ours is the Nation most influential in the league and the most powerful, because most disinterested. Its people should help, by free and frank discussion, to perfect the league. The President has done the best he could, but he will be aided by intelligent criticism from those friendly to the idea.

PROPOSES AMENDMENTS.

"I venture to point out certain amendments that should, in my judgment, be made in the interest of a stronger and better league. First, the basis of representation is not fair to the United States. A comparison of voting strength will show that while our Nation is the most powerful in the combination, whether measured by population, wealth, or moral influence, it has no larger vote than nations much inferior in population, wealth, and influence. This inequality ought, if possible, be corrected, for justice is the only foundation upon which any institution can rest in permanent security.

"Second, the terms of admission to nations that may desire to join hereafter are not fair. To require a two-thirds vote to admit a new nation suggests the social club, where a few blackballs may keep out an uncongenial applicant. The world league is for the world. The President has well said that our Nation is not interested in a league unless all nations are in it. The qualification for admission ought to be fixed, and then it ought to be made as easy as possible for those who are qualified to gain admission. Under no circumstances should the consent of more than a majority be required for the admission of any qualified nation.

FINDS DRAFT INDEFINITE.

"The faults of the constitution are found to be in its indefiniteness rather than in things positively objectionable. For instance, it is not stated with sufficient clearness that the Monroe doctrine is preserved. Our Nation is not asking to be permitted to assist in the settlement of European disputes, and therefore it ought not to be asked to give up its paramount influence in the Western Hemisphere as a condition precedent to its entry into the league. Then, too, it is not stated with sufficient clearness that a league member is not required to become a mandatory. It ought to be definitely stated that a nation asked to become a mandatory is at liberty to accept or decline. Again, it should be made clear that the league is not to interfere in the internal affairs of the nations belonging to the league. The league is for the settlement of international disputes, not for the adjustment of differences between a nation and its own people.

"Another matter that should be made clear—and nothing can be more important than this—is that each nation has a right to decide for itself whether it will undertake the things advised by the general council. The language of the constitution, while not definite, would seem to indicate that no nation is required to furnish force to back up a decision of the council. But no doubt should be left on this subject. This matter can not afford to allow a council in which it has so small a voice to carry it into war against its will. Our people will have as much sense when the time comes to act as they have now, and they will have more light to guide them. When the emergency arises and they understand all the circumstances and conditions, they may be willing to assist by force, but they can not decide in advance or call a council to decide for them.

OPOSES COMPULSORY BOYCOTT.

"The constitution of the league would seem to imply the right of the council to compel the declaration of an economic boycott by the members of the league. This is not quite so serious as the declaration of war, but economic boycott is likely to develop into a war, and an economic boycott may be peculiarly advantageous to the nations that want to declare it. Our interests may not be identical in this respect, and we ought to have a right to say at the time whether we would declare such a boycott.

"I venture to suggest that the scope of the league's work might well be extended beyond what is now contemplated. A substitute for war must be able to deal with every situation that can become a cause of war. One of the most fruitful causes of war has been the necessity for expansion. Growing nations, feeling the necessity for more room, have often gone to war on some clumsy pretext when the real purpose has been to secure territory for an increasing population. The right to live is one of the inalienable rights. It is a primal right that must be recognized in nations as well as individuals.

TO BRING IN NEW TERRITORY.

"Nations exercise the right of taking unused land and distributing it among those who need it. So if the league of nations is to substitute reason for war it must be able to deal with claims that are made for the waste places of the earth. A nation feeling a need for more territory should be able to go before the league and present its claims and point out the territory which it can use to advantage. The council should consider the claim and advise it, and the force of public opinion should be used to secure such an adjustment of equities as would afford a peaceable means of securing needed territory.

"Such adjustments could be made the easier if the league indorsed the proposition that any nation extending its sovereignty over new territory should stand ready to purchase the property of residents who do not desire to remain under the new sovereignty. The resident does not go with the land. He has rights independent and superior to the right of the land. If, against his will, he is brought under new sovereignty, he ought to be able to sell his property without loss, and choose a sovereignty of his own like.

"I have suggested what seemed to me to be desirable changes, some being modifications, some being merely more explicit statements. I conclude, as I began, that while we should endeavor to make the league as nearly perfect as possible, we should not allow its imperfections to lead to its rejection. We must take risks no matter whether we accept the league or reject it. The risks that we take in accepting it are less than the risks we take if we reject it and turn back to the old ways of blood and slaughter. God grant that those who are entrusted with the launching of this great work may have the wisdom to so purge it of selfishness and greed and so infuse into it the spirit of the Prince of Peace as to make it the end of war."

THE LEAGUE OF NATIONS.

[Interview with Senator GORE, The Daily Oklahoman.]

It would be a tragedy worse than war if nothing came out of this war which even tends to minimize the causes, multiply the substitutes, and moderate the horrors and sorrows of war. As to that end all are agreed. As to the best means of attaining that end there will be a diversity of views and there should be the greatest liberality of discussion. Free discussion is the best crucible in which to separate the gold from the ore. When the 13 original States ratified the Constitution of the United States, they recommended more than 150 amendments. Twelve amendments were submitted by the First Congress, 10 of which were adopted. That was a method sanctioned alike by statesmanship and by common sense. Ex-President Taft has just suggested that the Monroe doctrine and that foreign immigration should be excepted out of the jurisdiction of this proposed league. I agree with him. American labor will never consent, no true American will ever consent, that the question of Japanese and Chinese immigration should be referred to and decided by interested aliens.

Senator Owen and other Senators have suggested certain amendments. I have suggested a certain amendment designed to democratize war. The proposed constitution provides that before resorting to war the nations will refer their disputes to a "court of arbitration," the "executive council," or to the body of "delegates." My amendment would add "THE PEOPLE." Require each nation before resorting to war to submit the issue to the people themselves. I want the fathers and mothers whose sons are to fight these battles and die in distant lands to pass judgment upon the desirability of the war. That is democracy. I could not consent to see economic isolation apply to any country which had not voted for war. Economic isolation punishes the innocent as well as the guilty. It is like less than economic death. Take a case in point: The isolation of the United States would break practically every cotton farmer. It would break practically every bank that finances them. It would break practically every merchant that depends upon their patronage. The economic isolation of Great Britain—which could never be enforced on account of her navy—would wreck many of our own industries as well as hers.

I am not willing, through an entangling alliance or otherwise, to bind the United States in advance to take part in every war that ever happens in every quarter of the globe, without reference to our rights, our interests, and our honor. The proposed league should make this clear, that we do not surrender the independence or vacate the sovereignty of the United States. No true American is willing to tear down the Stars and Stripes, to furl the flag that makes him free, to see the Government of the people, by the people, and for the people perish from the earth. I hope to see a permanent international legislative council established. It should meet annually and should clarify, codify, and promulgate the rules and principles of international law. A permanent court of arbitration should also be established to decide justiciable questions—a court of conciliation to consider nonjusticiable questions. The enlightened opinion of mankind should be concentrated against the offending or refractory nation, and a scheme of economic isolation might be applied to the nation whose people vote for war. These would be long steps in the course of evolution. Our hope is in evolution—not in revolution. Let us not lose the jewels at our feet trying to grasp the stars above our head.

THE CONQUERED BANNER.

["Father Ryan" (Abram J. Ryan).]

Furl that banner, for 'tis weary;
Round its staff 'tis drooping dreary;
Furl it, fold it, it is best:
For there's not a man to wave it,
And there's not a sword to save it,
And there's not one left to lave it
In the blood which heroes gave it;
And its foes now scorn and brave it;
Furl it, hide it—let it rest.

Take that banner down, 'tis tattered;
Broken is its staff and shattered;
And the valiant hosts are scattered,
Over whom it floated high.
O! 'tis hard for us to fold it;
Hard to think there's none to hold it;
Hard that those, who once unrolled it,
Now must furl it with a sigh.

Furl that banner—furl it sadly;
Once ten thousands hailed it gladly,
And ten thousands wildly, madly,
Swore it should forever wave;
Swore that foeman's sword should never
Hearts like theirs entwined sever
Till that flag should float forever
O'er their freedom or their grave!

Furl it! for the hands that grasped it,
And the hearts that fondly clasped it,
Cold and dead are lying low;
And that banner—it is trailing!
While around it sounds the wailing
Of its people in their woe.

For, though conquered, they adore it!
Love the cold, dead hands that bore it!
Weep for those who fell before it!
Pardon those who trailed and tore it!
But, oh! wildly they deplore it,
Now who furl and fold it so.

Furl that banner! True, 'tis gory,
Yet 'tis wreathed around with glory,
And 'twill live in song and story,
Though its folds are in the dust;
For its fame on brightest pages,
Penned by poets and by sages,
Shall go sounding down the ages—
Furl its folds though now we must.

Furl that banner, softly, slowly,
Treat it gently—it is holy—
For it droops above the dead.
Touch it not—unfold it never,
Let it droop there, furled forever,
For its people's hopes are dead!

NEW YORK, February 26, 1919.

Hon. THOMAS P. GORE,
Senate Office Building, Washington, D. C.

SIR: Americans are being asked to enter a league of nations and bind themselves to abide by its constitution forever.

Do my fellow Americans, let me ask, realize clearly the fact that the United States of America is now the richest and most powerful Nation in the world?

Do they realize clearly the fact that as a member of the "league" the United States would be only one of an "executive council" of nine nations, and that the other eight would have a common interest against us in the internationalization of our Panama Canal?

Do they realize clearly the fact that the European nations have important interests in common which we do not share, and that in these questions they would naturally stand together against us?

Do they realize, for instance, that the other eight nations are our debtors, and we are the creditor of all; that we would be one creditor in the power of eight debtors?

Are they willing to bind themselves not to increase our Army or Navy without the consent of an "executive council" controlled by the other eight—by the powers of Europe and Asia? I am not.

Are they willing thus to surrender into the hands of such a coalition of European and Asiatic powers the security upon which depends the sovereignty of the United States? I am not.

Are they willing to bind themselves to "preserve as against external aggression"—which means to fight for—the territorial integrity and political independence of States, little and big, in Europe, Africa, Asia, and Central and South America? I am not.

Are they willing to bind themselves to accept the decision of the powers of Europe and Asia in matters which relate to Mexico and the countries which surround and control our Canal Zone, and thus, in effect, to surrender the Monroe doctrine? I am not.

Are they willing to bind themselves not to make war in defense of our southern border or our Canal Zone without the consent of the European and Asiatic powers? I am not.

Are they willing to bind themselves not to make war to prevent the transfer of Magdalena Bay or Lower California to a foreign nation, if the European and Asiatic powers confirm the title of the purchaser and refuse the United States their permission to fight? I am not.

Are they willing to bind themselves to stop doing business at the command of the powers of Europe and Asia with any nation that those powers may determine to punish, even if it be against our will and interests? I am not.

Are they willing to bind themselves to surrender the control which we now exercise over the supply of arms and ammunition to Mexico, for instance, and to place that control in the hands of the European and Asiatic powers? I am not.

Are they willing to bind themselves to administer remote territories in Europe, Asia, or Africa as an agent of the European and Asiatic powers? I am not.

Are they willing to bind themselves to give these powers the right to direct our actions as merely an agent of these powers in the work of policing Central America, for instance, for the protection of our Panama Canal? I am not.

Finally, are they willing, have they the right, to bind themselves, their children and their children's children, to these things forever? I am not; I have not the right.

Is America so unable to care for herself that she needs must place herself under an international protectorate? Ought we not have sufficient faith in her great destiny to wish to preserve her independence?

What would have been Roosevelt's answer to these questions? I know, so should every American.

Cordially,

HENRY A. WISE WOOD.

[From the Washington Post, Sunday, March 9, 1919.]

MAJ. GEN. WILLIAM CROZIER DISCUSSES THE QUESTION OF TESTING THE INTERNATIONAL CONSTITUTION OF THE LEAGUE OF NATIONS.

(By Maj. Gen. William Crozier, member of the International Peace Conference of 1899 at The Hague.)

A good way to estimate the sufficiency of the new constitution of the league of nations for effecting its object of avoiding war is to apply its terms to some of the international disputes which in the past have proved too much for the powers of diplomacy and have brought the disputants into armed conflict. We can examine the probable effect of the new constitution if it had been in operation at the time of these conflicts, and can also make up our minds as to how we would have liked the results.

In 1914 I published in the North American Review an article in which I undertook to show that we would not have liked at all the probable outcome of the submission to judicial settlement of the causes of several of the wars in which the United States had been engaged, for the reason that our contentions, though just, and subsequently accepted as such by the world at large, had not been in accordance with the precedent and established order which constituted the international law of the time, and therefore could not have been granted by a judicial body.

RUSSO-JAPANESE WAR CITED.

The war in which hostilities have so recently ceased is too close to be fairly used as a test case for the new constitution. Nobody who is likely to see these lines can claim to be in an entirely judicial frame of mind in regard to its causes. But if we go as far back as the Russo-Japanese War, for instance, we can claim to be reasonably free from prejudice, and can also examine the attendant circumstances from the detached viewpoint of the outsider who had no direct interest in the quarrel.

The war arose from the mutual jealousy of Russia and Japan, each distrusting the intentions of the other with reference to the territory of Manchuria and Korea, lying between them.

Manchuria belonged to China, in regard to whose political health the rest of the world had for a good while been solicitous, while Korea was independent, but was undoubtedly very sick and senile. Neither of these nations was able to stand up for itself, and Korea was even less able than China to govern itself in the interest of its own inhabitants or to fulfill its obligations to foreign nations.

Russia had for some years since the Boxer troubles been occupying Manchuria with her troops, but under a delayed promise to get out. Japan claimed "special interests" in Korea. Under these circumstances Japan suspected Russia of an intention to permanently occupy Manchuria and to spread from there over into Korea, to the threat of her own national existence. Of what intentions Russia suspected Japan it is not so easy to say.

JAPAN'S DEMANDS ON RUSSIA.

Japan, therefore, demanded of Russia that she keep her engagement with China and withdraw her troops from Manchuria, and Russia replied that Japan had nothing to do with her affairs with China, but she would respect Japan's special interests in Korea if Japan would agree not to use Korean territory for strategic purposes; that is, presumably, would not keep troops in Korea conveniently disposed for interfering with Russia's doing in Manchuria.

Both nations evidently had designs on territory that was not their own—Russia on Manchuria and Japan on Korea—and probably both were apprehensive that the other would not stop in the territory on which it had its first designs. Not being able to come to agreement, they went to war.

If the constitution of the league of nations had been operative at the time, what could have been done under it to meet the situation and avoid the war?

WOULD ARTICLE 13 APPLY?

Under article 13 it is agreed to submit to arbitration any dispute or difficulty which the parties recognize to be suitable for such submission, but it is altogether probable that neither Russia nor Japan would have considered their quarrel which culminated in 1904 to be such a dispute.

Russia's promise to get out of Manchuria was, of course, a justiciable matter, which could have been pronounced upon by a court; but the promise was made to China and not to Japan, and it is not certain that Japan could have gotten into court on the issue. Besides, Russia knew that that particular question, if it could have been taken into court, would have been decided against her, and therefore she would not have consented to a judicial determination of it in its simple form.

Japan knew that her underlying desire to control Korea could also not be granted by a judicial body and consequently would not have found her remedy to lie in action by such a body. Indeed, she had opportunity to try for such action in that an international court had been provided

for by The Hague peace conference of 1899, but there is no record of an effort on her part to resort to it.

NO NATION URGED RESORT TO COURT.

That the rest of the world agreed that judicial process would not meet the situation is evidenced by the fact that no nation advised resort to the court, although the tender of such advice was a duty which they had assumed as signatories of the convention for the peaceful settlement of international disputes. Article 27 of the convention reads in part:

"The signatory powers consider it their duty in case a serious dispute threatens to break out between two or more of them, to remind these latter that the permanent court of arbitration is open to them." It was adopted as a measure of moral pressure to induce resort to arbitration when attempts to secure agreement to compulsory arbitration of certain classes of cases had failed.

The situation, therefore, would seem to have called for action under article 15 of the constitution, in which it is agreed that any dispute likely to lead to rupture, which is not submitted to arbitration, shall be referred to the executive council of the league; and it is pertinent to examine what the council could have done in the way of a solution which would have satisfied the sense of right of the world at large, and would therefore have justified support of the league.

INTEREST OF WORLD CONSIDERED.

With respect to the withdrawal of the military forces of Russia from Manchuria, the task of the council would have been much more difficult than that of a court. It is easy enough to decide that the presence of Russia in Manchuria was not legal, but it is not so easy to decide that it was not in the interest of good government and social order at that time, and therefore best for the world at large, and even for the Chinamen in the occupied territory. If the Chinese government of Manchuria had been bad enough and oppressive enough of its own people, it is conceivable that the council might have considered the only really satisfactory conclusion to lie in the termination of the Chinese sovereignty.

But since Manchuria has carried on under China since the war in a manner which the world has not found intolerable, it is probably that the council would not have found such a radical measure as the withdrawal of Manchuria from Chinese sovereignty necessary, and could, therefore, with reasonable assurance have decided upon the evacuation of the territory by the Russian troops. But there would have remained the question of Korea, and with it the probability that this country could not have continued under its corrupt, feeble, and altogether inefficient government with such maintenance of tolerable living conditions as to justify the council in advising the continuance of the status quo.

OUTCOME OF WAR SATISFACTORY.

In trying to make up our minds as to the possibility of a satisfactory outcome through the intervention of the council, we can not do better than to take the outcome of the war as about as good a conclusion as could have been reached, since it has resulted in conditions good enough to survive until the present day. This outcome was, in the main, the withdrawal of the Russian forces from Manchuria, and the agreement between Russia and Japan that they would carry on their respective enterprises in Manchuria with decent respect for the sovereignty of China; the recognition of Japan's special interests in Korea, which immediately resulted in a protectorate, and the transfer—as about the only spoils of war—of the lease of Port Arthur and the Laotung peninsula from Russia to Japan. As part of the outcome may be included the complete annexation of Korea to Japan, under the name of "Chosen," which occurred about five years later.

The stable results of the war, therefore, were recognition and respect for China's sovereignty over Manchuria; substitution of the orderly Government of Japan for the decrepit Government of Korea in Chosen, and the transfer of Port Arthur. Would the league have been able to bring about so good a result?

COULD LEAGUE DECIDE PROBLEM?

There appears to be no doubt that, under the proposed constitution, the league could have competently directed the final actual outcome with respect to Manchuria. But with respect to Port Arthur and Korea, the power to produce the actual result does not seem to exist. Russia, Japan, and China may be assumed to have been members of the league if it had been alive. The membership of Korea is much more doubtful, but if she had been a member the undertaking of article 10 to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league would have prevented her annexation to Japan, or even the protectorate which immediately followed the war.

Article 19 provides for the administration under mandate from the league of certain backward countries by more advanced nations, as trustees responsible to the league for the government of these backward countries in the interest of their inhabitants; but the countries are limited by the terms of the article to those colonies and territories which, as a consequence of the late European war, have ceased to be under the sovereignty of the States which formerly governed them; and the article is apparently inserted only to cover the cases of the former colonies and other dependencies of Germany and her allies, and is not intended to be of general application.

KOREAN QUESTION NOT COVERED.

So, even if Korea had not been a member of the league, the constitution does not seem to provide for her administration in any way by Japan. The difficulty about the transfer of Port Arthur is not so important.

Here then is a limit to the power of the league under its constitution. It does not provide for the assumption, by an advanced Nation, of the government of a backward country, in which life, property, and other human rights are not secure, and the people are not sufficiently intelligent or instructed to compel a government in their own interest from their tyrannical or incapable governing officials. In the case in point the war brought about a state of affairs in regard to Korea which was better for all concerned, including the Koreans and the world at large, than the league would have had power to produce, unless its powers under the proposed constitution had been exceeded.

Let us look into another case. Our war of 1812 with Great Britain was undertaken on account of two causes: improper interference with our sea-borne commerce and the impressment of seamen into the British service after visitation and search of our vessels. The first cause was voluntarily discontinued before the commencement of hostilities, so that the war was actually fought for the second cause alone.

The right of a belligerent to impress into its naval service its own nationals, found upon visitation and search on board neutral vessels, has been examined by the late Hon. John W. Foster and the late Admiral Mahan, who both concluded that the practice was in accordance with

long-established precedent, and had not before our protest been called in question. The need of England for sailors, fighting for her life and making essential use of her sea power in prosecuting the Napoleonic war, was almost desperate and not to be lightly given up, while the long-continued practice of impressment of nationals had not theretofore occasioned distressing incidents because there had been no great difficulty in distinguishing the nationals of the visiting vessel from the crew of the vessel visited, who were usually of a different race.

The practice was based on the doctrine of the inalienability of citizenship, which we ourselves admitted at the time and for some years thereafter.

NEW CONDITION HAD ARISEN.

Now, however, a new condition had arisen, in which there had come into existence a nation formed of the same stock as the one claiming the right of impressment, and the practice gave rise to errors and hardships which the United States considered intolerable. The interests were directly conflicting. Those of England were bound up with the old order, while those of the United States called for a change. Both sets of interests were of the greatest importance to the respective parties. What relief could have been afforded by the league of nations, supposing it to have been in existence under the proposed constitution?

England evidently would have been willing to invoke article 13 and submit the matter to judicial settlement, since all the precedent was on her side; but the United States needed a new rule to fit new conditions and therefore could not have considered the case one suitable for such submission. The only possible chance for the United States would have been in submission of the matter to the executive council, under article 15, or to the body of delegates. Now, what could either body have done in the premises for the relief of the United States? If the conclusion had been that the existing law and practice needed no change the matter would have been simple enough and there would have been nothing for the United States to do but give up its contention and submit to the continued impressment of its sailors.

THINKS COUNCIL WOULD LACK POWER.

But if the council or the body of delegates had considered that the position of the United States was right and that the law, although clear, was wrong, it is not easy to see what they could have done about it.

To change the law would have required legislative action, and an examination of the proposed constitution does not disclose legislative powers granted by it to either the executive council or the body of delegates.

Mr. Taft has not failed to note the necessity for legislative powers for the league, if it is to have a chance of completely serving its purposes, and has included in his scheme a general congress, saying, "All nations should be represented in the general congress, but the representation should be determined by the charter members in accordance with the population, political importance, and responsibility of each applicant. The congress would enact and codify, subject to the approval of the nations, international law and adopt other general rules of policy for the conduct of the league."

MUST POSSESS THREE FUNCTIONS.

Hence we see that in two cases of past wars the proposed league would not have been able to meet the situation and could not have brought about as good a result as the wars did for lack of sufficient power granted by its constitution, and we run into an obstacle which we might have reasoned, a priori, that we would encounter in endeavoring to fit the league into history.

The league, of course, is an attempt at federation of the world to the extent necessary to avoid war and must have the functions which all federations, to be effective, must possess, viz. legislative, executive, and judicial. That is, the body of delegates must, with reference to all subjects which might bring about war, be a superlegislature, able not only to codify but to enact, and hence to change the rules under which the constituent nations are living together.

And this is in accordance with experience, in that the only method which has been found of suppressing wars is to federate the warring elements under a common government, as individuals have been federated in municipalities and small political divisions have been federated in larger ones; examples being the union of dukedoms in the Kingdom of France, and of England and Scotland in Great Britain, in each of which a whole series of wars was brought to an end.

LEGISLATIVE POWER ESSENTIAL.

If we are not willing to endow the league with these legislative powers it is scarcely worth while forming it on the lines proposed, for history shows that without these powers there would be many important cases of international dispute which it would be unable to meet.

Now, federation can not be effected without the surrender of sovereignty. A federation for a limited purpose might entail only a limited surrender; but the surrender would be comprehensive enough to include all those subjects which are likely to lead nations into war, and the member nations would be under engagement not only to submit to all decisions of the court of international justice and the administrative body, but to accept such new rules and laws as the international legislature might consider it necessary to enact. The power which such a league would have to exercise, in order to be effective, would therefore be very great, and the decision to create it and to endow it with such power would be a momentous one.

Mr. Taft admits the surrender of sovereignty, but maintains that there is nothing new in that, since everybody and every nation surrenders sovereignty and independence every time it enters into any kind of engagement.

The argument, however, is not against the surrender of sovereignty as a principle, but against a greater surrender than is warranted by the advantages to be expected and the assurance that the advantages will be realized.

FEDERATION IN UNITED STATES.

The States of this country are federated into a union to which the surrender of sovereignty is very great; but the surrender is made under circumstances of high confidence in the central government, as being one in which the powers are exercised by a legislature and an administration composed of representatives of a homogeneous people, speaking the same language, looking back on the same history, and animated by the same ideals, and by courts which are guided by principles acceptable to Anglo-Saxons.

With all these safeguards a considerable number of the States found themselves, at a juncture, without confidence in the Union in regard to a matter which they considered of vital importance to them and made a herculean effort to free themselves from the federation; which shows the difficulty of satisfactory federation, even under favorable conditions.

DISCUSS INTERNATIONAL COURT.

Probably the least risky element of the proposed league is the court of international justice. It is the one which the nations 20 years ago reached the point of providing for and recommending resort to. But it would be taking a great deal for granted to assume that an international court would be the same kind of a judicial body that we are accustomed to in the United States. We know that the continental European conception of a court is different from that which we have inherited, and a court comprising on its bench Asiatics, Africans, and South Americans might be so different in the ideals and principles by which it would be guided from our own courts as to constitute a really, to us, unknown kind of tribunal.

There would be a real risk, therefore, in agreeing in advance to submit all cases to it.

The question revolves itself into one of the degree of confidence which we can have in the proposed league, the power of which over matters of the most serious relations between nations would be very great. Conflicts and other risks of individuals and communities have been considered so undesirable that human beings have consented to associate themselves for their avoidance, clear up to this point of the association of nations, where they have stopped.

JOINS HETEROGENEOUS ELEMENTS.

The components joining themselves together in the unions have had confidence enough in their associates to take the risks of federation and the restriction of independence entailed for the advantages to be gained. But in the step which is now before us we are asked to trust to a combination of more heterogeneous elements than we have heretofore had experience with and in regard to matters whose importance is not transcended by that of anything with which we have to deal. It is worth while to look very hard for a shorter step and for a way to at least approach our final aim more gradually.

I share fully the feeling that it would be not only deplorable but would constitute an arraignment of our intelligence if the united wisdom of the allies could not lead us, after the terrible experience which the world has been through, to a position of security against its repetition in the least degree advanced beyond that which the world was occupying at the beginning of the great war; but has anything occurred since the peace conference of 1899 to justify us in going so far beyond what was unsuccessfully attempted at that time as to unreservedly agree to submit all differences, however important to us and of whatever kind, either to an international court or an international council, and to abide by the result if our opponent does?

NATIONS REFUSED IN 1899.

The principal nations refused in 1899 to bind themselves to submit even limited classes of cases to arbitration. The best that could be done was to provide for a court and then to agree to advise disputants to resort to it; but we have seen above one case in which nobody thought it worth while to follow this agreement, and other cases could be cited.

Such cases show the frequent inadequacy of the judicial process and illustrate in consequence the enormous power which must be exercised by the executive council or the body of delegates in order to meet these cases, or the failure of provision to meet them if the league is not to be endowed with such power.

The most dramatic international events which have occurred since 1899 have been the Russo-Japanese War, the Balkan wars, and the great war now still unended. Has the conduct of the parties which brought these wars about been such as to greatly increase the confidence in the fairness, consideration, and judicial quality of all the nations concerned in them, which in 1899 was not sufficient to induce the signatory powers of the convention for the peaceful settlement of international disputes to impose upon themselves any restrictions of discretion in the handling of future disputes?

WORLD REASON AND PROGRESS.

It would require considerable condonation to admit that the world has demonstrated such progress in sweet reasonableness as to call for a trustful submission of our destinies to other hands which 20 years ago we refused to consider.

But as to something less radical, a very useful step is taken in article 11 of the constitution, which provides that "any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the league, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations." This engagement would place the member nations in a very different attitude toward a controversy threatening to become acute from that which they have hitherto occupied.

A promise to take cognizance is not an agreement to take action, but it is an admission that the promising nation has a duty and a responsibility in the premises and would require a reason for standing aside and allowing the controversy to go on instead of calling, as at present, for a justification for stepping in and helping to prevent its continuance, and endeavoring, with insistence, to settle it peacefully.

MIGHT MAKE LANGUAGE STRONGER.

The language might be made somewhat stronger, so as to require the member nations to promise that they would make the matter their own and use their resources for coercion, unless they should find at the time and declare that the interests of their people and their duty compelled them to abstain.

If we had been under such engagement Col. Roosevelt could not have written, in the autumn of 1914, speaking of the violation of Belgium: "We have not the smallest responsibility for what has befallen her, and I am sure the sympathy of this country for the suffering of the men, women, and children of Belgium is very real.

"Nevertheless the sympathy is compatible with full acknowledgment of the unwisdom of our uttering a single word of official protest unless we are prepared to make that protest effective; and only the clearest and most urgent national duty would ever justify us in deviating from our rule of neutrality and noninterference." And Mr. Wilson could not, later in the same year, have spoken of the European conflict as "a war with which we have nothing to do, whose causes can not touch us."

WOULD OBLIGATE NATIONS.

Article 11, even if reinforced as suggested, would involve no infringement of sovereignty or of ultimate discretion, but it would put upon each member nation an obligation of conscience to intervene effectively, upon occasion, in aid of the suppression of an aggressor, or to justify its abstention by a declaration which it would be willing to submit to the public opinion of mankind, and subsequently to face itself upon its own record with self-respect. The adoption of such an article would have been impossible in 1899.

Another material step which could not have been taken in 1899, and just as certainly not in 1907, would be an engagement on the part of the signatory powers of any convention to take cognizance in concert of the violation of any of the terms of the convention, whether they should themselves be the parties injured by the violation or not. As in the previous suggestion the engagement need not be any more specific, since it is hardly conceivable that, having assumed such a duty, great nations would shirk effective action, and since, also, it can be admitted that the sense of national duty and of high obligation would be as keen in the presence of a crisis as at the time of signing the convention.

URGES COLLECTIVE RESPONSIBILITY.

The important thing is to secure a collective assumption of responsibility for the enforcement of what might be called an international statute; after that, the means and method of enforcement might be left to the judgment and the conscience of the signatory powers, as informed by the circumstances of the occasion demanding enforcement. This, again, would involve a minimum of surrender of freedom of action.

If such an engagement had been in force at the outbreak of the present war the violation of the neutrality of Belgium, in contravention of the laws and customs of war on land, as adopted at The Hague conference of 1899 and modified in 1907, could not have taken place without either action by the neutral signatory powers or a declaration, which would have been very hard to make, that the circumstances did not call for action.

I am using these illustrations in the belief that any kind of association of nations ought to be such as, if it had been in existence in the summer of 1914, and all the facts now demonstrated had been known, would have led the whole association into coercion of the central European powers from their course.

LEAGUE'S FUTURE PROSPECTS.

We can sum up, then, by saying that the league of nations, under its proposed constitution, would not have been able to deal effectively with certain familiar crises in the past, and would not be able to deal with those which are sure to arise in the future, because of the failure of the grant of legislative power.

This failure leaves the league without power to meet a situation in which, through the progress of the world, the previous precedent and practice—that is, the law—have become an anachronism, and need change, but change is resisted by a nation whose interest is bound up with the old order.

But to confer this legislative power would be an enormous grant, and would call for a degree of confidence far exceeding that which the nations refused to exhibit at the peace conference of 1899, when they declined to bind themselves in advance to resort even to judicial process.

CHANGES ARE SUGGESTED.

We are not, however, left without a program because of the dangers attending the one which has been proposed. A league might be constituted about as sketched in the first seven articles of the proposed constitution, which prescribe its general form, amended in detail so as to meet the views of the lawyers; and, without erecting it into a supergovernment within its sphere, the member nations might engage, as in article 11, to concern themselves as a league with any threat to the peace of the world, and to take any steps which at the time of the threat they should judge to be called for.

Article 19, concerning mandatories, might be modified so as to make it the duty of the league to consider the case of any backward country, unable to govern itself in the interest of its own people, and to determine what steps, if any, might be called for to insure therein the necessary conditions of humanity and order.

Articles 8 and 9, relating to armaments and the manufacture of munitions of war, might better be omitted, as covering subjects with reference to which nations would be reluctant to commit themselves until after some experience with the operation of the league.

OPPOSE THREE ARTICLES.

Article 10, guaranteeing territorial integrity, is unwise and might bind the league to perpetuation of a distinctly undesirable condition. Articles 12 and 13, containing promises as to arbitration and refraining from war, are unsafe, in that they involve a long step forward from the state of confidence which has hitherto obtained. Article 15 prescribes a meritorious effort to bring into actual existence the court of international justice which the peace conference of 1907 provided for, but upon the plan of whose formation the nations have been unable to get together. The effort should be continued.

Articles 15 and 16 are in the same category as articles 12 and 13. Article 17, relating to the application of articles 12, 13, 15, and 16 to nations not members of the league, would be unnecessary without these articles, and might be considered as sufficiently covered by article 11, in which it is agreed to take cognizance of any threatening condition.

The articles relating to trade and commerce, to labor, to the control of existing international bureaus, to the registration of treaties, to the revision of obsolete treaties, to the superseding of obligations inconsistent with the league's constitution and to amendments to the Constitution, though important, are not essential in a general discussion of the fundamental scheme.

POSSIBILITIES OF LEAGUE.

A league under such a constitution would be provided with machinery for considering any kind of case that the proposed league is intended to deal with and for reaching a conclusion as to what should be done, and it would maintain the machinery in existence. It would not be a government with legislative, executive, and judicial powers and with forces at its disposal for carrying its conclusions into effect, and it would not have sovereignty over the member nations, who would retain their own essentially unimpaired.

In an emergency calling for action by the league the member nations would be under no binding engagement to follow the right course, but they would be under binding engagement to ascertain it by the best agents whom they could appoint to the task. Thereafter their action would be governed by their sense of national duty and obligation, as viewed in the light of the facts developed by their representatives.

In the case of an acute international dispute, threatening war, they could not say, as did the President of the present war, "With its causes and its objects we are not concerned." They would have a distinct and assumed duty in any grave crisis or threatened crisis and an intense incentive to take a proper course.

RESULTS TO LEAGUE MEMBERS.

A binding engagement in advance to follow a given course in assumed circumstances could have no other effect on a nation facing an important emergency as a member of a league and pledged to take

cognizance of it than to force it to a kind of action which it might otherwise deem inappropriate at the time.

Under this less radical constitution the nations associated in the war against the central European powers could proceed with the settlement of all the terms of peace, including the formation of the new nations, with just as good assurance that their arrangements would be permanently cared for as could be had from the constitution proposed. Or they could proceed without forming any league, feeling certain that, after a settlement of peace terms, there would be no difficulty in securing the serious attention of all nations to a plan of association which, while less dangerous than the one to which they have been asked to commit themselves, would call upon all to acknowledge a burden of responsibility with reference to the well-being of the world.

JAPAN OUT OF LEAGUE—RACE DISCRIMINATION BAR TO HER JOINING, WARNING OF ISHII—COOLIE IMMIGRATION AN ISSUE—FUTURE MIGHT SEE JAPAN, RUSSIA, AND GERMANY IN ALLIANCE—SECRET TREATIES BETWEEN TOKYO AND PEKING CONCEDE NIPPON PREDOMINANCE IN CHINA—LANSSING RECOGNIZES RIGHTS IN PACTS WITH ISHII—ACCEPTANCE OF LEAGUE CONSTITUTION WOULD ABROGATE TREATIES.

(BY GEORGE ROTHWELL BROWN.)

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Japan has given notice that she will not join the league of nations as it is now framed.

The compact must be radically amended if Japan is to become a member, and those amendments would bring the league into direct conflict with the principles of Americanism to the preservation of which a sufficient number of Senators to defeat the adoption of the league have pledged themselves.

If Japan should not join the league the only great nations outside of the league would be Germany, Russia, and Japan, and all of them would be in the position of outcasts. This reflection gives rise to the fear that if Japan should be driven into this position the logical consequence would be an alliance between Japan, Russia, and Germany.

CHINA WOULD BE FORCED IN.

It would be an alliance of unbroken geographical extent stretching from the Pacific Ocean to the Baltic and the North Sea. At either end would be powerfully organized peoples accustomed to the discipline of despotism, and, from the point of view of efficiency, among the foremost in the world. In between would lie a vast country, rich in natural resources and without a government. To this alliance China would be bound politically and geographically. In material wealth, in population, and in location, this alliance would be potentially of equal power with the league of nations.

One of the considerations which renders it impossible for Japan to enter the league of nations touches a point of vital economic and political concern to the United States.

IMMIGRATION QUESTION RISES.

The amendments demanded by Japan are that an article be inserted in the league constitution specifically declaring that there shall be no race discrimination between nations of the league. This would open the way for a demand by Japan that its people shall be admitted to all other countries on terms of equality. The immigration restrictions against Japanese coolies would have to be removed.

Under the league constitution Japan could force an inquiry by the executive council, and if its recommendations should be adverse to the United States this country would be compelled to remove all barriers against Japanese immigration.

The United States could not object to such a recommendation of the executive council without coming under article 16, which declares that any nation disregarding its covenant "shall thereby ipso facto be deemed to have committed an act of war against all the other members of the league."

WARNING BY VISCOUNT ISHII.

The Japanese ambassador, Viscount Ishii, in a speech in New York last night of great international and diplomatic significance, confirmed the warnings uttered by Count Okuma, last of the genro or "elder statesmen," that Japan would demand removal of race discrimination as a condition of her joining the league of nations. In the face of such a plain and unmistakable intimation of Japan's determination to insist upon this point, the assertion by advocates of the league that immigration is a domestic question falls to the ground.

It is necessary to read between the lines of Ambassador Ishii's speech, which is couched in the most conservative language, to see the deep significance of his words.

"The constitution for a league of nations," he says, "for which the eminent representatives of international justice and peace are now working in Paris with their untiring energy, would not be worthy of the great world conference if it omitted the necessary provision for the remedy of this conspicuous injustice arising out of the race prejudice."

LEAGUE ABROGATES OLD TREATIES.

But the league of nations must be examined in the light of two secret treaties between Japan and China, herewith published for the first time, and in the light of the Lansing-Ishii agreement, between the United States and Japan dated November 6, 1917.

In that agreement the United States recognizes what is in effect a "Monroe doctrine" for Japan in the Orient, the United States by its terms recognizing "that Japan has special interests in China, particularly in the part to which her possessions are contiguous."

Article 25 of the proposed constitution of the league of nations reads: "The high contracting parties severally agree that the present covenant is accepted as abrogating all obligations inter se which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof."

CONCEDE JAPAN'S INTERESTS.

The Lansing-Ishii agreement most certainly does concede to Japan our recognition of Japan's special interest in a particular part of the world. The league of nations recognizes no such special interests, and therefore the Lansing-Ishii agreement must be considered as "inconsistent with the terms thereof."

The entrance into the league of nations by this Government would place us in the position of consenting to the abrogation of a solemn agreement reached between the United States and another power. This agreement being Japan's "Monroe doctrine," which differs from the American Monroe doctrine in that it rests upon a written agreement and not upon the expressed will of a people, Japan can not surrender that policy for membership in a world league.

YIELD PREDOMINANCE IN CHINA.

The secret treaties between Japan and China give to the former Government that position of predominance in China which is recognized by the United States in the Lansing-Ishii agreement. These secret treaties antedate the Lansing-Ishii agreement by more than two years. They are exceedingly significant in the light of yesterday's cable from Paris stating that the supreme council of the peace conference has virtually decided to include in the preliminary treaty of peace a requirement that Germany shall relinquish her leasehold of Tsingtao and all other holds on the Shantung Peninsula.

In entering the war and taking over the German positions referred to, Japan did so with the understanding that she was taking them for China, under the conditions under which they had been held by Germany—that is, under a 99-year lease.

CONFIRMS JAPANESE RIGHTS.

One treaty specifically pledges China "to recognize all matters that may be agreed upon between Japan and Germany respecting the disposition of all the rights, interests, and concessions which Germany possesses vis-a-vis China in Shantung." China thus recognizes Japan's right to these leases for 99 years.

Here is a confirmation by China of all Japanese rights acquired, or that may be acquired, from Germany. These rights, supported by American recognition of Japanese "special interests in China" under the Lansing-Ishii agreement, are of such vast importance to Japan that their surrender forms another barrier to the acceptance by Japan of the league of nations, in addition to that of racial discrimination.

SEEDS OF CONFLICT SEEN.

Article 24 of the league constitution is also worthy of analysis in this connection. This article makes it the "right of the body of delegates from time to time to advise the reconsideration by State members of the league of treaties which have become inapplicable, and of international conditions of which the continuance may endanger the peace of the world."

This article would make it possible at any time for the delegate from Timbuctoo to propose an investigation of the relations between Japan and China, which relations are already guaranteed to the supposed satisfaction of Japan by treaties with China, an agreement with the United States, and the actual physical possession of the Shantung Peninsula.

In view of the position of Japan toward the league of nations, these treaties and Ambassador Ishii's speech last night are of great interest.

TREATIES CONCLUDED MAY 25, 1915.

There are two treaties concluded between Japan and China on May 25, 1915. The one is respecting the Province of Shantung and the other is in respect of south Manchuria and eastern inner Mongolia. Thirteen notes exchanged on the same date are attached to the treaties. The engagements made by Japan and China and concessions granted by China under these treaties and exchanged notes are as follows:

"1. Engagement by China to recognize all matters that may be agreed upon between Japan and Germany respecting the disposition of all the rights, interests, and concessions which Germany possesses vis-a-vis China in Shantung.

"2. In case China undertakes the construction of a railway connecting Chefoo or Lungkow with the Kiaochow-Tsinan Railway she shall, in the event of Germany's surrendering her right of providing capital for the Chefoo Weisien Railway line, enter into negotiations with Japanese capitalists for the purpose of financing the said undertaking.

"3. Opening, of China's own accord, as nearly as possible, suitable cities and towns in Shantung for the residence and trade of foreigners.

"4. Inalienability of any territory within or along the coast of Shantung.

"5. Extension of the lease terms of Port Arthur and Dalren and the terms relating to the South Manchurian Railway and the Antung-Moukden Railway to a period of 99 years, respectively.

RIGHTS OF INNER MONGOLIA.

"6. Permission to Japanese in Manchuria to lease land necessary either for erecting buildings for commercial and industrial uses or for agricultural purposes.

"7. Right of Japanese subjects to enter, travel, and reside in south Manchuria and to carry on business of various kinds—commercial, industrial, and otherwise.

"8. Permission of joint undertakings in inner Mongolia of Japanese and Chinese peoples in agriculture and industries auxiliary thereto.

"9. Opening, of China's own accord, of suitable cities and towns in eastern inner Mongolia for the residence and trade of foreigners.

"10. If, in future, China grants to foreign capitalists, in matters relating to railway loans, more advantageous terms than those in the existing agreements, the Kirin-Changchun Railway loan agreement shall be further revised.

"11. Permission to Japanese subjects of certain mines in south Manchuria.

PRIORITY OF JAPANESE CAPITAL.

"12. Priority of Japanese capital, when foreign capital is required, to build railways in south Manchuria and eastern inner Mongolia; and also priority of Japanese capital when China proposes to raise foreign loan on the security of the taxes of the above-mentioned regions (excluding salt gabelle and customs duties which are already made securities for the loans of the central government).

"13. If in future China desires to employ foreign advisers and instructors on political, financial, military, and police affairs in south Manchuria preference will be given to Japanese.

EXCLUDING FOREIGN CAPITAL.

"14. Chinese engagement not to confiscate or nationalize the Han-Yeh-Plag Co. with which Japanese capitalists have very close relations. Further engagement by China to approve the agreement that may be concluded between the company and Japanese capitalists for its joint undertaking, and not to permit the company to contract any foreign loan other than Japanese.

"15. China will in no case permit a foreign power to build a shipyard, military coaling station, naval station, or any other military establishment, nor to build the above-mentioned establishments with foreign capital.

PROVISION FOR KIAOCHOW.

"16. Japan declares to return to China the leased territory of Kiaochow Bay, if upon the conclusion of the present war the Japanese Government should be given an absolutely free disposal of the said territory, subject to the following conditions:

"(1) Opening of the whole of Kiaochow as commercial port.

"(2) Establishment of a Japanese settlement in the locality to be designated by the Japanese Government.

"(3) Establishment, if desired by the powers, of an international settlement.

"(4) Arrangements to be made before the return of the territory is effected, between Japan and China, with respect to the disposal of German public establishments and properties, and with regard to the other conditions and procedures."

RACE PREJUDICE UNREMEDIED IN CONSTITUTION OF LEAGUE—WARNING OF VISCOUNT ISHIL.

NEW YORK, March 14.

Warning that the peace conference must take action to eliminate race prejudice was sounded by Viscount Ishil, Japanese Ambassador to the United States, in a speech before the Japan Society here last night.

Elimination of this issue, the Ambassador asserted, would effectively contribute to the foundation of permanent peace. He pleaded for application of a proper remedy to remove a fruitful cause of international discord. Viscount Ishil's address follows:

"The race prejudice has been a fruitful source of discontent and uneasiness among nations in the past, and promises to be an increasingly disturbing element for the peace of the future, unless a proper remedy be brought upon the matter at this opportune moment.

"If the foremost object of the great conference now sitting in Paris is to establish a solid and permanent peace on earth, nothing would more effectively contribute to the attainment of this object than the timely elimination of this cause of international discord. In this world war the Asiatics have fought side by side with the Anglo-Saxons, Latins, and Slavs against the common foe, the Teutons, Turks, and Bulgars. The single and unmingled object of the war was the maintenance of international justice and the establishment of durable peace.

RACE ISSUE ALONE UNSETTLED.

"No consideration of racial feeling entered in the supreme decision for the sacrifices of blood and treasure on the part of any of the allied or associated powers. And now when this war for international justice is about to come to its happy termination, and when the world league for permanent peace is being contrived, why this question of race prejudice, race discrimination, and race humiliation should alone be left unremedied?

"When restriction or prohibition of discriminatory treatment against chattels and commodities are being adequately provided for, why should this unjust and unjustifiable discrimination against persons be allowed to remain untouched? An idea, however good, loses most of its value if only half executed.

QUESTION OF SELF-RESPECT.

"The constitution for a league of nations, for which the eminent representatives of international justice and peace are now working in Paris with their untiring energy, would not be worthy of the great world conference if it omitted the necessary provision for the remedy of this conspicuous injustice arising out of the race prejudice.

"It may be added, in order to avoid possible misunderstanding, that this question of straightening out the existing injustice of racial discrimination should be considered independently of the question of labor or immigration. The one is principally economical in its nature, while the other is essentially a question of sentiment, of legitimate pride and self-respect.

"If anyone is afraid that a stipulation introduced in the league covenant for the prohibition of any discriminate treatment on account of racial differences will necessarily bring about labor difficulties or economic troubles, that man has singularly overlooked the actual facts of international intercourse. The existing treaty between Japan and the United States guarantees to the people of Japan the right of freely entering and residing in this country. In spite of this express treaty stipulation, my Government invariably sticks to its policy of strict restriction upon the emigration of its countrymen into the United States. Why? The Japanese Government and people understand that the labor question in America constitutes an exceptional circumstance which even a solemn treaty can not stipulate away in a sweeping manner.

OBSERVE GENTLEMEN'S AGREEMENT.

"While, therefore, they must not be expected to be contented with the situation, you can depend upon the wise patience of the Japanese nation, which calmly though anxiously waits the time when, by gradual process of evolution, this difficult matter will be finally cured and settled to the mutual satisfaction of the two countries. In the meantime Japan, in her faithful adherence to the spirit of what is called gentlemen's agreement, will continue in her policy of strict and self-imposed restriction in this delicate matter of labor emigration, notwithstanding her treaty right.

"This fixed policy of Japan, as abundantly attested by her past record, will, I hope, disarm any alarmistic and unwarranted view pointing to the probability of Japan's taking advantage of the coveted article in the league constitution against racial discrimination, with the consequent relaxation in her policy of emigration restriction.

ALL UNITED FOR CIVILIZATION.

"I have no hesitation in stating that nothing will be further from Japan's thought than to hastily force the issue of the labor question in event of the league covenant being modified in accordance with her desire, i. e., upon a new article being inserted in the covenant against racial discrimination.

"In the course of the last 25 centuries we have passed through various stages of wars—the wars between tribes, the wars between races, the wars of religion, the wars of interest and ambition. The present world war has been the first instance in the history of mankind in which men and women of different nationalities, creed, and races have combined for a noble principle and lofty ideals, i. e., for the maintenance of liberty and humanity and for the promotion of justice and civilization.

DIFFERENCES SHOULD MERGE.

"This world war has done away—forever, let us hope—with the wars of domination and oppression, and the only wars we may yet have to fight in future will be the wars of antisocialism, of anti-bolshevism. In this forthcoming struggle people of every nationality and of every race should act in unison against the common foe, and all consideration of different creed or of different races should merge for all time and in all countries."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON (for Mr. PHELAN):

A bill (S. 5674) for the relief of Capt. Sven Christenson, Quartermaster Corps, United States Army; and

A bill (S. 5675) for the relief of Lieut. Commander Edward E. Wilson, Pay Corps, United States Navy; to the Committee on Claims.

A bill (S. 5676) authorizing the Secretary of War to donate to each of the cities of Sallinas, Monterey, and San Luis Obispo, in the State of California, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 5677) to provide for the regulation of transportation systems after the termination of Federal control, to enlarge the powers of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate Commerce.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate \$5,000,000 for the operation of ships herein or heretofore authorized or in any way acquired by the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE REVENUE.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. SHERMAN. I yield.

Mr. SIMMONS. I wish to ask the Senator from Illinois if he will yield to me in order that a short joint resolution, which has come over from the House, may be laid before the Senate and referred to the Finance Committee?

Mr. SHERMAN. Certainly, I yield.

Mr. SIMMONS. I ask that House joint resolution 439 be laid before the Senate and referred to the Committee on Finance.

The joint resolution (H. J. Res. 439) to repeal section 904 of the revenue act of 1918, approved February 24, 1919, was read twice by its title and referred to the Committee on Finance.

Mr. SIMMONS. On behalf of the Finance Committee I present a favorable report, with an amendment, on House joint resolution 439.

Mr. SMOOT. Mr. President, this is the first time I have heard of a meeting of the committee.

Mr. SIMMONS. There has been no meeting of the committee.

Mr. SMOOT. The Senator from North Carolina tells me that there has been no meeting of the committee, but that it has been polled. If this joint resolution is to be passed, I shall insist that at least one other amendment be made to it.

Mr. SIMMONS. I am not now asking for the passage of the joint resolution. I wish to state to the Senator from Utah that I have polled the committee and have a list of the members of the committee who, I understand, have agreed to it. I did not see the Senator from Utah myself, but the Senator from Missouri [Mr. SPENCER] advised me that he had spoken to the Senator from Utah about it, and that it was satisfactory to him. So I put his name down on the list for that reason.

Mr. SMOOT. The Senator from Missouri asked me if I had any objection to an amendment with reference to the tax on furs, and whether that amendment could be included in the joint resolution. I do not know what the amendment is to the House joint resolution as reported by the committee.

Mr. SIMMONS. Only that, that is all.

Mr. SMOOT. The Senator from North Carolina tells me that is the only amendment; but I wish to have an assurance that the joint resolution will be amended in another particular, covering a feature of the revenue bill as it was reported to the Senate. I am not now going to take the time of the Senate to call attention to that particular amendment, but I think the Senator from North Carolina knows what it is. However, with that understanding, I have no objection to the report being presented.

Mr. SIMMONS. I desire to say—and I would not say it except that the statement of the Senator from Utah makes it proper, I think, that I should make it—that I have seen the members of the committee personally with respect to this matter, with the exception of the Senator from Utah [Mr. SMOOT], the Senator from Massachusetts [Mr. LODGE], and the Senator from Pennsylvania [Mr. PENROSE], but I have put their names down, because I was assured by the Senator from Missouri [Mr. SPENCER] that he had already spoken to them about the matter,

Mr. SHAFROTH. Mr. President, would the Senator object to having the joint resolution read? We are in the dark here concerning it.

Mr. SIMMONS. It has been read, referred to the committee, and reported from the committee.

The PRESIDING OFFICER. Without objection, the report will be received and placed on the calendar.

DISCHARGED SICK AND DISABLED SOLDIERS—CONFERENCE REPORT.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. SHERMAN. I yield.

Mr. HARDWICK. If the Senator from Illinois will permit me, I wish to submit an uncontested conference report on the hospital measure, which is absolutely vital, if we are to provide for our soldiers, and which ought to be acted upon without any delay.

Mr. MARTIN of Virginia. Mr. President, the general deficiency appropriation bill is before the Senate, and I do not want anything to transpire that will lead to argument or displace that measure. I will yield temporarily for the purpose indicated by the Senator from Georgia.

Mr. HARDWICK. I do not think there will be any debate about it; if there is, I will withdraw it for the moment.

Mr. MARTIN of Virginia. With that arrangement, I have no objection.

Mr. HARDWICK. I present the conference report on House bill 13026, the hospital bill, and ask for its adoption.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13026) to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to provide immediate additional hospital and sanatorium facilities for the care and treatment of discharged sick and disabled soldiers, sailors, and marines, Army and Navy nurses (male and female), patients of the War Risk Insurance Bureau, and the following persons only: Merchant-marine seamen, seamen on boats of the Mississippi River Commission, officers and enlisted men of the United States Coast Guard, officers and employees of the Public Health Service, certain keepers and assistant keepers of the United States Lighthouse Service, seamen of the Engineer Corps of the United States Army, officers and enlisted men of the United States Coast and Geodetic Survey, civilian employees entitled to treatment under the United States employees' compensation act, and employees on Army transports not officers or enlisted men of the Army, now entitled by law to treatment by the Public Health Service.

"SEC. 2. There are hereby permanently transferred to the Treasury Department for the use of the Public Health Service for hospital or sanatoria or other uses the following properties, with their present equipment, including sites and leases, or so much thereof as may be required by the Public Health Service, including mechanical equipment in connection therewith, and approaches thereto, with authority to lease or purchase sites not owned by the Government, as follows: Hospitals, with such other buildings and land as may be required, at Camp Cody, N. Mex.; Camp Hancock, Ga.; Camp Joseph E. Johnston, Fla.; Camp Beauregard, La.; Camp Logan, Tex.; Camp Fremont, Cal.; and nitrate plant, Perryville, Md.; and such hospitals, with other necessary buildings, hereafter vacated by the War Department, as may be required and found suitable for the needs of the Public Health Service for hospital or sanatoria purposes. And for the purpose of such remodeling of or additions to the above-named plants as may be required to adapt them to the needs and uses of the Public Health Service, the sum of \$750,000 is hereby authorized.

"SEC. 3. The Secretary of War is hereby authorized and directed to transfer, without charge, to the Secretary of the Treasury for the use of the Public Health Service such hospital furniture and equipment, including hospital and medical supplies, motor trucks, and other motor-driven vehicles, in good condition, not required by the War Department, as may be required by the Public Health Service for its hospitals, and the President is authorized to direct the transfer to the Treas-

ury Department of the use of such lands or parts of lands, buildings, fixtures, appliances, furnishings, or furniture under the control of any other department of the Government not required for the purposes of such department, and suitable for the uses of the Public Health Service.

"SEC. 4. So much of the Battle Mountain Sanatorium at Hot Springs, S. Dak., the National Home for Disabled Volunteer Soldiers, with its present equipment, as is not required for the purposes for which these facilities were provided, is hereby made available for the use of the Public Health Service for a period of five years from the approval of this act, unless sooner released by the Surgeon General of the Public Health Service.

"SEC. 5. The Secretary of the Treasury is hereby authorized to contract with any existing hospital or sanatorium, by lease or otherwise, for immediate use, in whole or in part, of their present facilities, so as to provide bed capacity and facilities for not exceeding 1,000 patients, and for such purposes the sum of \$300,000 is hereby authorized.

"SEC. 6. The Secretary of the Treasury is hereby authorized, if in his judgment the same will be for the best interests of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service, to purchase the site, buildings, and hospital facilities and appurtenances at Corpus Christi, Tex., known as General Hospital No. 15, and for such purpose the sum of \$150,000 is hereby authorized.

"The sum of \$1,500,000 is hereby authorized to be held as an emergency fund for the purchase of land and buildings suitable for hospital and sanatoria purposes, which the Secretary of the Treasury is hereby authorized to select and locate, and to make additions and improvements suitable to adapt them to the uses of the United States Public Health Service, if in his judgment the emergency requires it.

"SEC. 7. By the construction of new hospitals and sanatoria, to include the necessary buildings with their appropriate mechanical and other equipment and approach work, including roads leading thereto, for the accommodation of patients, officers, nurses, attendants, storage, laundries, vehicles, and live stock on sites now owned by the Government, or on new sites to be acquired by purchase or otherwise, at the places hereinafter named: *Provided*, That if the Secretary of the Treasury shall make a finding that any hospital project hereinafter specifically authorized is not to the best interest of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service, he is hereby authorized to reject such project or projects and to locate, construct, or acquire hospitals at such other locations as would best subserve the interest of the Government and the emergency needs of the Public Health Service within the limits of cost of such authorization.

"a. At Cook County, Ill., by taking over the land and executing the contract for the construction thereon of hospital buildings specified therein of a certain proposed contract executed by the Shank Co., August 31, 1918, and in accordance with such contract and the plans and specifications identified in connection therewith August 31, 1918, by the signature and initials of Brig. Gen. R. C. Marshall, jr., Construction Division, Quartermaster Department, United States Army, by Lieut. Col. C. C. Wright, and the Shank Co., by George H. Shank, president, at the cost stated therein, namely \$2,500,000, with such changes in said plans and specifications as may be required by the Secretary of the Treasury to adapt said specified buildings to the needs and purposes of the Public Health Service, at a total limit of cost not to exceed \$3,000,000.

"b. In carrying the foregoing authorization into effect, the Secretary of the Treasury is authorized to execute the contract with the Shank Co. hereinbefore specified, with such verbal changes as are made necessary by a change in the contracting officers, and to assume all obligations in said contract contained, and to purchase materials and labor in the open market, or otherwise, and to employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies, within the limits of cost herein authorized.

"c. At Dawson Springs, Ky., on land to be acquired by gift, the necessary buildings for a sanatorium having a capacity of not less than 500 beds. The sum of \$1,500,000 is hereby authorized for the construction of such sanatorium.

"d. The sum of \$900,000 is hereby authorized for the construction, including site, of a hospital plant complete at Norfolk, Va.

"e. The sum of \$550,000 is hereby authorized for the construction, on land owned by the Government, on a site to be selected by the Secretary of the Treasury with the approval of the President, of a hospital plant complete in the District of Columbia or vicinity.

"f. The sum of \$190,000 is hereby authorized for additional hospital accommodations, including such minor alteration in and

remodeling of existing and authorized buildings as may be necessary to economically adapt them to the additional accommodations herein authorized for the marine hospital at Stapleton, Staten Island, N. Y., the sum appropriated for additions to the said hospital by the act approved March 28, 1918, is authorized to be expended in full without the construction of psychiatric units.

"SEC. 8. In carrying the foregoing authorization into effect, all new construction work herein authorized shall, as far as feasible, be of fire-resisting character, and the Secretary of the Treasury is authorized to enter into contracts for the construction, equipment, etc., of such buildings on Government-owned lands, or lands acquired for such purpose, to purchase materials and labor in the open market, or otherwise, and to employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies, within the limits of cost herein authorized.

"SEC. 9. For the purpose of carrying the foregoing authorization into effect there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and remain available until expended, the sum of \$8,840,000, and for furniture and equipment not otherwise provided for the sum of \$210,000; in all, \$9,050,000.

"SEC. 10. And the Secretary of the Treasury is hereby authorized, in his discretion, to employ, for service within or without the District of Columbia, without regard to civil-service laws, rules, and regulations, and to pay from the sums hereby authorized and appropriated for construction purposes, at customary rates of compensation, such additional technical and clerical services as may be necessary exclusively to aid in the preparation of the drawings and specifications for the above-named objects and supervision of the execution thereof, for traveling expenses, and printing incident thereto, at a total limit of cost for such additional technical and clerical services and traveling expenses, etc., of not exceeding \$210,000 of the above-named limit of cost. All of the above-mentioned work shall be under the direction and supervision of the Surgeon General of the Public Health Service, subject to the approval of the Secretary of the Treasury.

"SEC. 11. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for necessary personnel, including regular and reserve commissioned officers of the Public Health Service and clerical help in the District of Columbia and elsewhere, and maintenance, hospital supplies and equipment, leases, fuel, lights, and water, and freight, transportation, and travel, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$785,333 for the fiscal year ending June 30, 1920."

And the Senate agree to the same.

THOS. W. HARDWICK,
J. C. W. BECKHAM,
I. L. LENROOT,

Managers on the part of the Senate.

FRANK CLARK,
ANTHONY J. GRIFFIN,
R. W. AUSTIN,
JNO. W. LANGLEY,

Managers on the part of the House.

Mr. WADSWORTH. Mr. President, just one moment. May we understand what is in the report?

Mr. HARDWICK. I will be glad to explain it to the Senator if it will not interfere with the Senator from Illinois. It is a conference report on House bill 13026, to provide hospital facilities for discharged and disabled soldiers, sailors, and marines of the United States, and for other people entitled to hospital treatment under the Public Health Service laws. The House proposed to appropriate \$12,000,000; the Senate proposed to appropriate \$7,000,000; the conferees have reluctantly yielded and agreed to appropriate \$9,000,000, instead of the \$12,000,000 proposed by the House and the \$7,000,000 proposition of the Senate. We added a million and a half for emergency use for this service, if in the discretion of the Secretary of the Treasury it should be required. That is the major part of this increase allowed by the conferees.

Mr. SHAFROTH. I should like to ask the Senator a question. Is there any part of this appropriation that has been agreed to that is available for the selection of hospitals at the discretion of the Surgeon General?

Mr. HARDWICK. Yes; there is one and a half million dollars.

Mr. SHAFROTH. That is not apportioned out to any particular locality?

Mr. HARDWICK. No; that if left to his discretion.

Mr. SMOOT. It is in relation to that particular matter that I wish to make a very brief statement.

The Senator having the conference report in charge notified me a short time ago that there had been provided a million and a half dollars for the erection of hospitals in what may be termed the intermountain section of the country. I really am a little surprised, Mr. President, because there has already been an appropriation provided through the War Department for building a hospital at Fort Douglas, Utah, with accommodations for 1,100 beds. The other day the War Department issued an order to cease work altogether upon that hospital. I inquired as to how many beds the hospital would accommodate as it had been finished prior to that order and was told 400 beds.

Mr. President, the reason given for the order was that there had been so few of our soldiers wounded in France and returning to this country that they already found out that the hospital accommodations already ordered were more than were actually needed, and, instead of building a hospital of 1,100 beds, they now want to build a hospital with facilities for only 400 beds. I do not see, if that is the case, why there should be any appropriation, unless it be specifically stated where it is to be and what the money is to be expended for.

I am not going to object to this report, but I sincerely hope that there has not been any understanding that out of that million and a half dollars some hospital shall be located at some particular stated point.

Mr. HARDWICK. There is not. I can assure the Senator on that point.

Mr. SMOOT. It is for that reason that all other work ordered by the War Department should cease.

Mr. HARDWICK. There has been no such understanding; on the contrary, the Senate conferees put the language in the conference report that it should not be used at all, unless it was essential as an emergency proposition, in addition to what we provide.

Mr. SMOOT. The position taken by the War Department now in relation to the hospital accommodations at Fort Douglas is that for the intermountain section of the country 400 beds are all that are necessary. Of course, there would not be an expenditure of the money if that is so.

Mr. HARDWICK. Let me say to the Senator that probably there will be a greater number than that needed, because the discharged soldiers are handled by this legislation.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

THE TRUE STORY OF HOG ISLAND.

Mr. VARDAMAN. Mr. President, it has been my purpose for some months to prepare for the RECORD a story of the Hog Island infamy, about which so much has been said in this Chamber and in the public press, but I have been so very busy with other matters that I have been unable to execute that purpose. It is my very great desire to perpetuate the memory of that notorious transaction. It is one of the monumental enterprises of this period of our national history.

It was conceived in the greed for gain, brought forth in a gush of mock patriotism, and swaddled in the American flag. It is my desire that the American people shall remember it. I wish them to see it naked, in all of its details, all of its phases, its good and its bad sides.

I find published in the current number of Pearson's Magazine a fairly accurate story of this notorious organization. I think I can say that probably 99 per cent of the story is accurate. There may be 1 per cent inaccurate; but taking it all in all, I am quite sure it is about as correct an account of the Hog Island enterprise as the average human intellect could get up. The report does not bring its history up to date. For instance, it states that the cost of the plant at Hog Island was \$63,000,000, when, as a matter of fact, it cost more than \$66,000,000.

It will be contended by the apologists for Hog Island that the abuses complained of in the beginning of the enterprise have been corrected. I admit that some of them have been corrected, but there has been no restitution of the money improperly expended and other forms of petty graft. The Federal Treasury has been plundered and the taxpayers robbed and somebody has made way with the swag.

I believe the man who is now at the head of this company, a Mr. Brush, is an earnest, honest, capable, straightforward young fellow, and in so far as it is within his power will improve the condition of these things there.

I hope the Congress may look further into this matter, Mr. President, and that the enormous fees that were contracted to be paid to the plutocratic citizens who compose the corporation

with which the Government made the contract may be withheld. Mr. Vanderlip and his associates have not earned a penny of the \$8,000,000 or \$14,000,000 which under the terms of the contract they are to receive for the "know how." They have not rendered one dollar's worth of service. The payment of this money to these men will be an unwarranted prodigality of public funds. The President of the United States, who has the authority to do it, should have ordered the contracts canceled a year ago for failure to comply with the terms of the contracts.

I am going to ask unanimous consent to have this article published in the RECORD without reading.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"HOW UNCLE SAM IS SWINDLED: THE TRUE STORY OF HOG ISLAND.

"Before giving the facts about Hog Island, the public should know the difference between the *American International Corporation*, generally supposed to be the contractor or agent, and the *American International Shipbuilding Corporation*, the actual contractor or agent.

"The *American International Corporation*, which, contrary to the general belief, is not the contractor, is a real concern with financial responsibility and substantial working capital. The *American International Shipbuilding Corporation*, the actual contractor or agent, is a nominal corporation with a total capital stock (nominal) of only \$2,000, without financial responsibility or working capital, incorporated in Delaware, September 27, 1917, by the *American International Corporation*, which owns without liability to itself all its capital stock of \$2,000. This corporation was formed by the *American International Corporation*, the supposed contractor, to completely divest itself and its assets of responsibility and liability and yet assure to itself all the profits to be made.

"This method of incorporating nominal stock companies opens a broad way to every sort of fraud. The *American International Shipbuilding Corporation*, the real contractor, can enter into contracts involving millions, as it did in this case, pay great dividends, and then dissolve or go bankrupt, without liability except as to its nominal capitalization and assets, and without being subject to prosecution for fraud.

"It has been, in fact, loudly acclaimed by the officers of the *American International Corporation*, the supposed contractor, that nothing criminal has been done. This has been confirmed by Attorney General Gregory in his report; but when the facts are known, not many persons will agree with the ex-Attorney General.

"This dummy corporation is the old Wall Street method of keeping within the limits of the law under the advice of shrewd Wall Street lawyers, who, as one person has tersely remarked, have, with their clients, a complement of crooked ways, but no shipbuilding ways.

"The *American International Corporation*, the supposed contractor, according to its last published statement in Moody's Manual of Industrials, 1918, page 1951, had capital stock, assets, working capital, and officers and directors as follows:

"Capital stock: Common, \$49,000,000; preferred, \$1,000,000. Assets, \$37,106,015; net working capital, \$4,798,588.

"Its officers and directors are as follows:

"Officers: F. A. Vanderlip, chairman of board; C. A. Stone, president; G. J. Baldwin, senior vice president; H. D. H. Connick, Philip W. Henry, Robert F. Herrick, Frederick Holbrook, William S. Kies, R. B. Sheridan, R. P. Tinsley, vice presidents; Cecil Page, secretary; T. W. Streeter, treasurer, New York."

These are men of great wealth, who wrapped themselves in the American flag during the war and denounced everybody who did not rush to America's sublimest patriots for pelf.

"Executive committee: F. A. Vanderlip, C. A. Stone, O. H. Kahn, P. A. Rockefeller, T. N. Vail, Beckman Winthrop, William Woodward.

"Directors—J. Ogden Armour, G. J. Baldwin, C. A. Coffin, W. E. Corey, Robert Dollar, Pierre S. du Pont, Philip A. S. Franklin, J. P. Grace, R. F. Herrick, Otto H. Kahn, H. S. Pritchett, Percy A. Rockefeller, John D. Ryan, W. L. Saunders, J. A. Stillman, C. A. Stone, T. N. Vail, F. A. Vanderlip, E. S. Webster, A. H. Wiggin, Beckman Winthrop, William Woodward.

"The *American International Shipbuilding Corporation*, the real contractor, whose capital stock is owned without liability for its acts by the above, according to its certificate of incorporation had capital stock, assets, working capital, and officers and directors as follows:

"Date and place of incorporation, September 27, 1917, Delaware.

"Incorporators—Stafford Smith, New York City, 16 shares; James E. Manter, Portland, Me., 2 shares; Clement M. Egner, Elkton, Md., 2 shares. Total shares, 20. Par value, \$100 each. Capital stock, \$2,000; assets (common stock), \$2,000; working capital, none.

"(Note the capital stock is owned without liability by the *American International Corporation*, the supposed contractor.)

"Its officers and directors (*American International Shipbuilding Corporation*), according to its certificate of incorporation, are as follows:

"Chairman, George J. Baldwin; president, M. C. Brush, and six vice presidents plus secretary and assistant secretary-treasurer, and three assistants.

"Directors—George J. Baldwin, M. C. Brush, H. D. H. Connick, P. O. Knight, G. O. Muhlfeld, M. A. Neeland, A. R. Patterson, and F. W. Wood.

"It will be noted that for a corporation with a total capital stock of only \$2,000 and no other assets and no working capital it has a very extensive stage setting or array of officers—a chairman of the board, a president, six vice presidents, a general counsel, a secretary and assistant secretary, and a treasurer and assistant treasurer. Verily it was considered either a very valuable or a very risky \$2,000.

"So much for the identity of the two corporations—the supposed contractor, the *American International Corporation*, and the *American International Shipbuilding Corporation*, the real contractor. Now for the contract given to it by Chairman Hurley and executed by him on behalf of the Emergency Fleet Corporation.

"According to the statement given by the *American International Corporation*, the supposed contractor, as the owner without liability of the capital stock of the *American International Shipbuilding Corporation*, the nominal company and real contractor, on page 1950, Moody's Manual of Industrials for 1918, the *American International Shipbuilding Corporation* was organized in 1917 (Sept. 27, 1917, by certificate of incorporation) to carry out the terms of a contract for the construction of a large ship-assembling plant at Hog Island, on the Delaware River, and build a fleet of cargo vessels, of standard design, of 7,500 dead-weight tons each, for the United States Shipping Board Emergency Fleet Corporation.

"This, the original contract, dated September 13, 1917, two weeks before the incorporation of the *American International Shipbuilding Corporation*, calls for a yard of 50 ways and the completion of 50 of such vessels at the earliest possible date. In October, 1917, the month following, before the work had fairly started and before it was possible to tell what the outcome of this contract would be, Mr. Hurley—Mr. Piez was then advising him *sub rosa*—awarded the corporation an additional contract for the construction of 70 cargo and transport ships, each to be of 8,000 tons dead-weight. In April, 1918, when it was certain that the delivery of any ships would be much later than planned, and when it was clearly obvious that a successful outcome of this experiment in shipbuilding was exceedingly doubtful or impossible, Mr. Hurley and Mr. Piez awarded the corporation a further contract for 60 cargo vessels of 7,500 dead-weight tons each, making a total of 180 ships awarded it, with a total tonnage of 1,385,000 dead-weight tons. The first ships under the contract were to be delivered in October, 1918, and the balance in 1919.

"The contract is of the 'cost-plus fixed fee' type, providing that the Emergency Fleet Corporation, as owner, shall control and pay all expenses of the work, including cost of land, buildings, ways, machinery, tools, labor, and vessels. The fee to be paid the contractor was agreed to be 5 per cent on an estimated and agreed basis of cost of the ships themselves, which was estimated for that purpose only to be \$236,500,000.

"The amount of the fee agreed upon to be paid the contractor by the Emergency Fleet Corporation, as agreed to on its behalf by Mr. Hurley, was therefore \$11,825,000; that is, on a total risk by the contractor of only \$2,000. The contractor, the *American International Shipbuilding Corporation*, under the terms of the contract granted to it on behalf of the Emergency Fleet Corporation is to receive therefore a profit of 5.912 per cent on every dollar risked, and upon the completion of the contract the Government holds the bag in the cost of the land and yard, which has now reached the sum of \$63,000,000.

"The contractor graciously waived the 5 per cent fee on the cost of the land and yard, but no charge is made for its use under the contract given to it by the Emergency Fleet Corporation. A minimum charge for such use would be 5 per cent per annum on the cost of the same for interest on the investment and 5 per cent per annum for depreciation, or a total of 10 per cent per annum on the cost of \$63,000,000.

"Waiving this charge or rental is equivalent, therefore, to presenting the contractor with an added profit of \$6,300,000 per annum, or, say, for two years, within which time the contract was promised to be performed, and within which time the contract called for completion, with a total additional profit of \$12,600,000, or an additional 6,300 per cent on the contractor's total risk of \$2,000.

"The total profit provided for the contractor on its risk of \$2,000 under the terms of the contract given to it by the Emergency Fleet Corporation practically amounts, therefore, to the following:

Fee 5 per cent of \$236,500,000.....	\$11, 825, 000
Rental and depreciation 10 per cent of cost of plant per annum \$6,300,000, or for 2 years.....	12, 600, 000

Total profit.....	24, 425, 000
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"This amounts to 12,212 per cent on the contractor's risk, namely, \$2,000. Evidently working for Uncle Sam, if you are rich already, beats all the El Dorados yet discovered in the world!

"As to the progress of the contract, one ship only of the 180 to be built has been completed. This was launched last summer, when only 65 per cent of its rivets had been driven.

"The cost of the entertainment attending this launching, according to the testimony of Director General Piez before the Senate committee, January 2 last, was \$38,900. This, under the contract, was an item of cost, and the contractor receives 5 per cent on the same, or a profit on this item alone of \$1,900, a sum lacking only \$100 of the total amount of the capital stock and assets of the contractor, namely, the American International Shipbuilding Corporation, and the total sum risked by it.

"What a delightful business bankers do! They give entertainments at the expense of the Government and receive a commission on the cost of the same equal to the total risk they have taken. No wonder Balzac called bankers the brigands of to-day!

"The entire plan of fabricated ships, to be turned out like tin cans, was experimental. The design was experimental, as well as the method by which it was proposed to construct them. Messrs. Hurley and Piez, by committing the greater part of the shipbuilding program and our cause to this scheme, which has netted only four ships from all such yards to date, according to Director General Piez's recent testimony before the Senate, astounded the real shipbuilders of experience and every practical engineer.

A FURTHER EXPOSURE.
(By J. L. Spivak.)

"Even before the contract was signed by the United States and the American International Shipbuilding Co. for the shipyard on Hog Island a good deal of money was squandered. So many suspicious facts came out during the investigation of the Hog Island shipbuilding yard by the Senate committee that President Wilson ordered the Department of Justice to investigate and to hold criminally responsible those who were found guilty of misusing the people's money. This order was given in February, 1918. Near the end of December, 1918, the Department of Justice report was ordered published.

"Six weeks have since elapsed and the report has not yet been published. But we all know that the Department of Justice found nothing wrong at the Hog Island shipyard, and though the Christian Science Monitor declares that whoever publishes the facts that have been revealed in the Hog Island investigation by the Senate committee will risk accusations of pro-Germanism, let us see what happened at Hog Island.

"The marsh land known as Hog Island was assessed and taxes paid on a base value of about \$100 per acre. The International Shipbuilding Co. bought the land for \$2,000 an acre and rented it to the Government at the price of 6 per cent upon \$2,000. 'Mr. Black, who sold the land to this shipbuilding company for \$2,000 an acre, had agreed to sell it the year before and had an option outstanding for \$1,000 an acre. As a reward for his getting \$2,000 an acre he has been taken out of civil life and is now a lieutenant colonel in the Ordnance Department of the Government.' [Senator NELSON.]

"The land was worth, at its assessed value of \$100 per acre, \$85,300. The company paid for the land \$1,706,000. The Government, however, has an option on the land, if they wish to buy it, at the price of \$1,706,000.

"George J. Baldwin, chairman of the board of the American International Shipbuilding Corporation, said to the Senate committee that 'In May, 1917, the United States Government, through the Shipping Board, invited the American International Corporation to undertake the construction of a shipyard to contain 50 ways and to build therein a fleet of 200 cargo vessels of an aggregate tonnage of 1,500,000.' The contract that resulted from this invitation was officially awarded on September

13, 1917, and the American International Shipbuilding Corporation was instructed to proceed. It was estimated that it would cost \$21,000,000 to complete the plant. But, only three months after the contract was officially awarded and more than a month before the first keel was laid, the expenditure amounted to over \$23,000,000.

"When \$23,000,000 is spent within three months after a contract is awarded, and hardly any accomplishment is shown, it becomes interesting to see where the money went.

"LABOR.

"An average of 26,000 men were employed upon Hog Island. Since there were no housing facilities and the food was of the poorest quality, men did not stay long on the job. There was always an army of men leaving the island because they were dissatisfied. To insure the average of 26,000 workmen it was necessary to have about 35,000 workmen on the spot. Hence, there was an endless hiring and firing on the island. The new applicants usually wasted the first half of the day before they were hired and assigned to their jobs. Their pay started from the time they set foot upon the island. Once the men were hired they were assigned to different gangs, under the supervision of foremen.

"Col. S. M. Felton, president of the Chicago Great Western Railroad, who had given his services as an engineer to the War Department, after a visit to Hog Island, testified as follows: 'I should estimate that possibly between 5 and 10 men out of every gang of 100 congregated about the plant were busy. I never saw such idleness in all my life. Half the men we saw there, if properly organized, would have done more work than all the men we saw.'

"These thousands of laborers who did little or no work received weekly pay envelopes ranging like this: \$48, \$30, \$49, \$48, \$49, \$46, etc. In addition to the thousands of laborers there were, of course, the high-salaried officials. 'Contracts were made to pay double salaries for expert services. The cost of the construction, it is now conceded, will be three to four times the Government's original estimate. This single hold-up of the Government will probably cost it not less than \$30,000,000.'

"In addition to nonlaboring laborers and fat-salaried officials a little paper was started (the Government paying the editors' salaries) with the express intention of creating interest in the job among the employees. The editorial salaries were as follows: E. N. Hunt, publicity assistant, \$666.66 per month; D. T. Pierce, publicity manager, \$833.33 per month; Thomas B. Reed, publicity assistant, \$500 a month. Senator Vardaman aptly remarks, 'Did they really accomplish anything other than furnishing a pretty good story for some very excellent gentlemen?'

"But enough about the item 'labor.' Let us now consider the

"MATERIAL.

"Cranes are essential to a shipyard. The price of an ordinary crane is seven to eight thousand dollars. This is the price even in war time; but suppose one allows a \$3,000 increase because of war conditions, one would expect to pay about \$10,000 for a crane. Yet, 'Mr. Towle testified that in the gathering of machinery, for instance, an ordinary crane that you should buy for from seven to eight thousand dollars cost the Government from twenty to twenty-five thousand dollars.' [Senator McCUMBER.]

"This one instance will serve as an example.

"MANAGEMENT: HIGH-SALARIED OFFICIALS.

"Testimony was given that about 75 men were ordered to unload three frozen cars of cinders—25 men to each car—the cost being approximately \$70 a carload. In the summer time these same cars could be unloaded by ordinary business men at a cost of from \$2 to \$3.

"Senator McCUMBER. Freight cars were allowed to pile up and remain unloaded until 1,300 cars stood for long periods of time without being unloaded, while the country was freezing because cars could not be obtained to haul coal.

"Mr. JONES of Washington. The Senator may not have observed that in that connection it was also shown that there were 3,000 cars on the way that had to be held up.

"The CHAIRMAN. How about the owners of the trucks? Did they receive as much as \$25 or \$30 a day?

"Commander REED. Yes, sir.

"The CHAIRMAN. Were high-priced automobiles hired and placed at the disposal of executives for their use in going to and from the island and elsewhere and charged to the Government?

"Commander REED. 'A large number of automobiles and trucks of all kinds were hired every day; it was customary for the officials of the company to go to Hog Island and return in these automobiles; yes, sir.'

"The high prices of material aroused suspicions as to whether some men were not pocketing huge sums while the American people were giving their blood and their dollars for the war. This was indignantly denied.

"Mr. BALDWIN. 'I have got a boy over there. * * * We are not doing this for money.'

"Senator JOHNSON. 'You are not doing it for money, but you have some \$6,000,000 or \$7,000,000 coming to you out of this contract. How do you explain that if you are not doing it for money?'

"Mr. BALDWIN. 'Because you can not keep a corporation alive on patriotism. You can keep the individual going on that basis, but you can not keep a corporation going on it.'

"The average monthly expenditure by the United States upon the Panama Canal was \$2,500,000; the average monthly expenditure upon Hog Island was \$10,000,000. The exact expenditures upon Hog Island up to August 5, is, I believe, not now obtainable. However, figuring upon the admitted average monthly expenditures from the time the contract was signed up to August, I calculate that about \$100,000,000 were spent. Let us, for mercy's sake, cut this figure in half, and we get \$50,000,000. After this \$50,000,000 were spent came the glorious day to Hog Island. The first ship was to be launched!

"There was much bustle and excitement. And, if so many millions had already been spent, a few thousands to celebrate fittingly the event was obviously necessary; so \$38,000 (of the taxpayers' money) was spent upon August 5, the day the *Quistconck* was launched. The "*Quistconck*," however, was prematurely launched, and later had to be towed to a station for repairs!

"In other words, the American people paid at least \$50,000,000 for one 7,500-ton badly constructed ship!

"It is hardly necessary to continue. The administration at Hog Island changed hands several times, and the Department of Justice says there is nothing which should be prosecuted. We are faced, just the same, with the disconcerting knowledge that a job originally estimated to cost \$21,000,000 has cost three times as much. We are faced, in other words, with a bill in which appears an item of \$30,000,000 extra, and evidently the only thing we can do is to grin and pay. But who got the \$30,000,000? How was it divided?"

Mr. VARDAMAN. Mr. President, I wish to ask that the italics that I have marked be reproduced just as I have prepared the article for the RECORD, together with other annotations that I may have made.

The PRESIDING OFFICER. Is there any objection to the request? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to a concurrent resolution authorizing the clerk in the enrollment of the bill (H. R. 13026) to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines, to strike out the word "twenty" where it appears in the last line of section 11 of the bill as agreed upon in conference, and insert in lieu thereof the word "nineteen," in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

The message further transmitted to the Senate resolutions on the life, character, and public services of Hon. WILLIAM P. BORLAND, late a Representative from the State of Missouri.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5236. An act to amend sections 7, 10, and 11 of the Federal reserve act and section 5172, Revised Statutes of the United States;

H. R. 9897. An act to authorize the contesting and cancellation of certain homestead entries, and for other purposes;

H. R. 11984. An act to provide for the Fourteenth and subsequent decennial censuses;

H. R. 15979. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1920, and for other purposes; and

H. R. 16136. An act to amend the liberty bond acts and the War Finance Corporation act, and for other purposes.

DISCHARGED SICK AND DISABLED SOLDIERS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House, which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13026) entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," the Clerk be, and he is hereby, authorized and directed to strike out the word "twenty," where it appears in the last line of section eleven of the bill as agreed upon in conference, and insert in lieu thereof the word "nineteen."

LANDS FOR RETURNED SOLDIERS AND SAILORS.

Mr. MYERS. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 5652) providing for cooperation between the United States and State Governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes. This is the bill to enact into legislation Secretary Lane's project to reclaim lands for homes for returned soldiers and sailors.

I suppose this motion will not be pleasing to the members of the Committee on Appropriations, but, nevertheless, I feel it my duty to make and press the motion.

Mr. MARTIN of Virginia. Mr. President, I understand that the motion is not debatable.

Mr. MYERS. I claim it is debatable. The Senate recessed from yesterday until to-day. This is not the morning hour. There is no morning hour to-day.

Mr. MARTIN of Virginia. I was mistaken; it is debatable. It is debatable after 2 o'clock on the legislative day.

Mr. MYERS. If not debatable, I would not want to proceed; but there can be no doubt that it is debatable.

Mr. MARTIN of Virginia. I withdraw my objection. It is debatable.

Mr. MYERS. I shall then take a few minutes to state the reasons why I make this motion and think it should be adopted. It may not be agreeable to the members of the Committee on Appropriations, but I feel it my duty nevertheless to bring the matter before the Senate. I promised Secretary Lane that I would make an effort to get the bill before the Senate and secure its passage at this session, and I intend to be loyal to him and to my promise. I earnestly favor this bill and want to see it enacted at this session of Congress. I can see no opportunity for making this motion or making an effort to get the bill before the Senate at this session other than right now. This is the last chance. This session must soon end.

I feel sure that appropriation bills will claim the right of way before the Senate from now until to-morrow at 12 o'clock, and will occupy all the remaining time unless the Senate will take up this bill, the bill I have moved to take up, and dispose of it right now.

Mr. McCUMBER. Will the Senator briefly state what is the bill proposed?

Mr. MYERS. I will in a few seconds, and I will be brief about it. I do not believe it would take the Senate over half an hour to dispose of the bill. This is a bill of tremendous importance. It means a great deal to our returning soldiers and sailors, men to whom we owe so much, to whom we owe more than we will ever be able to pay. This bill has been carefully framed. It is the result of much thought and deep study. It is more important than many appropriation bills, important as they are to the Government. The object of the bill is to put to work thousands of returned soldiers and sailors, now unemployed, and to enable them to make farm homes for themselves on land now useless and unproductive.

It was favorably reported by the Senate Committee on Public Lands by a unanimous vote of all members present, and there was a good attendance at the meeting. I believe every member of the Public Lands Committee of the Senate is in favor of the bill. I believe a large majority of the Members of the Senate are in favor of the bill, and if given an opportunity I believe a large majority of them would vote for it. I know many of them think favorably of it. It has pretty generally been brought to their attention, and I believe is generally understood.

We can not possibly pass all the appropriation bills at this session. It is apparent some must fail of passage. I think it is certain that we shall have to have a special session of Congress in June, before the expiration of the fiscal year, to make appropriations for some departments of the Government. The appropriations can wait until July, but this matter can not wait, if we are to do justice to our returned soldiers and sailors.

Mr. GRONNA. Mr. President, will the Senator yield.

Mr. MYERS. I yield with pleasure.

Mr. GRONNA. Of course, I am not going to take the time of the Senate to discuss the provisions of the bill, but the Senator made the statement that it will not take over half an hour. I assure the Senator that it will take a good many hours before the bill can be passed. The Senator, of course, says that this is done in the interest of the soldiers. I am going to take issue with the Senator on that question, and I think the Senator will find that a number of Senators will take issue with him on that. It is not in the interest of soldiers as much as it is for those who want to reclaim the dismal swamps of the country.

Mr. SHAFROTH. Does not the Senator recognize that it is opening up a great quantity of land upon which soldiers can settle and giving them a particular privilege under the bill?

Mr. GRONNA. The Senator recognizes that I would be the last man who would want to see my boy made a pauper, sent out on that waste, and then have the Government advance him a few thousand dollars, when he would be without horses, without machinery, without anything to go on with his farming operations. If I want my boy to farm, I will say to the Senator, I will send him to the New England States and have him buy an abandoned farm, where there is a hope for him to establish a home for himself, rather than make a pauper out of him for all time to come.

Mr. SHAFROTH. I am sure the Senator does not understand this bill.

Mr. GRONNA. The Senator does understand it.

Mr. SHAFROTH. The appropriation is for the very purpose of lending money to the soldier to be used by him in purchasing machinery for the farm and giving him other advantages. It is proposed to give him the very best quality of land by redeeming the land from the condition of swamp land or for the purposes of irrigation. By reason of that a quantity of land will be given to the soldiers, and they will be given special advantages—the very opposite of the conditions which the Senator from North Dakota [Mr. GRONNA] has stated.

Mr. GRONNA. Ah, Mr. President, we have had too much of that. We have been passing bills here all the time in support of which it has been claimed that they were in the interest of the soldier. It has become the custom to claim that everything is in the interest of the soldier, if only the Treasury can be looted. We are deceiving ourselves if we think that the public is going to be satisfied.

Mr. McCUMBER. Mr. President—

Mr. GRONNA. The Senator will not be able to get this bill passed, I will say to him, in the course of 1 hour or 2 hours or 10 hours.

Mr. MYERS. Mr. President, I decline to yield further. I want to proceed. If the Senator from North Dakota [Mr. McCUMBER], however, wishes to ask me a question, I will yield for a question only.

Mr. McCUMBER. Yes; I want to ask a question. The question is a simple one. Is it not a fact that on the land now under cultivation in the United States we produce a surplus of everything that the farmer raises? Is it not also a fact that producing that surplus even now we are attempting to hold up the production of some of the farm products in order that the farmer may receive a living price for them? Now, I want to ask the Senator from Montana, under those conditions, whereas there is not a surplus of clothing and there is a surplus of farm products, why we should not advance the soldiers money to start more clothing stores in order that we may cheapen the price of clothing to the American public?

Mr. MYERS. Mr. President, there is not a surplus of farm products in the world to-day. There will be more wheat needed in Europe, we are informed by official authority, than was needed last year. For several years the United States will have to feed a large part of Europe.

Now, I decline to yield further. I want to keep my statement to the Senator from Virginia [Mr. MARTIN] that I would be brief. I am anxious to get this matter before the Senate and let the Senate vote on it. Then I shall, of course, abide by whatever the Senate may do and try to be satisfied with whatever its decision may be. I promised to make the effort, and I am going to make it. Now is my only chance. I would be very glad to see the bill taken up and disposed of now, without delay, and hope it may be. I appeal to the Senate to let this bill be voted on.

Mr. GORE. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. MYERS. I yield.

Mr. GORE. I want to ask the Senator from Colorado [Mr. SHAFROTH] a question. I desire to ask the Senator from Colorado if this bill appropriates only money to make farmers out of the soldiers? Is it limited to that alone, or will it also ap-

propriate money to build banks, start the soldiers in the banking business, and appropriate money for that, and appropriate money to construct manufactories and to put soldiers into the manufacturing business, and also appropriate money to build stores and to provide them with stocks of goods, and put them into the mercantile business? Is the bill to be limited to farming alone?

The VICE PRESIDENT. Let us have some order about this matter. If we start into the discussion in this way at 10 o'clock, there will be a riot by midnight.

Mr. SHAFROTH. In answer to the question of the Senator from Oklahoma—

The VICE PRESIDENT. The Senator from Oklahoma has not yet asked the Senator from Colorado a question.

Mr. GORE. Yes; I asked the Senator from Colorado a question.

The VICE PRESIDENT. In the confusion the Chair was unable to hear it.

Mr. MYERS. I will yield to the Senator from Colorado for a brief answer, and then I shall decline to yield further to any other Senator, until I get through.

Mr. SHAFROTH. Mr. President, in answer to the Senator from Oklahoma [Mr. GORE], I will say that the Government has a vast quantity of land which it owns, and by reason of that fact it is being put into a condition in which it can be irrigated, which will make it the most excellent and the most valuable of all lands in the United States. It prescribes a limited quantity of land, not as much as 160 acres, to be taken up by the soldier who will go upon the land. It also provides for a loan by which the soldiers can get enough money to be secured upon their property, and secured upon the property which they buy, with which they can start upon this desert land, to which the Senator from North Dakota has referred.

It seems to me, if we are going to give an opportunity to these men who come back from Europe, we shall have to do it on this bill. It will be worth an infinite amount of money and be of great value to the men themselves.

Mr. MYERS. Mr. President, I decline to yield any further.

Mr. GORE. I should like to be allowed to ask one further question, but I will not trespass.

Mr. MYERS. I decline to yield any further. The Senator may take the floor in his own right and in his own time.

Mr. President, this bill, as has been partly explained by the Senator from Colorado [Mr. SHAFROTH], makes an appropriation of a revolving fund with which to reclaim arid, cut-over, and swamp lands, so as to provide farms and homes thereon for returning soldiers and sailors, to give them employment in reclaiming such lands, to prepare the lands for settlement; then giving the soldiers and sailors opportunity to purchase the lands from the Government on easy terms, making long-time payments, and providing them with money with which to buy live stock, machinery, and implements for the purpose of starting into the business of farming.

The latest official estimates indicate that there are about 1,000,000 unemployed men in the United States. That number will be augmented. Unemployment on a large scale will not exist in this country without serious trouble. People are not going to go hungry and without employment when they want honest labor without making trouble. Our returning soldiers and sailors, who offered their lives and limbs in defense of our country and liberty, are not going to return here and go hungry and without employment without making trouble.

Here is an opportunity to give employment to a large proportion of the unemployed people in this country in a beneficial work and most commendable undertaking and doing it in a wise way. The plan has met with the approval of committees both of the House and of the Senate and is strongly recommended by the Secretary of the Interior and the President of the United States. The President has urged Congress to enact the legislation at this session.

Unless this measure is enacted at this session, it may be too late to do any good. By July there will be probably a million more of our troops who will have returned to this country. Already more than 1,000,000 have returned. By July it will probably be too late to get these people together and get them interested in this plan and get the plan into operation. In my opinion it must be done now, if done at all.

The appropriation bills can wait until July; the fiscal year does not expire until the 1st of July, and I think we will undoubtedly have a special session of Congress in June. Then the appropriation bills can be taken care of. With this bill it is different. I should very much like to see this bill given a chance for enactment at this session of Congress—right now, to-day. There has been no program for the remainder of this session formulated, so far as I know, by a caucus or the steer-

ing committee of the majority party of the Senate. Therefore it is the privilege of any Senator to make a motion to take up any bill for consideration. I feel that this bill can be enacted within a reasonable time. I would not want more than a reasonable time spent on it. Then, I feel sure the Senate will have plenty of time to enact the pending appropriation bill and any other that may be absolutely necessary. We all know that there are some appropriation bills that will go over. Without further argument, I submit the matter to the Senate and ask for a vote on my motion.

SENATOR FROM MICHIGAN.

Mr. SMITH of Michigan. Mr. President, I desire to present the credentials of my successor, the Senator elect from Michigan, Hon. TRUMAN H. NEWBERRY, and I ask that they be filed in the usual and customary way.

Mr. KENYON. I suggest to the Senator to ask that the credentials be read.

Mr. SMITH of Michigan. Let the Secretary read them. I should like to have them read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

STATE OF MICHIGAN,
EXECUTIVE OFFICE,
Lansing.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 5th day of November, 1918, TRUMAN H. NEWBERRY was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1919.

Witness his excellency our governor, Albert E. Sleeper, and our seal hereto affixed at Lansing, this 26th day of November, A. D. 1918.

ALBERT E. SLEEPER,
Governor.

By the governor:
[SEAL.]

COLEMAN C. VAUGHAN,
Secretary of State.

Mr. KENYON. Mr. President, I do not rise in any way to object to the credentials; they should be filed; there is no question, legally, about that; but I do rise to inquire of the chairman of the Committee on Privileges and Elections what has become of the resolution unanimously adopted, I think, by that committee looking to the preservation of the evidence and of the ballots in the Michigan senatorial election contest?

Mr. POMERENE. Mr. President, with the permission of the Senator from Iowa [Mr. KENYON], I desire to give very briefly the history of this subject as it appears of record in the Senate.

Shortly after the primary election in Michigan the committee having charge of the campaign for Mr. Newberry presented a report, under the Michigan statute, showing collections of \$178,000 and disbursements of \$176,000 in that campaign. Certain information came to the committee to the effect that these expenditures were made with the knowledge and consent of Mr. Newberry. The situation was such that I believed I was justified in presenting a resolution asking for an investigation to ascertain whether or not expenditures had been made in violation of law, both Federal and State, and what, if any, additional legislation might be necessary to meet this serious evil.

The committee was of the opinion that that investigation could not be had prior to the election, and it was adjourned over until, I think, November 15, on which date a meeting of the committee was called. There were several meetings had, and more attempts to get meetings of the committee, but we failed to secure quorums on different occasions.

Later, prior to the holidays, a memorial was presented by some one, whose name I have now forgotten, but who was the chairman or an official of the Ford nonpartisan campaign committee. Still later Mr. Ford presented a memorial insisting that there should be a recount and charging violations of the law in connection with the primaries. As a result of these two memorials, on the calendar day of January 17 I presented a resolution looking to an investigation. On January 27, 1919, a favorable report was ordered by the committee, all of the Democrats and one Republican joining in it. Certain other Republicans refused to vote upon the question, because they said the meeting of the committee was illegally held in that the vote was taken while the Senate was in session. Apparently they had overlooked the fact that there was a general resolution authorizing the committee to sit while the Senate was in session.

As a result of the debate on the floor of the Senate a compromise resolution was presented. That resolution represented the unanimous vote of all Senators belonging to that committee, save one Democrat, who was not in the city, and one Republican, who was not able to be here. I felt that that resolution ought to be passed. The resolution provided for the taking possession of the ballots in order that they might be preserved; also for taking possession of certain other documentary evidence

which it was feared might be lost or dissipated, and for taking such oral testimony as the committee upon showing might feel it was necessary to take.

At no time during the history of this case did any member of the committee contend that this Senate should pass upon the merits of the case. Most of us were of the opinion that a very serious issue had been joined, and that the sooner the evidence could be taken the better for all parties concerned.

I had every reason to believe that when this unanimous report of the Committee on Privileges and Elections was presented it would not meet with any opposition whatsoever, and, in my humble judgment, there ought not to have been any opposition to it. My feeling is that when the right of any Senator to a seat is challenged that Senator ought to be the very first one to insist upon an investigation, and, instead of trying to block an investigation, if he had a proper appreciation of his relations to his colleagues, he would be the one who would insist upon an investigation. But objections were made, and in the closing days of the Congress it looked as if a filibuster would be inaugurated.

The Senate has witnessed the repeated efforts I have made to bring this matter to a conclusion on the floor of the Senate, but what I did on the floor of the Senate by no means measures the efforts which I have made in conferences with Senators on both sides of the Chamber to have all opposition withdrawn, so that the resolution might be passed. However, I have not succeeded in those efforts.

The day after this matter was up and discussed before the Senate, possibly the second day, I intended to bring it up again, but because of very unfortunate illness in the family of the junior Senator from Michigan [Mr. TOWNSEND], he could not be here, and requested that the matter should not be brought up. It is out of deference to that request that I have not since that time made an effort to bring the matter to a conclusion. Suffice it to say that I am very much disappointed that there should be any opposition to the gathering of this testimony now in order that it might be before the Senate for its consideration at the next session.

Mr. McCUMBER obtained the floor.

Mr. KENYON. Mr. President—

Mr. McCUMBER. I yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I want to say just a word. I join in the opinion of the Senator from Ohio [Mr. POMERENE]. I think it is unfortunate that this resolution has been blocked, if that is the proper word to use concerning it. I think there was a general understanding that this resolution would pass and that the evidence was to be preserved. I hope, when the Republicans come into control, that there will be a full and complete investigation of the Michigan election on both sides. I am inclined to believe that the friends of Mr. Ford have spent fully as much money as the friends of Mr. Newberry, but I do not believe that any party or any group of men can stand in the way of a complete investigation under such facts as have been presented to the Senate, and I believe there is no intention of so doing on this side of the Chamber. I hope there is none.

Mr. POMERENE. Mr. President, if the Senator will permit me to say a word in addition, before this substitute resolution was agreed to I suggested, informally, in the presence of such Senators as were in the committee room, Republicans and Democrats alike, that if an investigation were to be made by a subcommittee that subcommittee should be composed of equal numbers of Republicans and Democrats, so that it could not be said that any attempt was made to do any injustice to anyone. I am not concerned about the final result of this matter. I am concerned that the Senate shall know what the facts are.

Mr. SMITH of Michigan. Mr. President, I want to say that before presenting these credentials I conferred with the Senator from Ohio [Mr. POMERENE], the Senator from Arizona [Mr. ASHURST], the senior Senator from Missouri [Mr. REED], and the Senator from Iowa [Mr. KENYON.] This is the customary manner of disposing of credentials—to receive them and file them.

Mr. POMERENE. Mr. President, I had intended to say, but overlooked it when on my feet before, that I am not making any objection to the filing of these credentials. I did at one time ask that they be referred to the committee. I felt at that time that the committee should consider them, not with a view to excluding them, but with a view to determining on a course of action. My own judgment is that under the circumstances these credentials should be filed, and that on the present state of the case Mr. Newberry should be qualified at the beginning of the next session, and the Senate can then take such action as under all the circumstances may seem proper.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. SMITH of Michigan. Certainly.

Mr. ASHURST. Inasmuch as my name has been mentioned, I wish to be heard a moment.

It is true that the distinguished senior Senator from Michigan [Mr. SMITH] asked me—and I appreciate his courtesy—if I intended to object to the presentation of the credentials of Mr. Newberry. I apprehend that I was asked that question for a twofold reason: First, because I objected some months ago when the credentials were presented; secondly, because I happen to be an humble, a very humble, member of the Committee on Privileges and Elections. It is true that I objected upon a former occasion; and I regret that the Senator's colleague [Mr. TOWNSEND] can not be here now so that he may hear my confession of error in regard to my position at that time.

I have examined all the precedents of the Senate, and have examined the rules, and I am going to read a part of Rule VI, in regard to the presentation of credentials:

The presentation of the credentials of Senators elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

My attitude in trying to bring about an investigation of the alleged unlawful expenditures of money in the Truman H. Newberry case has aroused considerable unfavorable criticism from one or two newspapers. I do not resent criticism. The only injustice the newspapers in the United States have ever done me was overpraise me—to give me credit where I was not entitled to credit.

I have never met Mr. Newberry. I have never had the pleasure of greeting him. I have no doubt that in public life and in private life he is a most estimable gentleman. I could not be and have not been actuated by the smallest consideration of prejudice or of partisan bias in this case. My activity in this matter has been prompted solely and only by the desire to assist the Senate in maintaining its ancient and historic standards—a true Senate. I want to see a Senate to which a rich man may be chosen or a poor man may be chosen upon merit and attainment only. I desire to see men chosen as Senators without regard to their wealth or their poverty. I felt that the evidence submitted to the committee disclosed that huge sums of money had been poured into the Michigan election; and in vindication of myself and my attitude I have nothing to retract. I stand on my original ground and again assert that the Senate should conduct an investigation, that we should spring at once to our duty and be active in the matter of investigating—no matter who may be the man who presents credentials—where it is alleged by responsible persons that large sums of money have been spent in bringing about an election. In a free Republic, where the ballot is in every hand, if men with large sums of money can go about and corrupt voters and spend large sums in influencing the elections, the free Republic will not exist very much longer. In saying this I do not assert that Mr. Newberry has violated any law: I simply say that evidence has been adduced before the Committee on Elections tending to show that large sums of money were spent in Mr. Newberry's behalf in the Michigan election. The Senate will be false to itself and false to the American people if it fails carefully and patiently, and without any bias, to investigate the matter; and if Mr. Ford's agents have spent any money illegally I would be just as active to pass a resolution of investigation.

Mr. President, in presenting these credentials the senior Senator from Michigan [Mr. SMITH] has done the proper thing. He has presented the credentials of Mr. Newberry, Senator elect. They are regular on their face. They give the Senator elect, Mr. Newberry, the right to participate in the organization of the Senate of the Sixty-sixth Congress. His credentials on their face are as regular as the credentials of myself or any other Senator here, and I am glad to say that I have no objection whatever to their presentation. At a later time the question of investigation can be discussed, and a resolution can be presented and passed. These credentials are presented by the distinguished senior Senator from Michigan [Mr. SMITH]. He is within his rights. He is doing what is proper under the Senate rules.

The senior Senator from Michigan, Mr. WILLIAM ALDEN SMITH, in 25 hours more will no longer be a Senator of the United States. He leaves us, much to our regret. He leaves the public service after 25 years of work as devoted to our institutions of civil liberty as has been known in the history of any public servant. No tainted breath, no suspicion of scandal, has ever dimmed the bright mirror of his character and reputation; and in these closing hours, precious as time is, let me say that when the great contest for statehood for Arizona was on—statehood for Arizona and New Mexico—here stood my learned and beloved friend, the Senator from Oklahoma [Mr.

OWEN], battling for the right of Arizona to be admitted; there was my learned and beloved friend, the senior Senator from Michigan [Mr. SMITH], chairman of the Committee on the Territories, asserting that a vote must be had, and the rights of these Territories must be considered. So I may be pardoned when I say that I have deep affection and much respect for the Senator from Michigan, who so soon will leave us. He served term after term in the House, and two terms in the Senate. About his elections there was never a suspicion of anything improper. He is a partisan Republican—I think too partisan a Republican, one of the most relentless Republicans we have here—but he has at all times been an American. The public service will lose an able and conscientious Senator when he retires, and I embrace this opportunity to say it to him now, while he is alive, rather than say it in the long future, perhaps when he may be dead. I wish him happiness and length of days.

Mr. OWEN. Mr. President, for six years the Senate committees have had under consideration a corrupt-practices prevention act. I want to place in the Record the fact that from time to time I have done everything in my power to promote it and to bring it into statute form. It is too late now to hope for its enactment by this Congress; but I do hope that when the new Congress comes into being the Republicans will take the responsibility of putting on the statute books provisions which will make it impossible to corrupt the electorate of this country by the use of money; and certainly I hope, and I expect, that from this side of the Chamber they will receive the cooperation of those who appreciate the importance of this reform.

Mr. McCUMBER. Mr. President, I rise to a point of order. I desire to know what question is now before the Senate. Is it a motion to take up the reclamation bill?

The VICE PRESIDENT. There seems to be no objection to the reception of the credentials of Truman H. Newberry as a Senator from the State of Michigan.

Mr. REED. Mr. President—
The VICE PRESIDENT. Does the Senator from Missouri object?

Mr. REED. I want to say a word before they are received, and it is on that point that I desire to address the Senate. Just a word.

Mr. President, perhaps this question has been stated with sufficient fullness. Nevertheless, I want to put into the Record, before these credentials are received, a statement of my position.

There was an attempt made to investigate the expenditures in the Michigan election before the election in November. It seems that the question then brought forward was the expenditures alleged to have been made in the primary election. When that question was advanced, I took the position that the Senate ought not to investigate at that time, because, while it had the right, it seemed to me that to investigate would have too much the appearance of seeking to influence the result at the November election, and that an investigation called and in process would amount in a sense to a challenge of the conduct of one of the candidates. After the election was held the question came forward whether there should then be an investigation and also the question whether the credentials of a man elected to the Senate could be received pending a challenge. I took the position then that if the credentials were in proper order they must be received, and the person holding them would be entitled to his seat and to keep his seat until ousted by proper proceedings. Later, when the matter was again pressed, I took the position that it was within the privilege of the Senate, of this present body, to investigate into all the facts and circumstances relating to the election, and to preserve and keep the evidence for action by the Senate as it would be constituted after the 4th of March.

I thought we had the right to make that investigation under our general power to investigate anything relating to the elections of men who would sit as Members of the Congress. I thought we had a right to do it under the general power so often exercised, but I believed in addition to that it was a right inherent in this body to take and preserve the evidence relating to any election, but that it would be unfair for the present Senate to pass upon the question as to the right to a seat, that being a matter to be determined after the 4th of March.

Now, Mr. President, the regrettable thing is that there has been a consistent and a determined effort to prevent the taking and the preserving of evidence. It is absolutely useless to deny the fact that almost every device conceivable has been employed to prevent the taking and the preserving of this evidence. Upon what ground can gentlemen object? It was even proposed that the subcommittee appointed to gather the evidence should be composed of two Republicans and two Democrats, so that there would not be a political majority upon either hand. Do these gentlemen claim that because the majority of the Senate is at

the present moment Democratic it implies a dishonest investigation and a dishonest gathering of the evidence? If such a claim as that is advanced then unless somebody can demonstrate that Republicans are inherently more virtuous than Democrats the Democrats might well say there could be no honest investigation after the 4th of March. No one who is a Member of this body would make that charge as against either the Republicans or the Democrats, and it is not true as to either of them. That men may naturally have an inclination for a member of their own party may be true, but that that inclination would interfere with an honest gathering and preservation of this evidence no Member of this body will assert.

When a man seeking a seat in this body through his attorneys and through his representatives undertakes to prevent such an investigation and such a preservation of evidence he places himself in a very unenviable position. He, in fact, challenges the honesty and integrity of the body of Senators who will gather the evidence or he confesses his fear of an honest investigation. I have had some experience in the courts, and it is very seldom that I have ever seen an honest man with a good case refuse to have evidence taken and refuse to allow the full light to be turned upon the situation.

I regret that this condition of affairs has developed. When I see the attorneys for a prospective Senator standing in the corridors of this building and protesting against steps being taken to preserve evidence or to take testimony it impresses me too much as conduct similar to that which sometimes transpires when you find interested parties haunting the doors of a grand jury room.

Personally, I do not care a whit from the political standpoint between these two men who ran for office. Mr. Ford has publicly stated that he is not a Democrat. I believe he has added that he is not a Republican, and, personally, I always prefer a Republican to a nondescript. I am a little bit like the Scriptural expression, which perhaps I can quote, which was said of a certain church, "I would that ye were either cold or hot. Because ye are neither cold nor hot, therefore will I spew you out of my mouth." I like to have a man either a Democrat or a Republican or something else. I simply say that now, not to criticize Mr. Ford, but to emphasize the fact that I have not any political preference as between these men, or if I do have, it is for the Republican, because he has taken his position and we know where to find him.

Mr. President, the fact that Mr. Newberry sends his attorneys here to prevent the taking of testimony is very significant. It is utterly useless to hide behind the old dodge that every lawyer has worked, saying, "Put your finger on the paper you want, and we will perhaps produce that paper. Tell us the particular set of books you want to investigate and we will perhaps produce the books." Every man who has tried lawsuits knows that in cases like this, that in all cases where fraud is charged or where there are many ramifications of corruptions charged, you have to start perhaps with a small fact, and tracing that fact through its various connections you develop other facts, and finally you are able to expose the whole warp and woof of an enormous fraud and a widespread conspiracy. It is the only way cases of this kind can be developed. If all the evidence was known in advance nobody would need an investigation.

The thing that would be done if this investigation was allowed to proceed is this: The members of the committee who conducted the campaign of Mr. Newberry, and also the members of the committee who conducted the campaign of Mr. Ford, would be put under oath. They would be put upon the witness stand. They would be inquired of as to their organization and the members of it. They would be asked to produce their books of accounts. They would be asked in what bank they kept their money. They would be asked who were their agents in various counties and various precincts. Having produced that sort of a basis and acquired that kind of knowledge, the investigation would proceed to the banks, to the check books, to the agents, to the correspondence, to all the letters and everything that had passed between them, and when you got through you would know something about it.

Now, for an attorney to stand around on his hind legs and say, "Tell us in advance what we have been doing," when everything has been done in secret, is simply for that attorney to certify to the people and to the country and to everybody else who knows the facts that he wants concealment.

I have reached a point in this matter where my patience is exhausted. The junior Senator from Michigan [Mr. Townsend] is not here. He is kept away because of a very serious family bereavement or trouble, in which he has my utmost sympathy, and in his absence, notwithstanding the great public importance of this question, I would not insist upon calling

up the resolution for action, unless he himself would give his consent.

I suppose this resolution will not pass. I say now that whoever comes here with a credential and at the same time with an attempt to prevent an investigation files a credential that, in my opinion, is tainted. That opinion I will retain until the gentleman presenting it shall lay his books and lay his correspondence and lay his facts—and all the facts—before a committee of this body.

Mr. SHERMAN. Mr. President, I understand, practically, it is not controverted that the credential as presented will be filed. The disposition of the resolution of the Senator from Ohio will be attended to either at this session or hereafter. The question of the filing of the credentials I do not understand to be seriously controverted. What the question is before the Senate at this time I am not fully advised. There is no motion to file. It is not required on the presentation of the credentials of a Senator. I make the parliamentary inquiry if the motion of the Senator from Montana [Mr. MYERS] is pending?

The VICE PRESIDENT. The Chair has been trying to find out for 25 minutes whether anyone was going to object to the filing of the credentials of the Senator elect from Michigan or to move anything with reference thereto. There is discussion of the question, but there seems to be nothing doing. Therefore, if no one wants to raise any question, the credentials will be received and filed with the Secretary, and the pending question is the motion of the Senator from Montana to proceed to the consideration of the alleged rehabilitation of farms bill.

Mr. SHERMAN. On that I will take the floor, and, in pursuance of the immemorial custom, I will proceed to talk about something else.

Mr. POMERENE. Will the Senator yield just a moment?

Mr. SHERMAN. If it will not lose me the floor, I will yield.

Mr. POMERENE. No. I simply want to say, in view of what was said a moment ago by the Senator from Illinois, if the resolution asking for this investigation in its modified form is not passed—and I do not see any possibility of passing it under the circumstances—the very first day the Senate meets in the next Congress I shall file another motion asking for the investigation of the subject both as it relates to the contestant and the contestee.

ADDRESS BY JUSTICE STAFFORD ON LEAGUE OF NATIONS.

Mr. THOMAS. Will the Senator from Illinois yield to me for a moment?

Mr. SHERMAN. If it will not lose me the floor.

Mr. THOMAS. Certainly not.

Mr. SHERMAN. I yield.

Mr. THOMAS. There appeared in yesterday morning's Post from Mr. Justice Wendell Phillips Stafford a legal discussion of the treaty-making power of the United States in connection with the proposed league of nations. It is one of the ablest and most exhaustive discussions of a legal proposition that it has been my pleasure to read for a long time, and inasmuch as it bears upon the very important subject soon to occupy the attention of the Senate officially, I ask unanimous consent for the printing of this address in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. THOMAS. I thank the Senator from Illinois.

The address referred to is as follows:

AN ADDRESS BEFORE THE VERMONT STATE BAR ASSOCIATION JANUARY 7, 1919, BY WENDELL PHILLIPS STAFFORD, JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

"May the United States join the proposed league of nations by an exercise of the treaty-making power?"

"The precise question to which I invite your attention is this: What limitations, if any, are to be found in the Constitution of the United States touching the power of this Government to join a so-called league of nations?"

"Before approaching the question itself it may be useful to lay down a few definitions in the language of accepted authorities.

"Sovereignty, as applied to a nation, imports the supreme, absolute, uncontrollable power by which it is governed. A nation is sovereign when this power resides within itself.

"The American Constitution is that written instrument agreed upon by the people of the Union as the absolute rule of action and decision for all departments and officers of the Government, in respect to all the points covered by it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or regulation of any such department or officer, or even of the people themselves, will be altogether void. The will of the people as declared in the Constitution is the final law; and the will of the legislature is law only when it is in harmony with, or at least is not opposed to, that controlling instrument.

"The foregoing definitions are taken from Cooley's introductory chapter to his 'Constitutional Limitations,' with some condensation for the present purpose.

"The Government of the United States," said Chief Justice Marshall, 'can claim no powers which are not granted to it by the Constitution, and the powers granted must be such as are expressly given or given by necessary implication.' (1 Wheat., 304, 326.)

"By the tenth amendment 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.'

"A few other provisions of the Constitution itself should be noted.

"Article I, section 1: 'All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.' This provision, however, must be read in connection with Article II, section 2: 'He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur'; and with Article VI: 'This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.'

"Article I, section 10: 'No State shall enter into any treaty, alliance, or confederation * * * nor enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.'

"Article I, section 8: 'The Congress shall have power (inter alia)—

"To regulate commerce with foreign nations;

"To constitute tribunals inferior to the Supreme Court;

"To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"To raise and support armies;

"To provide and maintain a navy;

"To make rules for the government and regulation of the land and naval forces * * * and

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.'

"Article II, section 1: 'The executive power shall be vested in a President of the United States of America.'

"Section 2. 'The President shall be Commander in Chief of the Army and Navy of the United States.'

"Article III, section 1: 'The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.'

"Section 2: 'The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.'

"Next, I invite your attention to a few decisions of the Supreme Court of the United States touching the treaty-making power, from which, I think, it will appear—

"1. That, generally speaking, a treaty is a contract between independent sovereignties and not properly a law.

"2. That by virtue of the constitutional provision already quoted a treaty made by the United States is not only a contract but is also, in some instances, a law.

"3. That, so far as it rests in the promise of something to be done by our Government, it is a contract only, to be fulfilled or not as the political departments of the Government may decide and is not to be interfered with by the courts.

"4. That, so far as it is by its terms operative without the aid of legislation, and in so far as it affects personal or property rights, it is a law and to be dealt with as such by the courts.

"5. That, as a law, it stands on the same footing with an act of Congress and is, equally with an act of Congress, subject to be modified or repealed by a later act of Congress as well as by a later treaty.

"6. That, as a law, it is, equally with an act of Congress, vulnerable to constitutional objection—with the qualification that that may be done by a treaty which can not be done by an act of Congress—and if it is inconsistent with the Constitution is consequently null and void; in other words, that it can not be made the means of working an amendment of the Constitution.

"7. That, even when operating as a contract only and not as a law within the meaning just given, it must still be consistent with the Constitution, as all departments of the Government are bound to observe and obey the fundamental law.

"8. That the treaty power, if it keeps clear of constitutional objections, is in its scope unlimited and may deal with any situation or question which may properly be the subject of negotiation and contract between independent powers.

"Turning now to the cases—

"In *Foster v. Neilson* (2 Pet., 253) it was held that a treaty which declared that certain titles should be ratified and confirmed was ineffectual to confirm the titles, but that it was for Congress, if and when it saw fit, to fulfill the promise of the treaty by appropriate legislation, as in certain instances Congress, in pursuance of the treaty, had already done, but not in the instance then before the court. Chief Justice Marshall there said, at page 314: 'A treaty is, in its nature, a contract between two nations, not a legislative act. It does not generally effect, of itself, the object to be accomplished, especially so far as its operation is infraterritorial; but it is carried into execution by the sovereign power of the respective parties to the instrument. In the United States a different principle is established. Our Constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the legislature whenever it operates of itself, without the aid of any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial, department; and the legislature must execute the contract before it can become a rule for the court.'

"*Whitney v. Robertson* (124 U. S., 190) was an action against the collector of customs at the port of New York to recover back duties that had been collected under an act of Congress which was alleged to be in conflict with a treaty between the United States and the country from which the goods had been imported. It was held that even if the act was in conflict with the treaty, yet, being a later expression of the sovereign will, it was binding on the courts. 'By the Constitution,' said Mr. Justice Field, 'a treaty is placed on the same footing and made of like obligation with an act of legislation. Both are declared by that instrument to be supreme law of the land, and no superior efficacy is given to either over the other; * * * if the two are inconsistent, the one last in date will control the other, provided the stipulation of the treaty upon the subject is self-executing.' If not self-executing, he says, as Chief Justice Marshall had already said in *Foster v. Neilson*, the courts can not treat it as law, but only as a promise of the political departments, to be fulfilled, if at all, by them. In closing the opinion of the court Mr. Justice Field says: 'It follows, therefore, that when a law is clear in its provisions its validity can not be assailed before the courts for want of conformity to stipulations of a previous treaty not already executed. Considerations of that character belong to another department of the Government. The duty of the courts is to construe and give effect to the latest expression of the sovereign will.' Mr. Justice Field continues: 'In *Head Money cases* (112 U. S., 580) it was objected to an act of Congress that it violated provisions contained in treaties with foreign nations; but the court replied that so far as the provisions of the act were in conflict with any treaty they must prevail in all the courts of the country; and after a full and elaborate consideration of the subject it was held that "so far as a treaty, made by the United States with any foreign nation can be the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal."

"In the *Head Money cases* thus referred to with approval, Mr. Justice Miller had expressed the opinion of the court in the following language: 'A treaty is a law of the land, as an act of Congress is, whenever its provisions prescribe a rule by which the rights of the private citizen or subject may be determined. But even in this aspect of the cases there is nothing in this law (the treaty) which makes it irrevocable or unchangeable. The Constitution gives it no superiority over an act of Congress in this respect, which may be repealed or modified by an act of a later date. Nor is there anything in its essential character, or in the branches of the Government by which the treaty is made, which gives it this superior sanctity. A treaty is made by the President and the Senate. Statutes are made by the President, the Senate, and the House of Representatives. The addition of the latter body to the other two in making a law certainly does not render it less entitled to respect in the matter of its repeal or modification than a treaty made by the other two. If there be any differences in this regard, it would

seem to be in favor of an act in which all three of the bodies participate. And such is in fact the case in a declaration of war, which must be made by Congress and which when made usually suspends or destroys existing treaties between the nations thus at war.

"It would be strange reasoning, indeed, to say that a treaty could not be unconstitutional and therefore void, although it could be repealed by act of Congress, while acts themselves are subject to objection on the ground of being unconstitutional.

"That the treaty-making power is incompetent to part with any portion of the sovereignty of the Nation under the Constitution is the basis of the decision in *Fong Yue Ting v. United States* (149 U. S., 698), in which it was held that the right to exclude or expel aliens in war or peace is 'an inherent and inalienable right of every sovereign and independent nation,' and consequently that the hands of Congress were not tied by a treaty giving to Chinamen the right to remain here; and that Chinamen who had come and remained here for many years under the provisions of such a treaty had acquired no vested right to remain. Said the court, through Mr. Justice Gray: 'Jurisdiction over its own territory to that extent is an incident of every independent nation.' It is a part of its independence. If it could not exclude aliens, it would be to that extent subject to the control of another power.' In further illustration of powers conferred upon Congress and not to be curtailed by the treaty-making power, the learned justice refers to 'the power to regulate commerce with foreign nations, including the entrance of ships, the importation of goods, and the bringing of persons into the ports of the United States; to establish a uniform rule of naturalization; to define and punish piracies and felonies committed on the high seas and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces; and to make all laws necessary and proper for carrying into execution these powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.' Whatever treaty, then, may be made in reference to any of these matters must be subject to the power of Congress to alter or repeal at its pleasure; for, as he continues, 'In our jurisprudence, it is well settled that the provisions of an act of Congress, passed in the exercise of its constitutional authority, on this as on any other subject, if clear and explicit, must be upheld by the courts, even in contravention of express stipulations in an earlier treaty.' Quoting from *Chae Chan Ping's case*, One hundred and thirtieth United States, page 581, he makes this weighty observation: 'The powers of government are delegated in trust to the United States and are incapable of transfer to any other parties. They can not be abandoned or surrendered. * * * The execution of these public trusts is not the subject of barter or contract.'

"The obligation of the treaty-making power to keep within the limits of the Constitution and the otherwise unlimited field it may occupy have been clearly recognized in various opinions of the same court. Thus, by Field, J., in *Geoffrey v. Rigg* (133 U. S., 258, 266): 'The treaty power as expressed in the Constitution is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the nature of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. (*Fort Leavenworth Railroad Co. v. Lowe*, 114 U. S., 525, 541.) But, with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country. (*Ware v. Hylton*, 3 Dall., 199; *Chirac v. Chirac*, 2 Wheat., 259; *Houenstein v. Lynhan*, 100 U. S., 433.)'

"It should never be forgotten that the question of constitutionality as applied to a treaty, or any other act of governmental power, is not the same thing with the question whether the constitutionality could ever be brought before a judicial tribunal for decision. The executive and the legislative departments are bound, equally with the judicial department, to obey the fundamental law. Their oaths to support and defend the Constitution are equally sacred and binding whether their acts can or can not be drawn in question in a court of justice.

"When the President and the Senate have concluded a treaty calling for the appropriation of money, a bill for which can originate only in the House of Representatives, it has generally been considered a political and moral duty on the part of the

House to make the appropriation, since otherwise the good faith of the Nation would be broken. Yet, even in that contingency, it has been maintained by eminent leaders of the House that appropriations would be justifiably refused if the treaty were incompatible 'with the fundamental principles, purposes, or interests of the Constitution.' (Report of the Committee on Foreign Affairs of the House of Representatives in regard to the purchase of Alaska. See Devlin on Treaty Power, sec. 83.)

"The House has undoubted power to refuse to appropriate the funds required for the fulfillment of treaty obligations, just as the legislative branch as a whole has power to abolish all courts of the United States inferior to the Supreme Court. But the right to do either is an altogether different question.

"Out of abundant caution and to make sure of the cooperation of the House in the passage of necessary legislation, our treaties have sometimes provided that they should not become effective until approved by act of Congress. But even if this were done, it would not remove the question of constitutionality if the treaty should amount to an overthrow of the Constitution itself. (See Treaty with Cuba, referred to in Devlin on Treaty Power, secs. 88 to 90.)

"When the question of the ratification of our present Constitution was pending it was objected on the part of its opponents that by its terms the treaty power was unlimited. In reply Mr. Madison said: 'In the existing Confederacy, Congress is authorized indefinitely to make treaties. * * * Does it follow because the power is given to Congress that it is absolute and unlimited? I do not believe that power is given to the President and Senate to dismember the empire or to alienate any great essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation.' And he proceeded to show that as it would be impossible to enumerate all the cases in which the power might be exercised, it was safest to leave the grant in general terms.

"Duer, in his lectures on Constitutional Jurisprudence, takes the same ground, and adds: 'In order to ascertain whether the execution of the treaty-making power can be supported in any given case, those principles of the Constitution from which the power proceeds should be carefully applied to it. The power must indeed be construed in subordination to the Constitution; and however in its operation it may qualify, it can not supersede or interfere with any other of its fundamental provisions, nor can it ever be so interpreted as to destroy other powers granted by that instrument. A treaty to change the organization of the Government, or annihilate its sovereignty, or overthrow the republican form, or to deprive it of any of its constitutional powers would be void, because it would defeat the will of the people, which it was designed to fulfill.' (2d ed., p. 228.)

"The treatment of the question by John C. Calhoun (2 Works, 132, 135), quoted at length in Devlin's work, is marked by the iron logic of the great reasoner. In its reference to the power of a treaty to change State boundaries or cede any portion of the territory of a State we note his inflexible adherence to the doctrine of State rights and find him in conflict with Chancellor Kent, but otherwise his exposition agrees with that of the jurists and statesmen already cited. I quote a part: 'It—the treaty power—is limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government or any of its departments, of which description there are many. It is also limited by such provisions of the Constitution as direct acts to be done in a particular way and which prohibit the contrary, of which a striking example is to be found in that which declares that "no money shall be drawn from the Treasury but in consequence of appropriations to be made by law." This not only imposes an important restriction on the powers, but it gives to Congress as the lawmaking power, and to the House of Representatives as a portion of the Congress, the right to withhold the appropriations, and thereby an important control over the treaty-making power whenever money is required to carry a treaty into effect, which is usually the case, especially in regard to those of much importance. There still remains another and more important limitation, but of a more general and indefinite character. It can enter into no stipulation calculated to change the character of the Government or to do that which can only be done by the constitution-making power, or which is inconsistent with the nature and structure of the Government or the objects for which it was formed.'

"Cooley, in his *Constitutional Limitations*, has little to say upon our subject, for that work deals strictly with the limitations upon the powers of the States; but in his *Constitutional Law* he sums up the matter with characteristic comprehensiveness and brevity, as follows: 'The Constitution imposes no re-

striction upon this power, but it is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country or robs a department of the Government or any of the States of its constitutional authority.' (3d ed., p. 177.)

"That a treaty may be unconstitutional and void as violating the fundamental principles and the distribution of powers in that instrument has been affirmed also in opinions delivered by Jay, Story, Taney, Clifford, Daniel, Swayne, MacLean, and White, as well as in solemn declarations by Hamilton, Jefferson, Clay, Tucker, Rawle, Pomeroy, Wharton, Root. See Tucker's work, 'Limitations on the Treaty-Making Power,' chapters 1 and 2.

"In favor of an unlimited treaty power under the Constitution an argument has been drawn from the fact that the Constitution, while it declares that acts of Congress shall be the supreme law of the land when made 'pursuant to the Constitution,' uses, in conferring the treaty power, no such language, but uses instead this language: 'Treaties made or which shall be made under the authority of the United States.' But the answer is obvious. A sufficient reason for this difference is to be found in the fact that treaties made before this Constitution, as well as those which should be made after its adoption, are declared to be the supreme law of the land. For example, the treaty of peace with Great Britain, made in 1783, was by this clause made the law of the land as much as if it had been signed after the Constitution had been adopted. (Ware v. Hylton, 3 Dall., 199.)

"Equally important with an observance of constitutional limitations upon the treaty power is the absolute freedom of that power within such limitations. Nothing should ever be done or said or written to cast doubt upon it. This consideration has led some writers to declare the treaty power to be absolutely or practically unlimited, but such, as we have seen, it can hardly be held to be. The weakness and insufficiency of the treaty power under the Continental Congress and the old Articles of Confederation were, as we all know, one of the moving causes to the forming of a more perfect union in the Constitution of 1787. The free and unhampered exercise of this august power may be all that can save us in time of national peril, in grave crises which no man can foresee. To preserve the life of the Nation in time of war it may be necessary to surrender, and surrender instantly, what in ordinary times we might think should never be surrendered. As Butler observes in his elaborate and able work on the treaty-making power of the United States, when such an emergency arises the burning question will not be one of legal power to cede territory, but of physical power to retain it. (Sec. 400.) All that we have a right to ask is that those who are intrusted with power under the Constitution should look to the Constitution itself for the limit of power, and should not attempt to pass to others the trusts that are reposed solely and explicitly in them.

"Let us consider now in the light of these principles and authorities what kind of a league might be joined by the United States consistently with the Constitution.

"By Article III, section 2, the judicial power of the United States, vested in the Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, is declared to extend, among other things, to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under the authority of the United States. This power is definitely lodged. Can it be delegated to any other judicial power, with the result that a court of the nations shall have jurisdiction and authority finally to determine for the United States the construction and meaning of the very treaty by which the international court itself has been created, to determine the duty and obligation of the people of the United States under that treaty, and to render a judgment enforceable by the power of the league against the United States or its citizens?

"By Article II, section 2, clause 2, the President is given power to nominate, and by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not therein otherwise provided for, and which shall be established by law, although the Congress may by law vest the appointment of such inferior officers, as they may think proper, in the President alone, in the courts of law, or in the heads of departments. The duty, as well as the power, of appointing to all offices, from the highest to the lowest, is thus carefully and explicitly prescribed and bestowed. How can that duty be disregarded, or that power delegated, in favor of any other body, with the result that officers exercising authority over the people of the United States or wielding its power can be appointed by a league or

combination of foreign powers, even though the United States is represented in that league?

"The power to declare war is vested exclusively in the Congress. Can a treaty vest it in a league of nations? Can the Congress itself delegate this power? Can it leave to a league of nations to determine when we shall be at war with our neighbors?

"Apparently it would be competent for the United States to become a party to a league that should have a council of conciliation, and to agree that any controversies between this country and other members of the league should be submitted to such a council for its review and recommendation before any hostile action should be taken. Such an arrangement could last only during the life of the treaty creating the league, which, of course, might be ended at any time if the emergency justified such action in the conscience of the withdrawing nation. But to provide that the nation could not withdraw would be to take away the sovereignty of the nation and vest it in the league itself.

"Apparently there could be no constitutional objection to this country entering a league of nations which should agree, as our States did under the old confederation, that during the life of the treaty no two or more of them should enter into any treaty or alliance whatever between them without the consent of the other members of the league. They might enter into an agreement concerning their commercial relations with each other, concerning their respective armaments, and concerning the means that should be taken to defend their common interests and meet any new menace to free institutions, as well as to unite in assistance to the newly arisen free states which are to stand as a bulwark against German aggression toward the east. But for the continuance of such an agreement it may be necessary to rely upon a continuance of the present determination among free peoples to stand together, rather than upon a hard and fast authority vested in a central body to enforce obedience against the parties to the agreement. If we are to have the latter, is it not reasonably certain that we must get it by direct grant from the people themselves in the manner prescribed by the Constitution for its own amendment, and not by the action of officers or departments whose authority is limited by the purposes for which our present Constitution was framed?

"We must not forget the teachings of our own history. If we do form a league of nations which is at all analogous to the loose leagues that preceded our own Constitution we must expect to meet the same questions that the fathers met. There will be found to be the same weakness in a central body that can not enforce its mandates, but can only make requests. There will arise the same confusion touching the interpretation of the league's organic law, requiring a supreme court of the nations to interpret the meaning of the instrument for all; and eventually the same necessity will be found to exist for an executive power to carry out the decisions that are reached. If we enter upon that road, history shows us plainly that it must either end abruptly or else run onward toward something on a world scale comparable to the national Republic under which we live. Whether the nations of the earth, or any sufficient number of them, have yet reached a point where they hold in common the ideals of government, of liberty, of morals, and of law that are necessary to form the cement of any real and lasting union is a question for the statesman, not for the lawyer as such. Upon that subject you would not expect me to enter here. The pertinency of these observations lies in the fact that if under our present Constitution such a union as would eventually be found necessary can be formed by the exercise of the treaty power, then it follows that by the treaty power the United States may be brought to occupy in a world league such a position as one of its States now occupies in this Union. Can such an end be reached through the treaty power? Does the Constitution of the United States authorize its officers or departments, either by one treaty or by a succession of treaties, to make this Nation a state in a world union as one of its own States is now a member of its own Union? If that is to be done, must it not be done by the exercise of the power which by the tenth amendment is still reserved to the people?

"You will understand, of course, that in this effort to outline the constitutional limitations upon the treaty power in respect to the formation of a league of nations I am speaking as a lawyer and am confining myself to the question proposed. I am not discussing the question of the desirability of a league of nations either as a condition to the present peace settlement or as a step to be taken at a later time. There can be no doubt, it seems to me, that certain limitations do exist, and must be recognized now or later; and certainly if they do exist, the sooner they are recognized the better. Even for a peace treaty

formed with the best intentions in the endeavor to safeguard free institutions and secure the peace of the world we should be paying a price too dear if we should find that we had involved ourselves in an unconstitutional situation by attempting that which the delegation of powers from the people had never contemplated or authorized, and consequently that our labor had been wasted. It may be that nothing of this character will be attempted or proposed in the treaty to be formulated at the present conference, but the wide range the discussion has taken in deliberative assemblies and in the public press, the large and vague language that has sometimes been used, and the general confusion of thought that continues to exist even after all that we have been told upon the subject, no less than the recent definite proposal of the league for peace, to which I am soon to call your attention, has seemed to justify an examination of the question at this time.

"Before giving our attention to this definite proposal, let us summarize briefly, even at the expense of some repetition. Lord Bacon said that no time was ever wasted that was spent in stating the question with clearness and precision.

"A treaty is a contract between nations. For us, a treaty is a contract between the United States and a foreign nation or nations. So far as it is an engagement on the part of the United States to do certain things, it is a contract only, and with it the courts have nothing to do. So far as it is self-executing it is a law. As a law it is of the same force as an act of Congress. As a law it is subject to alteration or repeal by an act of Congress. As a law it must, equally with an act of Congress, be consistent with the Constitution. Neither as a law nor as a contract can it work an amendment to the Constitution; although, if it operate only as a contract, the question of its constitutionality might possibly never be the subject of judicial consideration. Yet he would be a bold man who should say, under any treaty, that no question of personal or property rights could by any possibility become the subject of litigation. But whether the treaty be the subject of judicial cognizance or not, the President and the Senate are, equally with the courts, bound to act only within the limits of the Constitution, and if they should overpass the limits the House would be under no obligation to carry it into execution by legislation.

"The Constitution vests the executive power of the United States in the President; and this power can not be delegated to a foreign nation, body, or officer. The Constitution vests the legislative power of the United States in the Congress. Neither a treaty nor an act of Congress can delegate this power to a foreign nation, body, or officer. Consequently the United States can not under its present Constitution, either by treaty or by act of Congress, make itself a party to a league of nations in such wise that the league shall exercise either the executive or the legislative power of the United States. Neither of the three departments of our Government can trespass upon the domain of either of the other two as fixed by the Constitution, or delegate any of its powers to either. How much less can any or all delegate any of their powers to a foreign body. The people of the United States have never consented to live under the authority of a league of nations or of any foreign power, and they have never delegated to any officer or department of their Government the power to subject them to the executive and legislative acts of any foreign power or combination of powers.

"What shall be said of the judicial power of the United States? That does not extend to the determination of controversies between the United States and foreign nations, although it does extend to the interpretation of treaties for the people of the United States. Each foreign nation is, equally with the United States, sovereign and independent, and such controversies must be settled by agreement, by arbitration, or by force. Any question or controversy which might constitutionally be made the subject of a treaty would seem to be equally a question or controversy which might be submitted to arbitration.

"If the decision might deprive the United States of its independence or essentially impair its sovereignty, it would probably not be the proper subject of a constitutional provision in a treaty. Whether the President and the Senate may constitutionally bind the United States by a treaty to submit to arbitrators thereafter to be chosen or to an already established international tribunal all questions or all questions of a given character that may arise, or whether, on the other hand, the President and the Senate must deal with such cases as and when they arise, is a subject that has been much discussed in former years in the Senate and elsewhere, and may be left aside. It does, however, fall within the scope of our inquiry to consider whether it would be consistent with the Constitution to make a treaty by which the United States would bind itself to submit to a permanent international court all controversies that should or could arise between itself and any other party

or parties to the league if the judgments of such a court are to be enforceable by the physical power of the league. We are not considering at this moment whether the American people might be willing to bind themselves so to submit all their controversies, but whether by the Constitution they have already empowered the President and Senate to do so. That, it seems to me, presents a question of a very grave character. And the wider the class of questions proposed to be submitted the graver the question. Have the people of the United States ever yet consented to abide by the judgment of a foreign tribunal touching all the questions that can possibly arise between their Government and foreign Governments? Have they by the Constitution authorized any department or officer to subject them to such authority and judgment?

"We have heard and read much of a proposed league of nations which is to have a world police force—that is to say, an army and a navy of its own. That implies, does it not, the exercise of the executive power for and on behalf of each member of the league in the interest of the whole? Can the President and the Senate—can the President, the Senate, and the House make the United States a party to such a league without attempting to vest therein a portion, and a not inconsiderable portion, of the executive power of this Government, which by the Constitution is vested solely in the President? It is proposed by some that the German colonies be disposed of by passing them over to the league. If that be done, will not the league become thereby a separate territorial sovereignty? And if so, must it not have the necessary powers of government—executive, legislative, and judicial? And is that sovereignty to be made up in part by a cession of sovereignty from the United States, to wit, a portion of its power to make and execute laws? Is the proposed league to have the usual powers of government—legislative, executive, and judicial—or is it to have only the power to recommend and request action on the part of its members? This question is answered by the distinct and definite proposal of the head of the League to Enforce Peace, in an article appearing in the newspapers under date of January 3, 1919, as follows:

"The functions of the league may conveniently be divided into the legislative, the judicial, the mediating, and the executive. The congress of all the world powers, great and small, will consider and determine general principles of international law and policy for the guidance of the judicial and executive branches. It may well codify international law and give it that definite legislative sanction the absence of which has led some jurists to deny that it is law at all. * * * The judicial branch or court of the league should not be a representative body at all. It should be a tribunal made up of great international jurists. * * * They should be permanent judges, made independent in tenure and compensation. Citizenship in countries party to the controversy should disqualify members of the court in a particular case. They should have jurisdiction to hear only pure questions of law and fact. No political question should come before them. They should interpret treaties and declare and apply the international law as now established or as qualified and enacted by the congress of the powers. * * * In its practical workings the great powers will furnish the police force of the league and their representatives should exercise the executive function. The safety and security of the lesser nations, who can not be expected to share the burden of military contribution, will be found in the judgment of the impartial international court, in the recommendation of the commission of conciliation, and in the principles of international justice ordained in a congress of the world nations."

"The question naturally arises whether those who join this league will be at liberty to withdraw from it at pleasure. That question was put to Mr. Taft by a woman in a New York audience not long ago, and he is reported to have answered with a laugh: 'Well, you know what happened here in the Civil War.' The proposal is, then, on the part of a considerable body of opinion, to form a union analogous to our own federation, from which the members can not withdraw except by fighting their way out. The question I submit is this:

"Is there any power under our Constitution, vested in any or all of the departments of this Government, to make the United States a party to a league of that character? If that is to be done, must it not be done by a submission of the plan to the people themselves, and was a more solemn and momentous question ever proposed for the deliberation and action of men?"

Mr. CHAMBERLAIN. May I interrupt the Senator from Illinois for a moment about the consent which has just been given? This address of Judge Stafford was delivered to the

Vermont Bar Association, and I presented it to the Senate on Saturday, asking that it be referred to the Committee on Printing, with the request that they report it out to be printed as a public document. I also presented with it another address of Judge Stafford, which was also referred to the committee. I hope the committee will act on the matter and report out a resolution for printing the addresses as a public document.

THE LEAGUE OF NATIONS.

Mr. SHERMAN. Mr. President, the President and his appointees on the peace conference have no instructions from the American people to bind them in a perpetual alliance with the several nations of the earth. The Senate has no popular mandate to ratify such a proposed treaty. Neither the President nor the Senate nor both jointly has power to abrogate the Constitution that created them or transfer the sovereignty of the United States nor any of its essential attributes to any other human authority exercising or attempting to exercise that sovereignty over our Government or our citizens.

The qualified voters of this country and the indestructible States are the source of sovereignty. From them sprang the Federal Government, dual in nature and national in character. This mechanism so framed operates by the power transmitted through frequent elections and regulated by constitutional grants and limitations. Nowhere is the Government, its Congress, its Executive, or its courts given authority to surrender or transfer its powers to any alien creation. They may exercise those powers but they can not abdicate and vest them elsewhere. That can be done only by the creative sovereign that gave them political life. Our lives and resources to the last man and dollar are given by this amazing document into the keeping of a few men. Wise and patriotic they may be, but our ancestors refused to risk such an agency with our public rights and private security.

This peace conference will be a body of men from many nations, languages, customs, standards of conduct, races, habits, and religions. Their hopes, purposes, and national ideals develop under widely varying impulses. They may or may not excel ours and surpass us in the several fields of human achievement.

That is not the issue. What must be steadily seen is committing our country and our lives and our posterity irrevocably to an invisible and unknown power. If we cut the cables of constitutional government here we are caught in the irresistible tides that sweep us into the maelstrom of the Old World's bloody currents flowing from every shore. The feuds and spoliations of a thousand years become our daily chart of action. It is not do they threaten or menace us. All we can know is a few men in some hidden chamber, known as the executive council, wield over us powers of life and death.

An oligarchy is the worst possible form of government. The executive council is the worst possible form of an oligarchy. It orders Congress to-day to send half a million of our young men into central Asia to be hacked to pieces on the plateau of Tibet. To-morrow Egypt is assailed by desert hordes and more levies are sent to slaughter in a struggle that does not remotely concern our peace.

We are not colonizers. We have not sought to sound our morning drumbeats around the world. From the day the first settler landed on the James River in the Old Dominion and the Pilgrim's prayer rose in the primeval forest of the old Bay State we have been content to cultivate and develop this our portion of the continent, and point the way for the industrious God-fearing immigrant to make a new home from across the sea. The great labor-saving machines, the communication of thought, the secrets of nature's processes seized and adapted to human use, the greatest of world discoveries have been our contribution to mankind.

While nations fought for supremacy and territory around the globe, we labored with what we had to make the most of our blessings. They desolated the earth for glory and for gold. We tilled the earth and sailed the seas in peace. In turn the Dane, the Spaniard, the Briton, the Frank, and the Hun has stripped the confines of every land of its gold. The American has dug it from the mine and washed it from the sands. We created it from our fertile soil and inexhaustible resources. From commerce the calm pulse of nations showed no poison of ignoble conquest in our veins, no stains to sully an honorable ambition for bloodless gain.

While Europe, Asia, and Africa robbed and murdered, we farmed and manufactured, built railroads, and annexed nobody's territory. The Old World simply harvested the destruction she sowed. Her heritage has been war and ours peace. We are asked to abandon our own and adopt another's.

Now, having helped put the German where he belongs, and being willing in like circumstances to help do so again, we are

asked to lend our lives and treasures to every feud that blazes out in three continents, whether it concerns or menaces our interests or safety or not. We are invited to become the knight-errant of the world. A nation's first duty is to its own people. Its government is for them.

Nearly four months ago the belligerent nations signed the armistice that saved Germany from a destructive atonement for her crimes. In that time the responsible agents of the United States of America have not occupied themselves in ending the war and writing terms of peace upon which Germany shall pay the penalty of acknowledged defeat in her attempts against civilized mankind. They have busied themselves with an effort to create a superstate above the governments and peoples of nations to exercise supersovereignty over both nations and their individual citizens and subjects.

Advantage is taken of a wish for universal and permanent peace to present this device as a certain instrumentality to that desired end. Much grievous misunderstanding and some self-deception result from misleading labels that assure the public the contents are of a designated character. A certain number of people habitually assume things are actually what they are said to be in the descriptive words attached, because it is always easier to accept names than examine facts. Many good men have parted with valuable possessions owing to this disposition, receiving in exchange something of indifferent worth.

The constitution of the league of nations must be submitted to that scrutiny which will assay its service as a charter prescribing a rule of conduct among nations and whether obedience can be secured. It must be tested by the peoples grouped under sovereign governments to ascertain how it will affect them and what burdens are likely to be assumed; what measure of relief is practicable. Does this document give it, or if not, what can be written reasonably calculated to accomplish that measure of relief? These are inquiries which merit the highest effort of which this Senate and the American Nation are capable. Such a momentous issue seldom challenges free people for decision.

The nations now occupying the earth came from a remote past. Whatever others may think of history, I am compelled at times to have recourse to the history of the various governments and nations that have occupied the earth in order to obtain light on the present. Their governments descended from ancient thrones, sprang from revolution, or are the heritage of development and accumulated experience. Their customs, usages, and laws vary. They comprise many religions and ethics and standards of morals. Their ethnology embraces the entire human family with their several languages. History is the philosophic chain that binds the past with the living present and its deep, pulsating currents of action.

All nations with organic government sufficient to be dealt with as responsible powers can be assembled by their voluntary act under a code of international law. Twenty-six nations so obligated themselves in 1899 in the first Hague convention. Forty-four nations were signatory in 1907 to the second Hague convention. When the armistice was signed November 11, 1918, all the warring nations were contracting parties agreeing in 1907 to arbitrate differences as a substitute for war. Every outrage perpetrated by Germany she had bound herself not to commit. Her deliberate policy of frightfulness she had solemnly covenanted should never be pursued. The indispensable end to be sought, therefore, is not to multiply international agreements, but to discover means of compelling or persuading nations to keep them when made.

I am skeptical on moral suasion as a coercive agency on some governments. It is idle to appeal to the people ruled by such governments for an improved or higher sense of right or wrong. Independent nations having their own governments generally have as good ones as they are capable of operating. Not as good as they desire often, but as good as they can get and keep in the long run. It is a considerable journey from despotism to free government. It is a ceaseless task to prevent free government from degenerating into a dissolution of just restraints. At one extreme is arbitrary power in a king; at the other, arbitrary power in a class or multitude, and there is no difference in the intrinsic evils of either.

What Germany or Russia may develop lies in the realm of conjecture. What their established relations may be with the rest of the world is uncharted diplomacy. Who knows whether they will emerge from their civil chaos and bloody tumults with a sense of national honor and obligation that will make them keep their faith when pledged or be merely predatory freebooters, to be restrained only by armies and navies?

Europe contains many independent sovereign nations. Some submerged nationalities, overwhelmed by wars reaching back

some centuries, will undoubtedly rise to reassumed sovereignty. With the latter we may be concerned. They might be converted into warlike forces against us if subject to a dominant government, our enemy. Much European bloodshed has had its origin in commercial rivalry resulting in territorial aggression. It may be repeated. Most wars of modern times have begun in Europe. Kings have fought to gain thrones for their kin and subordinates. Ancient feuds of reigning families have sent armies into many a disastrous field. Ambitious men have risen to shake continents with their struggles for power.

That is all to end, however, because we now hear that kings are no more and the people will administer all future governments. We fervently pray it may be so. Yet some of the people we are asked by this league to invest with sovereign power over us may well engage our concern.

Russia is the fountainhead of bloody chaos and the attempted dissolution of every civil and domestic tie dear to the Anglo-Saxon race. Germany may be passing from despotic rule to class government founded on Marxian socialism.

The restless elements of Europe, inured to violence and disliking the monotony of private industry, are always explosive material. Erecting them into states does not insure tranquility. To all such people, if they have not wisdom and virtue, self-restraint and justice to the minority, liberty is the greatest of all possible evils, not only to them but to the world.

If we ratify this league in its present form, we invest such people with equal power over us. Their vices and misfortunes react upon us. Their follies and crimes become in turn a menace, because we have given them an equal vote in the league with our own country. It may become not a means of removing a menace but of creating one beyond our power either to abate or to remove.

The constitution of the league of nations is a Pandora's box of evil to empty upon the American people the aggregated calamities of the world, and only time is the infallible test even of our own institutions.

What is our internal strength, and what burdens can we safely carry from the Old World? Are we the governmental Ajax upon whose shoulders rest the calamities and the burdens of the earth? This document assumes it. It was this wholesome solicitude that woke the wise counsels of those who hewed with sturdy stroke and laid deep and strong the great foundation stones of civil liberty and self-government.

Not doctrinaires nor dreamers floating serenely in the cloudlands of speculative philosophy were the men who wrote our charters and forged the mighty instruments of freedom in the Western Hemisphere. They were not novices. They had fought battles. They had felt the depression of defeat. Victory had not relaxed their unceasing vigilance. With peace they returned to their homes and families and the cares of private life. They assumed the task of framing a Government to save in peace what they had gained in war. We are asked to ratify and create something that will lose in peace what we won in war. They did not find it necessary to become Bolsheviks and murder all who were suspected of having any sense in order to divide their property. They left names that shine with an undimmed luster in the infancy of nations. When they fought England, the shadow of the scaffold ever fell across the way of the unsuccessful rebel against the mother country's authority, for England then punished rebellion without mercy. Behind the ermined judge of the English courts ever stood the executioner with the headsman's ax.

The great adopted son of Massachusetts in the old Senate Chamber near us portrayed the power of their ancestors' enemy in unrivaled eloquence:

They raised their flag against a power to which, for purposes of foreign conquest and subjugation, Rome in the height of her glory is not to be compared; a power which has dotted over the whole globe with her possessions and military posts, and whose morning drumbeats following the sun and keeping company with the hours, circle the earth with one continuous and unbroken strain of the martial airs of England.

Our forefathers warred with such a power with their lives and fortunes at stake. They left us the heritage of their sacrifice and their solemn admonitions summed up in the Farewell Address read annually in this Chamber. Against their wisdom and experience now rise the dreamer and the bookman, the Socialist, and the mere haberdasher in phrases which intoxicate and mislead; sincere men some whose zeal for the millennium made by human hands blinds them to mere human faults and limitations. Many, too, are abroad of whom Paul wrote to Timothy:

From which some having swerved have turned aside unto jangling; desiring to be teachers of the law, understanding neither what they say nor whereof they affirm.

The founders of this Government had a working knowledge of the great headlands of civil liberty. They had known the elemental struggles to safeguard human rights, to curb the great

and raise the low. They knew Europe, its quicksands, its bloody pitfalls in which their ancestors had died for a thousand years. They hated its kings, its nobles, its mobs, its revolutions, its heartless caste, its cruelty, and its crimes. They left their solemn warning to posterity to let Europe settle her own quarrels, and they wrote in our great charter that no gifts, no titles of nobility, no blazing stars or brilliant ribbons should be granted by any of the elements from which we had severed ourselves, unless by consent of Congress. Still, two carloads of them have come to this Capital. We are drifting, only God in His omniscience knows where.

With all this there is but little concern here. We are deluged with advice from many sources to ratify what has been returned to us and not to lay profane and sacrilegious hands upon it. Let us remember the warnings of some of the men who at least had as much at stake as any who ever fought or risked their all on the field. With those admonitions we must have concern. God grant that they may blaze from the heights of the continent until it kindles a responsive sentiment in every American heart. Why shall we forget their caution and bind ourselves to spill our blood and pay taxes in every quarrel on the three continents and seas of the Old World? Shall academic conjecture yield to demonstrated experience?

This proposed constitution becomes international law to its members at least. Laws are successful only when they conform to the sentiments and practices of men familiar and charged with the actual responsibilities and methods of successful performance. Such men devise the means to face emergencies and insure safety.

This document is sought to be made the constitution of nations and the Senate in due time will be asked to ratify or approve it. It can not become more than a treaty pledging the Nation's faith for its performance. It merely gathers into one document what might be deemed wise rules to regulate the conduct of nations. If it be valuable, it is because it has knit into a positive declaration of international law whatever it contains of worth. If this attempt succeed as a remedy for the evils in view, it is prudent to follow human experience in devising that remedy.

When the United States by joint resolution of Congress entered the war April 6, 1917, we signed no pact with the Governments arrayed against the central powers. The American felt in his heart Germany was a menace to the free governments of the world. There was an instinctive horror at Germany's methods of making war and her avowed policy of frightfulness. It was known she aimed at world dominion. Those in authority at this Capitol knew we must fight the danger alone or jointly with the allies.

We chose to make common cause against a common danger. To do so we abdicated no sovereign power. We bound ourselves in no perpetual alliance to draw the sword whenever and so long as a majority of European governments voted it upon us. Our practical expression in this crisis was to reserve for ourselves the power to decide when and how long a controversy between two or more nations in some quarter of the globe was of such magnitude as to warrant our interference even to the extremity of war.

A working status was in fact established between our Government and the allies. Under it the war was fought successfully to the armistice of November 11, 1918. No nation surrendered its sovereignty. They voluntarily combined their strength against the common peril. It was a union of equals, and each was in an equally common self-defense bound to give all it had if the struggle demanded it. This is the key to any league of nations that will survive the ephemeral theories and impossible yearnings of the alleged friends of humanity who are more fertile in phrase making than successful in the practical affairs of men.

The junior Senator from Pennsylvania [Mr. Knox], December 18, 1918, in a compact and impressive address to the Senate announced the way of safety, both foreign and domestic. He stated:

If a situation should arise in which any power or combination of powers should directly or indirectly menace the freedom and peace of Europe the United States would regard such situation with grave concern as a menace to its own freedom and peace, and would consult with other powers affected with a view to concerted action for the removal of such menace.

The Senator continued:

If this had been the avowed and understood policy of the United States before July, 1914, it is, in my judgment, very improbable the war would have occurred.

The actual working alliance between our Government and Germany's European enemies was and is now one founded on this principle, recognized and stated by the Senator from Pennsylvania. It is evolved from conditions. It implies no loss of sov-

ereignty and no violence to national sentiment. It is a cooperative expression of the law of self-defense, an American doctrine on which every patriot can join his fellow man. It impairs no constitutional power of Congress. It invades no executive domain, and it leaves our Government the responsible instrumentality to direct the will of our people. We escape the perils of surrendering our country to the mandates of a majority of the Governments of the Old World by this course.

The same public opinion in a free government that would unite our people under the proposed league would lead to concerted action under a treaty whose obligation rests in good faith. If public opinion does not support the league, it can not send armies into the field. America will not sacrifice her lives and her treasure unless her heart is in the war. No mere language written on parchment can in practice make any compact between sovereign nations more binding than a treaty unless some super-sovereign force be contemplated as a coercive agent upon the American Government and its people. Force converts such a league into a tyranny and international oppressor. Such a compact becomes the source of universal war, not the means of permanent peace.

Interests purely American or general articles to arbitrate any controversy must not be permitted. Questions vital to the honor, integrity, or independence of our country can not be bargained away under the illusory hope of peace. A league so guarded can be approved by this country. It will, however, be a treaty, and its performance will rest in good faith, not in the creation over us of a sovereign coercive, compulsive power.

Remarking on the constitution of the league of nations, President Wilson said, explaining that parchment produced at the Paris conference:

The simplicity of the document seems to me to be one of its chief virtues.

With this anodyne to lull us into confiding acceptance, we approach the aforesaid document feeling that any wayfarer, even though he be a Senator, may, like Eliphaz, the Temanite, in the days of Job, assay to commune with it.

It creates in article 1 a body of delegates representing member nations, each of which has one vote, without regard to its population, development, area, race, standards of conduct, or other evidences of civilization. It is provided in article 3 that the body of delegates shall select as they think fit the four other States to be with the five named the permanent executive council.

Article 4 declares all matters of procedure at meetings of the body of delegates may be decided by a majority of the States represented at the meeting. In practice what would it do?

Holland and Montenegro would outvote the United States. Denmark, Sweden, Switzerland, Roumania, and Montenegro would outvote Great Britain, France, Italy, and the United States.

Article 7 requires two-thirds of the States represented in the body of delegates to assent to the admission of new States into the league, which shall be limited to fully self-governing countries, including dominions and colonies.

Article 15 provides unarbitrated disputes likely to lead to rupture between States, members of the league, shall be referred to the executive council, which may in any case refer it to the body of delegates, and shall do so on request of either party to the dispute. This, therefore, permits such a majority vote to rule.

Article 24 gives the body of delegates the right to advise States being members of the league to reconsider obsolete treaties and conditions the continuance of which may endanger the world. If the State advised ignores it, nothing remains but to give it more advice.

Article 26 requires a three-fourths vote of the body of delegates to amend the league constitution. With these duties the body of delegates as a visible instrument of the constituent nations disappears from view. It is difficult to resist the impression that it is lugged in to give the document an appearance of simplicity. It is the bulk or gross body to give lodgment and habitation to the mind and craft that really dominate. The brains of this simple document lie in the dim chambers of the executive council, far removed from pitiless publicity.

Article 3 creates the executive council and names the United States, the British Empire, France, Italy, and Japan, five of the nine nations to be the permanent council, the remaining four to be named by the body of delegates. The executive council, when completed, is permanent. No method of changing its membership or power is possible to any human agency save by article 26 by amendatory process. It possesses plenary power over any matter in the league's sphere of action or any matter affecting the peace of the world, a tolerably comprehensive jurisdiction.

Authority is given the executive council to invite any nation to appear before it when matters affecting its interest are to be discussed. The invitation is a species of international process or summons to bring any nation before a meeting of the executive council. When so cited, it is covertly assumed jurisdiction is acquired by providing "no decision taken at any meeting will be binding on such powers unless so invited."

Articles 5 and 6 authorize the executive council to choose the secretary general, who in turn appoints all the other staff of secretaries, clerks, messengers, spies, and eyes and ears of the executive council to reach in every nook and corner of private or public life and give such officers or agents of the league diplomatic privileges and make them immune from process in many cases.

The executive council is given in article 8 power to formulate plans to reduce national armaments to the lowest point consistent with national safety. It shall also determine for the consideration and action of the several Governments what is a reasonable armament. Such limits when adopted shall not be exceeded unless by permission of the council.

The powers given are vague. Plans may be formulated by the executive council, but it can not compel obedience. It may determine what is a reasonable armament for a nation but has no power of itself save to propose it for the consideration and action of the Government concerned. If that Government refuses to heed the council, an impasse results. The manufacture of war munitions and the status of industries capable of warlike purposes are merely matters of advice by the council, whose responsibility is mitigated by delegating it to a commission that is to be created under article 9 to take all of article 8 in hand. No method of creating this commission is outlined. I shall assume the executive council will attend to this.

In article 10 the members of the league bind themselves to preserve each other, and the executive council is required to advise upon the means by which all the league members shall be protected against external aggression which will impair their territorial integrity and political independence. If this article avails anything it binds our Government, its Army, its Navy, its people, and its Treasury to defend Great Britain's colonial dependencies any place in the world. A like obligation attends us for France, Italy, and every other league member. England's territorial possessions are in every part of the globe. Russia is a vast area with 180,000,000 people, and Germany with 70,000,000. The United Kingdom of Great Britain has in Europe fewer than 50,000,000 population. More than 300,000,000 souls acknowledge the supremacy of England's flag in Asia. Great Britain feels, as seldom before, the need of help to maintain her territorial integrity.

As the Britain, so are many nations of Europe. I recognize the issues, and I accept the joining of those issues in an appeal to the American people. I decline to vote to bind the American people to maintain the boundary lines and political independence of every nation that may be a league member. It ought to be done only when the question menaces our peace and safety. It must be a treaty uniting our associated nations in the mutual and common bonds of self-defense. It becomes, then a league of sovereigns acting with the common purpose of self-preservation. The law of nations is like the law of individuals. Self-defense is the first law and is justified before every tribunal known to civilized man.

Article 11 declares any war or threat of war, whether immediately affecting league members or not, is made a matter of concern, and action such as may be deemed wise and effectual to safeguard the peace of nations shall be taken. This, considered with article 16, subjecting any league member violating its covenants to have thereby committed an act of war and making it liable to economic pressure and ultimate war in effect involves the United States in war by the mere fact of our membership in the league. An ex-President of the United States wishes to have pointed out what powers in the league conflict with or impair, if effective, our Constitution. His curiosity can be gratified.

Article 10 obliges our Government to protect any or all league members against territorial aggression from external powers. The language is the "contracting parties undertake to preserve as against external aggression the territorial integrity and political independence of all States members of the league." This is a positive covenant. We agree to defend the political independence, for instance, of Portugal if attacked by Spain, or Denmark by Sweden. By what instrument are these positive obligations imposed, the Constitution of the United States or the constitution of the league of nations?

Article 16 denounces a breach of the league's covenants by a member State as ipso facto an act of war against all the other members. What declares an act of war, the constitution of the league of nations or the Constitution of the United States? The

United States Government binds itself on such ipso facto act of war immediately to sever all trade or financial relations, to prohibit all intercourse, financial or commercial, with the offending power.

Under what is this embargo laid, the constitution of the league or the Constitution of this Republic? What authority now regulates foreign commerce? The Congress of the United States. Congress lays an embargo or suspends commercial relations, stops credits and remittances; Congress denies nationals intercourse, suspends immigration and travel. If the Executive exercise such power, it is a delegated one, not an original constitutional grant. In either case it is a power derived from and exercised by virtue of our Constitution, not the league of nations. Territory or independence can not be preserved for league members against external aggression save by war.

Article 16 expressly stipulates the executive council shall recommend what military and naval forces we shall contribute to be used to defend the league. Defend it against what? Loss of territory in article 10, war declared in article 16, and we undertake there not merely on the recommendation of the executive council but in the document positively bind ourselves unconditionally to preserve another nation's territory and its political independence.

That covenant, coupled with the ipso facto act of war in article 16, calls our Army and Navy into action without a declaration of war by Congress.

The constitutional power of Congress is abrogated in the essential sovereign acts named or those powers of the league's constitution are of no binding force. Such articles must be stricken from the instrument or amended and made merely precatory in terms to Congress. Again, territory can not be defended without waging war.

The President says, "Armed force is in the background in this program."

We are bound positively in this document to contribute armed forces that remain in the background. There is much in this document that remains in the background, and it is a part of the essential publicity attending this discussion that it all be blazoned to the world and understood by the sovereign authority of this country.

War is inseparable from tax levies and bond issues. An unconditional covenant to defend territory of a league member is in necessary effect a covenant to lay taxes and contract debts. These are constitutional powers, vested solely in the House of Representatives.

No President and no peace league, no conference, no treaty, and no act of ratification in this Senate can impair or abrogate this constitutional power of the House of Representatives, which lies at the foundation of free government in all English-speaking races in the world. I quote:

We are unalterably opposed to seizing distant islands, to be governed outside the Constitution and whose people can never become citizens.

How far has our beloved President departed from a paramount creed of his party! The Democratic platform of 1900 sounds like a voice in the wilderness of the unattainable.

Have we forgotten John Locke's Grand Model? Locke was the wisest man of his century. His essay on the Human Understanding is read with instruction and pleasure by this generation. He framed a charter for the government of South Carolina. The Grand Model, of which I have an original edition, was the last word in intellectual, scientific wisdom. It makes Col. House's various schemes to regenerate the world look like nursery tales. It provided in one article it should last forever. It did not last at all. It is a mere politico-literary curiosity. Somehow its buoyant certainty, its solution of every disputed question, and its monopoly of eternity remind me of the constitution of the league of nations. Both settled everything, and both were written by Englishmen.

Article 19 unloads the guardianship of Great Britain's far-flung empire upon the United States. This article smells loudly of the professors. It sounds like a lecture on ethnology, blended with an appeal to subscribe liberally for foreign missions. Great Britain and other European powers find increasing need for concentrating their forces near home. Additional territory in a distant part of the world is an undesirable burden at this time.

From President Wilson before he returned to the jurisdiction of his own country not long ago came a message for \$750,000,000 to expand our Navy. He says in cryptic generalities, like all his demands for delegated powers, he will be embarrassed in his negotiations so he will hardly know what to do if he be denied. We can not be the trustee of every territory and people and spill our blood and scatter our treasure in every mad crusade even to relieve him or promote fresh documents like the one before us.

We are to be a mandatory Nation to relieve Europe of caring for "peoples not yet able to stand by themselves under the strenuous conditions of the modern world." We are a trustee of modern civilization. In executing that alleged trust this tremendous addition to our Navy becomes indispensable. Our battleships must police East Africa, our American boys die of jungle fever in the interior of the Dark Continent. Others must wear out their lives and perish in the snows of northern Russia or in garrison duty in Asia.

An appropriation of \$750,000,000 for the Navy is the first visible result of article 19.

This league, Mr. President, sends the angel of death to every American home. In every voice to ratify it we can hear the beating of his wing. There will be none to help; no decrees from omniscience will direct us to sprinkle with blood the lintel of every American home. If this supersovereignty be created, conscription will take from all, and we will bear the white man's burden in every quarter of the world.

On this issue I challenge the President and his administration and the sympathizers with this constitution to appeal to the great jury of the American people. I will be content with no less, whatever the Senate may do. I am willing to take that responsibility. I invite the President to remove the limitations upon a censored press and censored free speech that we may combat with him in an open forum and on equal terms. If he is not a political and governmental coward, he will give us that right. An honorable antagonist would do no less, and if he has the fighting blood he boasts, he will do even more.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Illinois yield to the Senator from Maryland?

Mr. SHERMAN. I yield.

Mr. FRANCE. I desire to remind the Senator from Illinois that the Members of this body who accept the policies suggested to them by the administration will not accept the challenge, because, as I stated the other evening, they have even refused to give us the privilege of voting to repeal the act which makes possible that censorship both of the press and of free speech. They do not dare to let the American people discuss this subject or to know the facts concerning it.

Mr. SHERMAN. That is why there will be no removal of the censorship under the espionage law either concerning free speech or a free press. That is why there will be no Senate and no House in session during the formative period of public opinion on the constitution of the league of nations. It is that there may be no authority permitted to have open free speech save that of the Executive. That is why I believed it the duty of the Senate and of the House so to have arranged the legislative program as to have compelled a session now or to have reduced the Government by lack of funds into that position.

I have no apology to make for, and I will accept responsibility for my belief. I challenge those who hold the contrary to appeal to the American people for their verdict, for I intend to do so. If I can not find that freedom, if I can not find that concentrated opinion of my fellow men inside of my own party, I will go some place else where I can find it, for this question will not be bound upon me by the mere chains of party discipline or formal party creed.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Maryland?

Mr. SHERMAN. I do.

Mr. FRANCE. I suggest to the Senator from Illinois that, if he finds no support in the Democratic Party and if he finds no support in the Republican Party for the reestablishment in this Republic of free speech, he will find ample support among all the millions of people in this country, who will have free speech even though the United States Senate, through its committee, refuses to allow the Senate to have a vote "yes" or "no" upon the question as to whether free speech shall or shall not be reestablished in this country.

Mr. SHERMAN. Mr. President, in that event—although in his lifetime we often did not agree, for I thought sometimes he hardly did me justice in my smaller activity—I now invoke on this great issue the spirit of Theodore Roosevelt, that yet abides on this earth, though his mortal dust be in its final resting place. For on this vital issue, which called from his lips some of his last words on public questions, we agreed.

Under article 19 we are invested with potential duties of grave consequence in administering foreign territory.

None of this territory comes to us as a result of military operations. It is seized under this league. It is administered under civil powers, if any such exist. Our Constitution gives no authority to take such burdens unless as an act of war and administer them as a part of the civil government of the country under the limitations imposed.

Does not this explain why the President wishes this league ratified before the treaty of peace is concluded? We are still in war, and whatever the war powers of the President may be, he has them now; whatever the war powers of the Government may be, the Government has them now; and it is indispensable in this program that this constitution be ratified while the vast mass of undefined war powers are in existence. If the treaty of peace were concluded, we would instantly fall into a civil status, and only the enumerated powers of the Constitution or those that are fairly to be implied could attach to any of the great governmental departments.

We supply the men and money only to obey the orders of the executive council. Our degree of authority is subject to the directions of that council. Congress and the Executive have no discretion. Obedience to the executive council's decrees make our Government a mere passive trustee in actual control and an active one only in contributing the necessary service and expense.

This can not be justified nor authorized by any enumerated power in the Constitution that created the Government. If not granted, it is denied. No such tremendous power can be implied either in peace or in war. It is imposed by the superstate sought to be set above our country and exercise its authority over the American people as a government heretofore unknown, whose dominant power is in the Old World, and whose interests are not always allied with our own.

This step once taken can not be retraced. Nothing but the sword can ever cut its bonds if once we are entangled in its fatal meshes. We deliver future generations, bound hand, foot, and voice to the nations of Europe members of the league. The ties burst by revolution, the independence won on the field, and preserved by the genius of self-government are the idle reminiscence of yesterday. We are swept into endless feuds and ambitions of the Old World, whether they concern us or not. We condemn the young men of future years to pay the penalty of our alliance with the struggles of every nation everywhere. It lowers our flag and floats above it the symbol of an alien power.

Professing peace, eternal peace, it is the signal fire of perpetual war to this Republic. In the name of international law and the security of our country it passes us under the yoke of foreign decrees, and in the name of international justice it destroys the free government of the United States.

It is the death knell of the American Republic; its ideals, traditions, laws, and usages yield to a fantastic idealism, a polyglot philanthropy as vain in the realms of world philosophy and morals as it is impossible in peaceable execution. As the road to hell is paved with good intentions, so the way to national ruin is smoothed and lighted by this false pretense of perpetual peace.

Mr. SHAFROTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. SHERMAN. I shall be through in a short time.

Mr. SHAFROTH. Just a question.

Mr. SHERMAN. I can not yield now, but if the Senator from Colorado, after I am through, wishes to ask me any question I shall be glad to say whatever I am able to in response.

Sincere men may have deceived themselves in their great hope for a perfect world, but no delusion, however sincere, will excuse this Senate from its duty to interpose its power against this universal Utopia promised by the President. It is the fabled apple of a great hope but to turn to ashes on a trusting people's lips.

I know the course of campaigns. I am prepared to see men's adherents fall away in their opposition to this league. Certain portions of the press will support it. Even now organizations are formed and are sending out their multitudinous literature. A crusade has been begun for it. It is named "universal peace." The crusaders, some of them, will be sincere, and as fiery in their zeal as were the multitudes who followed Peter the Hermit and Walter the Penniless when they journeyed into Asia many centuries ago. Their practical results will be as disastrous to the crusaders and to our common country as to the multitudes who suffered and died to accomplish their ideals.

The Senate never faced a greater task nor a nobler duty. It was created to stay the tide of excitement, to examine in deliberation, and to decide in reason. Against the challenge of Executives it has raised its senatorial powers and prerogatives to restore and maintain the well-ordered columns of constitutional government. It will do so again. It will execute the powers of a joint treaty-making authority. It will not ratify an emotion nor translate an impossible idealism into a weapon of national suicide.

Some men can change their minds about a principle but can never change their minds about a name. Without their mis-

guided activities the coroner's office would lose much of its excitement and life insurance would cost less. They are constantly drinking out of the wrong bottle and are the predestined and chronic victims of misbranded goods. To them death is preferable to a loss of faith in the label.

Others suffer from the auto-intoxication of excess in phrase making. The world to them is yet a grammar school. Alliteration's seductions baffle their senses and lead them astray. Their orbit is described about a movable center of attraction. Charts projected from a fixed subject of belief show the last variety of men have occupied nearly the whole political firmament in their diversified revolutions during the perihelion and aphelion of public elections.

I have in mind a prominent example of each variety, but I forbear to depart from the text by commenting on that subject specifically. They are both in life and action, both following the same impulses, and are both destined to do the same irreparable injury to this Republic and unless met and checked in their headlong course, to plunge it into the same gulf of destruction. As for them, let them go. All I wish to do is to guard the public against their misguided activities. Others will examine this question in due time.

Busy tongues hasten to call it the peace league, not merely the league of nations, thereby seeking to appropriate the name, because many will accept the name that is suggested rather than examine the quality of the league lying behind that name. War has taken its toll from the American home. The empty chair cries to the heart. Peace fell like a benediction from heaven. The wish rises father to the thought that the scourge of war may never sweep again the sons of men in its withering blast.

Three short years ago neutrality was enjoined as the first great duty of the Nation. Neutrality was the stepping-stone to continued peace. Peace was declared the momentous issue poised in the balance of a great national struggle. The murder of our people and the destruction of our property must be endured. A military despotism threw its sinister shadow across the Atlantic and the Executive bid us be unmoved. He sang the song of peace. He appealed to the mothers and drew graphic portraits of grim-visaged war—the maimed and the living, the aftermath of war—and counted the unreturning dead that the testimony of their blood might sink deep into our understanding and turn us to peace.

The outrages of the German continued after November, 1916. They were as atrocious before November, 1916, as they were after November, 1916. Before that date we were asked to keep the peace and stand it all. After it we heard the Executive's war cry to arms. Two million men were conscripted and sent to camp or field. The created debt will endure to remote generations.

To a blood-washed, war-wearied Nation the President now displays his vision and promise of universal and permanent peace. He adroitly maneuvers himself into the spot light as the fountain of peace perpetual and the guardian of mankind. As he kept us out of war in 1916, so he will keep us out of impending war conjured up to serve the issues of 1920 and keep us at peace forever if we but accept him again. With him as the drum major of civilization, eternal peace belting the earth and brooding like a gentle spirit o'er a still and credulous world proclaims the millennium is here.

Splendid panorama! threatening fateful silence; how soon may we see it broken again by the death grapple of nations and cries of the innocent caught by the pitiless squadrons of destruction? In 3,000 years of recorded authenticated history but 60 years of universal peace have blessed the erring sons of men.

The President returns to us not with a peace treaty but a contrivance he assures us will make peace treaties useless. It is, he reiterates, a very simple document, and in nothing is it so simple as in the instrumentalities by which it achieves its marvelous results. We bind ourselves to fight the battles of every nation and every war in the world. They may none of them affect or menace our welfare in any degree, but yet we bind ourselves to bear the burden. This is as simple as the unction the son of the slain Polonius bought of a mountebank, as described by the dramatist:

So mortal that, but dip a knife in it,
Where it draws blood no cataplasm so rare,
Collected from all simples that have virtue
Under the moon, can save the thing from death
That is but scratch'd withal.

Like his neutrality device that was a prelude itself to unprepared war, his peace league engages us not in one war but, in an overwhelming sweep of authority, in all wars that scourge the earth. It is simple but deadly. Apparently an open covenant of peace, it is a masked charter of unceasing war; the voice of Mars, but the hand of Woodrow.

I am a citizen of the United States first. My allegiance is to my own country, the Republic founded by my ancestors and defended by their successors to the present day. Its flag represents to me my highest duty to any human authority. I am an American. I am not an internationalist. I will obey the Government of the United States, not an aggregation of nations of the Old World.

I will not obey an aggregation of nations endowed with the supersovereignty of the whole world. I owe them no allegiance. Whether this treaty is ratified by the Senate or not, I will approach it in a spirit of challenge and revolution.

I believe the Constitution of this Republic imposes on our people and on me obligations which are paramount to any document ever written by human hands. It is superior in its jurisdiction to anything emanating from the Paris peace conference, even if it be ratified by two-thirds of the Senate.

I recognize no right and no authority in any officer of this Government to create or attempt to create an international power to sit in judgment upon my country. What supersovereign shall assume to become the lawgiver of our people?

We may recognize a treaty that rests in good faith and honor, but we can not impose a sovereignty upon those from whom we derive our authority in this Chamber.

We recognize a new and larger patriotism born of the battle fields of the great war. It reaches from every grave and hospital in Europe to the homes and hearts of this continent. It will find apt expression here in due time. The spirit of the American people has not been transplanted to alien lands, whatever its temporary agents may say or do. It still lives on its native soil and is present in the Nation's Senate. It has neither been expatriated nor denatured by other nations nor extinguished by misguided men who have erred both in interpreting their powers and their understanding.

The new patriotism will take form in America, and it will be a treaty reserving our rights vital to our integrity and independence, not a new sovereignty set up to rule over us. It will rest in honor and conscience. Its binding obligation will and must be the Nation's faith pledged to its scrupulous performance.

The creation of a nameless thing to sit in star-chamber judgment and decree implicit obedience to its mandates can not be borne by a race of free men. By a ukase it will embargo our commerce, close our exchanges, destroy our credits, leave our merchandise rotting on the piers, shut the Isthmian Canal, order Congress to declare war, levy taxes, appropriate money, raise and support armies and navies, and dispatch our men to any quarter of the globe to fight and die because an alien executive council has so willed. The executive council is the brains of this unhallowed creation. What it decides in the mysterious depths of the silent unrevealed caverns of European intrigue will dominate the body of delegates.

Who authorized the President to rear above the Republic an autocratic power? Is it another plunge in the bottomless abyss of undefined implied war powers? Search the Executive powers enumerated in the only instrument that gives him official being. Scan the Constitution's every line in peace, and no warrant vests in him such a wide reach of power. What war authority as Commander in Chief does he wield to join with foreign governments to make this Republic the servant of alien and distant powers? Is the authority to erect over us and our Government a dominant rule of assembled nations to be implied from the sword?

If the power is not found in our Federal Constitution the President's acts are usurpation. If it depend alone upon his will and sword as Commander in Chief it is revolution. He is a usurper in one case and a dictator in the other.

Indeed, shall we not ask, with the great dramatist, "Now, in the names of all the gods at once, upon what meat does this our Caesar feed that he has grown so great"?

It is a rule of practice followed by every prudent lawyer, when two contracting parties sit in the council room of his office to draft a contract, that it is first reduced to a tentative form, and read to the parties whose signatures are to be attached. It is an equally binding rule of every prudent lawyer, if, on being read, the parties who are to sign immediately begin a controversy upon what the draft of the contract means, to waste basket the contract and write it over again until at least, when the parties are trying to have a meeting of their minds, they understand what the contract as drafted contains and agree upon the interpretation and meaning of its various parts. That is the rule in private business; and, if so, it is found to be an equally good rule in public business.

I have heard on both sides of this Chamber arguments concerning the Monroe doctrine. Some say, with great energy and

conviction, that it is not impaired. Some who favor the adoption or ratification of the proposed constitution of the league say that it only extends and vivifies and re-creates this necessary doctrine of the Western Hemisphere. Others say that it is abrogated, or that as a policy we are compelled to abandon it. Why not, if there be on the floor of this Chamber a difference of opinion on this vital creed of the American people, write it into the constitution of the league; and why did not the conference write it in before they sent by our Executive the draft to this country for our consideration?

This is not the first peace league humanity has seen. In the first Hague convention the United States Senate added, before they gave their consent by the necessary two-thirds vote, the following:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

That, like the action of the prudent lawyer in private practice, was written in in order not only that the American people and the authorities might understand it but that all the signatory nations to this league, 26 in number, might understand it as we understood it.

Then, again, after eight years had passed, the representatives of the various nations interested in the same problem met again at The Hague, almost on the street where once resounded the footsteps of the great Grotius, the father of international law. Not far from where his pulseless clay still sleeps as a place of pilgrimage by all the civilized nations of the earth, this great league, with its beneficent purposes for the betterment of the world, again met. It framed again a convention. It was brought to this country. It was placed before this body for ratification. Again the question arose, as will be found by recurrence to the debates of that period, found in the CONGRESSIONAL RECORD, whether it interfered with the traditional policy of this country known as the Monroe doctrine. Again, out of an abundance of caution, following the same prudent rules as any private lawyer, rather than leave it to argument, we wrote in the ratification a reservation that put it beyond the peradventure of a doubt. I read from that action of April 2, 1908, ratifying The Hague Convention of 1907:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes, subject to the declaration made by the delegates of the United States before signing said convention, namely:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in any of the political questions of policy or internal administration of any foreign State, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

Here, then, it was kept beyond question by an express reservation not only by the delegates in the convention, but in the action taken by the Senate.

This constitution of the league of nations has been pronounced by precise thinkers as obscure in its meaning, as loose in its wording, as indefinite in its relation of parts, as being improperly constructed and knit together; and Senators on the floor of this Chamber in whose professional character I have the greatest of confidence, who have been known among the courts and their brother lawyers as men of abounding ability, also make the same criticism. Therefore, with it in that condition, with the question as to what it means, why shall we be called upon by the Executive to ratify it without amendment and to declare that his handiwork as placed before us is perfect and that we shall forthwith ratify it?

GILA RIVER FLOOD CONTROL (S. DOC. 436).

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report made by Frank H. Olmsted on the flood control of the Gila River in Graham County, Ariz., made pursuant to the act of Congress approved May 16, 1916, which, with the accompanying document, was referred to the Committee on Printing.

Mr. SMITH of Arizona. Mr. President, in connection with the communication from the Secretary of the Interior just laid before the Senate, I report from the Committee on Printing an original resolution, which I send to the desk, with the statement that this is merely a report transmitted under an act of Congress, and I am asking that the usual number of copies be printed. I ask for the present consideration of the resolution. The PRESIDING OFFICER. The Secretary will read.

The resolution (S. Res. 487) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the report on the Gila River flood control in Graham County, Ariz., by Frank H. Olmsted, transmitted by the Secretary of the Interior March 3, 1919, pursuant to an act of Congress approved May 18, 1916, be printed as a Senate document, with illustrations.

Mr. McCUMBER obtained the floor.

Mr. HITCHCOCK. Mr. President, will the Senator yield to me for a moment?

Mr. McCUMBER. I yield to the Senator from Nebraska.

LEAGUE OF NATIONS.

Mr. HITCHCOCK. Mr. President, I ask to have printed as a Senate document a portion of a very able address delivered by Senator LODGE, of Massachusetts, as the honorary chancellor of Union College, Schenectady, N. Y., in 1915.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

LEAGUE TO ENFORCE PEACE.

Mr. WALSH. Mr. President—

Mr. McCUMBER. I yield to the Senator from Montana.

Mr. WALSH. Mr. President, I ask unanimous consent for the printing in the RECORD of a short address by the Senator from California [Mr. PHELAN] at the convention of the League to Enforce Peace, San Francisco, Cal. The Senator from California has been unable to be present and express himself with regard to it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADDRESS OF SENATOR JAMES D. PHELAN AT THE CONVENTION OF THE LEAGUE TO ENFORCE PEACE, SAN FRANCISCO, FEBRUARY 20, 1919.

"Mr. TAFT. Ladies and gentlemen, my friend Mr. Moore says he has been making apologies for me, and I thank him. He perhaps may have made a better case, without knowing the facts, than he would if I had prompted him. But your life here is so rapid that my pulse is not adapted to the number of engagements that have to be compressed into two days, and therefore I ask your leniency in the sentence that you pronounce upon me.

"We are met here to-night to consider the question of labor's demand for a league. And we have what seems important in this issue, and exactly what we are shooting at—we have a real, live United States Senator here, and a Senator who is right on this subject. [Applause.] It gives me, therefore, the greatest pleasure, because he has one vote—we need 64 of them, but that reduces our efforts to 63. I have the honor and the great pleasure of introducing your Senator, Senator PHELAN. [Applause.]"

ADDRESS OF SENATOR JAMES D. PHELAN.

"Mr. President and fellow citizens, I was very courteously invited by the committee of the League to Enforce Peace to be on the program, but I declined, because I did not expect to be here to-night. My visit to California was unexpected, and I had intended to speedily return, but was unavoidably detained.

"I have observed that our worthy former President Taft has cast his shafts against the Senate of the United States. What he really intended was to direct his persuasive argument against a few Members of the Senate.

"To-day I received a letter from Palo Alto, saying, 'You had better declare yourself on this subject. It has been observed that you have been in San Francisco and have remained silent.' I suppose that is the common fate of all men in public life, that they are neither heard nor even understood. When Senator REED, three months ago or more, made an assault in the Senate upon the principle of the league of nations, a position to which he still adheres, I had the opportunity then to express myself, and introduced a resolution committing my colleagues to the support of the principle of the league of peace, for the purpose of averting war. [Applause.]

"Now, I should think that all men of good will would support the principle of the league of nations. We may differ as to the details of the power which might be granted to the league. But as to the essential principle, to organize to avert the horrors of war, if possible, in this world, there can be no question. Of course, we are going to get a compromise. We can not all get what we want. You have heard that story of the negro who, in the olden days, was invited by his master to indulge in a little liquid refreshment known in the South as Bourbon whisky, and when the master said to him, 'Rastus, what do you think of it?' he said 'It is jes right.' 'Well, what do you mean by saying it is just right?' 'I mean,' he said, 'that if it were better you would not have given it to me, and if it were worse, boss, I could not have drank it.' [Laughter.]

"The President has come back—is on the way—with the skeleton of a league of nations; and while it does not in whole

satisfy, perhaps, the League to Enforce Peace nor the gentlemen in the Senate who are loud in opposition, yet it is manifestly a working scheme, and the great thing at this time is to make a beginning. [Applause.]

"My very learned and distinguished colleague, Senator BORAH, of Idaho, has seen fit to decline the invitation of the President to meet at the White House conference. That is the very spirit which the league seeks to mitigate—a refusal to confer. He said that he was so committed to the opposition that he could learn nothing from the President, and, on the other hand, he believed that the President was so committed to the league that he would not consider the objections of his opponents. There is no palliation for that. He was invited to a conference for the purpose not of taking dictation, but of exchanging views. And he was invited by the man who is the best informed on the subject in the world to-day. [Applause.] So my learned colleague has shown an intolerant spirit. No man should refuse to confer. No man should, under the circumstances, decline the invitation of the President.

"There is no partisanship involved in this. As President Taft said the other day, 'In matters international, Woodrow Wilson and myself stand together.' [Applause.] And the gentlemen who are so fond these days of quoting George Washington must have forgotten that in the Farewell Address there is a condemnation of partisan spirit. It was one of the things against which he warned his countrymen. And now they are suffering the partisan spirit to influence their sober judgment.

"Woodrow Wilson declared long ago that the object of this war—and, I remember, he declared it at the tomb of Washington at Mount Vernon—was to establish 'a reign of law with the consent of the governed and sustained by the organized opinion of mankind.' [Applause.] The organized opinion of mankind means nothing less than a league of nations, because it is only through the nations, unless you are ready to destroy all international barriers, that the opinion of mankind can be organized. And he has been busy ever since in making good his word.

"But those Senators—and you see I am not in accord with their utterances, and they represent, I am glad to assure the league, a very small minority, I believe, of that body [applause]—are fond of quoting Washington, who warned us also against international entanglements. That sounds very good. But Washington also said in a letter to one of his contemporaries that we can not participate in European affairs for at least 20 years, because we have not the power to treat with them on terms of equality, and we might endanger our hard-won independence. But 120 years have passed, and the United States is the most powerful Nation in the world. [Applause.] So what Washington said at that time, modified by his own words in private correspondence, certainly does not apply to the United States to-day. And, as the object of this war was to give democracy to the small nations, and to the large ones as well, and to destroy autocracy and tyranny, George Washington, undoubtedly, if consulted, would say, 'Those are the very purposes to which I have dedicated my word and my sword,' and he would speed us on that road.

"If we were acting contrary to the principles of Washington and the Fathers, it might be well to call a halt and say that we are traveling upon forbidden ground. But we have gone to Europe, and our boys have given the decisive blow to autocracy [applause], and this is merely a question in the organization of a league, of something to sustain them in their work. And I feel that there should be as much enthusiasm in this cause as there was in that other cause when we believed that our national rights at home and abroad, aye, our national existence, perhaps, was involved in the issue of the conflict; because we can not sit down now and serenely regard Europe. On the contrary, the situation is full of misgivings. I will not enlarge upon the argument, which has been so elaborately set forth by our worthy President. But he has told you again and again that a large number of small countries have been set up and given democracy, and if they be abandoned to their fate we will have, within a very short time, the most horrible war in history in its ferocity, outclassing and distancing the conflict through which we have just passed. Because racial animosities would be aroused, and the old order, often sleeping but never dying, in clashes like this will reassert itself, and the little countries will make a futile resistance and be again amalgamated in the great nations over which tyrants will rule.

"So, unless this league is established, there is absolutely no hope for democratic Europe; there will be no hope for the men, women, and children; there will be no hope for the workers, because their protection is in the establishment and in the maintenance of democracy, in which their voices are so tremendously potent. They are rudely expressing themselves in some of the

countries to-day. But looking back upon history, we must not be alarmed, because it is only through revolution that order comes. That is the world's history. That must not discourage us. But when they return to reason and know that in this world there must be responsible government, without which there will be neither labor nor wages, then and in that event they will, I am convinced, yield to the arguments which have been advanced in their interests.

"It has been said that a league of nations is impossible. When the American Engineers went to Europe, and when we shipped over two millions of men, with all the accessories of war, and built railroads and built great warehouses and provided the food not only for our own men but for the men of other lands, it was an achievement of great magnitude. And somebody said, and I believe it has clung as a sentiment to the American Engineers, 'It can not be done, but here it is!' A league can not be formed, but here it is. [Applause.] The President is on the ocean bearing the first draft, adopted unanimously, under pressure which I believe he exerted, as the one thing that he desired of all others to bring back to his countrymen as the reward of the war—not captives, not lands and territory, but peace for all the world. What greater ideal could there be? What greater achievement could he have won? And that is a thing accomplished by unanimous vote. The nations in conference have approved of the idea of the league, and their committee has drafted this measure, which will very soon, probably, be presented in an authoritative way by the President himself to the American people. And then he will go back, having consulted public sentiment—and, by the way, that is the work we are doing here, creating a public sentiment, without which there can be no government, and without which the President unsustained would be a mere pawn upon the European chessboard. He must have it, and he knows it, because his democracy is pure. He knows that without the people he can not succeed, and he always appeals over the heads of Senators and editors, even, to the great body of the people. [Applause.]

"And I think, Mr. President, that it is more important for the audiences which you address throughout the land to respond to this call than it is for individual Senators, because the Senators, I must say in their defense, feel that after all they are representatives of the people. It is not the body that it was in the olden time—now your Senators come from the people, elected by popular vote, and not puppets set up by legislatures to serve private interests. They are amenable to your demands. They respond to your call. And I am glad to see here an audience so great to-night, because every man and woman of you must feel that you are rendering a substantial aid in the settlement of this question. If you show apathy, your representatives will show apathy. If you show interest, they will show interest. If you are for it, they are for it. [Applause.]

"One word more, Mr. President. I suppose the argument has often been made; but it seems to me that in its simplest form a league of nations bears a close analogy to civil society. Democracy is a league of men, banded together for mutual protection. And they yield certain of their natural rights for the purpose of establishing this democracy as ordered government. In a league of nations the nations must necessarily yield some of the exclusive rights which they now hold for the same purpose—their mutual protection. Is there anything wrong with that? Is the right of the individual more sacred than the right of the nation? But grant for the moment that it is. It is yielded willingly in the interest of organized government, organized democracies, where all have a voice and where all thrive; it is their self-determination, freely given, and all abide by the result of the expression of that voice, and the minorities are given protection. They are not destroyed, as in the old days of the Crusaders. And you may recall in this connection the story of the Crusader, who was told on his deathbed that he had to repent and forgive his enemies, and he naively responded, 'Why, I have no enemies; I have killed them all.' But a democracy respects the minority which does not quite agree with the majority government, and that is a little sacrifice they must make in order to preserve the peace of society.

"Now, the United States, going into a compact of this kind will, let us concede to the objecting Senators, yield a part of what they regard as their exclusive rights about which they are very tender. But is not the prize worth the game? Is not the peace of the world worth the sacrifice? [Applause.] Is there anything more terrible than unleashed human beings destroying each other under circumstances of greatest cruelty? War, we are told, burdens a people with debt to go down from one generation to another, like the curse of original sin. It wipes the people from the earth as though Heaven had repented the making of man. Its evils can not be written, even in human blood. And our campaign is against war. And in that campaign every man

is enlisted as a patriot, just as much as every man was enlisted in our recent campaign, where his loyalty was never questioned, to carry the Stars and Stripes, standing for equal rights and justice throughout the benighted countries of Europe and bringing hope and succor to those who for centuries have been the victims of oppression.

"But we are disloyal to our ideals if we refuse to let our country enlist in this cause. We are all, by sacrifice and concession, working for a perfect State at home. The league is working for a more perfect world. And, my friends, just as the organization of society has abolished violence in the settlement of disputes and set up legislatures and courts, so this league of nations, if it carries its purpose through to the finish by creating international tribunals, will abolish war, which is only violence on a broader scale. Let us not dismiss this question by saying it belongs only to the sentimental. Sentiment is the best thing in the world, and the difficulty is in living up to it. Human nature is the meanest thing about us, and we are always trying to keep it down. That is the function of society; it is as well the function of the league. So these United States, young, measured by the lives of nations, should take to themselves that sentiment and forecast of the poet:

"Oh, young men, dream bravely and well,
And your dreams shall be prophets."

"[Applause.]"

SPEECHES ON LEAGUE OF NATIONS.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield to the Senator from Oklahoma.

Mr. GORE. Mr. President, I wish to offer a Senate resolution similar to the one offered by the Senator from Nebraska, and I ask its immediate consideration, adding at the end, just before the speech of President Wilson, the names of the Senator from Illinois [Mr. SHERMAN] and the Senator from North Dakota [Mr. McCUMBER]. I should like to reserve the right, if the resolution is agreed to, to add any other speeches to this compilation.

The PRESIDING OFFICER. The Senator from Oklahoma offers a resolution, which will be read.

The resolution (S. Res. 486) was read, as follows:

Resolved, That the following be printed as one public document and that as large a number be printed as the Senate is authorized to order under existing law:

The constitution of the league of nations.
The address of President Wilson at Boston.
The article by Theodore Roosevelt in the Metropolitan Magazine of February, 1917, entitled "The league to enforce peace."
The speech of W. H. Taft before the National Geographic Society.
Recent speeches on the subject by Senators BORAH, HITCHCOCK, REED, LEWIS, LODGE, KNOX, OWEN, SHERMAN, and McCUMBER.
The speeches of Senators POINDEXTER, CUMMINS, LENROOT, FRELINGHUYSEN, and HARDWICK.

The speech of the President to be delivered at New York on March 4.

Mr. McCUMBER. Mr. President, I, for one, object at the present time to the consideration of that resolution.

The PRESIDING OFFICER. Objection is raised, and the resolution goes over under the rule.

THE MILK INDUSTRY.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I do.

Mr. JONES of Washington. I do not wish to take the Senator from North Dakota off the floor, but I have a resolution on the table directing the Federal Trade Commission to make an investigation and report the facts to the Senate with reference to the milk industry, especially the condensed-milk industry. I would like to ask unanimous consent for its consideration and passage at this time.

Mr. McCUMBER. If there will be no debate on the resolution, I certainly shall not object.

Mr. POMERENE. Mr. President, I was unable to hear the request of the Senator from Washington.

Mr. JONES of Washington. On January 31 I offered a resolution, Senate resolution 431, and it was ordered to lie on the table. It directed the Federal Trade Commission to investigate the milk industry, especially the condensed-milk industry, and to report the facts to the Senate. I wanted to ask for its present consideration.

The PRESIDING OFFICER. Is there any objection?

Mr. POMERENE. I hope the Senate will adopt the resolution.

The PRESIDING OFFICER. The Chair hears no objection to the consideration of the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby directed, under the authority of the act entitled "An act to create a Federal Trade Commission, to define its purposes and duties, and for other purposes," approved September 26, 1914, to investigate, ascertain, and report to the Senate the facts relating to the production, manufacture, profits upon, and sale of milk products in the United States since January 1, 1914, with particular reference to the condensed-milk industry, its methods, practices, profits, and interlocking interests, and submit its recommendations to the Senate for the prevention of fraudulent and discriminatory practices and unreasonable profits connected therewith, and also to investigate and report to the Senate to what extent the Food Administration fixed the price of milk and milk products, the fairness of such prices to the producers of the milk and to the consumers of the finished products, and what effect the prices fixed or the action taken by the Food Administration had upon the producers of the milk and the prices paid by the consumer for the manufactured products; and what relation to or interest in any particular line of the industry was held by any and all of the officials of the Food Administration who had to do with the price fixing of milk or milk products.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Mr. President, there are a number of Senators who wish to present various matters which will take but a short time. I appreciate that this is the lunch hour, and they would like to get in some of these resolutions, and so forth, just at this time; and, as I have no objection whatever to their taking advantage of this moment, when it is the lunch hour, I consent to yield; but then I wish to go on for a short time and discuss the subject that has been so ably discussed by the Senator from Illinois [Mr. SHERMAN].

EXPORTATION OF WHEAT TO BELGIUM.

Mr. CALDER. Mr. President—

Mr. McCUMBER. I yield to the Senator from New York.

Mr. CALDER. Mr. President, a few days ago I submitted a Senate resolution, which went over under the rule, providing for an investigation of certain charges regarding the export of wheat to Belgium. I ask unanimous consent that it may be considered at this time.

Mr. MARTIN of Virginia. Mr. President, I want to inform the Senator that the general deficiency appropriation bill is now before the Senate, and it is vitally important that it should be passed.

Mr. CALDER. If the consideration of this resolution takes more than two or three minutes, I shall not ask that it be considered at this time.

Mr. MARTIN of Virginia. I yield, with that understanding.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Senate resolution 480.

Whereas in sworn testimony taken before Chief City Magistrate McAdoo, in New York County, State of New York, in a John Doe inquiry on February 13, 1919, it was stated as facts:

First. That a large quantity of moldy, musty, and immature American wheat was shipped from the United States to Belgium in 1917 for the purpose of Belgian relief, and that this wheat was milled into flour and distributed among the Belgian sufferers, causing the death of more than a thousand of such persons;

Second. That one George W. Moench, of Logan, Utah, admitted that he "sold a large quantity of rotten wheat, some 240,000 bushels, at a pretty good price to the buyers, who shipped to the Belgian relief," and that he sold "17,000 bushels of that wheat, getting a good price for it, although it was not fit for poultry food";

Third. That certain St. Louis mills had ground a quantity of rotten wheat and sent the flour to Belgium direct, which was distributed among the Belgian sufferers with disastrous results;

Whereas these sworn statements and charges have been printed repeatedly in the public press, and have not been officially denied; and

Whereas if the statements and charges above made are true they constitute a reflection on the United States Government and make it appear possible that wholesale quantities of food unfit for human consumption was dumped into Belgium and there given to sufferers who had no choice but to eat or perish: Therefore be it

Resolved, That the Committee on Agriculture and Forestry or any subcommittee thereof is hereby authorized and directed to investigate the said charges, to ascertain whether unwholesome food was shipped to Belgium; and if so, by whom and the profits made by each and every shipper of moldy wheat or flour made from moldy wheat; and to investigate any other charges and allegations made concerning the Commission for Relief in Belgium, and to make a report of the result of such investigation to the Senate.

POST FIELD, FORT SILL, OKLA.

Mr. GORE. Mr. President—

Mr. McCUMBER. I yield to the Senator from Oklahoma.

Mr. GORE. I wish to offer a Senate resolution, and I ask for its immediate consideration. I am sure there will be no objection to it.

The resolution (S. Res. 485) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be directed to furnish to the Senate copies of the quotations, proposals, contracts, and awards made through the Secretary of War, Purchase and Storage Branch, Raw Materials Division of the War Department, for the furnishing of aviation naphtha, motor gasoline, and fuel oil upon Government requirements to and for use at Post Field, Fort Sill, Okla., for the second quarter—October, November, and December, 1918—by the Lawton Refining Co.,

of Lawton, Okla., together with copies of any and all records, letters, or telegrams relating to any extension of such contracts and awards.

That the Secretary of War be also directed to furnish to the Senate copies of all quotations, proposals, contracts, and awards for the furnishing of the same commodities upon Government requirements to and for use at Post Field, Fort Sill, Okla., for the third quarter, during January, February, and March, 1919, by whomsoever furnished or contracted to be furnished.

WOMAN SUFFRAGE.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I yield to the Senator.

Mr. JONES of New Mexico. I ask leave to present a report from a committee, and ask that the joint resolution go on the calendar.

Mr. WEEKS. Mr. President, I want to know what the report is before I consent.

Mr. JONES of New Mexico. It is the woman-suffrage resolution.

Mr. WEEKS. I object.

The PRESIDING OFFICER. Objection is raised.

Mr. LEWIS. Mr. President, will the Senator from North Dakota pardon me a moment?

Mr. McCUMBER. I yield to the Senator from Illinois.

Mr. LEWIS. The Senator does not ask to have the joint resolution considered at this time?

Mr. JONES of New Mexico. No; I ask that it may go on the calendar. I have not asked for the present consideration of the resolution.

Mr. LEWIS. May I ask the Senator from Massachusetts if he objects to that course?

Mr. WEEKS. I object to the report going upon the calendar.

The PRESIDING OFFICER. Objection has been raised.

Mr. JONES of New Mexico. I withdraw the report for the present.

The PRESIDING OFFICER. The report is withdrawn.

LEAGUE OF NATIONS.

Mr. McCUMBER. Mr. President, it had been my intention to discuss at some length the proposed league of nations. It was my intention to do so because I feared that the country, after reading the arguments that have been made upon this side of the Chamber against any league of nations, might be misled into the belief that the Republicans of the United States as a party were opposed to any character of a league or agreement between nations to maintain the peace of the world.

Mr. President, notwithstanding the arguments and criticisms that have been made upon this side of the Chamber, I think it but fair to say that there are a large number of Republicans who favor a league of nations to maintain the peace of the world. I recognize the fact that there are some on this side of the Chamber who would never vote for any kind of an agreement to maintain the peace of the world; that there are those who take the position that inasmuch as we are big enough to take care of ourselves, we do not need to enter into any contract or agreement with any nation or number of nations to assist in maintaining world peace.

Mr. President, as I look over four years of devastation, of brutality, of savagery which at one time I believed had almost been eliminated from human nature; as I look upon the bloody fields of Europe, where more than seven million brave boys, the flower of the world, have gone down to death; as I look upon the maimed and the destroyed, the blind and the helpless, numbering altogether in casualties about 27,000,000 people; as I recall during four years, in the heat of the contest, how from three to ten brave vessels went down to the bottom of the ocean daily; as I beheld the struggle of the brave sailor boys in the clasp of the relentless waves; as I saw mothers clasping their innocent babes to their breasts, and praying to God to save their little ones; as I looked upon the murder of helpless infants, the bayoneting of women and children, the clubbing to death of old men, the outrage committed upon thousands and thousands of pure young girls; as I thought of the right of every one of these young boys born into the world to live, to breathe the air and joy in the sunlight of life, the right to be husband and father; as I saw the blighted ambitions of 27,000,000 boys of our own race, and of our own blood, who have been deprived of this God-given right; as I look upon 27,000,000 young girls, created to reign queen of the home, deprived of the right of husband, compelled to walk down life's struggling road in a land devastated by war, without the stronger arm of man to support, or the gentle hand of child to caress when the night of age comes on; as I look upon all of these damnable atrocities committed against man, woman, and child, I can not, as an American citizen, representing the heart and

conscience of the American people, say, in the phrase of a great financier, "Oh, let the world be damned. We can take care of ourselves, and we are going to do it; and we will decide, when the time comes, what steps we may take in any war or threat of war."

Ah, Mr. President, we lost 56,000 boys in this great war, France lost about one and one-half millions of her sons, Great Britain about one million of her sons, and, Mr. President, as I recall how her brave sailor lads went down in the struggling waves, and as I recall how those who were rescued responded to the next call to man the ships in their death voyages across the Atlantic, I can not but feel that there is some obligation resting upon the American people to extend the helping hand in any just and honorable compact to maintain the peace of the world. Let us remember it was not those of alien blood who suffered most in this war. This war took as its toll the best men of the best nations of all the world, and in some portions of the world it seems to have preserved the worst.

Mr. President, as an American I believe we can look beyond the confines of our own country and determine whether or not there is any obligation resting upon the United States to help maintain the peace of the world. The nations that have suffered most, the nations who have been bankrupted by this awful slaughter, reach their hands to the United States, the greatest, the most powerful nation of the world, and say to the United States, "We know that you are not bound to help us; we know that you can stand aloof and say there is no obligation upon you to assist us, but we appeal to you in the name of manhood, we appeal to you in the name of womanhood, we appeal to you in the name of humanity. Will you not extend the helping hand to us that we, acting jointly, may prevent another such calamity overtaking the world?" Senators stand here and claim that we should fold our strong arms and with unmoved and austere countenance declare that there is no obligation upon us to assist in the prevention of war in Europe.

Mr. President, I listened to the Senator from Washington [Mr. POINDEXTE] here at my right, as he proclaimed as a good doctrine for nations and for individuals the injunction, "Mind your own business"; that this should be proclaimed as a proper American doctrine. I could picture the Senator from Washington following this injunction, as he would behold some giant beating to death a 10-year-old child. I could picture him folding his arms and saying, "That is no concern of mine. Of course it is brutal, but there is no reason why I should join in it. It is not my child." I dare say, if the Senator from Washington would behold an act of that kind, he would be the very first one to respond to the call, and he would be the last one to announce that a policy of "mind your own business" is always a good policy both for the individual and for the Nation.

Mr. President, we all admit that there is no obligation legally upon the United States to enter into this compact. We can declare that it is no concern of ours, that we will meet any situation when that situation arises. The Senator from Pennsylvania [Mr. KNOX] the other day, in the strongest language, so highly complimented by the Senator from Illinois [Mr. SHERMAN], declared that the United States entered this war for the protection of civilization, and whenever the occasion should arise again the United States could be depended upon to reenter another war for the same purpose. The facts do not bear out that statement.

I am free to say that I want to put the United States in a position in which she can stand upon her agreement with the nations of the world to prevent another such holocaust of blood and murder. We all know that we did not enter the war in defense of civilization. We all know that we entered the war in defense of the American right to sail the seas without any further molestation of our citizens and our commerce than the necessities of war demanded, and while we agreed that Germany had the right to hold up our ships, we denied that she had the right to sink them without notice and without proper care of the crew and the passengers upon the ships. And because Germany would not accede to our contention, but declared that she would continue her relentless U-boat campaign, is what we went to war for. Suppose when we put up to Germany the alternative of withdrawing her submarine policy or adding another nation to her enemies she would have said to us, "Very well, I will no longer carry on the undersea destruction of passenger ships as I have in the past, I will not sink them until I have taken care of the passengers and the crew, and I will take the questionable cases into a prize court to determine whether or not the goods carried are contraband."

If Germany had said that and lived up to such a declaration, is there anyone here who will claim that we would have gone to war with Germany? We would not have declared war against Germany. We would have said, "There is now no real cause for war, and we will allow Germany and the central powers to in-

flict upon Belgium, upon France, upon Britain, whatever they have the power to inflict." Suppose Germany had been successful, and suppose she had committed no overt act against our commerce or the lives of our people, we would not have gotten into the war, and all this talk we are now making about our fighting this war for world civilization would have to be postponed.

I repeat, Mr. President, I want to put this country in a position by which she can, when a case of that kind arises in the future, say, "Here is my agreement." This country now has no authority to defend Belgium if attacked by Germany, but if she signs the bond of agreement that she will defend Belgium or France against an aggression by Germany or any other greater power in the world which seeks to destroy her and rob her of her territory, then I have no fear but that we will make good our contract and will assist in maintaining the peace of the world.

Mr. President, I would have been highly gratified if any one of the Senators who have so vigorously criticized the constitution of the league of nations would have placed into the RECORD something to take its place. It is useless for any Senator merely to say, "I am in favor of a league of nations to maintain the peace of the world, but I am opposed to this particular kind." If a Senator is in favor of a league of nations to maintain the peace of the world, then I insist it is his moral duty to place upon the record what he believes should be the proper steps to be taken to accomplish that end.

The Senator from Massachusetts [Mr. LODGE] did that, and the Senator from Pennsylvania [Mr. KNOX] also stated what he believed to be the proper kind of a league of nations, of course without going into details; but others have simply attacked without giving the President, without giving our conferees in Europe, the slightest idea of what should be done in order to maintain the peace of the world.

Mr. President, I must say that to me some of these criticisms are very far-fetched. I do not think we have the best league of nations proposition before us. I am absolutely certain that when our delegates in France receive and read the arguments that have been lodged against it they will reconsider some of the matters, make clear that which is now indefinite, and make it certain that no nation by entering into this compact surrenders its individual sovereignty or, so far as the United States is concerned, surrenders our Monroe doctrine.

I have listened, Mr. President, to the orations that have been made against this proposed league of nations. I think the Senator from Illinois [Mr. SHERMAN] is altogether too modest when he accuses the President of the United States of being the greatest phrase maker upon the face of the earth. I think if the Senate were allowed to pass its judgment upon who is the greatest phrase maker to-day in the United States the Senator from Illinois would receive the unanimous verdict of his colleagues on the floor of the Senate.

But much of this oratory with all its beauty and brilliancy mystifies me a trifle. Therefore I want to read this constitution of the league of nations and as a plain American citizen I want to present to the other plain reading American public just exactly what it reads and that it does not mean what has been read into it by those who are overzealous lest we might surrender some of our inherent national powers.

I wish to call the attention of the people of the United States to the preamble of this constitution of the league of nations. I know we often declare that we do not care very much about preambles, that we must look to the body of the instrument itself to get its purport. But, Mr. President, the preamble of an instrument is the soul of the instrument that is to guide us in our construction of every article which follows it.

Let us see what this preamble is. It reads:

In order to promote international cooperation and to secure international peace and security by the acceptance of obligations not to resort to war—

Is there any objection to that? Is there any objection to a declaration just after the close of the bloodiest war in the whole world that these nations should attempt to get together and secure peace by the acceptance of obligations not to go to war? What else?

By the prescription of open, just, and honorable relations between nations—

Can there be any possible objection to this? Again:

By the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice—

Is there objection to our entering into an agreement with the other nations of the world for the maintenance of justice throughout the world? Again: and a scrupulous respect for all treaty obligations in the dealings of organized people with one another.

Mr. President, these are the purposes of the league. Every article in this constitution must be construed in the light of the declaration of its purposes.

From article 1 up to article 9, inclusive, we deal mostly with the matters of organization, and, therefore, I come immediately to article 10, that article which has received more condemnation than all the others in the instrument. That article is the very foundation stone in the structure of a world agreement for peace. Let us see whether it is open to the criticism that has been urged against it. It reads:

The high contracting parties undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all States members of the league.

What is the meaning of that? We are to enter into an agreement to preserve peace. I should like to have any Senator give me a clearer and more concise declaration of how we are to enter into it than the agreement that we will not go to war for an unlawful purpose. What does it read again?

The high contracting parties undertake to respect and preserve as against external aggression—

Not internal but external aggression. In other words, the very object and the very purpose and the only purpose of the proposed league of nations is to prevent one great powerful nation from making a war of aggression, a war to seize territory, or to annex another nation.

Mr. President, if we can not have that kind of an agreement, of course we can not have any agreement to insure peace. If we do not agree that we will not make a war of aggression against another nation, then what is all this peace talk about? Again, the agreement is to protect "the territorial integrity and existing political independence." What does "political independence" mean? It simply means the sovereignty, the absolute sovereign power of the nation to conduct itself politically as a complete, independent entity. That is all. If we protect the territory of a nation from aggression, we must necessarily protect its independence, its political sovereignty, and that is the whole purpose of this compact. Every war of aggression is a war to acquire territory that does not belong to you, and all we agree to in article 10 is that the principle "Thou shalt not steal; thou shalt not murder," should be applicable to States as well as to individuals, that it should be just as applicable to 100,000,000 individuals constituting a State as it is applicable to individuals in their relations with each other.

Again:

In case of any such aggression—

What kind of aggression?

We have been led to believe by the arguments that have been made upon the floor of the Senate that this pertains to any kind of a complaint. It is not true. It says:

In case of any such aggression—

That is, an external aggression against any other nation, a party to the league—

Or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligation shall be fulfilled.

Every argument that has been made upon the floor of the Senate so far would indicate to the American people that the council would have the right to determine when we should go to war and when we should not go to war. The council does nothing but advise upon the means by which the obligation not to make a war of aggression shall be enforced. It goes right back to the nations themselves for the enforcing power. It puts us just exactly in the same position that we would have been placed in had we agreed before this world war that we would prevent Germany from destroying France and annexing her territory; nothing more, nothing less.

I come now to article 11:

Any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the league.

Does anyone disagree with that declaration?

Can there be a war to-day in the world that does not concern every nation of the world? That is all it is. It is our concern, although the parties to it are not parties to the league. Why? Because it affects our commerce, because the flame of war lighted in the Balkan States may extend to the great powers of Europe and finally take in, as it has taken in, the United States and Japan and all the world within its conflagration. Certainly it is a matter of concern to the league of nations and to the high contracting parties. Then, what do the high contracting parties do in a case where this is made their concern?

The high contracting parties reserve the right—

We do not have to go to war if we do not wish to. They reserve the right—

To take any action that may be deemed wise and effectual to safeguard the peace of nations.

This is not to be done by the council. The high contracting parties, the individual nations, must take the action.

They may use force; they may secure peace by an agreement entered into between the contending nations. But in each instance it is determined not by the council but by the individual countries acting within their own sovereign authority.

I come to the second paragraph of article 11, which is criticized. It simply provides that—

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention of the body of delegates or of the executive council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

Which threaten to disturb the peace of the world. Certainly no one can object to our using our influence for that purpose. I think we can all remember that the United States joined the other nations of the world in an agreement at Algeiras whereby we were to revive and protect Morocco. No one said we were surrendering our constitutional rights by acting in harmony with the other nations of the world on that occasion.

No one has stated that we strained our constitutional rights when we served notice upon the world that Liberia, over in Africa, because of its peculiar relation to the United States, was so situated that we could not look with unconcern upon the attempts of any nation to destroy it or to seize its territory.

Again, Mr. President, article 12:

The high contracting parties agree that should disputes arise between them which can not be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the question and matters involved—

Not necessarily to arbitration—

either to arbitration or to inquiry—

This is criticized, on the assumption that we are compelled to submit internal relations, our domestic affairs, to every nation in the world which questions the propriety or the justice of any regulation which we may make in reference to such affairs.

Ah, Mr. President, one must be led far afield, indeed, by his prejudices to draw a conclusion of that character. Let us see:

They will in no case resort to war without previously submitting the question and matters involved either to arbitration or to inquiry by the executive council and until three months after the award by the arbitrators or a recommendation by the executive council; and that they will not even then resort to war as against a member of the league which complies with the award of the arbitrators.

Not as against those who refuse to arbitrate but against those who simply submit the question to inquiry. Let us remember that there are two methods here to deal with those international disputes. If the complaint is such that it involves our own domestic affairs, of course we will not submit it to arbitration, and there is nothing in the whole range of this agreement that compels us to submit one single domestic matter to arbitration; there is not a sentence that will bear such a construction.

Let us turn now to article 13:

The high contracting parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy they will submit the whole matter to arbitration.

I have listened to arguments by the hour on the floor of the Senate to establish the proposition that under the provisions of this instrument we are compelled to submit everything to arbitration, including our own domestic affairs. What we agree to do is one of two things—that we will submit to arbitration those things which we agree can properly be submitted to arbitration. Is there any nation upon the face of the earth capable of self-government or sufficiently intelligent to be entitled to exist as a self-government that would ever submit its purely local affairs to the arbitration of any number of powers?

Has it ever been done in the past? Not once. Will it ever be done in the future? Never, so long as we are dealing with intelligent nations.

The Senator from Montana [Mr. MYERS] has just introduced a bill the purpose of which is to open swamp lands up to settlement by drainage. Is that an external question? Could Japan come before the league and say, "The United States is about to open up a lot more of her agricultural acres, upon which she can produce rice, and that will destroy the value of Japanese rice; and, therefore, I propose to make a complaint and to lodge that complaint with this council of the league of nations"? Why, she would be a laughingstock of every nation if she should do a thing of that kind. No one would seriously contend that any nation in the world would propose such a thing; and yet she would have just as much

right to complain against us because we opened swamp land in Florida for the purpose of the production of rice as she would have because we determine that Japanese goods shall not come into this country or that Japanese citizens shall not be eligible to citizenship in the United States.

Why, Mr. President, so far in the history of the world no one has ever claimed that any independent nation ought not to have the sovereign right to protect the blood and character of its citizenship.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I yield.

Mr. JONES of Washington. We have a concrete case that I think might well be used for illustration, and I should like to have the Senator's opinion upon it. I ask, in view of what he has said, that as we have already passed legislation prohibiting the employment of Asiatics, or, we might as well say, Japanese labor, upon certain public works—for instance, on reclamation work—could Japan make any issue out of that under this compact?

Mr. McCUMBER. Certainly she could not. We have provided by law that a certain percentage of our sailors upon the American merchant ships shall be citizens of the United States. Would China have a right to say that we ought to change that provision and allow three-fifths of our ship personnel to be Chinese? Has any nation in the world ever claimed a legal right to interfere with the purely domestic affairs of another nation?

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota further yield to the Senator from Washington?

Mr. McCUMBER. I do.

Mr. JONES of Washington. I think probably I am anticipating as to another article, but I merely want to ask the Senator whether, under the proposition of inquiry, any question could be submitted with reference to that? We are required to submit questions to inquiry under the next article.

Mr. McCUMBER. I think any nation could submit any question to inquiry under the article. An inquiry for what? Not for arbitration, but merely a matter of inquiry into its merits. It is very difficult to always point out what is justiciable and what is not justiciable; it is impossible to make the statement clear and definite in an instrument; yet every one of us fully understands what national sovereignty means and what goes with national sovereignty. We have the whole history of the world, all of the diplomacy of all the ages, to guide us in determining what are domestic rights and what are international rights. Nowhere can we ever find any authority that would question the right of any nation to determine its purely domestic affairs. Of course, we may have a treaty whereby we hold in abeyance our sovereign powers during the existence of that treaty, whereby we may withhold some of our national rights; but we have not surrendered them in the sense that we have permanently surrendered our sovereignty.

Mr. JONES of Washington. I want the Senator to explain—and I am not asking these questions in any controversial spirit or in any spirit of opposition to his suggestion, but I am asking them simply to get his opinion with reference to them—in his opinion is there any question that could be forced to an inquiry under the terms of this instrument?

Mr. McCUMBER. I suppose, Mr. President, as I have stated before, that a nation has under this instrument the possible power, the possible right, to present any question, no matter how unfounded or how foolish it may be, just the same as though five individuals should come together and agree that they should settle their differences without resort to clubs or guns, or that they would present their differences to a committee of three or four. Each one might present a claim against the other that would be worse than foolish; each one might claim that he would have the right to enslave the other or to take from him his individual property; but the others would not listen to such a claim; and I do not think that any civilized nation to-day would, under any theory or possibility, present a matter so idiotic as to bring into question the well-recognized sovereign rights of any other nation of the world.

Mr. President, I want again to call attention to article 13. Instead of submitting everything to arbitration, on which Senators have based their argument that we would be outvoted, there is not a word for the submission of purely domestic questions to be arbitrated about, but only those which each individual nation recognizes to be suitable for submission to arbitration; and no nation, as I have stated, will submit non-justiciable questions to arbitration.

But suppose they do arbitrate—and they can only arbitrate disputes that do not affect their vital or national integrity—suppose they submit to arbitration some of these other questions, such as the fisheries, such as the seal disputes, such as the question of whether a certain portion of the sea is closed or whether it is the open sea—those they can submit to arbitration. When they do submit them, then what is the binding obligation under the provisions of this proposed treaty? It is this:

In the event of any failure to carry out the award—

That does not mean in the event of any failure to disregard advice, but the award means a case where a question has been submitted to arbitration. When once a nation submits a question to arbitration, the executive council shall do what? They can not even enforce it. They simply shall propose what steps can best be taken to give effect to it. They advise the steps that may be taken—what they think ought to be done—in order to compel a nation which has submitted a proposition to arbitration to comply with the award.

Let us suppose that we had had this in force just after the close of our Civil War and we had submitted to the Geneva Council the question of the damages by the *Alabama*, the claims growing out of a violation of international law, and that the council had given their award of some \$8,000,000 against the British Government, and the British Government had said, "That is a wrong award, and I will not conform to it." In a case like that we could have called upon the other nations of the world who were parties to the compact to join with us to compel Great Britain to conform to that award. We would not even have to go to war. We could find other means, such as a commercial boycott, if we saw fit, which would injure Great Britain probably more than any war would injure her.

Mr. JONES of Washington. I think one can get the impression from what the Senator says that there are certain questions which, under the terms of this compact, could not be submitted to arbitration. I understand that any question can be submitted to arbitration that the nations agree to arbitrate.

Mr. McCUMBER. It is the sovereign right of a nation to agree to submit any question.

Mr. JONES of Washington. That is what I thought.

Mr. McCUMBER. We could agree to submit to arbitration whether we shall continue to be an American nation or whether we shall be under the suzerainty of Japan.

Mr. JONES of Washington. That is what I thought.

Mr. McCUMBER. We can do it if we want to; but we can do it without this compact as well as we can with it.

Mr. JONES of Washington. There is not anything with reference to arbitration in the compact that we can not now submit just as well as after the compact is made, as I understand?

Mr. McCUMBER. I see that the Senator agrees with me. There is nothing that takes from us our sovereign power to submit or not to submit to arbitration any question which we may see fit; but, of course, we would not submit to arbitration our sovereignty.

Mr. JONES of Washington. I have had no question about that with reference to this compact, and I have not construed the arguments which I have heard—and I have heard a great many of them—as contending that we would be required to submit any of these questions to arbitration, because it has seemed to me that, if this instrument is clear in any one thing, it is clear with reference to the matter of arbitration.

Mr. McCUMBER. It is for us to decide what we may submit to arbitration and what we may decline to submit to arbitration.

Mr. JONES of Washington. It rests entirely with ourselves.

Mr. McCUMBER. What we should in honor be bound to submit to inquiry would rest with us. I consider the question of submitting to inquiry one of the most valuable propositions in the whole text of this agreement.

Now, let us follow further. Article 15 provides:

If there should arise between States, members of the league, any dispute likely to lead to rupture, which is not submitted to arbitration as above—

Not that "which is submitted," but that "which is not submitted to arbitration as above"—

the high contracting parties agree that they will refer the matter to the executive council.

That answers the question whether it is our duty to refer almost any complaint to the executive council. I think that it is strong enough. It compels us to submit it for inquiry and there is no reason why we should not. But that is all we do. We submit it so that all the nations of the world, and especially the two nations that are vitally concerned, may understand the attitude and the claim of the other nation. If it is a foolish claim, it would be ruled out of court.

Mr. JONES of Washington. Mr. President, I think probably the Senator has already answered this question; but, as I understand, under that article any question can be put into a state of inquiry, it does not make any difference what it is?

Mr. McCUMBER. Yes.

Mr. JONES of Washington. Whether the question be domestic or otherwise, it can be put into inquiry?

Mr. McCUMBER. Yes; they agree, if it is one that tends to create such trouble as will bring on war; that is, if it is liable to bring on war, they will submit to this council their claims and the claims of the complainant, in order that publicity may be given, not for decision but for publicity.

Now, let us follow the same article—

Mr. JONES of Washington. Will the Senator let me ask him another question right there, to get his opinion?

Mr. McCUMBER. Certainly.

Mr. JONES of Washington. Who will determine whether this or that question is liable to lead to war?

Mr. McCUMBER. There is just one way of determining it. That must be determined by the individual nations themselves. There is nothing compelling the council to pass judgment upon what particular things are liable to tend to war. The nation itself agrees, and it binds its honor that if an occasion arises that threatens the peace of the world, even though it be a nonjusticiable question, it will nevertheless submit it to inquiry. It does that in order to maintain the peace of the world.

Now, following on—

For this purpose the parties agree to communicate to the secretary general, as promptly as possible, statements of their case with all the relevant facts and papers, and the executive council may forthwith direct the publication thereof.

That is what is done. They present their cases to this council for the purpose of having publicity given to their claims. The people of the world are sufficiently intelligent in this age that if they thoroughly understand a question and the injustice of a proposed war they will not back the war. I do not believe for a single moment that Germany would have gone to war if the Germans had understood that it was to be a war of aggression only and for the purpose of robbing France of a portion of her territory. Perhaps I am mistaken; but certainly it would have been a mighty check upon German military morale, and it would have taken the heart out of the German soldiery had they thought that they were fighting a war of aggression and injustice and not fighting a battle to defend their fatherland as they had been led to believe they were doing. Again:

Where the efforts of the council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate.

The whole of that portion of this article is for the purpose of enlightening the people of the contesting nations.

If the dispute has not been settled, a report by the council shall be published, setting forth, with all necessary facts and explanations, the recommendation which the council thinks just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendations, and that if any party shall refuse so to comply the council shall propose measures necessary to give effect to the reason.

We have heard that construed to mean that a nation can not defend itself. All this instrument does is to declare and to present the means necessary to prevent one nation from making a war of aggression against another. There is not a syllable in it that prevents a nation against which war has been made from defending itself then and there; and it not only allows the nation against which war has been made to defend itself, but in honor it requires all the other nations to come to its defense. How, then, can it be argued that this compact renders us helpless when it calls to our assistance every nation of the world if we are attacked from an outside source for an unjust purpose? I will speak later of the provision relating to armaments.

If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the reasons which they consider to be just and proper.

All of that is published, so that the nationals of each government will fully comprehend what the nationals of the other government claim, and they will be able to pass judgment upon the justice or injustice of each proposition.

Now I return to article 10—

Mr. JONES of Washington. Before the Senator leaves the subject he has been discussing, will he permit me to interrupt him again?

Mr. McCUMBER. I yield.

Mr. JONES of Washington. I wish to ask the Senator a question based upon a concrete proposition under that article. Suppose that a controversy with reference to immigration should arise between this country and Japan and should be taken before the council, or, under the provisions of the document, should be taken before the body of delegates, and suppose that body should be unanimous against our contention—that may be, and I think probably is, a violent assumption, but it is possible under this compact—what would be the effect? What would we be required to do, and how could we be compelled to do it, or what obligation really—and this is what I want to get at—what obligation would rest upon us under this compact?

Mr. McCUMBER. In the first place, I will answer that we never would submit such a question to arbitration; we could not submit it to arbitration—

Mr. JONES of Washington. I know that.

Mr. McCUMBER. Any more than we could surrender the entire United States to another power.

Mr. JONES of Washington. I know that. I am making no question now with regard to the arbitration features.

Mr. McCUMBER. I am going to follow it out.

Mr. JONES of Washington. It is the inquiry provision that I have in mind, although it has seemed to me that the Senator puts some in an attitude with reference to arbitration that they really do not assume.

Mr. McCUMBER. I think I understand the force of the Senator's inquiry, and I will try to answer it.

Mr. JONES of Washington. I can see nothing that is uncertain about the matter of arbitration. I do not believe that we are compelled under this compact to submit any question of any kind or character to arbitration.

Mr. McCUMBER. No; we are not so compelled.

Mr. JONES of Washington. But we can submit any question to arbitration if we want to do so, but in regard to submitting questions to inquiry the Senator agrees with me that under the terms of the instrument any question can be forced to an inquiry. Now, suppose the immigration matter should go to inquiry, the body of delegates—suppose it is taken to the body of delegates, as this document provides—the body of delegates outside of those of Japan and ourselves may be unanimous against us. In that event what would be the obligation upon us by this compact, and what steps could be taken to compel us to do what the other nations thought we ought to do?

Mr. McCUMBER. The Senator is proposing what to me is an inconceivable case; nevertheless I will answer it, and I will answer it in this way: Suppose that the Senator from Washington, the Senator from Minnesota, and myself should agree that we would submit to each other, or to the agents of each other, questions that would affect our friendly relations, and that one of us would, under that pretext, submit the question whether or not two of the parties to the agreement should take the life of the third party.

That is exactly as conceivable to my mind as the proposition which the Senator suggests on which to base my answer. I would reply: "That is my life; I will never agree to submit my life and my liberty to you; I never authorized you, and could not authorize you under my agreement with you, to consider the question of the right of either one of you to destroy me. On the contrary, the only agreement that I have made with you, is that you will respect my life, independence, and liberty, and, therefore, instead of making an agreement to slaughter me, instead of making an agreement to take away my life and my liberty, I can call upon you to defend me, not only as against yourselves but against anyone else." Everything in this instrument is based upon that which I have read in the preamble and article 16, namely, to protect the territorial and political integrity of each nation; and, therefore, if all of them should unite in deciding such a question, if that were possible, we would refuse to abide by the decision, because every one of them that united against us would have grossly violated the agreement, and that violation would relieve us.

Mr. JONES of Washington. Mr. President, I do not believe I can look at it quite as the Senator does. It seems to me, when we enter into this compact, we agree by that very act to permit every question to be submitted to inquiry, and we also agree that if, upon that inquiry, the body of delegates, outside of the two contesting parties, is unanimous in the decision upon the inquiry against one of the parties—

Mr. McCUMBER. I understand the position of the Senator, and I will answer it.

Mr. JONES of Washington. That the executive council "shall propose measures necessary to give effect to the reason." It seems to me that we are in honor bound to abide by the decision reached and that we consent that the other nations can

take whatever action they deem proper and best to enforce their decision.

Mr. McCUMBER. Mr. President, the Senator has taken merely part of the clause and is construing it as though there were nothing else left in the instrument. Every part of the instrument must be given force and effect; we must construe its provisions together; and we must construe them as intended to carry out the main purpose enunciated.

Mr. JONES of Washington. Mr. President—

Mr. McCUMBER. Just a moment; let me make that clear to the Senator. We get right back to article 10, which provides that—

The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league.

That is the gist of the whole proposition, namely, to protect political independence—and that means the sovereign independence—and territorial integrity. If you should give it a construction that any number of the nations could agree to destroy the political and territorial integrity of another nation, you would give it a construction that is opposed to the basic proposition of the whole scheme.

Mr. JONES of Washington. I want to say to the Senator that in construing this instrument I want to take everything into consideration, and I want to consider it in a spirit of hoping and attempting to reach some conclusion that will give us some organization or body that will keep the world at peace and prevent war. I think I am approaching this compact in about the same spirit as the Senator from North Dakota is approaching it, and I merely wish to get his views with reference to these matters. Does not the Senator think that it would be in the interest of peace and in the interest of avoiding controversy if we would expressly provide that domestic questions shall be excluded not necessarily from arbitration, for they are already excluded from that, but excluded from inquiry?

Mr. McCUMBER. I would not only put that in, but, in order to take it out of the realm of cavil and senseless objections, I would also put in the declaration that this shall not be construed to interfere with the policy of the United States, as heretofore enunciated, under the Monroe doctrine. I would have both of them in.

Mr. JONES of Washington. All right. I will not bother the Senator with any more questions on that subject.

Mr. McCUMBER. The point I am making is that there is nothing in it that is inconsistent; but, in order to prevent useless cavil, I would have those provisions inserted in the instrument itself.

Mr. JONES of Washington. Mr. President, I think the Senator agrees with the contention that this instrument, important as it is, perpetual as it seems to be, should be made clear, definite, and certain?

Mr. McCUMBER. Yes; and I agree that in some respects it is not as clear and not as definite and not as lucid and certain as it could be made. What I am contending is that it is not subject to the criticism that has been urged against it and the construction that has been given to it.

Mr. SMITH of Michigan. Mr. President, will the Senator allow an interruption?

Mr. McCUMBER. Certainly.

Mr. SMITH of Michigan. I gather from the reply of the Senator from North Dakota to the Senator from Washington that he has a strong faith and belief in the efficacy of the Monroe doctrine.

Mr. McCUMBER. As I construe the Monroe doctrine; yes.

Mr. SMITH of Michigan. Well, the Senator of course must construe it to mean that attempted interference by European powers with the affairs of the Western Hemisphere would not be looked upon with favor.

Mr. McCUMBER. I am going to comment upon the Monroe doctrine, so at this time I will not attempt to go into just what it means.

Mr. SMITH of Michigan. All right. I will leave this suggestion with the Senator; How can the Senator hope to maintain the efficacy of the Monroe doctrine when controversies between States of the Western Hemisphere may be referred to this council of the nations? There may come a time when the attempt to interfere would provoke the withdrawal of the United States from the league of nations; but the United States might withdraw from the league of nations and leave the States of South America with a controversy for the solution of which they might depend absolutely upon the league of nations. Now, certainly if the United States of America is out of the league, and the States of Brazil and the Argentine and Mexico are a part of it, ready to submit their controversies to it, we

have not only lost our power to control affairs in this hemisphere, but we have arrayed every State of the Western Hemisphere, perhaps—at least, every State that is a member of the league—against us in our attempt to do it.

Mr. McCUMBER. Why, Mr. President, if we are out of the league we are bound by nothing that is provided in the league constitution.

Mr. SMITH of Michigan. No; but we have lost our allies. Heretofore we have said that European States must keep their hands off the States of this hemisphere; and yet we are opening the way for them to make alliances with the European States against ourselves.

Mr. McCUMBER. Not at all, Mr. President. On the contrary, every nation that agrees to this compact says that not only shall the Monroe doctrine of "Keep your hands off" apply to each South American State, but it shall apply to the whole world. "Keep your hands off" will become a universal doctrine, and not a doctrine that is enforced only by the United States; but I want to say to the Senator that I shall reach the Monroe doctrine in a moment.

Mr. SMITH of Michigan. Take the case of Mexico, with which the Senator is very familiar. I do not want to impose myself upon him against his will; but every other first-class country, every other country signatory to this league of nations, recognized the government of Huerta as a constitutional government, while ours did not. Suppose we had been members of the league of nations and the question of the bona fides of Huerta's title and his acts as the head of a neighboring State had been taken before that European tribunal. I should like to ask the Senator what would have been the likely attitude of those States, when every one of them had recognized the Huerta government and was in favor of impressing that recognition upon the world?

Mr. McCUMBER. I will answer the Senator. The recognition of any government by any other government does not impose upon the latter the necessity of maintaining the former.

Mr. SMITH of Michigan. No; but—

Mr. McCUMBER. It has nothing to do with it. It does not make any difference whom we recognize as being President. Every European power under this compact must say, "We will keep hands off of Mexico." Now, that is all that it agrees to do, and then we say that we have got to keep our hands off.

Mr. SMITH of Michigan. If that is true, then it opens up the way for war by our Government upon Mexico, does it not?

Mr. McCUMBER. Opens up the way?

Mr. SMITH of Michigan. Yes.

Mr. McCUMBER. I can not understand the Senator.

Mr. SMITH of Michigan. If we have any controversy there, and the world has no controversy with us about it, then, if our controversy is of such a character that it can not be settled by peaceable means it will be settled by war. Now, the Senator knows as well as I do that we have had serious differences with Mexico. We even went to war with Mexico. Our fleet was sent to Vera Cruz—sent there by the President without the consent of Congress, because the fleet was on its way before Congress was invited to take part. Suppose that question had been taken to this high court and had gone into cold storage with our American rights for at least three months. During all that time the bandits who caused the differences between us could have roamed at will over the American border and no one could have raised a hand against it. If that kind of a situation is to exist, it means misunderstanding instead of understanding.

Mr. McCUMBER. The Senator raises two questions, and I will answer them both.

Mr. SMITH of Michigan. I should like to have the Senator do so, because I know he is familiar with them, and I know he is frank and honest and fair and able and patriotic.

Mr. McCUMBER. I propose to answer both of them.

The first question is whether or not we bind ourselves not to make an aggressive war against Mexico. I am perfectly candid in saying that we bind ourselves by just what the other nations bind themselves by.

Mr. SMITH of Michigan. But they have not a grievance.

Mr. McCUMBER. Just a minute; I am speaking of this agreement. This agreement says that no nation shall conduct a war of aggression against another nation. This agreement says that each nation must respect the territorial and political integrity of every other nation that is a party to the league. I am not sure that it does bind us, even with reference to Mexico, unless Mexico becomes a party to the league; but I will assume that she is a party to the league. Then it binds us to let Mexico alone, if Mexico lets us alone.

Mr. SMITH of Michigan. All right, but—

Mr. McCUMBER. Just a minute; but it does not bind us not to conduct a war of self-defense. When Villa, commanding

or having charge of a large portion of Mexico, invaded the United States, Mexico, or that portion of Mexico, committed an act of war against the United States. Then, when another nation makes war against us, and when they commit an act of war, we have a right to "call their hand" immediately.

Mr. SMITH of Michigan. But—

Mr. McCUMBER. A mere dispute, a mere breaking over of a little gang, and perhaps murdering some American citizens, would not be necessarily a cause of war.

Mr. SMITH of Michigan. It would depend upon who was President of the United States.

Mr. McCUMBER. Certainly, it would depend upon the President of the United States, together with the Congress of the United States. We can defend ourselves. Any nation against whom war is made can defend itself. It only agrees not to make a war of aggression, a war of conquest, against another nation. Now, I might admit that it would be very nice for us if we could enter into an agreement with all of the great nations of the world that they should not make an unjust war against any other nation, but that we should have that privilege. But, of course, we can not make any such agreement, and we ought not to make any exception in our favor.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from North Dakota yield to the Senator from Montana?

Mr. WALSH. Will the Senator permit an inquiry concerning the article under consideration?

Mr. McCUMBER. Yes.

Mr. WALSH. In the case of a controversy such as would fall under the provisions of article 15, if it should be submitted to the council, no action would be taken unless the decision of the council were unanimous.

Mr. McCUMBER. That is true.

Mr. WALSH. If it were not unanimous, the respective contentions of the parties would be placed before the world. Any party to the controversy, however, may demand that the matter be determined by the league as a whole under a subsequent clause:

The executive council may in any case under this article—

Mr. McCUMBER. Will the Senator inform me from what portion he is reading, so that I may turn to it and understand it?

Mr. WALSH. I am reading from the last paragraph of article 15:

The executive council may in any case under this article refer the dispute to the body of delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within 14 days after the submission of the dispute.

What I want to inquire of the Senator is, if a dispute should thus be referred—a dispute which would ordinarily come before the council for determination, but which is referred to the league upon the demand of either party to the dispute—would it require a unanimous decision by the league in order to have any action, as unanimous decision is required by the members of the council, or would the majority of the league be sufficient to make a determination that would be enforced as provided in the article?

Mr. McCUMBER. I understand that if the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendation, and that if any such parties shall refuse so to comply the council shall propose measures necessary to give effect to the decision; and if no such unanimous report can be made it shall be the duty of the majority and the privilege of the minority to issue statements—well, I think that that, of course, is a majority and the minority of the council—to issue statements indicating what they believe to be the facts and containing the reasons which they consider to be just and proper.

Mr. WALSH. Exactly. If there is a unanimous decision, and one of the parties does not comply with the decision, then the council considers and proposes measures for the enforcement of the decision. If it is not unanimous, then they do not propose any measures for enforcement at all, but the majority states its views and the minority states its views. But, now, under the succeeding section either party to the dispute may ask a determination of the controversy by the league itself instead of by the council, the Senator will observe.

The Japanese immigration question has been suggested. Let us assume, for the purpose of the discussion, that this is a matter which may come under consideration by the league. It is submitted, we will say, by Japan, and it would come under this clause. If there were a unanimous decision, and either party declined to observe the decision, then the council would propose

measures for the enforcement of the decision; but we will say that we ask, under the last paragraph of article 15, that the controversy or the dispute be determined not by the council but by the league itself; that is, by the body of delegates. What kind of a vote in the body of delegates would determine it? In order to get action at all there must be a unanimous vote in the council; but we take it away from the council, and we leave it now to the league.

Mr. McCUMBER. I should think, Mr. President, that with the league itself probably they would require the same unanimous consent, and I take it from the reading of the whole instrument itself; but, as I have stated before, there are sections that are not clear, not as definite as they should be made.

I am not contending that we have here a perfect instrument. I admit that it is loosely drawn in some respects, and that it is not clear and as definite as it should be made. The only contention I am making is that much of the criticism, and most of it, is without foundation under the terms of the agreement.

Mr. WALSH. Mr. President, I merely desire to add that there is some obvious obscurity there. I rather agree with the intimation of the Senator that it is presumable, at least, that unanimous decision would be required from the members of the league in a case of that kind as a prerequisite to action, inasmuch as unanimous agreement on the part of the council is necessary. If that is the case, then action would never be taken against us on the immigration problem so long as one nation agreed with our contention.

Mr. McCUMBER. I go further than that and say that no action will ever be taken against us upon an immigration question, because that is a part of the political integrity of this Nation to govern its own domestic affairs, and that is protected by the declarations of article 10 and can never be questioned.

Now, Mr. President, I want to consider article 16, which has been so violently criticized on the ground that it forces us into a war whether Congress declares war or not. Let us see if that is its meaning.

Article 16 reads:

Should any of the high contracting parties break or disregard its covenants under article 12, it shall thereby ipso facto be deemed to have committed an act of war against all the other members of the league.

Now, what is article 12, whose abrogation would make the nation guilty of abrogating it subject to war by the other contracting parties? You turn right back to article 12, and it is simply this:

The high contracting parties agree that should disputes arise between them which can not be adjusted by the ordinary processes of diplomacy they will in no case resort to war without previously submitting the question and matters involved either to arbitration or to inquiry.

Of course, if one country immediately begins a war without offering to submit to arbitration or without offering to submit even to inquiry the question in difference between it and another country, it has broken the obligations of its contract; and having entered into a war contrary to its agreement, of course it has put itself in an attitude of war against all the others, and they may unite or they may not unite in order to prevent the accomplishment of its purpose.

But even then you do not have to go to war. Let us see what follows:

And that they will not even then resort to war as against a member of the league which complies with the award of the arbitrators or the recommendation of the executive council.

This is a case where the award has been made. If you once submit the question to arbitration and the arbitrators declare that you should pay, say, a given sum, and the other nation says that the arbitrators have not awarded a sufficient sum, nevertheless it will not go to war against the other nation if that nation offers to pay the award allowed. Now, that is just what every nation which submits a controversy to arbitration ought always to do, namely, be satisfied with the decision.

Coming again to article 16—

The high contracting parties agree further that they will mutually support one another in the financial and economic measures which may be taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the high contracting parties who are cooperating to protect the covenants of the league.

Well, that is nothing more than what our present agreement is. We divided the responsibility, we assisted our cobelligerents of this war financially and in many other ways. We agree under this compact that we will do just what we did in this war. If we once enter into war we will proportion the obligations; but it does not allow the council to determine that question. It puts it back, after all, to the nation making the

war to do its just part in bringing to a successful termination the war into which it enters.

Mr. President, I do not care to read any more of these particular articles, but I want to just refer to two or three objections that have been made to-day and at other times in the discussion of this compact.

Great complaint has been made because they say that we would be outvoted in this league. Then nine Senators never could safely agree to submit their individual differences to the combination of all of them, because eight of them might be against a single one. Therefore, you never can make any kind of an international agreement that will take in more than your nation and one other nation, because if you take in three nations, of course, two will be a majority. Therefore, inasmuch as you are placed in the position whereby you may be outvoted, you never should enter into an agreement with more than one nation, in order that you might have an equal vote. Well, Mr. President, if that is our attitude, if our attitude is that we must always have the controlling vote or an equal vote as against all the world, then, for Heaven's sake, let us rid ourselves of this proposition and not spend time on it, for we could not seriously ask other nations to submit themselves to be outvoted, while we decline to submit ourselves to the same condition. Outvoted? Of course we are outvoted in all our relations with each other. Every State that entered the Union entered with but two votes in the Senate. Therefore, it might be outvoted by the other 47 States, and, therefore, it ought never to have gone into the Union, because it subjects itself to such a dangerous situation.

Mr. President, when we entered into the obligation which created us a Nation, the States were jealous of each other. They were fearful that the big States might obtain an advantage over the little States. Therefore, they provided that at least in one branch of the Government the vote of each State should be equal to the vote of any other one State. Had we not agreed to that proposition we never would have had any Union, we never would have had the United States. If we enter into a combination with Greece as one of the component nations of the compact, certainly we have to give Greece a vote the same as the United States; we have to give France, which is only one-half as large in population as the United States, an equal vote; and we have to give Britain and we have to give every other self-governing nation an equal right. If we are so everlastingly suspicious, so fearful in this great State, which is ten times more powerful than the average State in the world, that some of the others will get the advantage of us, why, of course, we do not want to enter into any compact.

Mr. SMITH of Michigan. Let me ask the Senator how many votes we have in the executive council? We have one vote in the council?

Mr. McCUMBER. Yes.

Mr. SMITH of Michigan. How many do we have in the league? I mean, now, in the general legislative body of the league? One.

Mr. McCUMBER. Each has one vote.

Mr. SMITH of Michigan. How many votes has Great Britain?

Mr. McCUMBER. Great Britain has one vote. Canada would have a vote as an independent, self-governing power. Greece would have a vote—

Mr. SMITH of Michigan. But let us finish up with England.

Mr. McCUMBER. Greece would have a vote although she has not half the importance of Canada. Serbia might have a vote, although she would not be half as important as some other dominion.

Mr. SMITH of Michigan. How many votes has Great Britain in the general body?

Mr. McCUMBER. Great Britain and Ireland and Scotland and Wales have one vote. The separate dominions would have another vote apiece.

Mr. SMITH of Michigan. They have five votes in the final analysis, do they not?

Mr. McCUMBER. All right, go ahead.

Mr. SMITH of Michigan. I should like to have the Senator admit it or deny it.

Mr. McCUMBER. I have stated that each one of those Dominions has a vote. Then why does the Senator from Michigan ask me again to admit it or deny it?

Mr. SMITH of Michigan. I asked for this reason—

Mr. McCUMBER. Have I not made myself clear?

Mr. SMITH of Michigan. It is a well-known fact that while Canada, with an empire as large as our own, has practically an independent autonomy, it has no independence when it comes to foreign affairs. Canada can not ratify a treaty with the United States. If we were to pass a treaty here this afternoon,

we would pass it with Britain concerning Canada, and Canada would not even necessarily be consulted about it. The King on his throne in England can exchange ratifications without a word from the Canadian Parliament. Then I say in the final analysis they have five votes to our one.

But I want to go one step further. If Japan seeks to have a review of the controversy with this country over any question, that moment the United States has no vote. Is that an advantage or a disadvantage? We give to the great Empire of Britain 5 votes, and on that theory any controversy with Britain would only deprive her of 1 vote. She would still have 4 votes in the council. She would still have from her self-governing colonies earnest and active representation there. But with us, whether the controversy be with our neighbor at the north or with our neighbor at the south, or whether it be with the dominant power of the Far East, we are absolutely deprived of a voice.

I have always had my view that when the Senate of the United States was created and made a part of the treaty-making power of the Government every State in the Federal Union was protected by its representation upon this floor, and to enter a union of nations and empires where you must submit controversies without a vote is to submit this people to a very strange form of government which may become tyrannical and oppressive and harmful to our people.

I do not want to engage with the Senator. I know he is a patient man, but I can not help feeling a sense of the highest admiration for the skilled diplomacy of Great Britain, which for hundreds of years has followed with perfect continuity each retiring administration of its foreign affairs until they have the most perfect diplomacy in the world.

A controversy over the Panama Canal or the Nicaragua Canal, a controversy over the Hay-Pauncefote treaty, a controversy over the Rush-Bagot arrangement could be instituted upon any excuse, and instantly our mouths would be closed and we must leave to strangers the question of the protection of our rights. I think that is going far afield of the purposes of the founders of this Republic. If we have reached such a stage, we are much more impotent than it was ever intended we should be, because in our controversies with foreign States it has always been the pleasure of the President to initiate proceedings, and it has always been the duty of the Senators of every State in the Union to pass upon the merits of any controversy involving our relations with others.

I look with intensest apprehension upon farming out our rights, and I think the Senator from North Dakota is not quite as easy in his mind as he would like to be. I think if he were to have his way there is scarcely an article in this constitution of internationalism that he would not like to see a little more specific and plain. He is going to be here when this instrument arrives all wrapped up in tin foil and tied with a blue ribbon, perhaps having received the approval of Britain and France and Italy and these other States. He is going to be here, and I hope that his virile Americanism, which has asserted itself upon every occasion hitherto, will assert itself in favor of the maintenance of our sovereignty and our independence and our right to exist, notwithstanding the whims or the ipse dixits of other nations.

Mr. McCUMBER. Mr. President, I have heard the Senator from Michigan express himself so often and so forcibly against this country every entering into any kind of a treaty with any other nation upon the face of the earth to provide means to maintain the peace of the world that I know, while the Senator and I may agree upon what constitutes true Americanism, we do not agree upon what constitutes the attitude of the United States to the rest of the world.

The Senator from Michigan would have this country always on this side of the ocean, living in its splendid isolation, so that we could not interfere with what is being done across the ocean, and they could not interfere with us in respect to American question. I think that the world has been advancing. It has been advancing in the last 100 years, and it has been advancing more rapidly in the last 100 years than it advanced during the previous century, when Washington and Adams and others broke loose from the mother country and declared certain principles applicable to our relation to European countries. They took an advanced step. They took a step that was in conformity with their ideas at that time; but all progress did not die with that period of the earth's history.

We had at that time, Mr. President, no telegraph wires, we had no telephones, we did not even have a steamship upon the ocean; we had no way of communicating with any other country except through the slow ships that took from three to nine months to cross the ocean. To-day neighbor talks with neighbor from San Francisco to New York. To-day nation talks to

nation across the ocean. To-day we know everything that was going on in the world yesterday. To-day our ships sail to every section on the face of the earth. To-day we cross the ocean in from five to six days. To-day Great Britain and France and Belgium are far nearer to us than was Yucatan or any South American State during the days of Washington.

Principles have not changed, but all I claim is that conditions have changed and in such a manner and to such an extent that we ought to adapt our American policies to the world as it now exists. We suffered little when there was a war between Spain and Great Britain, or between Great Britain and France, or between Prussia and Austria a hundred years ago; but to-day we suffer whenever there is a war between any of the great nations of the world. It is our concern. Above all humanity, humanity is the concern of the American people. I deny the application of that splendid isolation theory of which the Senator talks when it takes us from out the family of nations. I deny that we have no interest in the bloody conflicts that are destroying peoples who are just as noble as we are, people of our own blood and kin.

All my ancestors were from Britain; they were from Scotland and England and Ireland. I do not think we have so changed our nature that we can now claim that we are so superior to the nations from which we sprang. They have the same ideals, they have the same impulses. The mothers love their boys whom they send to the cannon's mouth as much in Britain and France and Belgium as do mothers in the United States.

If war is necessary for the world's progress, if it is necessary to murder 20,000,000 people of the globe in order that the world may progress, Senators who hold that view ought to vote against any means to prevent a repetition of this war. I do not believe war is necessary for the world's progress or happiness, and therefore I want to do what I can to stop it.

Mr. SMITH of Michigan. Mr. President, if I do not interrupt the Senator, I wish simply to say to him that I am not out of accord with the Senator about a desire to prevent war. I am not at all out of accord with the Senator in my desire to be friendly with other people. I glory in the advancement and progress of civilization. I simply object to an international marriage by Columbia with four or five European States, with irreconcilable differences, aims, and tendencies, unless such anti-nuptial agreement is made assuring our domestic freedom, at least. I simply object to our marrying France and England and Italy and Japan all at one time. I do not believe it is necessary for us to make common cause with them for all time and under all circumstances. We have a strong, powerful influence in the world, and to pledge the balance of power which we hold in advance of every controversy that may arise between the nations of the earth is going too far; to pledge this balance of power in advance to every controversy that may arise anywhere on the surface of the earth is too much for us to undertake.

The German Emperor once said to me in his palace that America held the balance of power in the world. It made my heart beat with pride; it made me happy in the thought that in every just controversy concerning our people we were able to take care of ourselves. We have proven to the world that we hold the balance of power, and we should hold it unpledged.

Mr. McCUMBER. Mr. President, the Kaiser was just tickling the vanity of the Senator along that line.

Mr. SMITH of Michigan. The Kaiser was not tickling my vanity, but I think the King of England is tickling the Senator's vanity and the vanity of the American peace delegates.

Mr. McCUMBER. The Kaiser never thought that we were a greater power than he was. He has always taken the position that he was the great and only thing on the face of the earth.

Mr. SMITH of Michigan. Well, Mr. President, he has been disabused of that error.

Mr. McCUMBER. If the Senator wants to draw any pleasure from the Kaiser's little statement in the palace that this was a great country—

Mr. SMITH of Michigan. Well, Mr. President, I will withdraw that, as it is of little importance now.

Mr. McCUMBER. I am perfectly willing that the Senator shall get such pleasure as he sees fit out of it.

Mr. SMITH of Michigan. Events have proven his statement to have been true.

Mr. McCUMBER. I want to continue with this argument.

Mr. SMITH of Michigan. I want the Senator to continue.

Mr. McCUMBER. As you know, we have to adjourn tomorrow at noon.

Mr. SMITH of Michigan. I want the Senator to continue, of course; I am not going to interrupt him any more. I hope he will extract all the pleasure he can out of the intimate personal friendship which the ruling powers of the world have for

the United States at the present time. He is welcome to all that. If it does not concern our welfare to scrutinize each act of the Paris conference, then I mistake the function of the American Senate.

Mr. McCUMBER. Ah, Mr. President, we want to scrutinize each act, but the Senator is not in favor of any kind of treaty, as he has suggested time and time again, to maintain the peace of the world.

Mr. SMITH of Michigan. The Senator does me wrong.

Mr. McCUMBER. Mr. President, when we listened to the cry of Cuba in 1898, and went to the relief of Cuba, we did not marry the Cubans.

Mr. SMITH of Michigan. No; we did not; neither did we marry Spain.

Mr. McCUMBER. When we freed 3,000,000 slaves we did not marry the slaves, but we did an act of justice toward an enslaved people.

Mr. SMITH of Michigan. When we went to war with Spain on the Cuban situation we did listen to the cry of humanity and we went to their relief, and I was one of the men who voted in favor of it. I helped send this Government to the relief of the starving people of Cuba; I have always rejoiced in it; but it was not necessary that we should remove our Capital from Washington to Habana in order to accomplish any good for those people.

Mr. McCUMBER. Let the Senator take that up with the President about removing the Capital. I am neither defending nor am I in any way approving of the action of the President. I am simply giving my own views of the construction of this article which is being discussed.

Mr. BANKHEAD rose.

Mr. McCUMBER. I yield to the Senator for a question, though I want to get through.

Mr. BANKHEAD. I did not want to ask the Senator a question, but I desire to notify the Senator that, under the rule, if he yields for any more Senators to indulge in debate I shall invoke the rule, and he will lose the floor.

Mr. McCUMBER. I hope Senators will take notice of the statement of the Senator from Alabama.

Mr. President, this instrument has been criticized because it provides for a reduction of armaments, and Senators declare that we are not only surrendering our sovereignty, but are depriving ourselves of our means of defense when we shall be attacked by the entire world. Mr. President, everyone on this floor has expressed himself in favor of devising some possible means to stop this insane determination of each nation of the world to outdo the other in armaments. We have seen the nations for years groaning under the mighty load of armaments and the taxation which is necessary to sustain them, and we have been asking ourselves where will it all end? There was but one answer.

The biggest nation, the richest nation, the most populous nation will in the end bankrupt every other nation. Then that nation, of course, will be supreme. In the Western Hemisphere, probably the United States; in the Eastern Hemisphere, if Great Britain could not keep ahead of Germany—and Germany was rapidly approaching her—it would be Germany.

But we have thought that there ought to be some means to lessen these armaments. Every Senator knows that instead of armaments being security for peace they are the surest incentive for war. Of course, if there are two nations adjoining, and one of them has an eye upon the territory of the other and creates a great army and a great navy the neighboring nations will have to do the same to defend itself. In that respect these armaments may prevent war until one nation gets so supremely greater than the other that it feels certain that with its army and its navy it can crush the other nation.

Great Britain has been listening for years to the philosophy of German orators, German scholars, and German military men that the duty of Germany was first to crush France, seize French territory, get control of Belgium, and then strike at Great Britain. Naturally, Great Britain said, "Germany has double the population of England; therefore I can not put an army in the field that will equal Germany's."

Germany can live within her own territory and upon her internal resources. We can not do that. We must draw sustenance for the support of our people from all over the world. Therefore when Germany builds one warship our very life depends upon our building at least two, for we must meet any combination of nations in the world against us. Now, if Germany had had no warships, Great Britain would not have needed to have built any. If the United States had none and none of these other great nations had any warships, none of them would need to build a warship to defend itself against the other.

We all believe that we should have a sufficient military establishment to protect ourselves against possible emergencies, but we all believe that there ought to be some means adopted to reduce these armaments. I want to ask any Senator how on earth are we going to do it? We can not leave it, as it is said, to the two nations. If you left it to Great Britain and Germany, they would never agree upon which should have the bigger army or the bigger navy. If you left it to the United States and Great Britain, we never would agree. We would say, "We might get into war with you at some time, and therefore it is necessary that we have a navy at least as big as yours." Great Britain would answer, "Inasmuch as you can throw the soldiery from 100,000,000 people across the line, my only safety will be in having a bigger navy than you have." Thus we never would arrive at any agreement.

Now, it is easy, Mr. President, for Senators to criticize, but some one besides the two nations or the three nations involved must determine that question. Therefore, they say in this instrument we will leave it to this council to determine what it thinks a fair balance of power in armaments. The council decision does not bind us. Each nation takes back to its own people the question whether it shall agree to the suggestion of the council. If it agrees, of course it binds itself not to increase its armaments without the consent of all the other Governments, whose interests are also to be taken into consideration.

Mr. President, we talk about this being in defiance of our Constitution. Senators say that by this provision we are running in conflict with the Constitution of the United States, which provides that the Congress shall declare war and raise armies and navies. Oh, Mr. President, it seems to me that that is almost a childish construction of our Constitution. Of course Congress would have to raise the Army; of course Congress would have to determine what the size of the Navy should be. All this does is to suggest to Congress what it should do in the premises.

A few years ago we entered into an agreement with Great Britain whereby we agreed to take our warships off the Great Lakes, and Great Britain agreed to take her warships off the Great Lakes. We entered into an agreement whereby Great Britain agreed to have no forts and no cannons on the Canadian border pointing toward the United States, and we agreed that we would have no fortifications with mighty guns pointing toward Canada. We knew and the Canadians knew that if each of us had warships upon the Great Lakes we would be looking as suspiciously and as angrily toward each other as a couple of bulldogs, each eager to test its fighting prowess. We knew that if we had artillerymen manning cannon on this side of the line and we were facing cannon that were pointing to us from the other side, the chances were that instead of being instrumentalities of peace they would be instrumentalities of war.

We all know that every organ seeks always to perform its function. The natural function of any army is to fight; and therefore, if you create an army, if you organize artillerymen and place in their hands a cannon, their natural inclination is to want an opportunity to fire it. That is human nature. You take away the chance of war when you take away the means of making war.

Ah, Mr. President, if Germany had not had a navy and if Germany had not had an army all equipped there would have been no great European war. I want to see armaments reduced to such an extent that we can utilize the energies of the people of the world toward making the world more beautiful and a better place in which to live. Across the Capitol grounds is a beautiful monument, the Congressional Library, good for 2,000 years. That building did not cost more than one-third as much as one ugly battleship that would not last longer than five or 10 years and 50 of which might be sent to the bottom of the ocean in a single day. I am in favor of a sufficient number of warships; but I am in favor also of a reduction of armaments in order that the energies of the world may be directed toward upbuilding the world and giving the people of the world comforts that ought to be within the reach of all the people.

When we entered into the agreement to take the warships off the Great Lakes we thereby reduced our armament. No one ever claimed that we exceeded our authority. We limited our armament and Great Britain limited hers, and that has tended as much as any one thing to maintain peace between the English-speaking people. We did not override the Constitution in making that partial reduction of armaments and we would not wreck the Constitution in extending the same principle to include all nations.

Mr. President, I feel that I ought to say a word about a little discussion that took place at the White House the other evening. I would not mention it were it not for the fact that wrongful statements in regard to it have already been published. I

think I am as good a Republican and stand as firmly on Republican principles as any Member of the Senate; but I do not feel that I am every justified in misstating the position of a Democrat, whether he be in the Senate of the United States or whether he be the President of the United States; and I wish to say as a Republican, because heretofore the statement has only come from the Democratic side, that when the Committee on Foreign Affairs of the House and the Committee on Foreign Affairs of the Senate dined with the President the other evening nothing could have been more fair than his presentation of the case. He subjected himself to every inquiry that might be made and answered every inquiry fairly and justly and in a spirit of conciliation, with a desire to make all matters perfectly clear.

The assault which has been made upon him by Senators, if they made it—and I doubt if they made it as it has been published—seems to me to be entirely unfounded. It has been stated that he proclaimed that if Ireland should rebel against Great Britain the American people would be required to take up arms to subjugate Ireland. Mr. President, no such statement was made. In discussing whether or not the instrument bound this country to interfere in case India or Canada or Ireland should seek to separate itself from Great Britain, he answered, "No; that is a domestic question, and we only agree to protect nations from a war of aggression waged by another nation." Everyone must agree with that construction. The instrument itself makes it absolutely clear that that is the intent, and no other intent was expressed by the President in that discussion. I say this simply because I feel that, inasmuch as the committees were treated with absolute fairness, we ought to treat our host with the same fairness as to what took place, if we are to mention it at all.

Mr. President, the Senator from Michigan [Mr. SMITH] presented to me the question whether I would agree that Canada should have a vote in the executive council. He assumes that Canada is simply a portion of Great Britain. Possibly I would not have drawn this instrument in the form which the delegates drew it; no one of us would have produced exactly the same instrument.

As a matter of fact, I have already placed before the Senate what I believe to be the things to which we should agree and the things to which we should not agree; and I shall not attempt in any way to reiterate them; but the President had to deal with other nations. Other American representatives were with the President. I do not agree with all of them, perhaps, but I have considerable confidence in the patriotism of Mr. White. I know that he is a good Republican. I know that when he accepted his position there he would not willingly surrender any important right of the American people. But, Mr. President, Canada is a self-governing people, and the Senator is mistaken when he says that Canada could not govern her own internal affairs. Canada makes her own tariff rates. Canada can not even be compelled, under the present policy of the British Government, to support Great Britain in a war. Great Britain has never attempted to compel any one of her colonies to respond and take up arms in her behalf. She has allowed them to decide those questions for themselves.

On the outbreak of the war the Canadian Parliament immediately met and said, "We are not compelled to go into this war; but it is our war; it is a battle for civilization, and we will fight the battle." We finally agreed that it was a battle for civilization, and we fought for the same grand cause.

I am not afraid of the Canadian people. We have had a great many arbitration settlements with Great Britain. Have we ever had occasion to say that she has not always fully responded to the arbitration agreements and has not made good any claim against her? In the Geneva award she not only submitted to the award, but we found great difficulty in finding a place to apply all the money she paid to us. Did the award look like a combination of European States against us? Again, we settled the boundary question between the United States and Canada. Great Britain selected the lord chief justice of England as one of her representatives, and that lord chief justice of England agreed with the American contention on every important proposition. We got what we wanted; and, even though the Canadians opposed it, the British representative agreed that the American claims were right, and granted practically all of the American claims, and, I think, very much more than we expected to get.

We have never had an arbitration, in my opinion, when we got the worst of it, whether it was with Great Britain or any other country.

I know that when we submitted the question of the Bering Sea, as to whether it was a closed sea or not, the world nations held that it was a part of the ocean. I think they were right.

I think that we were wrong in contending that it was a closed sea. That is the only case that I know of in which the decision was particularly against the United States.

Mr. President, all I think we ought to do is to be absolutely honest with ourselves. If we do not want any kind of an agreement to maintain the peace of the world, in Heaven's name let us say so and be done with it. If we do believe that we are in honor or in duty bound, if we do believe that there is any moral obligation resting upon this great Nation to assist in maintaining the peace of the world, then let us at least do what we can to assist other nations in making an agreement that we can all stand by.

I do not want to surrender the Monroe doctrine, and I do not think that we do surrender it. I am going to call attention to what the Monroe doctrine really is and see, then, whether or not, as a matter of fact, this league, as I have read it, does destroy that doctrine.

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield for a question.

Mr. WEEKS. I was going to ask the Senator what effect on the peace of the world he thought it would have had if we had made peace with Germany and insisted on the destruction of all arms, all men-of-war, and all munition factories in that country?

Mr. McCUMBER. I think, Mr. President, if we had carried it to all countries it would have had an excellent effect; but, of course, if one great nation is armed to the teeth, all other great nations must be likewise armed to protect themselves. I have covered that subject.

Mr. President, what was the Monroe doctrine? There is one clause in the Monroe doctrine that Senators have omitted in their discussion, and I want to read it. First, I want to read the principal declaration made by President Monroe in his message to Congress in December of 1823. He says:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any part of this hemisphere as dangerous to our peace and safety.

That is only one of the clauses.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Mr. President, the Monroe doctrine does not stop there; and here is the vital declaration in that, because it not only fixes the relation of other governments toward these governments of South America, but it fixes our own. Senators are arguing that we have no obligations incumbent upon ourselves under this doctrine; that our conduct is in no way limited. I insist that we have obligations that bind us under the Monroe doctrine. The closing declaration is this:

It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

Now, there is the Monroe doctrine. Put down in simple words it is, "Keep your hands off, and we propose to keep our hands off of the independent nations in the Western Hemisphere." I know we have not followed that obligation at all times, but it is as much a part of the Monroe doctrine as any other declaration.

Mr. President, the Monroe doctrine does put us in the position of being big brother to all of these South American Republics, but I deny that it puts us in the position of being big tyrant to all of these southern republics. They can exercise whatever sovereign power we can exercise, with one exception. We say: "For your safety and our safety, you must not allow any other European nation to seize your territory or destroy your independence."

The United States says that no other nation shall lay its hands upon an American nation for the purpose of destroying its sovereignty or seizing its territory. This compact says that no nation in the world shall lay hands upon a South American nation for the purpose of destroying its sovereignty or to take possession of its territory. In the sense, Mr. President, that all the nations in the world agree to make the principles of the Monroe doctrine universally applicable, it may be said that the Monroe doctrine is merged in a world doctrine, but it is not destroyed in any respect.

Mr. COLT. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Yes.

Mr. COLT. Does not the Monroe doctrine go further, and forbid any Central or South American Republic from ceding any

of its dominions or sovereignty to any European or non-American power?

Mr. McCUMBER. No; that is not going further. That is included in the statement I have made that the Monroe doctrine says to all European nations, and to all nations, "Hands off. It does not make any difference whether the territory is offered to you or whether it is taken by force. You must not take it."

Mr. COLT. Through the Monroe doctrine, in assuming that a South American Republic can not cede its territory, do we not virtually assume sovereignty over this hemisphere?

Mr. McCUMBER. No; Mr. President, we do not assume sovereignty over this hemisphere. We say, as a policy, that we will not allow any European nation to seize upon or take possession of the territory of any South American or any Republic in the Western Hemisphere, and we will not allow anyone of those nations to surrender its sovereignty to any European nation.

Mr. COLT. Supposing Brazil should say that the United States could not cede a naval base to Great Britain on her northern coast. Would not that be an exercise of sovereignty by Brazil over the United States?

Mr. McCUMBER. No.

Mr. COLT. And when the United States said, in the case of Yucatan, "You can not part with your sovereignty to Great Britain," and when it was said, in the Magdalena Bay resolution to Mexico, "You can not cede a naval base to Japan," that, in substance and effect, is, to my mind, the exercise of a superior sovereignty or overlordship by the United States over the Central and South American Republics.

Mr. McCUMBER. Mr. President, ceding a naval base to a European power is ceding the territory on which that base is located, and we, by our Monroe doctrine, declare that no nation of Europe shall obtain any of the territory. Therefore, of course, it would cover the cession of a naval base.

Mr. WADSWORTH. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New York?

Mr. McCUMBER. I yield.

Mr. WADSWORTH. Does the Senator see anything in the proposed constitution of the league of nations which would forbid one nation ceding territory willingly to another?

Mr. McCUMBER. Mr. President, we discussed that the other day.

Mr. WADSWORTH. I should like to have the Senator's discussion.

Mr. McCUMBER. My opinion is that there is nothing in this instrument that in any way destroys the Monroe doctrine. There is nothing that allows one nation to seize the territory of another, and nothing is said upon the right of one nation to sell its territory to another. All that this agreement does is to say that no nation shall make war against any other nation for the purpose of aggression, seizing its territory, or destroying its political integrity. This instrument does not cover every possibility. I stated that before; and I have further stated that I think it ought to be amended so as to declare specifically that it is not an interference with the Monroe doctrine. I have stated that thrice, I think.

Mr. WADSWORTH. I was wondering why the Senator thought it ought to be amended to specifically take care of the Monroe doctrine, because he has just stated that it does not interfere with the Monroe doctrine.

Mr. McCUMBER. I do say that it does not interfere with the Monroe doctrine. I have stated, however, in order to meet any claim that it interferes, that it ought to be made certain and definite.

Mr. President, I want, just before closing, to discuss another feature of this matter. The Senate has before it Senate resolution 411. That resolution seeks to record the Senate in favor of the withdrawal of the soldiers of the United States from Russia and the abandonment of that country to its fate. While the resolution inserts the words "as soon as practicable," the intentment is that it is the duty of the United States—and that, of course, includes the concurrent duty of our allies—to abandon Russia to the mercy of Bolshevik savagery. Every speech made in support of that resolution is a speech which challenges our right of interference with the domestic affairs of Russia and binds us to abandon Russia to the robbing, murdering band of Bolsheviks who, having seized all the resources of the Russian Government—its industries, its banks, its treasuries, and its transportation facilities, and having thereby gained such a mastery over the peasants and all others who believe in the rule of law and morality as to render their opposition impotent—are perpetrating atrocities unequalled in the world's long history.

"As soon as practicable," therefore, means, according to the idea of the proponents of the resolution, as soon as we can remove our troops from that country.

I am not surprised that those who are earnestly supporting this policy of retreat take occasion to declare that their position must not be construed as an expression of friendship or sympathy for the Bolsheviks of Russia.

They do not want the American people, who listen to the purr of this accursed tiger under their soft caress, to get the idea that they are intentionally giving pleasure to the beast.

Their apprehension, Mr. President, that it might be so accepted is well founded. I was one of the three Members on this side of the Chamber who voted against that resolution. I did not vote against it because I felt that there was any real danger in the resolution itself, because practically it might be construed to mean almost anything you wish. I voted against it because I knew that its adoption by the Senate would give great aid and comfort to Lenine and Trotsky and their gang of brigands, murderers, and rapists. I voted against it because I knew that poor stricken Russia, looking with hopeful eyes to this Government to relieve it from its present awful condition of anarchy, would hear but the one note, abandonment to their fate. I voted against it because I knew that Lenine and Trotsky would hear nothing of the personal condemnation of their conduct, but only the record vote of the Senate of the United States approving their damnable reign of terror.

I can not but be somewhat surprised when I find these great orators condemning the President of the United States for his inaction in Mexico, condemning his administration in a thousand other ways, now most heartily supporting him in his purpose to exert no action in behalf of the oppressed Russian people—innocent people who are being murdered by the hundreds of thousands. I think the President should have intervened in Mexico to protect American lives and American rights. I believe that when the Mexican bandits under Villa invaded United States territory and murdered its citizens we should not have given up the chase of that bandit; that we should have followed him to the utmost confines of Mexico and captured him and his band, brought them back to the United States, and put them on trial for murder.

And if I believe that should have been our course in Mexico, by a thousandfold greater reason I believe that in a mighty world war, and in the reconstruction that must be had to maintain the peace of the world in the future, we should continue to fight our enemies in Russia just so long as those enemies fight us or our allies in Russia.

We are building up a cordon of little nations around a portion of Germany for the purpose of protecting the peoples east of that Empire from being annihilated to satisfy the ambition of the two great central European powers. And yet we are leaving an opening for aggression, wider than the territory occupied by this cordon of nations. There is not a Senator here so ignorant of the Russian situation that he does not know that this Bolshevik government can not last, that it will continue only until it has looted every Russian Province within its grasp. And then what? Let a single year's history of this war answer that question.

It was Lenine and Trozky and their following who sold out the entire Russian Army to the central powers. It will be Lenine and Trozky who will surrender Russia to German control and domination. The honest people of Russia want peace. They would accept anything on earth, any control, even though it should be the return of an autocratic Czar, or German control to protect them in their rights of life, liberty, and property. There are hundreds of thousands of Germans living in Russia. They speak the Russian language. They have been colonized there for hundreds of years. They are German in sentiment and in thought. They understand the weakness of the whole Slavic race. And they will control Russian finance and Russian commerce. They will develop the mighty undeveloped resources of Russia.

The world frustrated the Germanic scheme of a Mitteleuropa, a great interior empire that would reach from the Baltic to the Caspian, from the Caspian to Bagdad, but at what awful costs? With a casualty list of at least 27,000,000 and with a destruction beyond computation. It is now proposed to allow her, the defeated country, the control of a country ten times greater in area than that which measured her ambitions when she launched this war.

No matter what the careful wording of this resolution is, I ask myself this question: Would an affirmative vote by me give aid and comfort to Lenine and Trotsky? Would it please the Bolsheviks throughout the United States? Would it aid and strengthen their cause? The answer must be that it would so do. The American Bolsheviks all agree that we have no right to battle against their brothers in crime across the ocean. We are to-day deporting these criminals because they favor bol-

shevism in this country. At the same time we are purposing in the resolution to subserve Bolshevik rule in Russia. I fail to see the consistency. Senators declare that it is none of our business what the Russian people do toward each other. That was not what we said when we intervened in Cuba and made war on Spain. I think we and our allies have shamefully treated the real Russian patriots. We have failed to give them the support which by every principle of honor as well as of military strategy we should have given them. We have painted in glowing terms on the floor of this Senate the fidelity of that band of Czecho-Slovaks who, after Lenine and Trotsky had surrendered the Russian Army to Germany, refused to abide by that surrender and began their perilous march across the mighty continent to join our force in France. They were betrayed by the Bolshevik authorities. They were told that if they would surrender their arms they would be given free transportation to the Siberian coast.

They surrendered their arms and then without arms they fought and won a battle in order to reinvest themselves with that element of self-defense and of war. They fought without guns and maintained their organization. They are somewhere up in central Russia to-day. Senators probably would abandon this little band of friends. I would not. We have a little Army—a few thousand men—protecting American property from these bandits. Senators would not increase that force to such an extent that it could take the offensive.

In making this statement, Mr. President, I do not wish it to be understood that that is the position of the proponent of this resolution. If I understand him correctly, his position is that we either ought to bring them out, or we ought to support them with a sufficient number to protect them. I want to leave the alternative out of the question and declare that it is our business to put sufficient soldiers in Russia to support them and make good our agreement with the Russian people.

I would increase our force to a hundred thousand or five hundred thousand, if necessary. I would save Russia. I would stay the hands of the robber and the murderer until the law-abiding, the decent people of Russia, could hold an election and establish a government. It is argued on the floor by Senators that we have no right to be there because we have not recognized any government. To my mind that is one great reason why we should be there, to see that there is a government organized, for no man acquainted with the situation could call the Bolshevik control a government.

Mr. President, we are in war. The Russian Bolsheviks are our enemies. By their action they inflicted a greater damage on us at a most critical period in the history of the war than was ever inflicted by the whole German armies when they centered their force against the armies of Haig in a drive to the sea. Lenine and Trotsky made it possible to make that drive. They are in exactly the same position that a regiment or a division of our Army would have been in had they deserted our country and joined the ranks of our enemies. Would Senators say that we should not have fought them because they were Americans or because we had not recognized them as an enemy division?

Not only this, Mr. President, but there is a moral obligation resting upon this country to sustain the real Russian people, our friends, as against the Bolsheviks, our enemies. Let us see if there is any foundation for that moral duty. In the war address of President Wilson, made before the two branches of Congress on April 2, 1917, speaking of Russia, he uses this language:

The autocracy that crowned the summit of her political structure, long as it had stood and terrible as was the reality of its power, was not in fact Russian in origin, character, or purpose; now it has been shaken off and the great, generous Russian people have been added in all their naive majesty and might to the forces that are fighting for freedom in the world, for justice, and for peace. Here is a fit partner for a league of honor.

To whom did the President refer at that time? Was he referring as a fit partner for a league of honor to the Bolsheviks of Russia? Could he have had in mind Lenine and Trotsky, with their Bolshevik following? No, Mr. President; he spoke of the real Russian people, weak as they were, uninformed as they were—the easy prey of the demagogue and the extremist, but nevertheless sound of heart and honest of purpose. Which one of these two classes of people is the President about to take into the partnership of nations?

Again, article 6 of the 14 conditions of peace declared by the President in his address before the two Houses of Congress on January 8, 1918, reads:

6. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unbiased opportunity for the independent determination of

her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing—

Mark that, "under institutions of her own choosing"—

and more than welcome assistance of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will and of their comprehension of the needs, as distinguished from their own interests, and of their intelligent and unselfish sympathy.

Are we obtaining for her an unhampered and unbiased opportunity for the independent determination of her own political development and national policy? Are we not purposing by the withdrawal of our armies to desert her while her people are being murdered and starved to death by hundreds of thousands by the criminals in control of her territory and resources? In what way are we assuring her of a sincere welcome into the society of free nations under institutions of her own choosing? She chose a legislature. That legislature and all legislative form of government was destroyed by the Bolsheviks. In what respect are her institutions to-day of her own choosing? If the treatment which is being accorded Russia by her sister nations is the acid test of our good will, then God forgive our infidelity.

Mr. President, it has been asserted on the floor of the Senate that no faction of the people of Russia desire our interference. I can not believe it. It is impossible of belief. It is impossible that the majority of the people in Russia are content to have their best citizens murdered, their property looted, their daughters assaulted in the shameful manner disclosed from every reliable source in all the investigation upon the subject. Testimony has been taken from a reliable source, from people who have been living in Russia for years, bearing upon the Russian situation.

I wish here to have read into the RECORD an address by a lady who is described as the mother or grandmother of the Russian revolution. I take that method of designation because it is more clear than to attempt to pronounce her name. I wish to have the Secretary read that short address which she gives to the American people. This address was given a few days ago in New York.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

AN APPEAL TO THE AMERICAN PEOPLE.

[By Catherine Breshkovskaya, at a mass meeting at Carnegie Hall, Monday evening, Feb. 10, 1919.]

There are two reasons why I am speaking aloud and openly about the affairs of Russia, about the conditions our country is living through in this critical hour of her history, and what are her greatest needs in this hour.

The first reason is that Russia, although the most backward in her culture, has rendered such great services to Europe, and therefore to the whole world, that she deserves the full attention of all her friends and allies. For many centuries Russia served, and still serves, as a barrier, defending Europe against the raiding forces of Asia. By a great price, the price of her own blood and progress, Russia guarded the might and the culture of the European peoples. She withstood with her own back the incessant shocks of wild invaders, and for centuries was obliged to concentrate her forces only for self-defense, for the preservation of her independence and safety. Russia had hardly the time to fortify her position in the East before Europe itself began to hit her, and blow after blow fell on her shoulders again and again. Twelve different nations sent their forces, under the leadership of Napoleon the First, to destroy and conquer Russia. Our large country saw her cities ruined, her villages burned, her treasures robbed.

A century passed. Russia rose up and entered the family of peoples who struggled toward freedom and light. But it was not fated that our people should rest, should be left to work for themselves. A treacherous, merciless war, the work of her neighbor, waited Russia, and during five years Germany has tyrannized our country in concert with her allies, the treacherous Bolsheviks. Material poison, moral, spiritual poison—all the diabolical machinery was put into action to bring our beautiful country to the ground. The very heart of Russia, her very mind, is injured by the venom brought across her boundaries by her enemies. Cooperating with Lenine and Trotzky, the Government of Germany strove to poison the very conscience of the Russian people. But she, my motherland, bore up against even this trial. The mind and conscience of a great people will never die! They already awoken to a new and better life. The enlightened Russian people will come to freedom and democracy.

Russia has rendered great services to humanity by carrying on her shoulders the defense of Europe from Asia. She took those burdens from the shoulders of other European peoples and gave them the opportunity to continue in safety their progress, remaining herself for centuries the sentinel of civilization. Now, when these historical services, and even the recent enormous Russian sacrifices in the war with Germany, are forgotten, Russia has the right to present her account to mankind.

This is the first reason for making my appeal to the American people. And if you ask me who it is that has authorized me to make it, I answer that it is my 75 years of life among my people and my 50 years of struggle for the freedom, the honor, and the welfare of my motherland. I am authorized by my infinite love for Russia, by my anxiety to see her happy, by my fear to see her future endangered. And, proud of that love, proud of the confidence of my people, I appeal to you, citizens of America, and remind you that there, far away, lives a true and honest democracy, ready to pursue her way side by side with you if you desire it.

Do you ask me why I especially address my woes and sorrows to you? It is because we Russians regard you as a people that have always

cherished their liberty; that have always held high the standards of democracy; that have never stood for despotism and oppression. And also because many times have we heard from you words of friendship, words that give us Russians the hope to see in you faithful brothers, always ready to aid us in the hour of our hardships.

This hour has come. And I, the old nurse of my beloved suffering child, I come to tell you, friends, about its sufferings. Great are these sufferings, and undeserved. It would be a great sin to leave Russia alone, her bleeding wounds unattended. While we lived through all the horrors of war, paying 10,000,000 in casualties, of whom 3,000,000 are dead, and as many disabled for life, your sufferings in this war were comparatively small. Never did the enemy tramp your soil, never destroy your towns, never burn your villages, never cut down your forests and gardens, never violate your daughters, never shoot thousands of your innocent citizens, never force on you a civil war with blood, robbery, and slaughter.

The United States does not count her war orphans by the millions, and she is happy in that she is sure of her future. Her children are growing up without witnessing atrocities and degradation. May the security and the happiness of the American people be blessed forever! My friends, he who has much must give much. From the very beginning of the history of this country we see her people possessed of a high degree of culture and spiritual enlightenment; we see in them fighters for liberty, defenders of human dignity. We see in the people of this country the eldest brethren of the Russian people, and we hope that they will stretch forth their hands to us without pride, unselfishly, bringing moral and material aid.

Of what nature should this aid be? What are the immediate needs of the Russian people? Our greatest, deepest, most immediate need is the creation of conditions under which the Russian people will be able to convoke an all-Russian constituent assembly. Russia will never be quiet and satisfied until her representatives, freely chosen by the entire population, will establish a constitution for the State, will lay the foundation for a stable, democratic government, insuring laws that accord with the will and desires of the Russian people. The demand for a constituent assembly was one of the main aspirations of the Russian revolution. It was on the eve of its realization when the Bolshevik revolt, in November, 1917, tore out of the hands of the people the beautiful possibility to make laws for themselves, to trace the path for their future, to construct a new life in accordance with the interests of the masses, to strengthen peace and insure the common welfare. The constituent assembly, elected by the entire Russian people on the basis of universal, direct, equal, and secret suffrage was dispersed by the Bolsheviks with bayonets.

A year ago our allies, together with the devoted and proven friends of the Russian people, could have created the conditions necessary for the convocation of a constituent assembly. The opportunity was lost, and our masses, simple-minded, naive, and credulous, tired out by their past misfortunes, became a prey to the base and rapacious instincts of selfish, ambitious, and merciless people. Under the circumstances, Russia faces a long and cruel struggle with all the evil which has entered her life. She has to suffer all the pains inevitable in the conditions of a people clearing its way to a better future. Many opposing forces bar this way; they check the normal course of events and make the people suffer and suffer more in their struggle to get the right issue out of the insurmountable chaos.

The world is curious to see the outcome of this deadlock, the issue of this conflict of passions, theories, and aspirations, the conflict between the people striving for a brighter life, and the hideous treachery handicapping the great people.

There is no doubt that Russia will be able to find the right path, but her pains, her bloody sufferings will be known only to the millions of Russian mothers and the millions of our other innocent martyrs, our orphans. Flooded with tears and blood, Russia moans and cries out to the world. She is a living body, and her tortures can not be looked upon cold-bloodedly as an extraordinary, never-before witnessed experiment in social evolution. She is alive, and every pore of her body is shedding blood. The illness that was not stopped in time, I fear, may be prolonged for years. Only through insistent and incessant work and efforts can Russia be brought to the normal conditions, to the position in which she found herself two years ago, after the glorious revolution of March, 1917. In those days there was real freedom in Russia, and it seems that our young country had every possibility for peaceful evolution and the free building of her future. I may assert, without boasting, that the March revolution, perhaps the most beautiful and the most rational revolution in the world, was brought about, among other factors, through the efforts of the party of Socialists-revolutionists, whose program for more than one-half century presents a basis for settlement which will satisfy the demands and aspirations of the overwhelming majority of the Russian people.

But, unfortunately, our people, young and inexperienced, could not at once find the true path, and, if abandoned by their friends, they may not find it for a long time. It is your duty, good friends, to aid them by your sympathy and your deeds. Especially by deeds, for our people, long deceived in their hopes, will give credit only to those who really and practically give them proof of their sympathy, to those who aid them to elevate and educate the new Russian generations, the millions of Russian orphans deprived of shelter and the most elementary means of education.

Russia is exhausted through the war and the terrible civil strife. Her industries are disorganized, her means of transportation are destroyed, her educational system is at a standstill. Without industry, means of transportation, and education, Russia faces conditions the horror of which can not be expressed.

I undertook it as my task to present to the American people the tragedy of the people of Russia in order that the American democracy might render us the immediate help necessary for reestablishing democratic order for convocation of the Constituent Assembly and creating conditions whereby peaceful progress may be possible in Russia. Recalling with gratitude the true friendship which the people of this country have shown me during my exile in Siberia I appeal to the people of the United States to help my suffering people, the people of Russia.

CATHERINE BRESHKOVSKAYA.

FEBRUARY 11, 1919, New York.

Mr. McCUMBER. Mr. President, I feel a little guilty perhaps for having had read at this time such a long excerpt from an address, but it so clearly and simply gives the situation in Russia that I felt it was due that the American people should know the conditions from a Russian standpoint.

Mr. President, I wish that some member of the Judiciary Committee had presented some of the testimony which has been taken before that committee upon the Russian situation. I wish it could be published to the American people before the peace treaty shall have been signed, so that the people, once realizing the awful condition there, would insist that we should sign no peace pact until the declarations made by the President of the United States to protect Russia until she could establish a government of the people, until she could elect a representative assembly, should have been carried out.

The only information I get is from excerpts published in the press. These excerpts, I am informed, evidence but a fraction of the horrible condition disclosed by the entire testimony. I read an excerpt from the testimony of Rev. Dr. George L. Simons, superintendent since 1907 of the Methodist Episcopal Church in Russia and Finland, who left Petrograd the middle of last October. Let me quote a few sentences as to whether the Bolsheviks are allies or enemies:

Q. Can you tell us the real attitude of the Bolsheviks so far as it regards the two groups of belligerents in the war?—A. Lenine and Trotsky were always saying bitter things against the allies—

was the answer—

They scattered posters in which they described the allies as the blood drinking and flesh eating allies. They named France and England, but as I recollect did not specify the United States, the reason, in the opinion of the leading diplomatic representatives, being what may be described as a sort of strategical trick. They figured out that in the event that Bolshevism failed, as they knew it might, they would need a land of refuge, and they wanted the United States to be their asylum. The real Bolsheviks are awedly antially, and I have no hesitation in saying that they have a real affection for Germany. This fact has been proved time and time again.

That they are enemies of the United States, that they are friends of the enemy is demonstrated in every possible way. Nothing could be more brutal, insulting, and defiant than their published articles against the United States.

I should like to have the thinking American people, at least, read the message that was received by the President of the United States from the Russian Soviet some months ago. It was so insulting to the President, so brutal, so low, that I feel that I would not be justified in having it printed in any American record.

Dr. Simons told of witnessing the murder of two young men in front of his office in Petrograd, the killing taking place a few minutes before Ambassador Francis, who was his dinner guest that night, arrived at his home.

Asked to estimate the number of persons who had been murdered by the Bolsheviks, Dr. Simons replied that it was in the thousands, but that no man could at this time even approximate the number of the victims.

"The Bolsheviks never investigate. They kill on the spot, as a rule," he added.

Dr. Simons cited the case of two brothers. One was wanted by the Bolsheviks to answer a certain charge. They were unable to find the brother sought, so they killed the one against whom there was no charge or suspicion.

Blackmail and graft were everywhere recognized, said Dr. Simons. If a person could get the money, he said, it was generally possible to buy even one's life from the present régime. However, few had the money, and the killings went on.

"What about the criminal element in the present régime?" Senator KING asked.

"There is a large criminal element in the Bolshevik régime," was the answer. "The fact that the criminal has a big part in the movement is proved by the destruction in public bonfire of court records, the destruction of prisons, and the liberation of all criminals who are sympathetic with the cause. We know it to be a fact that some of the worst criminal characters in all Russia hold positions under the Bolshevik government, while others are helping as agitators; while under the damnable system they call nationalization the criminal is actively cooperating." (New York Times, Feb. 13, 1919.)

"What of the treatment of women and girls?" Senator KING asked.

"That is a terrible question to answer. I might cite case after case in answer to it. Let me cite one of the worst: 'A few days before I left Petrograd, in October last, a woman of the highest culture, a woman more than 50 years of age, and a teacher for years in a famous imperial institute for the education of young girls, called on me. She was in hysterics. 'Why have I lived to see all this!' she sobbed.

"Then she told the story. The institute in which she taught is one of the finest buildings in Petrograd. She said that the Bolshevik authorities had barracked hundreds of the Red Guard in one wing of the building, and in doing so issued orders that all girls of and between the ages of 16 and 18 years were to remain in the building.

"I wish," the poor woman exclaimed, as she tried to tell the rest of the horrible story, 'that I had died before this thing happened.'

"And that," asked Senator WOLCOTT, "was the result not of the act of irresponsible guards but of the Bolshevik authorities?"

"Yes."

"In other words," said Senator KING, "these poor little girls were the victims of the lust of these unspeakable creatures?"

"Yes; of the dirtiest pigs the world has ever seen. So vile no words can describe them."

Sensors, have we so lost our sense of repugnance for atrocities of this character that while this war is continuing, while these people are our enemies and are fighting our soldiers, we propose to withdraw our troops and submit the poor innocent victims and the good people of Russia to such brutal attacks?

Mr. FRANCE. Mr. President—

Mr. McCUMBER. I yield.

Mr. FRANCE. Do I understand that the Senator is in favor of maintaining war against the Russian people?

Mr. McCUMBER. I am in favor of maintaining war against Lenine and Trotzky, and I am in favor of fighting the battles of the poor innocent Russian people, who are in the grasp of these damnable beasts.

Mr. FRANCE. Do I understand that for the purpose—

Mr. McCUMBER. The Senator understands my position, I think.

Mr. FRANCE. I regret that I do not understand, Senator.

Mr. McCUMBER. I am sorry.

Mr. FRANCE. But perhaps it is my own fault.

Mr. McCUMBER. It is undoubtedly mine.

Mr. FRANCE. It seems to me that the Constitution of our country very clearly provides that the carrying on war against a foreign people should only be after a declaration of war by the Congress; and does not the Senator realize—

Mr. WALSH. Mr. President—

Mr. McCUMBER. The Senator from Maryland has not finished his question.

Mr. WALSH. I rise, Mr. President, to remind the Senator from North Dakota that he was warned by the Senator from Alabama [Mr. BANKHEAD] some time ago that he would invoke the rule if the Senator from North Dakota yielded further, and that the Senator would thereby lose the floor.

Mr. McCUMBER. I recognize that; and I hope the Senator from Maryland will not ask the question.

Mr. FRANCE. I did not know that there was a rule in the Senate to that effect.

Mr. McCUMBER. There is such a rule, but it is provided that simply the asking of a question is not subject to the rule, as I understand; and I understood the Senator simply wanted to ask a question. Heretofore Senators have gone on and expressed their own convictions on the subject and not confined themselves to questions.

Mr. FRANCE. I think it is very important that the document be made perfectly clear. The Senator has my question, however, and I do not care to elaborate on it. I think he understands what is in my mind.

Mr. McCUMBER. Of course I understand. Mr. President, we declared war against Germany, and when Lenine and Trotzky sold out the Russian army to Germany and when Lenine and his following supported the German régime in every possible way, then we were in war against every one who supported our enemies. Lenine and Trotzky did support our enemy, and surrendered our allies to that enemy. I have already made myself clear in a declaration that we are exactly in the same position as though Italy an ally had surrendered her armies and used them to support Germany. We would then be fighting Italy or fighting that portion of Italy that was supporting Germany. If we fight these beasts we are fighting our enemies, worse enemies than the Germans, because the Germans were our open enemies, while the others parading as our allies betrayed us.

Now, Mr. President, I will go on with these questions.

In another instance I was told of a group of young girls who were approached and advised to go out into the Norsky Prospect and "do as the prostitutes are doing."

"Do the Red Guards," Senator KING asked, "rape, ravish, and despoil women at will?"

"They certainly do."

I have no hesitation at all in saying that I am willing to put this country in war against those beasts.

Again says Mr. Simons:

I am strongly convinced that in all main essentials the aims of the Bolsheviks and of the I. W. W. are identical. Minister of Posts and Telegraphs Zorin, who lived eight years in the East Side, told me once that they expected to get Germany after Russia, and after Germany they would tackle the United States.

We are passing laws against the I. W. W. in the United States. We are deporting them; we are sending them out of the country; but we must not lay our hands upon these brutes in Russia. I disagree with the contention of anyone who would not have us make war. I would make war until we redeem the promise that we made to Russia.

And again:

"Can you tell us anything of the treatment accorded the so-called bourgeoisie, or middle classes?" Senator NELSON asked.

"Thousands upon thousands of them have been starved to death," Dr. Simons answered. "I have seen the walking shadows of these dying human beings in the streets of Petrograd. Thousands have dropped dead in their tracks. I have seen them myself. I have seen some of the finest men of the old days standing starving in the streets, and with outstretched hands begging a few kopecks. I have been in the homes of the best people of Petrograd, in which there has been no

bread for weeks. When I say the better class I mean the people who believe in a clean handkerchief and a white shirt."

"What of the Red army; what is it?"
"It is a mass of Letts, Chinese, Germans, Austrians, Hungarians, and unfortunate Russians who have been forced to serve. But for these outsiders there never would have been a nucleus for a Red army."

I again quote something from the testimony of Madam Breshkovskaya, known as "The Grandmother of the Revolution":

Q. Madam, can you give us any fair estimate as to the number of people who have been killed by the Bolsheviks?

And I want Senators to listen to this answer:

"Well," replied Madam Breshkovskaya, "in the little more than one year of Bolshevik rule, there have been twice as many Russians—men, women, and children—killed as there were soldiers killed in the front during the almost three years that Russia was actively in the war."

And it is estimated that there were 3,000,000 Russians killed in battle. That means, if her statement is true, that 6,000,000 poor Russian people have been murdered since the President made his declaration that the United States would assist Russia in establishing a constitutional government.

"For instance, there were 2,000 officers in one prison who were killed at one time. Every man, woman, or child who opposes bolshevism in any way risks his life."

Shall we do nothing because Russia is on the other side of the ocean? Why, eastern Russia is only 30 miles from us across the Bering Strait; but here is an atrocity a hundred thousand times greater than the atrocities committed against our Cuban people, for which we made war on Spain.

Again, she says:

Two years ago when the Czar was overthrown we were happy. We expected and had reason to expect excellent laws; we expected political peace and social freedom. None of these things has been realized. We thought we were going to get a national assembly and a constitution, and we got neither.

Now, we promised that we would help them get both. That was one of our agreements, that we would not make peace with Germany until we had assured both a constitutional and a national assembly.

For six months we were free, and then came these German-dominated Bolsheviks.

Again:

So it was that Russia fell into the hands of these two ambitious creatures, Lenine and Trotsky. There are some who think that after Bolsheviks will come another Czar, and then the freedom that we thought we had will be but a legend. To-day Russia is in ruins.

And I want Senators to mark this:

If you had given us 50,000 good soldiers there would have been no bolshevism. The peasants are against the Bolsheviks, but they have no arms.

Mr. President, that statement that 50,000 soldiers would have saved poor Russia is given again and again by other witnesses, prominent men in the United States, and those who understand the Russian situation.

Again:

There is robbery everywhere. The brigands control and everybody has been robbed. All Russia is physically and morally depressed, and bolshevism is spreading around us. All the best men in Russia, the professors, the literateurs, all the rest, they have gone. We do not want another Czar, yet if bolshevism rules many years more, Russia will be dead.

Oh, Mr. President, think of a people who pass a resolution that intelligence is a crime, and that people who intellectually are above the lowest class of criminals must be killed in order that the world may be propagated by the lower class! We are asked to league ourselves with that class of people, to take them into a league of nations!

Mr. President, here is another question:

Q. Do you really believe that Trotsky and Lenine are the tools of Germany?

A. "I do not believe it; I know it," the old woman answered, as she banged her hand on the table.

Q. "Isn't it a fact that the Russian people would prefer a Czar to the Bolsheviks?" Senator NELSON asked.

A. Certainly they would prefer a Czar to Lenine and Trotsky; but we do not want a Czar again.

Q. What proportion of the peasants are against the Bolsheviks?

A. Practically all of them. In some places they are fighting them with sticks now.

Q. "Do you think that we should withdraw our troops, and by 'we' I mean the allies?" Senator STERLING asked.

A. If they will fight with us against the Bolsheviks; no. The Czecho-Slovaks are standing all alone, and they are far too few in numbers. There are only a few thousand of French, British, Americans, and Italians with them.

Q. Do you think we should treat or deal in any way with the Bolsheviks?

A. Certainly not. They have destroyed all the honest and intellectual life of Russia. All honest people are their enemies.

Mr. President, I want to present a little article here from one of their declarations of principles. It reads:

Another phase of bolshevism and one not hitherto referred to at this hearing is what the Bolsheviks call the "Leveling of Intelligence." This forms one of the most ghastly effects of the system. Persons, under the regulation, who are considered to have more intelligence than is considered healthy for the cause of Lenine and Trotsky are arrested, thrown into prison, and I am certain in great numbers of in-

stances put to death simply because they were considered of higher intelligence than the leaders approve of. This one phase should indicate to any thinking man or woman in America what bolshevism is and what its spread means to the civilized world.

"What can you tell us of the policy that is known as the nationalization of women," Mr. Simons was asked.

Mr. President, I am going to put into the RECORD, without reading, the principles that are enunciated by the Bolshevik government for the nationalization of women. I shall not ask the Secretary to read it. It is not fit to be read in a mixed audience. It is so filthy, so brutal, that I am surprised that whole country does not awaken in indignation and declare that the civilization of the world demands the extermination of such beasts. I will ask, Mr. President, that it be printed in the RECORD, and then all who desire to read it in privacy may do so.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

DECREE OF SARATOV SOVIET.

The first decree read by Mr. Simons was dated March 15, 1918, and was issued by the anarchist Soviet, which was charged by Lenine and Trotsky with the government of the city of Saratov. The official translation of the decree reads:

This decree is proclaimed by the Free Association of Anarchists in the town of Saratov. In compliance with the decision of the Soviet of Peasants and Soldiers and Workmen's Deputies of Kranstadt, the abolition of the private possession of women.

MOTIVES.

Social inequalities and legitimate marriage having been a condition in the past which served as an instrument in the hands of the bourgeoisie, thanks to which all the best species of all the beautiful women have been the property of the bourgeoisie, have prevented the proper continuation of the human race. Such ponderous arguments have induced the present organization to edict the following decree:

1. From March 1 the right to possess women having reached the ages 17 to 32 is abolished.

2. The age of women shall be determined by birth certificate or passports or by the testimony of witnesses, and on failure to produce documents their age shall be determined by the Black Committee, who shall judge them according to appearance.

3. This decree does not affect women having five children.

4. The former owners may retain the right of using their wife without awaiting their turn.

5. In case of resistance of the husband he shall forfeit the right of the former paragraph.

6. All women according to this decree are exempted from private ownership and are proclaimed the property of the whole nation.

7. The distribution and management of the appropriated women in compliance with the decision of the above said organization are transferred to the Anarchist Saratov Club. In three days from the publication of this decree all women given by it to the use of the nation are obliged to present themselves to the given address and give the required information.

8. Before the Black Committee is formed for the realization of this decree the citizens themselves shall be charged with such control. Remarks: Each citizen knowing a woman not submitting herself to the address under this decree is obliged to let it be known to the Anarchist Club, giving the full address, full name, and father's name of the offending woman.

9. Male citizens have the right to use one woman not oftener than three times a week, for three hours, observing the rules specified below.

10. Each man wishing to use a piece of public property should be a bearer of certificate from the Factories Committee, professional union, or Workmen's, Soldiers', and Peasants' Council, certifying that he belongs to the working family class.

11. Every working member is obliged to discount 2 per cent from his earnings to the fund of general public action. Remarks: This committee in charge will put these discounting funds with the specifications of the names and lists into the State banks and other institutions handing down these funds to the popular generation.

12. Male citizens not belonging to the working class in order to have the right equally with the proletariat are obliged to pay 100 roubles monthly into the public funds.

13. The local branch of the State bank is obliged to begin to reserve the payments to the national generation funds.

14. All women proclaimed by this decree to be the national property will receive from the funds an allowance of 238 roubles a month.

15. All women who are pregnant are released of the direct State duties for four months, up to three months before and one month after childbirth.

16. The children born are given to an institution for training after they are 1 month old, where they are trained and educated until they are 17 years of age, at the cost of the public funds.

17. In case of a birth of twins the mother is to receive a prize of 200 roubles.

18. All citizens, men and women, are obliged to watch carefully their health and to make each week an examination of urine and blood. Remark: The examinations are to be made daily at the laboratories of the Popular Generation Health.

19. Those who are guilty of spreading venereal disease will be held responsible and severely punished.

20. Women having lost their health may apply to the Soviet for a pension.

21. The Chief of Anarchists will be in charge of perfecting the temporary arrangements and technical measures concerning the realization of this decree.

22. All those refusing to recognize and support this decree will be proclaimed sabotage, enemies of the people and counter anarchists, and will be held to the severest responsibilities.

(Signed) COUNCIL OF THE CITY OF SARATOV, RUSSIA.

Any girl having reached her eighteenth year and not having married is obliged, subject to the most severe penalty, to register at the Bureau of Free Love of the Commissariat of Surveillance.

Having registered at the Bureau of Free Love, she has the right to choose from among the men between the ages of 10 and 50 a cohabitant husband.

Remarks—(1) The consent of the man in the said choice is unnecessary. (2) The man on whom such a choice falls has no right to make any protest whatsoever against the infringement.

The right to choose from a number of girls who have reached their eighteenth year is also given to men.

The opportunity to choose a husband or wife is to be presented once a month.

The bureau of free love is autonomous.

Men between the ages of 19 and 50 have the right to choose from among the registered women, even without the consent of the latter, in the interests of the State.

Children who are the issue of these unions are to become the property of the State.

The decree states further that it has been based on the "excellent example of similar decrees already issued at Luga, Kolpino, etc."

A similar "project of provisional rights in connection with the socialization of women in the city of Hvelinsk and vicinity" has been published in the Local Gazette of the Workers' and Soldiers' Deputies, Mr. Simons said.

"Gentlemen," added Mr. Simons, as he finished reading the Vladimir decree, "these documents speak for themselves. God and morality are unknown to the Bolsheviks, and everything that makes life decent and worth living is in jeopardy if this thing is permitted to go ahead."

Mr. McCUMBER. Now, Mr. President, I want to ask that there be inserted and printed in the RECORD as a part of my address an article printed in the press a short time ago—I think it was the Post—by Archibald Hopkins, pertaining to the Russian situation; a very strong article, in which he demonstrates beyond any question that we could restore order with the use of not more than 100,000 troops, including the United States and our allies.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

WOULD WAR IN RUSSIA—SEND ADEQUATE AMERICAN ARMY, URGES ARCHIBALD HOPKINS—BOLSHEVIKI RISING MENACE—STATE OF WAR NOW EXISTS BETWEEN UNITED STATES AND FORCES OF DISORDER BOTH HERE AND IN RUSSIA—DUTY OF AMERICA TO EXTEND AID TO HELPLESS PEOPLE AND PROTECT OWN LAND.

[By Archibald Hopkins.]

The objection to keeping American troops in Russia is being loudly and persistently made in the Senate on the ground that we are not at war with the Bolsheviks. Such is not the case. Not only are we openly engaged in fighting them, but they are just as openly at war with us in the field in Russia and in our cities and towns all over the United States.

They have plainly and repeatedly declared it to be their purpose to destroy this Government and to substitute for it the beneficent rule of a single minority class which they are exercising in Russia. Consequently we are bound to fight them wherever we can do it most effectively. If a man found rattlesnakes crawling onto his premises every day from the same direction, he would not wait till they had spread and bred all over his farm but would trace them to their den and exterminate the whole brood.

STRIKE AT SOURCE ONLY WAY.

And that is the only way to deal effectually with the Bolsheviks. Put them down at the source and their poison will cease to spread. In doing that we should be acting strictly in self-defense. We are in more danger from their infamous propaganda than we ever were from German militarism.

President Wilson refused to treat with the government that stood behind that, and said there must be force and still force, until it was overthrown. He further declared in one of his propositions that there could be no peace while arbitrary power is anywhere exercised. Now he is negotiating for peace with men far more arbitrary, oppressive, and cruel than czar or kaiser, men who in shameless, bloody atrocity and robbery have surpassed the Huns, who have abolished God and religion and made women common property, done away with the home and family ties, and who aim to cover the whole earth with their deadly, miasmatic control.

BOLSHEVIKI TOOLS OF GERMANY.

What do Americans think of their representative sitting down at a table to make peace with them? And what do they think of the selection to represent them of a man in full sympathy with Bolshevik principles and in daily accord with some of their most revolting practices? What does it mean? Why is not the same rule of force applied to them which overthrew the Kaiser and his Government?

Another thing we should think of. If we and the allies recognize the Bolsheviks, as we must, if we come to terms with them, the result will be that, incapable as they are of forming an effective government and ignorant and helpless as are the majority of the Russian people, they will inevitably come completely under the control of Germany, whose paid tools and agents, Lenine and Trotzky, have been proven to be, and Germany, nominally defeated, will in 10 years have accomplished all she set out to do.

She will have dominion over the vastest and richest undeveloped territory on earth, with a man power which, with German training and an undying desire for revenge, could defy and overrun a world in arms.

ONE HUNDRED THOUSAND MEN CAN RESTORE ORDER.

A year ago Kerensky's secretary of war said 40,000 men could have put an end to Bolshevism. The best Russian authorities say 100,000 can go easily to Petrograd now, restore order, reconvene the constituent assembly and stay by it till an all-Russian Government is established. The people—all but the Bolsheviks—would gladly welcome such a force.

Do not we and the allies owe that much to Russia? Had it not been for her wonderful fighting at the beginning of the war, which, at a sacrifice of over 6,000,000 men, held the entire Austrian Army and a large German contingent in the east, France would certainly have been overrun, the allies beaten, and we, wholly unprepared as we were, left at the mercy of the Huns. That the Russians were drawn back and demoralized and fell out of the conflict was no fault of theirs. They were cut off from supplies through the Black Sea, were almost deprived of arms, clothing, and food, and, being ignorant, became easy prey to German and Bolshevik propaganda and corruption.

SPANISH WAR SAVED CUBA.

They could no longer fight. One of the most creditable chapters in our history points the way to what we should do for Russia. Why did we go to war with Spain? Not that we had any casus belli with her, not that we were under any obligation to Cuba, but because, having the power to stop it, we were unwilling to stand by and see her cruelly oppressed and denied the right of self-government. We declared war and rescued her, established a government of justice, and as soon as she was ready we turned over the island to her own control, under which peace and prosperity have continued to reign.

There are much stronger reasons why we should help to drive the Bolsheviks out of Russia than there were to drive Spain out of Cuba. The Russians have always been our friends and have fought our battles.

SUFFERINGS WORSE THAN CUBANS.

Their sufferings are a thousand times greater than were the Cubans. They are even more helpless, and they are looking to us for rescue. In helping them we shall be protecting ourselves.

Let me repeat what I have already said, for one father and mother. We have an only son who has been wounded in France, and is now on the Atlantic on his way home. Far rather would we have him turn back, if need be, though not with a handful of men, which an indecisive, ineffective, worse than useless policy has sent to Russia, but with an adequate, well-equipped force, able to do with the help of our allies what we did for Cuba.

I do not believe that the fathers and mothers and sons of America, having put their hands to the plow, wish to turn back and leave their great task unfinished.

Lloyd George has stated that it is wholly due to America's unwillingness to act that nothing is done. Has America made any such declaration? Has anyone been authorized to make it for her?

God forbid that such a record shall become a page in our honorable history. God forbid that the allies and ourselves stand by supine till all that is best in Russian life is exterminated, and the process is completed by which it can be said of her "they make a solitude and call it peace."

CRIES OF HELPLESS ASCEND.

In that process our Teuton enemies are cooperating in order that Russia may become a German asset. Shall we by our acquiescence join in the work? Shall we with such a spectacle of misery and despair as presents itself in Russia, hopeless without some such succor as we have ample power to furnish, as the cries of starving infants assail our ears, and the appealing, outstretched hands of bleeding victims of assassins meet our gaze, saying coldly, "It is no concern of ours; the day of self-determination has come; you must yourselves determine what to do and carry your own conclusions into effect," pass by on the other side? Is Russia less our neighbor than Cuba because she is farther away? No matter what covenants Mr. Wilson is bringing home, there can be no real or lasting peace till there is peace in Russia. Shall it be a peace with a future of hope and the beginning of good government or shall it be the peace of death? It is for us to say.

Mr. McCUMBER. I have here, also, Mr. President, a number of letters, one of them written by a man who was a major of Cavalry, who has been in Russia for some time, strongly supporting the views that I have given, giving many reasons, and, possibly, in very much better language than I have been able to express my own views. I will ask, also, that it may be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

INVERFINS, LAKEWOOD, N. J.,
February 20, 1919.

MY DEAR SENATOR McCUMBER: I notice in the paper that you have introduced a bill declaring it to be the duty of the United States to send a sufficient number of troops to Russia to defeat the Bolsheviks in Russia itself. While we are all debating the subject of restricting the menace of this accursed creed in America, few seem to realize the necessity of crushing it in the place of its inception. I earnestly hope that your bill may be favorably reported and a chance given for debating it in the United States Senate.

There has been an extraordinary amount of misinformation presented in the form of evidence before various committees in Washington to the effect that it would take from one to three million men a generation to restore order in Russia. That such statements are absurd I feel confident in stating without reservation, whether the statements come from military or civil authorities. They certainly come from people who have no understanding whatever as to the strength and fighting capacity of the Bolsheviks in Russia. It is my opinion that in 1917 a sotnia of Cossacks could have crushed this movement in its inception. I was in Petrograd at the time, but Kerensky failed to give the order. In the early spring of this year 40,000 allied troops properly distributed and instructed to fight and not demonstrate would have done the job. I feel equally certain in stating now that 100,000 allied troops attacking from Odessa and from the north would put the armies of the Bolsheviks out of business and the party of Lenine into the scrap heap in six months.

That I am qualified to speak with some knowledge of the situation, I may state that I was in Russia during the campaigns of 1914, 1915, and 1916 as military observer of the London Times, and during that period covered the Russian front from the Baltic to the Danube and for that paper reported more than 80 battles in which the Russians took part. I was again in Russia in 1917 with the Root diplomatic mission. My evidence is not, therefore, mere hearsay but from direct observation. Either French, British, or American troops, properly supported by heavy guns and material, with plenty of aeroplanes, can always defeat from five to ten times their numbers of the mercenary troops composed of 57 varieties of adventurers which now constitute the so-called powerful army of Trotzky. I have watched the Russian Army year in and year out, both in victory and defeat, and know both its strength and its weakness and am willing to state without reservation that in the Bolshevik Army there is no strength and a hundred weaknesses which would melt before any definite allied policy, in all probability even before actual military contact were ever established.

The fact that the Bolshevik army with its alleged hundreds of thousands of troops is defeated by a fraction of its own numbers every time

It meets an army in any strength is significant enough as to its fundamental weakness.

If you ever get your bill in shape for discussion in committee, I would only be too glad to come to Washington and present concrete evidence to supplement the statements made above.

I was both speaking and writing along lines of supporting Russia up to December, 1917, when my efforts were summarily crushed by orders from the War Department. As I have been in the Army since May, 1917, I therefore was obliged to discontinue my efforts. I was discharged January 25 and am no longer under any such restrictions, and if I can serve with such information as I have in the fight against Bolshevism, both at home and abroad, I shall only be too happy. I am in Lakewood, N. J., for the winter.

Very truly, yours,

STANLEY WASHBURN,
Major of Cavalry, United States Army (retired).

Mr. McCUMBER. Then, Mr. President, I have also two other letters in support of the same proposition, each giving additional thoughts upon the subject, which I also ask may be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

4533 PINE STREET,
Philadelphia, February 20, 1919.

Hon. P. J. McCUMBER,
Washington, D. C.

DEAR SIR: I congratulate you on your resolution calling for the reinforcement of our little Army in northern Russia, which is almost the first evidence of courage and decision in the handling of this serious problem. Having sent 5,000 men up into the Arctic wilderness to do the work of 50,000, having encouraged our Russian and Czecho-Slovak allies to resist the Bolsheviks, having urged the Poles to defend their territory, we are now apparently about to scuttle out in abject surrender, leaving our allies to the tender mercies of the demonic Bolsheviks. It is the most disgraceful episode of our whole connection with the great war, and I can think of nothing in our history which approaches it in ignominy.

There is something humiliating and unaccountable in the frantic haste of Congress to hurry our troops back home, regardless of our responsibilities to the world. Why did we ever enter the war if we were unwilling to bear our share of its certain consequences? Can we not see the danger of losing the victory even now? The Germans already are urging their leaders to refuse to sign the treaty on the ground that the allies will not dare order their armies to invade Germany. Shall we play into their hands through panic fear of the Socialist vote, or the unreasoning demands of relatives of the soldiers? Never was there greater need for courage in Congress than now.

I hope you will press your resolution, and wish you entire success.

Respectfully, yours,

CHAS. E. MACKEAN.

1826 MASSACHUSETTS AVENUE,
Washington, February 20.

DEAR SENATOR: I am rejoiced to see the stand you have taken in regard to Russia, and venture to inclose something I have written on the subject. I am receiving letters showing great interest and approval and urging that it be given wide publicity, which I do not know how to compass. Would it be possible to get it into the RECORD? I feel very sure that if the allies would announce their intention of sending an adequate force and make its purpose known in Russia the Bolsheviks would scatter.

Yours, very truly,

ARCHIBALD HOPKINS.

SENATOR McCUMBER.

Mr. McCUMBER. I must admit that I have some letters here on the other side of the question. I have had a few letters that were written in very poor English and worse spelling, with black hands imprinted on them and skull and cross-bones attached, informing me what awful calamity would befall me if I dared to bring up this proposition in the Senate of the United States. Of course I understand that people who send those things out are of the Bolshevik type, who are always cowardly and would not dare to put their names to such letters, and no one needs pay any attention to them. I simply mention the fact as indicating that the Bolsheviks of this country are bitterly opposed to our warring against their co-criminals on the other side of the Atlantic.

Mr. President, I have taken up more time than I intended to in the discussion of this question, but I felt that it ought to go out to the American people before we closed this Congress that some of us on this side of the Chamber are in favor of continuing our war in Russia until we have enabled the people of that country to establish a Government, and I felt also that it ought to be known that while all of us may disagree in some respects with this particular kind of a league-of-nations proposition, there are some Republicans who are strongly in favor of this great country joining hands with the other great nations of the world and devising some kind of a scheme to protect the innocent people of the world from another such cataclysm.

ADDITIONAL PAY FOR SOLDIERS AND SAILORS.

Mr. GRONNA. Mr. President, I shall take only a minute or two of the time of the Senate. I understand there is a disposition among some Senators and also among some of the high officials of the country to take out of the Treasury of the United States billions of dollars for the improvement of desert lands

and dismal swamps and place our returning heroes upon those lands whether they want to go there or not.

Of course, Mr. President, I shall not oppose any measure which in my judgment will be helpful to these brave men, I care not what it costs our Government. But in accordance with my best judgment I believe it would be a mistake, because many of these boys are not farmers and they do not desire to go out on a farm. Certainly any man who knows anything about that struggling industry must admit that it is the least profitable one among all the industries of our great land.

Mr. President, I have prepared a bill which would grant additional pay—one year's pay—to officers and enlisted men and others serving in the Army, Navy, Marine Corps, and Coast Guard. I know it is too late to pass that bill at this time. The question might be asked, Why do you introduce it? Let me say for the information of the Senate that no bill is pending before this body or the House which, in my judgment, includes more than one-third or possibly one-half of those who served in the Army. I know it will be impossible to pass this bill at this session, but I shall again introduce it at the next session, and I shall, with all the vigor I possess, urge passage of this bill at the earliest opportunity.

I ask out of order that the title of this bill may be read and that the bill may be printed in the RECORD. It is very brief.

The PRESIDING OFFICER. Without objection, the request is granted. The Secretary will read.

The bill (S. 5678) granting additional pay to officers, enlisted men, and others serving in the Army, Navy, Marine Corps, and Coast Guard was read twice by its title and referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

A bill (S. 5678) granting additional pay to officers, enlisted men, and others serving in the Army, Navy, Marine Corps, and Coast Guard.

Be it enacted, etc., That officers, enlisted men, and others in the Army of the United States, naval service, Marine Corps, and Coast Guard, including Army field clerks, contract surgeons, members of the Army or Navy Nurse Corps (female), and members of the Naval Reserve Force, who have served the United States during any time between April 6, 1917, and November 11, 1918, shall be allowed, in addition to all pay and allowances otherwise due, an amount equal to one year's pay at the rate provided for the highest temporary or permanent grade, rank, or rating held by them during their service between April 6, 1917, and November 11, 1918: *Provided*, That the above provision shall not apply to any person whose base pay exceeds \$2,400 per annum; to any person who was assigned to noncombatant duty on account of being a conscientious objector; to persons discharged from the Army, naval service, Marine Corps, and Coast Guard as aliens; to any officer who has been dismissed from the Army, naval service, Marine Corps, and Coast Guard in accordance with sentence of court-martial; to any enlisted persons in the Army, naval service, Marine Corps, and Coast Guard who have been sentenced by court-martial to be confined in prison or to be dishonorably discharged from the service; or to any other persons of the services above enumerated whose services were not honorable: *Provided further*, That the payment of the one year's additional pay authorized herein shall be paid to all officers and men of the Army, naval service, Marine Corps, and Coast Guard whose base pay does not exceed \$2,400 per annum, who are not members of the permanent organizations at the time of their discharge from the service or relief from active duty; and all officers, enlisted men, and others in the Regular Army, Navy, Marine Corps, and Coast Guard, whose base pay does not exceed \$2,400 per annum, who are on the active or retired list, shall be entitled to credit for the additional pay herein provided immediately upon the passage of this act; and all persons entitled to the benefits of this act whose active service was terminated prior to its enactment shall be paid the additional pay immediately upon the passage of this act.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Smith, Ga.
Baird	Hardwick	New	Smith, Mich.
Bankhead	Johnson, Cal.	Norris	Smith, S. C.
Brandegee	Jones, N. Mex.	Nugent	Smoot.
Calder	Jones, Wash.	Overman	Spencer
Chamberlain	Kellogg	Page	Sterling
Colt	King	Penrose	Sutherland
Culberson	Kirby	Pittman	Swanson
Cummins	Knox	Poindexter	Thomas
Curtis	Lewis	Pollock	Thompson
Fernald	Lodge	Pomerene	Trammell
Fletcher	McCumber	Ransdell	Underwood
France	McKellar	Reed	Vardaman
Frelinghuysen	McNary	Robinson	Walsh
Gay	Martin, Ky.	Shafroth	Warren
Gore	Martin, Va.	Sheppard	Weeks
Gronna	Moses	Simmons	Woicott
Hale	Myers	Smith, Ariz.	

Mr. PITTMAN. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is detained on official business.

The PRESIDING OFFICER. Seventy-one Senators have answered to their names. A quorum is present.

LEAGUE OF NATIONS.

Mr. SPENCER. Mr. President, I wish to call the attention of the Senate to a matter which seems to be of some importance. I shall take but a moment.

When the time of the Senate is not so engrossed as it is at present I shall ask the attention of the Senate to some discussion of the inevitable relationship between a league of nations and our Monroe doctrine. At this time I merely want to read a single sentence or two from the columns of the Yorkshire Post, published at Leeds, England, February 1, 1919.

Those of us who hope that some league of nations at the peace conference may be arranged that shall lessen the chances of future wars, and who believe that such a league is entirely feasible without any serious disregard of our traditional attitude as a Nation toward the questions which are purely American and without material derogation of our national sovereignty, are particularly concerned that there should be no uncertainty or misunderstanding about the actual supremacy of the United States concerning questions which are essentially American. I do not say that the extract which I now read correctly represents the position of the President. I hope it is entirely mistaken. However, it certainly is direct testimony tending to show how the people of England are looking at our Monroe doctrine as it appears to them through the glass of the proposed league of nations. Here is the extract:

There is a side of the present situation which has not attracted the attention it deserves. Possibly it was not intended that it should attract attention. It is not yet known to what extent the Republican Party of the United States are in agreement with Mr. Wilson in an important matter. Mr. Wilson has definitely abandoned the Monroe doctrine, and it is generally believed here that he will find on his return to the United States an organized body of Republican opposition which will make his persistence in this policy extremely difficult. It is even expected that the Democrats also will betray a considerable discontent. Yet it is admitted that unless the Monroe doctrine is definitely abandoned by the United States the formation of a league of nations is impossible. It would be ridiculous to attempt it.

One thing, Mr. President, ought to be clearly recognized, and that is the necessity, not by mere inference or by interlineary interpretation but by a declaration—clear, positive, and unmistakable—in the draft of any constitution of the league of nations to which the United States is a party, that nothing therein implies any relinquishment by the United States of its traditional attitude toward purely American questions, nor does anything in the constitution of the league of nations in any sense limit the power conferred by the Constitution of the United States upon the Congress. If the people of England feel in any sense as is indicated by the article which I have just read, nothing can better lay the foundation of good faith in our dealing with them than some clear, positive, ringing declaration about the traditional and constitutional principles that are dear to us, and in the preservation of which, I venture to say, the Members of this body on both sides stand together.

Mr. PENROSE. Mr. President, I should like to ask the Senator from what paper he was quoting?

Mr. SPENCER. Let me give the name of the paper and the date, though I thought I had done so. The quotation is from the Yorkshire Post of February 1, 1919, published at Leeds, England.

Mr. MYERS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. MYERS. I thought the Senator had concluded. I was going to ask for a vote upon my motion.

Mr. CHAMBERLAIN and others rose.

Mr. CHAMBERLAIN. Who is recognized?

The VICE PRESIDENT. The Senator from Missouri [Mr. SPENCER] was on the floor. The Senator from Montana [Mr. MYERS] rose first, and then the Senator from Oregon. The Chair will ask the Senator from Missouri whether he yields to either?

Mr. SPENCER. I had concluded, Mr. President.

Mr. CHAMBERLAIN. It is unimportant to me whether I am recognized now.

The VICE PRESIDENT. The Senator from Oregon is recognized.

DEFERRED APPROPRIATION BILLS, ETC.

Mr. CHAMBERLAIN. Mr. President, I ask unanimous consent that at the hour of 11 o'clock this evening the Senate shall vote on the Army appropriation bill.

Mr. PENROSE. I object, Mr. President.

Mr. GORE. Mr. President, I should like to see if the Agricultural appropriation bill will fare better or whether time is material. Therefore I ask unanimous consent for a vote upon the Agricultural appropriation bill at 10 o'clock this evening.

Mr. PENROSE. I object. There has not been sufficient opportunity to give this important measure due consideration.

Mr. SWANSON. Mr. President, possibly the naval appropriation bill will be recognized as of paramount importance at the present time. I therefore ask unanimous consent that at 12 o'clock to-night we vote upon the naval appropriation bill and all amendments thereto.

Mr. PENROSE. I know the Senator from Virginia does not make the request seriously. There is about a month's debate on the naval bill. It contains in its present form several very vicious features which I know the Senator from Virginia does not expect to be passed upon before the 4th of March.

Mr. SWANSON. I had hoped it would be, though from what has proceeded here during the last three weeks I did not have much expectation.

Mr. PENROSE. I object, Mr. President.

The VICE PRESIDENT. Then that is out of the way now.

Mr. SIMMONS. Mr. President, I desire to ask unanimous consent that at 11 o'clock to-night we proceed to vote upon the House joint resolution repealing the semiluxury taxes in the revenue law.

Mr. CURTIS. I object, Mr. President.

The VICE PRESIDENT. That is out of the way now.

Mr. PENROSE. Mr. President, if Senators had displayed this same zeal earlier in the session, all these bills might have been passed. It is true that inability to dispatch public business earlier in the term has reduced the session to this lamentable situation.

Mr. JONES of Washington obtained the floor.

Mr. THOMAS. Mr. President—

Mr. JONES of Washington. Mr. President, I am unwilling to yield the floor—

Mr. THOMAS. Will the Senator yield for a question?

Mr. JONES of Washington. On the notice that has been given here, I yield to the Senator to ask a question, but not for any other purpose.

Mr. THOMAS. I will ask a question. Would it be more pleasing—

Mr. JONES of Washington. I am surprised at this tumultuous energy on the part of our Democratic friends to get these measures passed just now.

Mr. PENROSE. Will the Senator permit me to say that if they had displayed the same energy earlier in the session all these bills might have been passed?

Mr. JONES of Washington. That is what I wanted to get at.

Mr. PENROSE. The utter inability to dispatch business promptly exists now that existed then. It is a lamentable situation.

Mr. THOMAS. Will the Senator yield to me?

Mr. JONES of Washington. If I may yield to the Senator to ask a question, I will do so, but I could not yield for any other purpose.

Mr. THOMAS. I will ask a question.

Mr. JONES of Washington. If it is the disposition to cut off debate here, so that Senators can not with safety yield to a colleague, we ought to know it. I shall be glad to yield to the Senator from Colorado for a question or statement so far as I can do so without losing the floor.

Mr. THOMAS. So far as I know I have never taken or attempted to take any such advantage, and I hope I never will.

Mr. JONES of Washington. I know the Senator has not done that.

Mr. THOMAS. I was merely going to suggest, in view of the stand the other side takes regarding our apparent haste and anxiety now to take up something, that perhaps it will suit them better if I should move that we vote upon the league of nations at 11 o'clock.

Mr. JONES of Washington. The Senator from Oregon asked unanimous consent to vote on the Army bill at 11 o'clock to-night, but the Army bill is not before the Senate and has not been before the Senate and has not had any consideration whatever. It is simply on the calendar. The Senator from Oklahoma asked for a vote upon the Agricultural bill at 10 o'clock. That bill is not before the Senate. It has not been before the Senate and has not had a bit of consideration by the Senate.

Mr. GORE. Mr. President—

Mr. JONES of Washington. A great many important amendments are proposed by the committee that have had no consideration whatever by the Senate, and no Senator knows what they are except possibly those who are members of the committee and others who may be personally interested in some particular amendment. Yet the Senator asked that the Senate agree to vote on that bill at 10 o'clock to-night. I yield to the Senator from Oklahoma for a question.

Mr. GORE. I was not certain whether the Senator meant to imply at first that the Agricultural appropriation bill was not on the calendar.

Mr. JONES of Washington. No.

Mr. GORE. I judge from his later remarks he did not mean to convey that implication.

Mr. JONES of Washington. No; the bill is on the calendar.

Mr. GORE. I will ask the Senator if he does not think if the speeches had been made at an earlier stage of the session, it might have been possible to secure consideration for those bills?

Mr. JONES of Washington. The speeches could not have been made very much earlier, because we did not have this compact that has been discussed until a short time ago. The President has not been here very long. The compact had not been presented, and the President asked that it be not discussed, and out of deference to that request I have no doubt many Senators withheld their speeches until after the date set by him. So that has caused delay in the presentation of those figures.

Mr. CHAMBERLAIN rose.

Mr. JONES of Washington. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, I desire to suggest to the Senator from Washington, in all sincerity, that the request I made was made in perfect good faith, and for this reason: There is no legislation that fixes the status of the National Guard, and there are 30 States whose legislatures are now holding sessions; and unless something is done the status of the National Guard will not be understood.

Further than that, there is no legislation that establishes the size of the Army. The Army appropriation bill fixes that; and unless there is some legislation that will be undetermined.

Mr. JONES of Washington. I agree with the Senator from Oregon. It is really a shame that that legislation can not be enacted. It ought to be enacted, and it ought to have been considered before this time at this session. If it does not get through at this session, it ought to be considered immediately afterwards. If there were nothing else to justify the calling of an extra session of this Congress, it would be the status which will exist in reference to the Army. If such legislation is not passed, we ought to be called back here immediately to consider the Army appropriation bill to which the Senator has referred. There are other facts that ought to be brought out with reference to the result that will follow if this legislation is not enacted at the present session.

Mr. President, the Senator from Virginia [Mr. SWANSON] hastily, enthusiastically, and energetically asked us to pass the naval bill at 12 o'clock to-night. That bill is not before the Senate; it has not been before the Senate. It is on the calendar, having been reported by the Committee on Naval Affairs. It carries several billion dollars and has propositions in it of tremendous importance; and yet the Senator asks us to set the time to vote upon it at 12 o'clock to-night by unanimous consent.

Mr. FLETCHER rose.

Mr. SWANSON. Will the Senator from Washington permit me to interrupt him?

Mr. JONES of Washington. The three bills that have been brought up involve the expenditure of nearly \$3,000,000,000 and the taxation of the people of the United States to that extent.

Mr. FLETCHER. May I ask the Senator from Washington a question?

Mr. JONES of Washington. The Senator from Florida first rose, and I yield to him.

Mr. FLETCHER. I desire to ask the Senator from Washington if he does not think we could have made considerable headway if we had spent the three and a half hours this morning in discussing matters that are before the Senate, rather than matter that are not before the Senate?

Mr. JONES of Washington. I am not criticizing the Senators who have been taking time to-day. I think they have done splendid work; I think they have discussed their subjects well; they have given us much information, and have given the country much information upon a question that the country is very much interested in.

Mr. SWANSON. Will the Senator from Washington yield to me for a moment?

Mr. JONES of Washington. I yield to the Senator from Virginia.

Mr. SWANSON. I simply want to show that delay in reporting and passing these bills is not unusual at a short session.

Mr. JONES of Washington. Oh, I understand.

Mr. SWANSON. Mr. President, in 1911—

Mr. BORAH. May I make a suggestion before the Senator from Virginia proceeds?

Mr. SWANSON. In 1911 the naval bill was reported on March 1 and passed on March 3. This bill was reported five

or six days earlier than that. In 1913 it was reported on the 28th day of February and passed on the 28th.

Mr. JONES of Washington. I want to ask the Senator a question. I ask how much money has been appropriated for the Navy in the last 50 years?

Mr. SWANSON. I have not the amount.

Mr. JONES of Washington. It is not anything like the amount appropriated in this bill, is it?

Mr. SWANSON. Oh, yes.

Mr. JONES of Washington. Oh, no; I venture to say it is not.

Mr. SWANSON. The naval bill has been greatly reduced over the expenditure of last year.

Mr. JONES of Washington. I doubt that very much, with the big program, but, Mr. President, that has nothing to do with the present situation.

Anyway, the Senator refers to 1911, to bills that were passed. They were enacted when other bills were not in the way to prevent action upon them. There was not the jam and congestion that we now have, caused by what I may take time later to discuss a little more fully.

I did not intend to speak about these things, and would not have done so at this time, had not these Senators gotten such a movement upon them to ask for the expediting of the public business.

However, I did rise to say a word or two on the motion that is pending before the Senate. The motion, as I understand it, is the motion of the Senator from Montana [Mr. MYERS] to take up the bill (S. 5652) providing for cooperation between the United States and State governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes.

Mr. President, we have had millions of acres of land in this country that have been idle for many years, which probably, unless some governmental action of some kind is taken, will continue to lie idle for many years more. I hope that some legislation may be passed, if necessary, on the part of Congress to inaugurate this work, to carry it on to completion, so that these lands may be reclaimed and homes may be built thereon. I myself introduced a bill a couple of years ago that I believe would, if passed, have aided and encouraged very materially the reclamation of swamp and arid lands. That bill proposed to place the Government behind the bonds of the districts that might be formed, to raise revenue by taxation in order to encourage private capital to go into these great enterprises. I believe, if that bill had been passed, we should have had development going on with reference to these lands.

That bill, however, did not seem to be satisfactory to the department, and the department prepared a bill, which was introduced in the Senate by the Senator from Oregon [Mr. CHAMBERLAIN]. It was referred, and it was reported to the Senate on the 16th day of February, 1918, over a year ago, with a unanimous report from the Committee on Irrigation and Reclamation of Arid Lands with certain amendments. That bill has come up from time to time on the calendar and has been objected to and gone over. There has not seemed to be any very serious effort to get it passed. Even when the need for reclaimed land for our soldiers became apparent there was no special activity to get action upon it.

We have seen now for several weeks glowing accounts of the proposal of the Secretary of the Interior to make lands available for our soldiers and sailors. I think that he wrote one of the most inspiring articles with reference to this work that I have ever read. I believe that we are going to have to do something along the lines that he has suggested in the way of aiding people, not only in the way of reclaiming land but in the way of aiding people in establishing homes on those lands and maintaining themselves for a few years until they get a start. Other countries are doing this. Canada is doing it; Australia is doing it to a wonderful extent, and is accomplishing great things. We shall probably have to do it. So the Secretary, instead of taking these propositions that we already had on the calendar, has suggested a new proposition. A great deal of publicity, a great deal of notice, a great deal of notoriety, have been given to this plan, and many questions have been asked about it. I am getting numerous letters with reference to it. Some of the soldiers seem to think that it is almost on the way to completion, and they are seeking knowledge and information as to where they can get a farm, where they can get lands upon which they can settle.

Here we have a motion to take up this bill to-day, the day before the close of the session. How long has it been pending? How earnestly has it been pressed in the United States Senate? Why, Mr. President, this great measure of transcendent importance was not introduced in the Senate until February 22, just a

little over a week ago, and it was not reported from the committee until when? Until February 27, just two or three days ago. It appropriates \$100,000,000 outright and proposes to place it in the hands of the Secretary of the Interior to carry on this work, and it is admitted by all those who urge it and those who realize its importance that it will ultimately cost a billion or two billion or possibly three or four billion dollars—

Mr. PENROSE. Four billion.

Mr. JONES of Washington. To carry it out to completion. Yet we are asked in the closing hours of this session to take up this measure and try to pass it without discussion, without consideration, because there can not be discussion upon it and there can not be consideration given to it.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. JONES of Washington. I yield to the Senator for a question.

Mr. PENROSE. I desire to call attention to page 4 of the report, from which the Senator will see that it contemplates the expenditure of \$4,000,000,000.

Mr. JONES of Washington. Mr. President, I have not had an opportunity to examine carefully the provisions of the bill. They may be all right; they may be such as will amply safeguard the expenditure of the public money; they may be sufficient to direct the activities of the bureaus of the Department of the Interior in the proper way to carry out this great and desirable and laudable object and purpose; yet it seems to me there has not been the activity and the energy displayed in pushing this bill that its importance deserves.

I have no doubt as to the good faith of my friend from Montana. I am sure that he is earnestly in favor of this measure, for he knows what it means; he knows what is necessary to get the arid lands of the West reclaimed; he knows what it means to a man to go out on those lands and try to build a home; he knows that very few men can do it without help, without aid, and assistance; and that that aid and assistance can best come from the Government.

He knows also, I am satisfied—or, at any rate, he feels entirely confident—that this money will ultimately come back to the Treasury; that it will be repaid to the Government by those who are aided and assisted in the matter. I feel so, too. I should like this measure, or something like it, passed if it is properly safeguarded; but, as I have said, I have not had time to examine its terms. I am simply expressing my views with reference to the general purpose, the general object that it is hoped to accomplish by legislation of this kind; but I do not think the suggestion ought to go to the country that when this measure was brought up or a motion was made to take it up the Senate rejected it. The Senate will not reject it upon its merits; it will not reject it because it has had it under consideration, but if this motion is defeated it will be simply because the Senate feels that it is impossible at this late day of the session to give this measure the consideration that it ought to have; that the business before the Senate is considered of more pressing, immediate, and urgent importance for action than the measure brought forward now by the Senator from Montana.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES of Washington. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator from Washington comes from a section of the country where irrigation is necessary in many places, and I wish to ask him this question: Does the Senator believe that we ought to treat the soldiers like we treated the Indians in the early days, setting aside certain areas for them to live upon? And may I call the attention of the Senator to the fact that under the bill referred to we would not treat them as well as we treated the Indians, because he knows that the irrigation of some of these lands will cost from fifty to a hundred dollars an acre, and the soldiers would have to repay that amount to the Government?

Mr. JONES of Washington. I will frankly state that I do not see any special benefit to come to the soldiers and sailors from this legislation. It will take years to get the projects moving, under this legislation, to a sufficient extent to do anybody any good.

Mr. LODGE. Mr. President, will the Senator from Washington allow me for a moment?

Mr. JONES of Washington. I yield.

Mr. LODGE. Soldiers would be gray-headed men before they could get an acre of it, would they not?

Mr. JONES of Washington. I hardly would say that; but, at least, it will take a long time, judging from the time it has

taken the public authorities to get similar projects in motion heretofore.

Mr. NELSON. Mr. President—

Mr. JONES of Washington. I yield to the Senator.

Mr. NELSON. In order to make this scheme a success, will it not be necessary to support the soldiers on these lands for at least two years, to furnish them seed, tools, machinery, and everything else; and does the bill provide for furnishing them food and other supplies?

Mr. JONES of Washington. As I have said, I have not had time to examine the terms of the bill, but the Senator from Minnesota is just about right with reference to the necessities of the people who will go on these lands. When I said that I thought something of this kind ought to be done, I was referring to that as a general policy, looking to the future development of the country. From my knowledge and my experience in connection with the reclamation of arid lands, I feel that it would be years before there would be any land actually available for settlement by homesteaders or soldiers under this proposed legislation. Why, Mr. President, it takes time to get desert land in shape for farming; it takes time to get logged-off lands in shape for cultivation; it takes time to get swamp lands reclaimed. You have got to go through all the process of getting the districts formed, and all that sort of thing; you have got to get your plans; you have got to get your estimates; you have got to make surveys, and everything of that kind; so that when I say I am in favor of something along this line it is as a general permanent policy, and not that it will bring any special benefit to the soldiers and sailors of the country.

We can get relief and help for them sooner by appropriating about \$50,000,000 on reclamation projects that have actually been begun but have had to stop during this war; on projects for which plans and estimates are already completed but the work upon which is being withheld because no money is available. There would be some relief if we would follow a course like that. We could furnish employment to men who want to go into that sort of work, and we could put them to work immediately.

In Yakima County, Wash., in connection with a great irrigation project, a reservoir was being constructed; the buildings for the housing of 500 or 600 or a thousand men were constructed; men were actually at work in building this reservoir; but they had to stop; all those houses are now vacant, and the work is not going on.

It could be started to-morrow if there were money available to do it, and it ought to be done. No plans would have to be prepared; no estimates would have to be worked out; no expense would have to be incurred to start this work. The Government houses are idle; the Government work is deteriorating; its machinery is deteriorating. That is not the only irrigation project that is in the same condition. So, Mr. President, if we want to help the soldiers to employment, if we want to make additional lands available so that they will get some benefit out of the lands, let us appropriate money for work that should be actually under way and that could be put under way next week if we would make the money available.

The principle of this proposed legislation as a permanent policy for the future development and growth of this country, is a good thing; it is a great scheme; its possibilities, when they are thought over, awaken the imagination and create dreams of wonderful growth and development in various sections of the country. These dreams could even be surpassed in the years to come in the actual development that would take place; but, Mr. President, this bill is called up on the next to the last day of the session, having been introduced in the Senate only a week ago and reported to the Senate only on the 27th day of February. The country will understand that, even if this motion is voted down, it is not in condemnation of the proposition of the Senator from Montana, but merely because of the condition of the calendar and because of the delay that has taken place in the presentation of the measure to the Senate for consideration, for which delay the Senator is not to blame. The Senator from Montana no doubt introduced it just as soon as it was submitted to him. The committee acted with wonderful promptness upon a proposition of that kind. They only had it under consideration for a week and then reported it to the Senate.

Mr. SHAFROTH. Mr. President, will the Senator yield for a question?

Mr. JONES of Washington. I yield to the Senator.

Mr. SHAFROTH. I have listened to the Senator's speech, and it shows a good deal of comment favorable and a good deal of comment unfavorable. I want to ask the Senator whether, if this vote is taken now, he will vote in favor of the measure?

Mr. JONES of Washington. I will, Mr. President.

Mr. WADSWORTH. Mr. President—

The VICE PRESIDENT. The Senator from New York.

Mr. WADSWORTH. I am prompted to make a few observations at this time by reason of the request made by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. MYERS. Mr. President, will the Senator yield to me for a simple announcement—just a second?

Mr. WADSWORTH. If I do not lose the floor.

Mr. MYERS. I do not think the Senator will lose the floor. Mr. President, I withdraw my motion.

Mr. JONES of Washington. I object.

Mr. PENROSE. I object to it.

Mr. MYERS. I have a right to withdraw the motion.

Mr. PENROSE. I want an opportunity to point out the absolute absurdity of this proposition.

Mr. WADSWORTH. Mr. President, I must insist upon holding the floor.

Mr. MYERS. I care nothing for the so-called absurdity. It is not as absurd, in any event, as the Senator from Pennsylvania makes himself; and I withdraw my motion.

Mr. PENROSE. I object.

Mr. MYERS. I do not have to ask anybody's permission to withdraw it. I have that right.

Mr. FRANCE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. FRANCE. I wish to call attention to the recent remark of the Senator from Montana, and ask if that is in order.

Mr. MYERS. I will enlighten the Senator, I think it is. [Laughter.]

The VICE PRESIDENT. Well, we will see what a Senator may say about another, according to the rules:

No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The Chair does not know whether this comes within the rule or not. The Chair does not believe the Senator from Pennsylvania cares.

Mr. PENROSE. I do not care, Mr. President. It is a matter of utter indifference to me. Let the RECORD be ornamented for all time by the emanations of the Senator from Montana.

Mr. MYERS. I have withdrawn my motion, Mr. President. What I have said will ornament the RECORD a great deal more than the Senator from Pennsylvania ornaments it.

The VICE PRESIDENT. That is enough.

Mr. WADSWORTH. Mr. President—

The VICE PRESIDENT. The Senator from Montana has withdrawn his motion, as he had a right to do; so the unfinished business, the general deficiency bill, is before the Senate, and the Senator from New York has the floor.

NEEDS OF THE MILITARY ESTABLISHMENT.

Mr. WADSWORTH. Mr. President, a few moments ago the Senator from Oregon [Mr. CHAMBERLAIN] asked unanimous consent that the military appropriation bill be voted upon at 11 o'clock to-night. It is a request which failed of obtaining unanimous consent. The incident prompts me to make a few observations on the situation connected with the military appropriation bill.

Even were the Senate to pass the military appropriation bill to-night at 11 o'clock, there is scarcely a chance on earth that it could pass the other House in the form that it would pass the Senate, if the Senate follows the suggestions of the Committee on Military Affairs. So I think no one should be confused or disturbed about any action which the Senate may take or any Senator may take upon this occasion being responsible for the failure of this bill to become a law at this session.

The Senate Committee on Military Affairs has seen fit to add a large number of amendments to this bill, some of which, in fact, many of which, must inevitably give rise to extensive debate, not only in this Chamber, but in the House of Representatives. Many of those amendments are on topics and are of a nature which have already been rejected once by the House of Representatives; and anyone who supposes that this measure could pass both Houses of Congress before March 4 at 12 o'clock, is very much mistaken.

It is physically impossible for the Congress in the remaining hours to pass this measure, and the only way in which it can become law in time to carry out the purposes sought for between its two covers, is in an extra session of Congress called at the earliest possible moment; and I am going to call the attention of the Senate to two or three features of this measure, two or three matters relating to the Army of the United States, which to my mind are exceedingly important and should be settled without any delay whatsoever, if such a thing is possible.

Senators will remember that the national defense act of June 3, 1916, provides for this year an Army of 175,000 men.

The law as it is to-day will result in the Regular Army being reduced to 175,000. When this present emergency is over, and it is so declared by a proclamation of the President, the men who have been drafted into the military service must be discharged, all of them, within four months thereafter, under the terms of the selective-draft law. I assume that the proclamation of the President declaring the emergency terminated will be coincident with the signing of the terms of peace with Germany. No one can tell when that declaration will be issued. But, in any event, when it is issued the entire military forces of the United States will be reduced to 175,000.

We are confronted with this situation: This great Republic of ours will be unable to carry out even small obligations which will be imposed upon us in the terms of peace. For with a total Army of 175,000 men, a great portion of which will be necessary for the garrisoning of the Philippines and Hawaii and Panama, and another great portion of which will be needed to man our seacoast defenses to even take reasonable care of the armament of those defenses, and another great portion of which will be needed to take care of the military property in the Army posts and cantonments which will then still be standing in the United States, we will be stripped of all power to carry out our obligations.

Mr. SHAFROTH. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. SHAFROTH. The Senator knows that the bill that is before the Senate now is the general deficiency bill. If that is passed in the next hour or two hours, every Member upon this side of the Chamber will then be willing to take up the Army bill, and for that reason it seems to me that the Senator ought to aid and assist in the passage of the general deficiency bill. Surely the Senator has no objection to that bill.

Mr. WADSWORTH. Mr. President, I can not be diverted from my purpose by the interruption of the Senator from Colorado. I am going to point out to the Senate a condition which I regard as serious, and I am going to put the blame where it belongs.

Mr. SHAFROTH. If the Senator will simply either cease or consent to the general deficiency bill going through, he can within an hour get his Army bill up by the consent of every Member on this side of the Chamber.

Mr. WADSWORTH. I am entirely willing that the general deficiency bill shall go through, and I assume it will go through; and, furthermore, the Senator will not cease.

Now, Mr. President, the program of the War Department, as laid out in this bill reported from the Military Affairs Committee, provides for recruiting a Regular Army to an aggregate number of 509,000 men and 28,000 officers. It is calculated that that number can be recruited under a volunteering system in time to enable this Government to undertake whatever responsibilities may fall upon it later in this year. If that is not done, and done very, very soon under authority of Congress, then that number of drafted men will have to be kept in the Army of the United States, and the bulk of them will have to be kept in France.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield for a question.

Mr. McKELLAR. As I understand the Senator, he is in favor of and has agreed to the bill that is reported out by the Military Affairs Committee?

Mr. WADSWORTH. I am.

Mr. McKELLAR. Then, why not let us pass it?

Mr. WADSWORTH. The Senator could not have been in the Chamber a moment ago when I said it was physically impossible to pass this bill before final adjournment.

Mr. McKELLAR. I understood—

Mr. WADSWORTH. Just a moment. I decline to be interrupted except for a question. If the President of the United States would call an extra session of Congress shortly after we adjourn to-morrow, as he should do, this bill could be passed, and passed within a reasonably short period. It is impossible to pass it between now and to-morrow at 12 o'clock.

Mr. McKELLAR. May I ask the Senator to yield again?

Mr. WADSWORTH. I yield for a question if I am not deprived of the floor.

Mr. McKELLAR. I will ask the Senator this question, and then I will not interrupt him again: Does not the Senator think that if he and other Senators on that side of the Chamber would quit filibustering and let us pass this bill in the usual way at the short session, we would get along very much better?

Mr. WADSWORTH. Mr. President, I am not going to take up very much of the time of the Senate, nor am I disturbed by the insinuation made by the Senator from Tennessee. This is

a matter of grave importance to the country. I am begging that an extra session of Congress be called, and as a Member of this body I have a right to make that request and to urge that action upon the President of the United States.

The plans of the War Department include, if this bill should pass, the bringing home from France by July 1 of 915,000 men. We now have in France approximately 1,500,000 men. The War Department desires to open up to volunteer recruiting the Regular Army to a total aggregate strength of 500,000, composed of men who are willing either to stay in France or to go there and take the places of the men who desire to retire from the service and return to their homes and their former occupations.

This bill can not pass in this session. It should be taken up in an extra session, immediately upon the adjournment of this Congress, in justice to these men who desire to be brought home, and to whom the Government owes a moral obligation to bring them home. But the Government can not bring them home if it has no force with which to replace them.

Now, that is the situation. We are told that there will be no extra session before June 1. Three months will go by, approximately—March, April, and May. With the failure of the Congress in this session, or the next Congress in an extra session called immediately upon the adjournment of this Congress, to grant any relief during those three months, it will be impossible for the War Department to recruit by volunteering an Army to take the places of the men who want to return; and I contend that it is the duty of the President, in view of this situation, to call an extra session of Congress.

We can not, as a nation, afford to be stripped of our military defense; and so, therefore, the War Department must hold these men in service. They can not be reduced in number below a certain figure in France for some time to come. We can not abandon garrisoning the Philippines, or Hawaii, or the Panama Canal; nor can we abandon the care which should be taken of our seacoast fortifications and our military property here in the United States; and yet, without this measure passed in an extra session of the Congress called very soon, there is no authority lodged in the law under which the War Department can recruit an army to exceed 175,000 men; and that is absolutely inadequate, and is admitted to be inadequate by the Chief of Staff and the Secretary of War. We are face to face with that situation. The Chief of Staff and the Secretary of War have told the Military Affairs Committee exactly what the situation is. I want the Senate to know it; I want the public to know it; and I want the Senate and the public to know where the responsibility will lie if three months go by, and probably four months, before we can get a bill through the session of the new Congress called some time around June 1, or thereafter.

It is a serious situation, Mr. President; and it should be thoroughly understood that the one item alone to which I have referred is ample justification for an extra session of Congress. There are other things that must be taken care of, and taken care of at the earliest possible moment, or we are in even greater difficulty.

Senators must all remember that under the bill which enacted the so-called selective draft law, the National Guard of the United States was drafted into the service. The Judge Advocate General of the Army has ruled that by that act all the enlisted men of the National Guard have been separated completely and entirely from their National Guard organizations as they existed prior to the time that we went into the war. In other words, we have no National Guard in the United States to-day worthy of the name.

Mr. President, thousands of these former National Guardsmen, after being drafted in the Army of the United States, went to France, became an exceedingly important part of the American Expeditionary Force, fought with great valor and with great success, with every evidence of discipline and efficiency, and are now about to return to the United States, trained veteran soldiers of tremendous potential value to their country in the event of any trouble overtaking us at home or abroad. The War Department wants to encourage these veterans, some of whom are on the water now, to reenlist in the National Guard, to go back into that service and thereby render themselves available to meet any emergency which may arise. A provision has been drafted and inserted in this bill to make that possible, to encourage these men to come in, rating them and their officers as veterans, urging them to renew their terms of enlistment in the National Guard. If that is not done within the next three or four months, we are going to lose thousands and thousands of our best soldiers. If it is done promptly, we have every reason to believe that many of these famous units

will continue in existence in the several States under Federal control and subject to the call of the Federal Government.

There is another matter that ought to be decided, and it ought to be decided in an extra session of the Congress, just as soon as the new Congress can be gotten together, and the responsibility lies upon the President of the United States. Senators have heard a good deal during the last year about the grave delay in the payment of soldiers. Many, many months have gone by in thousands of cases where soldiers in the Army have been compelled to go without their pay owing to the intricacies and complications of so-called Army paper work. We would like to get that straightened out.

We do not want to wait four months and have this condition of affairs continue during all that period. The War Department has a remedy and has proposed it to the Military Committee, and it is in this bill. Must these men of ours wait four months more before this system can be corrected? Must this intolerable situation continue indefinitely? Is it not important for the contentment of these thousands and thousands of men, is it not important for the success of the future military policy of the United States, that these things be corrected, that we may get an Army by volunteering, if necessary, at the earliest possible time, that we may reestablish the National Guard and see that the men are paid?

I have felt very deeply on this question since the bill first came over from the House. The House sent a bill over to us which, in many respects, was exceedingly difficult to deal with, and instantly upon the call of the chairman of the Military Affairs Committee a subcommittee of the Military Affairs Committee endeavored to put the bill in shape. It was a terrific task. I have never been confronted with a such a difficult one, and I think my colleagues on that committee will say the same thing. We knew at the time we received it that so great were the questions involved in the amendments which were proposed, and so important were they and so open to contention that it would be almost impossible to pass it through the Senate and get the consent of the House to these more important matters before 12 o'clock on March 4. I am not entitled to speak for the majority of the committee, but many of us believe that this bill alone represents ample justification for the calling of an extra session, so that the matters to which I have referred, and many others can be taken up and straightened out at the earliest possible moment.

But instead of that, Senators, we are given to understand that the new Congress will not be called in session until June 1 or thereabouts, and for the months of March, April, and May the President is to be in Paris and there is to be no Congress at Washington.

It is an unusual situation, Mr. President. I find it difficult for me to describe my feelings as I confront the possibilities of the next three months with the Chief Executive in Paris and no Congress at Washington; for this is not the only matter that may come up of great importance to the country. We can not tell what may happen during the next three months which will make it absolutely essential for some remedial legislation to be passed or quick action taken by the Congress; and yet there seems to be no hope that there shall be enough left of the Government of the United States to take care of an emergency. The country must drift for three months.

One may only speak one's opinions upon the floor of the Senate and express one's apprehensions, and that is all I am endeavoring to do. I wanted the Senate to know how I feel about it, and I wanted the country to know some of the questions that confront it in the maintenance of an adequate armed force to carry out the obligations of the United States.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16187) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. Mr. President, the general deficiency bill has theoretically been before the Senate since 10 o'clock this morning, although not one single word has been addressed to any subject mentioned in it, and I think I may safely say not a particle of thought or consideration has been given to it. I feel it to be my duty to call the attention of the Senate to the fact that the bill is now in jeopardy. Unless there is cooperation with a view to its early passage, it will fail, and when it falls \$842,000,000, which is needed now, will be denied those to whom it is due.

Frequent allusion has been made to the appropriations. General appropriation bills carry money which will not be needed

and can not be used until the 1st day of July. Nearly every dollar of this \$842,000,000 is needed right now and will be paid out by the Government in the next 30 or 60 days to meet obligations which rest upon the Government, and which it in honor should meet.

I feel it to be my duty to call the attention of Senators to this situation. This is a deficiency bill. It is to provide moneys that are now needed, with very few and small exceptions. It will take about two hours for the clerks to get this bill ready for the conference after the Senate finally passes it. All we are to do must be done before 12 o'clock to-morrow. This bill is in danger, it is in imminent danger, of defeat. If Senators want to deny this money, of course it is in their power to do it, but I appeal to Senators not to deny moneys that are absolutely necessary to meet present obligations of the Government, obligations the denial of which, in my judgment, will bring on a financial panic if not paid.

I say, if money is not supplied to meet these demands of the Government, I believe it will bring on a financial panic. I feel it my duty to call these matters to the attention of the Senate and to appeal to Senators to cooperate with each other and with me in passing this very vital and important and necessary legislation to meet the demands on the Government of the United States.

Mr. President, having explained the matter briefly, I ask unanimous consent that the formal reading of the bill may be dispensed with; that the bill be read for amendment; and that the committee amendments may first be considered.

The VICE PRESIDENT. Is there objection?

Mr. FRANCE. I object, Mr. President.

Mr. MARTIN of Virginia. I suppose it will not do any good, but still I appeal to the Senator not to embarrass the country and not to bring a panic upon the country.

Mr. SMOOT. Will the Senator from Maryland yield to me for just a moment? I understand the Senator from Virginia is only asking that formal reading of the bill be dispensed with. The bill itself will be read at the time the amendments are taken up. The Senator from Maryland does not want to have the bill read through twice? He simply wants to have the bill read once, I understand.

Mr. FRANCE. I wish to have the whole bill read.

Mr. SMOOT. It will be read when we are acting upon the amendments of the committee.

Mr. MARTIN of Virginia. Mr. President, I do not want the bill read twice, and unless the Senator from Maryland means to filibuster against this bill and defeat it, I can conceive of no reason why we should sit here and hear it read twice.

Mr. FRANCE. I do not object if the whole bill is read and carefully considered, with all the amendments thereto.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. MARTIN of Virginia. Certainly.

Mr. LENROOT. I ask the Senator if this bill should fail, and its failure would probably bring on a panic, would not the President immediately call Congress into special session for the purpose of taking care of these obligations?

Mr. MARTIN of Virginia. I am not authorized to speak for the President. I can only say he told me in two conversations, in the plainest possible English, that he had made up his mind, and it was final, that no extra session of Congress will be called under any circumstances until his return from France.

Mr. LENROOT. If the Senator will yield further, does he think the President of the United States would be willing to bring a panic upon the country rather than change his mind and save it?

Mr. MARTIN of Virginia. The President would not be bringing the panic; but these Senators who sit here and filibuster against these appropriation bills and fail and refuse to support the Government of the United States are the men who will bring on the panic.

Mr. PENROSE. Mr. President, I desire to renew the objection made by the Senator from Maryland and to have the bill read with due formality and according to orderly procedure.

Mr. MARTIN of Virginia. Certainly the Senator from Pennsylvania does not want to have it read twice?

Mr. PENROSE. Yes, sir.

Mr. MARTIN of Virginia. Very well; the Senator has it in his power to filibuster against the bill by insisting upon that course if he sees fit.

Mr. PENROSE. How much does the bill carry?

Mr. MARTIN of Virginia. Eight hundred and forty-two million dollars.

Mr. PENROSE. That is a considerable sum of money, and the bill ought to be considered deliberately. There has been too much—

Mr. MARTIN of Virginia. If the Senator can not understand it when it is read once, he will be unable, in my judgment, to understand it when it is read twice.

Mr. PENROSE. I do not think so. I should like to ask the chairman of the committee—because it may influence my views—whether he intends to offer as an amendment to the bill the proposition to appropriate \$5,000,000 for the further expenses of the Paris trip?

Mr. MARTIN of Virginia. The Senator from Pennsylvania knows before he asks that question exactly what my position is. I am opposed to putting that amendment on this bill. I not only will not offer it as an amendment, but I am opposed to delaying and hindering the measure by bringing up any such proposition.

Mr. PENROSE. I am astonished, Mr. President. Has not the President of the United States made a special request to have this appropriation made?

Mr. MARTIN of Virginia. He has not communicated with me in any way with respect to it.

Mr. PENROSE. The newspapers say he has communicated with the Senator.

Mr. MARTIN of Virginia. If the newspapers so stated, they stated what was false. I have not received any communication from the President with respect to it. It has been sent as an estimate to Congress, but I have had no communication from the President in regard to it.

Mr. PENROSE. The Senator knows that such a communication was transmitted to the Speaker of the House of Representatives?

Mr. MARTIN of Virginia. That may be. I am speaking for myself and in respect of my own duties, and not in reference to the Speaker of the House.

Mr. PENROSE. If I should offer the amendment to the bill, will the Senator accept it?

Mr. MARTIN of Virginia. An amendment to appropriate \$5,000,000 for that purpose?

Mr. PENROSE. Yes.

Mr. MARTIN of Virginia. I will not accept it. I am opposed to its going on this bill. As the Senator knows, he is as much opposed to it as I am, and he has no idea of offering the amendment. Such ad captandum suggestions to me are absolutely futile.

Mr. PENROSE. The Senator seems pretty firm against it. I should like to read the President's communication.

Mr. MARTIN of Virginia. I hope the Senator from Pennsylvania will forego anything like a filibuster against this bill. He knows the vital importance of it.

The VICE PRESIDENT. The question before the Senate is the unanimous-consent request. Is there objection?

Mr. PENROSE. Certainly a little moderate debate—

The VICE PRESIDENT. The Chair is going to take a hand. There must be objection, or there is none.

Mr. PENROSE. I have made my objection.

The VICE PRESIDENT. Very well; the Secretary will proceed with the reading of the bill. That is the thing in order.

Mr. MYERS. Mr. President—

The VICE PRESIDENT. There is nothing in order except the reading of the bill.

Mr. MYERS. I rise to present a conference report—

Mr. PENROSE. I object.

Mr. MYERS. I do not care for the Senator's objection. I have a right to make a conference report, if the Chair will recognize me. Am I recognized?

The VICE PRESIDENT. Certainly, for that purpose.

Mr. MYERS. I rise to present a report of the conferees on Senate bill 3797, and I ask that the conference report be read. It is very short.

Mr. PENROSE. I am glad we are permitted to hear the report, and not have to pass upon it without reading.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15462) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1920, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 13026) to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines, and it was thereupon signed by the Vice President.

PUBLIC LAND ENTRIES.

Mr. MYERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.

That the House recede from its amendment numbered 19, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1 and agree to the same with an amendment, as follows: In lieu of the matter proposed by the House amendment insert the following:

"Provided, That the issuance of patent shall not release the Milwaukee Lumber Co. from its obligations to pay the value of the timber cut from this land, with a reservation in the Government of the United States of an easement across said land for roadway or other purposes which the interests of the United States may require."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized to allow George E. Windecker to make homestead application for the east half, section 21, township 34 north, range 14 east, Montana meridian, in the State of Montana, subject to reconveyance of the said land to the United States by said George E. Windecker."

And the House agree to the same.

H. L. MYERS,
JOSEPH E. RANDELL,
REED SMOOT,
Managers on the part of the Senate.
SCOTT FERRIS,
EDWARD T. TAYLOR,
WILLIAM L. LA FOLLETTE,
Managers on the part of the House.

The report was agreed to.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15462) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1920, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "\$780,000: *Provided*, That the pay of cadets for the fiscal year ending June 30, 1920, shall be fixed at \$780 per annum and one ration per day or commutation therefor at the rate of 68 cents per ration, to be paid from the appropriation for the subsistence of the Army"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an

amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"For cadet hospital and nurses' quarters, \$390,000."
And the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.
S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 16, 18, 19, 20, 22, 25, 26, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 17, 23, 27, 28, and 29, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including such loss on bills of exchange to officers of the United States Court for China"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$50,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Not exceeding \$50,000 of the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"INTERNATIONAL COMMISSION ON PUBLIC AND PRIVATE INTERNATIONAL LAW.

"The unexpended balance of the appropriation of \$15,000 for the payment of compensation to and the necessary expenses of the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law, and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts, under article 4 of the convention, made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, is hereby made available for the fiscal year 1920."

And the Senate agree to the same.

LEE S. OVERMAN,
JOHN F. SHAFROTH,
CHARLES CURTIS,
Managers on the part of the Senate.
H. D. FLOOD,
J. CHARLES LINTHICUM,
HENRY ALLEN COOPER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SAULSBURY. Mr. President, there is an amendment which is stated as agreed to in the conference report which I do not quite understand from the reading of the report. I should like to ask the chairman of the conference on the part of the Senate what amendment was made with respect to the officers of the United States Court in China?

Mr. OVERMAN. It was retained in the bill substantially as it passed the Senate with a slight change of language, the clause being transferred to another place in the bill.

Mr. SAULSBURY. Then there is no material change of the language, but merely a slight change of phraseology and a transposition to another place in the bill?

Mr. OVERMAN. The provision is practically the same as that adopted by the Senate, but it was transferred to another place in the bill, as it was thought it ought to be.

Mr. SAULSBURY. So that the provision remains practically as it was when agreed upon by the Senate?

Mr. OVERMAN. Yes.

Mr. SAULSBURY. Then I have no objection to the report.

The VICE PRESIDENT. The question is on the adoption of the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 10891) to amend and reenact an act for the establishment of a probation system for the District of Columbia.

The message also announced that the House recedes from its disagreement to the amendments of the Senate to the bill (H. R. 15796) to enable the President to carry out the price guaranties made to producers of wheat of the crops of 1918 and 1919 and to protect the United States against undue enhancement of its liabilities thereunder, still in disagreement between the two Houses, and agrees to the same.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3797. An act validating certain applications for and entries of public lands, and for other purposes;

S. 5554. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 14894. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 15706. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

GENERAL DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16187) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes.

The Secretary proceeded to read the bill, and read to the committee amendment on line 11, page 8.

The PRESIDENT pro tempore. The Chair desires to know if the committee amendments are to be considered as the bill is read?

Mr. SMOOT. No; Mr. President; not under the objection of the Senator from Pennsylvania (Mr. PENROSE).

The PRESIDENT pro tempore. The Secretary will resume the formal reading of the bill.

The Secretary resumed the reading of the bill.

Mr. PENROSE. Mr. President, I think the bill could be followed in a better and more consecutive way if the amendments were read.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Chair is informed that at the time the request was made that the bill be read it was not to include amendments, but simply the text of the bill as it passed the House.

Mr. PENROSE. I made the request, and I simply objected to dispensing with the formal reading of the bill. When I asked for the reading of the bill I certainly had in mind the whole bill and not a garbled part of it. I do not ask the Secretary to go back. He has been skipping a good deal—I do not mean skipping the House bill, but the Senate amendments—but I will ask him, from now on, to read the bill as it is printed.

The PRESIDING OFFICER. The bill has been read as printed, except the Senate amendments.

Mr. PENROSE. I should like hereafter to have the amendments read.

The PRESIDING OFFICER. Very well. The Secretary will read the amendments.

The Secretary resumed the reading of the bill, including the Senate amendments, and read to line 13, on page 15, the last Senate amendment read being as follows:

EMERGENCY SHIPPING FUND.

For purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in course of construction, and the expediting of construction of ships thus under construction, authorized by the deficiency appropriation acts approved June 15 and October 6, respectively, 1917, \$50,000,000, to continue available during the fiscal year 1920.

For recruiting, instructing, and training officers, engineers, and crews for American vessels, and for all expenditures incidental thereto, \$3,750,000.

Mr. KING. Mr. President, I should like to ask the Senator from Alabama, having this bill in charge, to explain the necessity for this appropriation. We have given to the Shipping Board and the Emergency Fleet Corporation not millions, not tens of millions, not hundreds of millions of dollars, but billions of dollars. I do not think the record of that organization is of such a character as to commend itself to this body. Speaking for myself, without further information, I am unwilling to appropriate another dollar for that organization or for either of those organizations to expend. Their work has been so grossly extravagant, so inefficient, that it calls for investigation rather than for indorsement and for additional appropriations. If the Senator has any explanation he can offer, I shall be glad to have it.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Utah that I am not in charge of the bill. I am merely a member of the committee. The Senator in charge of the bill had to be out for a few moments; but under the rules the Senator from Pennsylvania [Mr. PENROSE] has invoked the first reading of this bill, and nothing is in order now until the Secretary finishes the reading of the bill. When we reach it, if the Senator desires to bring the matter up, no doubt the Senator in charge of the bill will give him the information. I have no doubt he will be here at that time.

Mr. KING. Then I should like to ask the Senator, with his permission, that no vote be taken upon this amendment now.

Mr. UNDERWOOD. As I understand, the bill must be read before the amendments can be voted on.

The PRESIDING OFFICER. This is the first reading of the bill, and there will be no vote taken until after that reading is completed.

The Secretary resumed and continued the reading to line 18 on page 30.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, if I may be permitted to obtain the floor for a moment, I am just advised privately and by the announcement officially that the conference report on the Indian appropriation bill has passed the House and is now before the Senate on the Secretary's desk. I wish to say that, although I was not a member of the conference committee, it was a full agreement, signed by the three conferees on the part of the Senate—Messrs. OWEN, JONES of New Mexico, and GRONNA—and signed by the three conferees on the part of the House. There was no disagreement. I should like to ask leave, if the Senator from Pennsylvania [Mr. PENROSE] will permit, to present the conference report and raise the question of its immediate consideration.

Mr. PENROSE. Will the Senator from Arizona be good enough to call it up a little later on? I wish to confer with two or three Senators about it.

Mr. ASHURST. Certainly; I think that is a very reasonable request.

Mr. PENROSE. I have no objection, but I want to confer with other Senators about it. I have no doubt this bill is no worse than some of the other bills that have been passed.

Mr. ASHURST. I am glad to comply with the Senator's suggestion.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16187) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes.

The Secretary continued the reading of the bill.

Mr. PENROSE. Mr. President, we can not hear the Secretary over here.

Mr. TRAMMELL. I do not think it makes much difference. There are only four or five Senators in the Chamber anyway.

Mr. PENROSE. Then, on that statement, I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Nelson	Simmons
Baird	Jones, N. Mex.	New	Smith, Mich.
Bankhead	Jones, Wash.	Norris	Smith, S. C.
Borah	Kendrick	Nugent	Spencer
Calder	Kenyon	Overman	Sterling
Cummins	King	Page	Thomas
Curtis	Knox	Penrose	Trammell
Fernald	La Follette	Pittman	Underwood
Fletcher	Lodge	Poindexter	Vardaman
France	McCumber	Pomerene	Wadsworth
Gay	McKellar	Ransdell	Warren
Gronna	McLean	Robinson	Watson
Hale	Martin, Ky.	Sheppard	Weeks
Harding	Martin, Va.	Sherman	Wolcott
Henderson	Moses	Shields	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present. The Secretary will proceed with the reading of the bill.

The Secretary continued the reading of the bill to line 6, on page 58.

Mr. SWANSON. Mr. President, I ask unanimous consent that the further reading of the bill be dispensed with.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there any objection?

Mr. FRANCE. I object.

The PRESIDING OFFICER. There being objection, the Secretary will proceed with the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The Secretary will now read the bill for amendment.

Mr. JONES of Washington. Mr. President, several Senators are absent who wanted to be present when the reading of the bill began for amendment, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kellogg	New	Smith, Ariz.
Baird	Kenyon	Norris	Smith, Ga.
Bankhead	King	Nugent	Smith, Mich.
Borah	Kirby	Overman	Smith, S. C.
Calder	Knox	Owen	Smoot
Cummins	La Follette	Page	Spencer
Curtis	Lenroot	Penrose	Swanson
Fletcher	Lewis	Pittman	Thomas
Gay	Lodge	Poindexter	Trammell
Gerry	McCumber	Pollock	Underwood
Gore	McKellar	Ransdell	Vardaman
Gronna	McLean	Robinson	Wadsworth
Harding	Martin, Ky.	Saulsbury	Warren
Henderson	Martin, Va.	Shafroth	Watson
Johnson, Cal.	Moses	Sheppard	Weeks
Jones, N. Mex.	Myers	Sherman	Wolcott
Jones, Wash.	Nelson	Simmons	

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the first amendment proposed by the committee.

Mr. JONES of Washington. Let us have the amendment read, Mr. President.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Under the head of "District of Columbia," subhead "Streets," on page 8, after line 11, the committee propose to insert:

Bathing beach: For amount required to reimburse the life guards, clerks, laborers, and help at the bathing-beach pool after July 16, 1918, who received during the period of their employment only 50 cents per day, fiscal year 1919, \$1,330.46.

Mr. JONES of Washington. A parliamentary inquiry, Mr. President. Was not the bill now to be read for committee amendments?

The PRESIDING OFFICER. That is the proper proceeding. The bill is now to be read for amendment.

Mr. JONES of Washington. We do not want to start on page 8 of the bill. The reading should begin on the first page of the bill.

The PRESIDING OFFICER. That is for the Senate to determine. The Chair can not determine that. The Chair can only direct that the usual parliamentary procedure be complied with, that the bill be read for amendment. Does the Senator from Washington insist upon that? He is within his right if he does.

Mr. JONES of Washington. Yes.

The PRESIDING OFFICER. The Secretary, then, will proceed to read the bill.

The Secretary proceeded to read the bill.

Mr. WALSH. Mr. President, I inquire what reading of the bill is this?

The PRESIDING OFFICER. It is the second reading.

Mr. WALSH. The second paragraph of Rule XIV provides that—

The * * * second reading of each bill may be by title only, unless the Senate in any case shall otherwise order.

I inquire of the Chair whether the Senate has otherwise ordered?

The PRESIDING OFFICER. Will the Senator please again read the rule?

Mr. WALSH. The rule provides:

The first or second reading of each bill—

The PRESIDING OFFICER. From what rule is the Senator reading, please?

Mr. WALSH. From Rule XIV, paragraph 2.

Mr. SMITH of Arizona. What page of the Manual?

Mr. WALSH. On page 18 of the rules. The entire paragraph of the rule reads as follows:

2. Every bill and joint resolution shall receive three readings previous to its passage, which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third: *Provided*, That the first or second reading of each bill may be by title only, unless the Senate in any case shall otherwise order.

The PRESIDING OFFICER. Does the Senator from Montana make the point of order?

Mr. WALSH. I make the point of order that the bill should be read by title only on the second reading, unless the Senate otherwise directs. If the Senate has not otherwise directed, the reading of the title completes the reading of the bill.

Mr. SMOOT. Mr. President, I am interested only in the rules. I do not care whether the bill is read or not; but I desire to call the attention of the Chair to the fact that the rule provides that "the first or second reading of each bill may be by title only, unless the Senate in any case shall otherwise order." That means, in my opinion, that, unless the Senate otherwise orders—that is, takes affirmative action—the bill, upon objection, must be first read—that is, the formal reading of the bill—and, then, second, for amendment. Of course, it has been the practice of the Senate to do that unless it has been otherwise ordered by the Senate.

Mr. SWANSON. This bill was read twice before it was referred to the committee.

Mr. SMOOT. I will say to the Senator that this is the first reading since it has been on the calendar and taken from the calendar.

Mr. SWANSON. The bill is read the first and second time and read the third time on its passage. In Committee of the Whole it has been customary to read the bill once, and after it has been read once, it has been open for amendment. I concur with the Senator from Montana [Mr. WALSH], that it has been customary to simply read a bill once as in Committee of the Whole; and this bill has been read once.

Mr. WALSH. I invite the attention of the Presiding Officer to subdivision 3 of the same rule, which reads:

No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

This bill, as I understand, has been referred to the committee and has been reported by the committee; and so, presumably, it has already been twice read.

The PRESIDING OFFICER. The Chair is of the opinion that the bill, under the rule, could not have been referred to the committee unless it had been twice read. It may be read twice by title, if the Senate so consents.

Mr. LODGE. This bill has had its first and second readings, has it not?

The PRESIDING OFFICER. The Chair will be glad to hear the Senator from Massachusetts.

Mr. LODGE. I was going to say that the bill had taken its first and second reading before it went to committee.

The PRESIDING OFFICER. The Chair is of the opinion that it must be presumed to have had two readings, or it could not have gone to the committee.

Mr. WALSH. My understanding is that the bill has been read once here to-night.

The PRESIDING OFFICER. It has been read in extenso.

Mr. LODGE. The bill is now open to amendment at any point.

The PRESIDING OFFICER. The Chair is of the opinion that unless the Senate by an affirmative majority vote orders otherwise, the further reading of the entire bill will be dispensed with, it having been already read three times. There has been no unanimous consent requiring that committee amendments be first acted on; so that all amendments are in order, whether from the committee or from the floor of the Senate.

Mr. WALSH. I should think that the usual procedure should be followed.

The PRESIDING OFFICER. The Chair was not aware that there was unanimous consent granted that committee amendments should be first disposed of.

Mr. SMOOT. I thought that request was coupled with the request that the formal reading of the bill be dispensed with and that committee amendments be first considered.

The PRESIDING OFFICER. The present occupant of the chair was not occupying the chair at that time, and can only be bound by what the record shows.

Mr. SMOOT. If the record shows that, and, as I remember, that was the request—

Mr. LODGE. The usual request was made that the formal reading of the bill be dispensed with and that the bill be read for committee amendments, committee amendments to be first considered. The bill has been read, and therefore is open to amendment. Of course, the whole request for unanimous consent fell when objected to.

The PRESIDING OFFICER. The Chair will hold that the bill is open to amendment for committee amendments or otherwise. The question is on agreeing to the amendment just read by the Secretary, on page 8, after line 11.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 11, after line 3, to insert:

Court of Appeals Building, District of Columbia: For fitting up the top story and basement of the Court of Appeals Building of the District of Columbia suitable for occupancy by the office of the recorder of deeds, including expenses of moving said office, and material and labor, and for each and every item incident thereto, to be immediately available, \$19,800, said work and the expenditures authorized hereunder to be under the direction and supervision of the Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

EMERGENCY SHIPPING FUND.

For purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in course of construction, and the expediting of construction of ships thus under construction, authorized by the deficiency appropriation acts approved June 15 and October 6, respectively, 1917, \$50,000,000, to continue available during the fiscal year 1920.

Mr. KING obtained the floor.

Mr. CALDER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield to the Senator from New York.

Mr. CALDER. I submit an amendment to the amendment just read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 15, at the end of the paragraph, it is proposed to insert the following:

Provided, That no part of this sum shall be used for the purchase of the International Mercantile Marine.

Mr. CALDER. Mr. President, the International Mercantile Marine is a shipping corporation owning a number of vessels that are operated under the English flag. During the past fall and winter I have observed many times in the newspapers that the Shipping Board contemplated the purchase of this line of vessels. I am not willing that this money shall be used for that purpose.

Mr. MARTIN of Virginia. Mr. President, as I heard the amendment I am perfectly sure that it is not contemplated to use one dollar of this money for the purpose indicated. There is absolutely no possibility of it, and no desire to do it. So the amendment is needless and harmless. I see no objection to its adoption if the Senate wants to adopt it. I do not think it does any harm, because nothing of that sort is contemplated.

Mr. CALDER. If the chairman of the committee will accept the amendment, I will not discuss it at length; but I was going to say that the difficulty with the purchase of this line of ships during the past few months is the fact that we have heard constant rumors from Washington, apparently emanating from the Shipping Board, that this fleet would be purchased. On the day of the signing of the armistice the preferred stock of this corporation was quoted at \$90 per share. It has gone from \$90 to \$124 and back three or four times since that period, depending upon rumors from Washington or statements of members of the Shipping Board that this fleet would or would not be purchased. It seems to me we ought not to purchase it. We are going to have many more ships than we can operate profitably when the fleet now under construction is completed; and I am not willing, so far as I am concerned, that we shall invest any money in a fleet of this character under the circumstances.

Mr. JONES of Washington. Mr. President, will the Senator state from what source these rumors came that seem to affect the market value of the stocks of this company? Did they come from the Shipping Board or some other department of the Government?

Mr. CALDER. I know the chairman of the Shipping Board has several times referred to the fact that this fleet was to be purchased. I have in my hand a letter from which I will quote. The writer says:

I will cite an instance. Last month, February 10, the stock quotation of the International Mercantile Marine on the New York Stock Exchange ranged between 92 and 93½. All at once a rumor was started, which gave Mr. Hurley, chairman of the Shipping Board, as the author of the statement, that our Government intended to purchase the International Mercantile Marine fleet, and promptly the stock moved two or three points up. The following day a similar report appeared in several papers, and these reports are persistent in their continuation, with the result that International Mercantile Marine preferred stock has enjoyed a rise of 10 points in one week, and now stands at 103.

This stock, as I said a moment ago, Mr. President, has gone from 90 to 124 several times, back and forward, since the armistice was signed. I think it is just as well that we write into the law now that no part of this fund shall be used for purchasing this line of vessels.

Mr. JONES of Washington. Does not the Senator think that we really ought to do that? If rumors from the Shipping Board have that effect upon the stock, should we not by a statute take away any possible power of the Shipping Board to raise the stock or lower it from day to day?

Mr. CALDER. Does the Senator believe that we should buy the ships?

Mr. JONES of Washington. I mean prohibit their purchase by the Shipping Board, so that any statement given out by the Shipping Board would have no influence.

Mr. CALDER. I thank the Senator for his statement in the matter and am glad that he agrees with me.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York to the amendment of the committee.

Mr. FLETCHER. Mr. President, I am not going to take the time of the Senate to discuss the amendment, but I hope the chairman of the committee will not accept the amendment, and that it will not be agreed to, not that I have any idea about the purchase of these ships now, although at one time I think it was contemplated, but I have not any notion that it is now contemplated. At the same time, I do not see any use of putting restrictions on the Shipping Board. If it is possible to obtain these ships, or some of these ships, at \$90 a ton, whereas now similar ships are costing us nearly \$200 a ton, I fail to see why it would not be a good business proposition for the Government to purchase them. I do not know whether that can be done or not; I have not inquired into that; but the price considered at one time was something like \$100 a ton for a magnificent fleet of ships. That is about half of what similar ships are costing; and if the Government has the opportunity of acquiring valuable ships such as they need for a particular service at much less than they can be built for to-day, I do not see why the board should not be allowed to acquire them. That is all I am going to say about it. It is utterly immaterial to me one way or the other, but I do not see any use in tying the hands of the Government in a matter of this sort. The mere fact that the stock is speculated in is no argument one way or the other.

Mr. SMOOT. Mr. President, if there is no intention whatever on the part of the Shipping Board to purchase this fleet, there can be no harm in specifically stating that no part of this appropriation shall be used for that purpose.

Mr. MARTIN of Virginia. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. Certainly.

Mr. MARTIN of Virginia. If the Senator refers to my remarks on the subject, I will state that I did not say that these ships will not be purchased from this appropriation; but I said that there is no intention, as I understand, of using this money for that purpose. It is not half enough for them to make the purchase, even if they wanted to do it. I do not think there is any intention of using this money for this purpose, and I do not think there is any intention now of acquiring that fleet. I know there was some negotiation about it at one time.

Mr. SMOOT. I was unaware that the Senator had made any statement with relation to it.

Mr. MARTIN of Virginia. Yes. I thought the Senator was speaking of what I said.

Mr. SMOOT. No; I did not hear the Senator make the statement. My remarks were called out by the statement made by the Senator from Florida [Mr. FLETCHER], in which he said that there was no intention of purchasing this fleet.

Mr. MARTIN of Virginia. I do not believe there is, but there was some negotiation at one time.

Mr. SMOOT. Then if it is a proper policy to follow, and an expression of the Senate is necessary by adopting this amendment to prevent stock gambling upon this stock, daily and weekly, and to prevent these gamblers making \$10 and \$20 and sometimes \$30 a share upon it, I think an amendment of this sort ought to be adopted.

The Senator speaks of purchasing this fleet at \$100 per ton. It is true that shipping has cost during the war from \$200 to \$225 a ton, but it is also true that before the war shipping did not cost \$100 a ton; and with the great amount of tonnage that has been constructed and that is under way now by the Government there will be a day when the cost per ton of shipping will be normal again. If this company is going to offer these boats for \$100 a ton, it is simply because its officials are fearful of the future, and they think the first loss will be the best loss; and if they are going to sell them for \$100 a ton, you can depend upon it that they are looking to the future and have come to the conclusion that it will not be long before \$100 a ton will be more than the boats are worth.

As it has been generally understood, Mr. President, and as the papers of the country are being utilized by stock gamblers who deal in this stock, and as it is not necessary for the Government of the United States to have this line of ships, the safest way, I think, is to adopt the amendment offered by the Senator from New York.

Mr. HARDING. Mr. President, I should like to ask the Senator in charge of the bill for a statement as to the reason of this appropriation. In view of the fact that we are slowing up on our shipbuilding program, and the further fact that the emergency for the construction of shipping is past, and in view of the further fact that we are not establishing any new shipyards, what is the reason for this extraordinary appropriation?

I only speak as one member of the Committee on Commerce, which has to deal with the shipping problem; and I am frank to say that I never heard of any reason or excuse for this appropriation.

Mr. MARTIN of Virginia. Mr. President, I will read, for the information of the Senate, a letter received by me from Mr. Hurley, of date the 28th of February. He says:

Information has come to me that the sundry civil bill may fail of passage at this session, and it has been suggested to us that the deficiencies of the United States Shipping Board and of the Emergency Fleet Corporation for the fiscal year ending June 30, 1919, may have to be cared for under the pending general deficiency bill.

Chairman SHERLEY indicated in his speech of two days ago that this course might prove to be necessary, and I understand that he has informally brought this particular matter to your attention.

Referring to the bill printed as being on Union Calendar No. 399, H. R. 16187, and Report No. 1148, I therefore ask the Appropriations Committee of the Senate to make the following insertion in the pending general deficiencies bill, at page 12, after line 19:

Then follows the language used in this bill, with the exception that the amount asked for was \$100,000,000 instead of \$50,000,000. The Senate Committee on Appropriations reduced it one-half. We thought we would see if they could not get along with \$50,000,000 instead of \$100,000,000, so we cut in two the appropriation which they asked and gave them one-half of what they asked.

Then he says:

For recruiting, instructing, and training officers, engineers, and crews for American vessels, and for all expenditures incidental thereto, \$3,750,000.

That is an additional item. That, I think, is all on this subject.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. MARTIN of Virginia. I will.

Mr. KING. I should like to ask the Senator if it is the purpose of Mr. Hurley or the board to purchase additional vessels, or to requisition additional ships?

Mr. MARTIN of Virginia. That language was used in previous legislation, and it is adopted here. As I understand, there are no additional purchases contemplated; and this is for an actual deficiency. This is to meet deficiencies that have been incurred by the Shipping Board.

Mr. LENROOT. No; it is to be made available for 1920.

Mr. SMOOT. I will say to the Senator that this is a direct appropriation of \$50,000,000; and not only is it available for 1919 but it is specifically available for the year 1920.

Mr. MARTIN of Virginia. That is intended to meet the obligations that have already been incurred. That is my understanding of it. Mr. Hurley asked for \$100,000,000, and the committee cut him down to \$50,000,000.

Mr. FLETCHER. Mr. President, I think that it is true that it is to carry out contracts or commitments actually made.

Mr. MARTIN of Virginia. That is my understanding of it.

Mr. FLETCHER. Unless this appropriation is made, some of those contracts and some of those commitments will fail.

Mr. SMOOT. If that is the case, then we never ought to have put in the words "to continue available during the fiscal year 1920."

Mr. FLETCHER. Yes; because some of the contracts will not be performed until the fiscal year 1920.

Mr. SMOOT. Congress is going to meet twice before the end of that year.

Mr. FLETCHER. I know; but here are contracts made for ships that are not paid for. It takes some time to build a steel ship, and particularly steel ships of such a class. You can not build them in a few months now. Some of these contracts will not be completed until the end of the year 1920.

Mr. SMOOT. If the Senator's argument holds good, then they ought to have \$100,000,000 instead of \$50,000,000—

Mr. FLETCHER. I think they ought.

Mr. SMOOT. Because Mr. Hurley asked for \$100,000,000.

Mr. FLETCHER. I think they ought.

Mr. HARDING. Mr. President, I have no objection to the appropriation for the training and recruiting of shipping crews. I think that is a very desirable appropriation.

If it is in order, I move to amend the committee amendment by striking out everything contained in lines 4 to 10, inclusive.

The PRESIDING OFFICER. There is another amendment pending.

Mr. FLETCHER. The question will arise on whether the committee amendment should be adopted. The whole question is presented on the motion to adopt the committee amendment.

The PRESIDING OFFICER. But the Senator from New York has the right to perfect the amendment before it is voted on. The question is on the amendment of the Senator from New York.

Mr. LENROOT. Mr. President, I am in favor of the amendment of the Senator from New York, and I shall also support the amendment of the Senator from Ohio.

Mr. President, we have this situation before us: A deficiency appropriation is asked for, and the chairman has just read a letter upon which the request is based, and not one single detail is given either to the Committee on Appropriations or to the Senate as to what this appropriation is for or the use to which it is to be put. It is only \$50,000,000, Mr. President. Of course, that is a very small sum; but it seems to me that now, when the war is over, even for deficiency appropriations, the different departments of the Government, before a request should be granted, should furnish detailed information as to what this money is to be used for.

Under the language of this amendment the Shipping Board is not confined to using this sum for deficiencies at all. Under the language of this amendment, Mr. President, the Shipping Board may go out the next day and purchase ships, purchase plants, purchase materials, and pay for expediting the construction of ships that are now under way, for it will be observed that this amendment has nothing to do with the construction of ships; it is for the purchase of ships, the requisitioning of ships, or otherwise acquiring plants, material, charters, or ships now constructed or in the course of construction, and expediting the construction of ships and those under construction.

Not a dollar of this fund can be used for the construction of ships by the Emergency Fleet Corporation or the Shipping Board. Every dollar of it may be used for the purchase of ships, plants, and materials; and with the need of expedition gone, and with the condition that the Treasury is in at the present time, an appropriation ought not to be made of this character in this way. The committee, at least, ought to have information as to the particular need of the money and the purposes for which it is to be used.

Mr. President, this is only a sample of other amendments, with one exception, that are found in this bill, a bill carrying \$842,000,000; and I was interested this afternoon, Mr. President, to ascertain, if I could, what investigations had been given by the Committee on Appropriations to this deficiency bill, to what extent they had gone into the question of the needs of the Government for the money that is appropriated by this bill. I sent for the hearings of the Committee on Appropriations of the Senate. I have them here. They constitute 35 pages, every word of which is upon one single amendment, namely, the \$750,000,000 appropriation to the Railroad Administration.

Apparently the Committee on Appropriations made no investigation of any of these other items. No testimony was taken as to this item of \$50,000,000; and the \$50,000,000 carried in this amendment was granted by the committee solely upon a letter which the chairman has read from the Shipping Board, saying "We need the money."

Mr. President, I sometimes wish that the next liberty loan campaign had been on during this winter. I think if it had possibly Congress would have been a little more careful in making these millions and billions of dollars of appropriations. I know that the chairman of the committee and the members of the committee are anxious for economy; but it seems to me that the time has come when Congress ought not to make any appropriation without the fullest information from the different departments of the Government as to the need of the appropriation and the purposes to which it is intended to be put. We ought not any longer to grant appropriations by the hundreds of millions of dollars upon a letter from a department saying, "We want the money."

Mr. President, this amendment can well go out of the bill, and certainly the portion of the amendment that it should be available for the year 1920 ought to go out, because when the Shipping Board made the request for the amendment in that form it showed upon its face that it was not to take care of present deficiencies. It shows upon its face that they desire this money for the purpose of making some new purchases—possibly the International Mercantile Marine; possibly something else—but the Shipping Board ought not to have further authority and we ought not to make further appropriations for making new purchases under the circumstances which we now find the Treasury to be in without full, detailed information. The chairman of the Committee on Commerce, the Senator from Florida [Mr. FLETCHER], a few moments ago said of the International Mercantile Marine that if we could get a good bargain we ought to take it, because we need the ships. The greatest problem that the Committee on Commerce now has before it, and which will later come before the Senate—the committee of which the Senator from Florida is chairman—is, what are we going to do with the ships that we now have? As far as the United States Government is concerned, we do not need any more ships. So far as the condition of the Treasury is concerned, we ought not to buy any more ships. So far as the condition of the Treasury is concerned, we ought not to begin the construction of any new ships except where material to such an extent has already been ordered that it would be cheaper for the Government to go on and finish the construction and sell the ships than it would be to cancel the contracts.

Mr. KING. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. KING. I should like to ask the Senator from Wisconsin whether the Committee on Commerce has formulated any plan for submission to the Senate looking to the disposition to be made of the ships, and a plan for determining whether the Government is to continue the construction and operation of the ships, or whether it is to be remitted to the hands of private parties?

Mr. LENROOT. The Committee on Commerce has not formulated any plan whatever. There have been a number of informal discussions between members of the committee and members of the Shipping Board, but I do not think either the committee or the Shipping Board have any plan unless it has been within the last two or three days, when we were told by the newspapers that Mr. Hurley has a plan. What the plan is we do not know.

But, Mr. President, next to the railroad question the question of our merchant marine is probably the most important before the country so far as any permanent policies are concerned.

Mr. KING. Will the Senator yield for another question?

Mr. LENROOT. I yield.

Mr. KING. Does not the Senator think that a plan ought to be formulated and adopted by Congress at a very early date determining what course shall be pursued with respect to this important question?

Mr. LENROOT. The Senator from Wisconsin does so think, and the Senator from Wisconsin thinks that Congress ought to be called in special session next week for the purpose of beginning the formulation of these very important policies.

Mr. KING. Will the Senator yield for another question?

Mr. LENROOT. Yes.

Mr. KING. Does the Senator think, when the Emergency Fleet Corporation was authorized in the stress of war to engage in the construction of vessels, that now the war is over it ought to continue in the building of new vessels? I do not refer in my question to the completion of vessels now in course of construction.

Mr. LENROOT. I do not think that we have a very considerable number of contracts where the keels have not yet been laid, but the material has been ordered and fabricated in very large part, and I believe in that respect the policy of the Shipping Board is, stated not accurately but in a general way,

that where the cost to the Government by way of cancellation of a contract would equal or exceed 25 per cent of the contract price, or the estimated cost, the Emergency Fleet Corporation believe it will be cheaper for the Government to go on and complete the ship and sell it at a loss rather than to cancel the contract. Generally speaking, I believe that is a wise policy on the part of the Shipping Board, but of course the Shipping Board ought not to be authorized to enter upon any new construction where the material has not been ordered. It ought not to be given a dollar for buying ships.

Mr. President, if this amendment is defeated it may cause some embarrassment to the Shipping Board, but the Shipping Board ought to have given the Senate Committee on Appropriations detailed information as to the need for this money and the uses to which it is to be put.

Mr. WEEKS and Mr. NELSON addressed the Chair.

The VICE PRESIDENT. Does the Senator yield, and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Massachusetts.

Mr. WEEKS. I should like to call the attention of the Senator from Wisconsin to the fact that this amendment belongs in the sundry civil bill. Hearings were given by the House Committee on Appropriations on that bill upon this particular subject, covering some 300 pages. The Senator must remember that this bill was not reported to the House until last Thursday. It did not come over to the Senate until Friday, and it was only on Saturday that the Senate committee had jurisdiction over it. It was impossible at that time to give hearings upon it. I personally took the trouble to talk to the chairman of the Committee on Appropriations and get his ideas of the necessity for this appropriation, and as a result of the amendment, which I offered myself in the committee at that time, it was cut from \$100,000,000 to \$50,000,000. But I find in reading the hearings in the House it was estimated there were \$65,000,000 due shipowners for requisitioned ships, and that there were \$8,000,000 of salvage and perhaps \$2,000,000 to be paid to complete payments that were due to finish the construction of wooden ships in the yards. That in itself would make \$73,000,000 that must be paid. I have no doubt if Congress were called and this matter were further considered, very accurate detailed information could be obtained. It does seem to me that at least \$50,000,000 is due and should be paid as soon as it reasonably can.

Mr. LENROOT. I should like to ask the Senator from Massachusetts a question, then. If this \$50,000,000 is necessary for obligations or indebtedness already incurred, why was not the amendment framed so as not to permit the Shipping Board to use any portion of the \$50,000,000 for the purchase of ships?

Mr. ROBINSON. Mr. President, will the Senator yield to me upon that suggestion?

Mr. LENROOT. Certainly.

Mr. ROBINSON. The amendment in the urgent deficiency bill now under consideration is in almost the exact language of the existing law approved October 6, 1917. It is the way in which all the appropriations have been made. Under the head of "Emergency shipping fund" in the act to which I have just referred I find this language:

The cost of purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in the course of construction, and the expediting of construction of ships thus under construction, authorized by the urgent deficiency appropriation act approved June 15, 1917, is increased from \$250,000,000 to \$515,000,000, and there is appropriated for this purpose the sum of \$200,000,000.

So the authorization for the appropriation carried in this general deficiency bill is found in the language that I have just read from the act of October 6, 1917.

Mr. LENROOT. I was not making any point at all about the authorization. This might have been made a clear deficiency, and the authorization would have been found in the act which the Senator from Arkansas has now quoted. But under the language of the pending amendment it authorizes the Shipping Board to use any portion of the \$50,000,000, not for a deficiency, not to pay for indebtedness already incurred, but to go out in the market and purchase ships. That is what I am complaining of. If there be \$50,000,000 of obligations already incurred, I would have no objection if the appropriation were limited to the payment of that indebtedness; but the Shipping Board is not compelled to pay a dollar of this \$50,000,000 for the payment of those obligations.

Were it not for the amendment of the Senator from New York [Mr. CALDER], with this \$50,000,000 the Shipping Board can go out and buy the International Mercantile Marine. Senators say that negotiations have been pending. I did not know those negotiations had been broken off. Perhaps the Senator does. I did know they had been suspended. So far as I know

they are still suspended, but I have no information that those negotiations have come to an end or have been broken off.

Mr. President, with reference to the defeat of this amendment possibly causing some embarrassment, perhaps it may; but even if it should, Mr. President, this is one of the many appropriations which we have no information about, and if it does cause embarrassment there is a way, and a very easy way, to remedy that embarrassment, and that is for the President to call Congress into special session immediately, which it is very obviously the duty of the President to do.

Mr. President, not more than three hours ago there was a motion made by the Senator from Montana [Mr. MYERS] to take up the \$100,000,000 soldiers' land settlement bill. It can not be taken up now. That is very clear to everyone. It was stated this evening by the chairman of the Committee on Appropriations that the President had stated that he would not call Congress in special session before the 1st of June. That means that the soldiers must wait three months before we begin considering legislation giving them the relief which that bill proposes to give to them.

The Senator from New York [Mr. WADSWORTH] this afternoon very clearly pointed out that unless the Army appropriation bill should pass before the 1st of June a great many of our boys over in France to-day will be compelled to stay there against their will because of the failure to pass that bill. Mr. President, if Congress is not called into special session before the 1st of June the responsibility for holding our boys in France against their will after the 1st of July will rest upon the President of the United States.

What reason is there, what reason has been given by anyone with these pressing questions before the country, for waiting until the 1st of June before Congress shall be called into special session? No reason has been stated, but I think it is entirely obvious to everyone upon both sides of the Chamber and to the country. The very obvious reason is that the President of the United States, notwithstanding the importance of these questions, does not desire Congress to be in session during the proceedings of the peace conference because the President does not desire that this shall be a forum for debate on the proposed constitution of the league of nations.

If Congress were in special session that matter would be debated upon both sides, ably debated upon the Democratic side as well as upon this side. The people of the country would then have an opportunity to carefully study the arguments for and against the approval of that constitution in the form in which it is now proposed. Why is it that the President of the United States is unwilling that the country should have that opportunity to form a deliberate judgment upon full discussion in this forum and at the other end of the Capitol? Is it because the President of the United States is uncertain of the judgment the American people will ultimately form if they have before them all the facts? Is it because he would rather have the American people determine this question not upon the real issue but upon generalities without information as to the details of the proposed constitution?

Mr. President, I have nothing further to say except that I shall have no hesitation in voting to strike this amendment out of the bill. I shall have no hesitation in voting against other of the amendments in the bill concerning which we have no information, knowing that there is a remedy—that Congress can be called into immediate session for the proper and deliberate consideration of all these important questions.

Mr. JONES of Washington. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Certainly.

Mr. JONES of Washington. Does not the Senator anticipate that the treaty of peace will come in about the 1st of July, and that then we will be urged to ratify it immediately, in order that the boys may be brought back from Europe, and that that will be the pressure and the strong argument that will be presented to us for an early ratification?

Mr. LENROOT. Unquestionably, Mr. President. I have not seen the slightest desire for the judgment of the Senate or the American people upon the merits of this proposition, but evidently it is hoped and expected that the Senate may be forced into doing that which it might not do if it had the present proposed constitution of the league of nations before it as an independent proposition.

Mr. SHAFROTH. Mr. President, the Constitution provides that the President of the United States may, on extraordinary occasions, convene both Houses or either of them. We have had as much time at this session to consider the general appropriation bills as at any session I have ever known. I have seen passed in this body as many as six appropriation bills in one

day. You have time now to pass two or three of them before 12 o'clock to-morrow. It is said to be—

Mr. POINDEXTER. Will the Senator from Colorado tell us if that is the reason why you have to issue \$7,000,000,000 of bonds?

Mr. SHAFROTH. Mr. President, I can not see that that question has any connection whatever with what I am discussing. The Senator from Wisconsin [Mr. LENROOT] is attempting to blame the President if an extra session is not called. Nearly every one of the appropriation bills on the calendar, except the one which is before the Senate now, are bills that do not take effect until the 1st day of next July, and consequently if the President gets back to the United States and calls a session by that date it will be in ample time for the measures to take effect and there will not be a filibuster at that time.

Mr. President, I want to say that this situation is caused by the people who are opposed to the President and who are attempting in every way to hamper him. The Senator from Wisconsin well knows what would be done upon the other side of the Chamber when the President is in Europe and the Senate is in session. No matter what the President does, you will say it is wrong. No matter what is done in a department here, you will say it is wrong. If a letter fails to reach a soldier over in Europe, then there is going to be criticism of that. If the pay does not come in exactly within a minute of the time it is due, then there is criticism of that. There has been continual unfair harping and criticism against every one of the departments of the Government. Mr. President, it is these things that have delayed the consideration of the appropriation bills.

In the last three or four days speeches have been made, one of them six hours long and another three and a half hours in length, and for what purpose? They were not on the bill at that time under consideration, but they were purely and solely for the purpose of creating the situation which you desire shall arise in order to compel the President of the United States to call an extra session.

Who creates the emergency?

You had in the first instance the opportunity to pass the bills, but you did not do so. You have delayed the matter. The discussion to-day, every minute of it almost, has been upon the league of nations, which is not before the Senate at all. Four or five hours of time have been spent upon that subject.

Mr. POINDEXTER. Mr. President—

Mr. SHAFROTH. Here are pressing measures—here is a measure where almost the repudiation of debts will take place unless the bill is passed, and yet you are consuming the time of the Senate for the very purpose of defeating these measures. Talk about the responsibility of the President! The responsibility is here, and made by you.

I yield to the Senator from Washington.

Mr. POINDEXTER. Why does not the Senator from Colorado sit down and let us pass the bill?

Mr. SHAFROTH. I remember the Senator from Washington the other day took three hours to discuss the league of nations when there was no such measure before the Senate, and I am taking five minutes now for the purpose of reminding the Senator of that fact.

Mr. POINDEXTER. Why does not the Senator from Colorado say that the league of nations is not before the Senate?

Mr. SHAFROTH. It is not before the Senate.

Mr. POINDEXTER. It is before the Senate and before the country. There is no question about that.

Mr. SHAFROTH. Everybody knows in parliamentary procedure the measure before the Senate is the exact bill or treaty that is in the hands of the Secretary, and no such treaty is here now. Consequently every speech that is made upon that subject is made practically out of order and would be so ruled in any other body in the world except the Senate of the United States. You can not, by abusing the privilege of debate, create the necessity for an extra session of Congress and then blame the President for not calling an extra session of Congress to remedy the situation which you deliberately caused.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14746) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920.

The message also announced that the House had passed the bill (S. 5554) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 14894) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 14945) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 15706) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. OWEN. Mr. President, I present a conference report on House bill No. 14746, the Indian appropriation bill, and I ask for its present consideration.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Moses	Simmons
Baird	Hitchcock	Nelson	Smith, Ariz.
Bankhead	Johnson, Cal.	New	Smith, Ga.
Beckham	Jones, N. Mex.	Norris	Smith, Mich.
Borah	Jones, Wash.	Nugent	Smith, S. C.
Brandegee	Kellogg	Overman	Smoot
Calder	Kendrick	Owen	Spencer
Chamberlain	Kenyon	Page	Sterling
Colt	King	Penrose	Sutherland
Cummins	Kirby	Pittman	Swanson
Curtis	Knox	Polindexter	Trammell
Fernald	Lenroot	Pollock	Underwood
Fletcher	Lewis	Pomerene	Vardaman
France	Lodge	Ransdell	Wadsworth
Gay	McCumber	Reed	Walsh
Gerry	McKellar	Robinson	Warren
Gore	McLean	Saulsbury	Watson
Gronna	McNary	Shafroth	Weeks
Hale	Martin, Ky.	Sheppard	Wolcott
Harding	Martin, Va.	Sherman	

Mr. WADSWORTH. Mr. President, may we have order?

The VICE PRESIDENT. Whenever the Senate will stand by the Chair, order will be enforced in the galleries. Until it does, no effort will be made to keep the galleries in order.

Seventy-nine Senators have answered to the roll call. There is a quorum present.

Mr. KNOX. I offer the amendment to the pending bill, which I send to the desk.

The VICE PRESIDENT. There is an amendment pending. In addition to that, a conference report has been submitted, and is to be read. It has the right of way.

Mr. KNOX. I will offer my amendment subsequently.

Mr. UNDERWOOD. Mr. President—

The VICE PRESIDENT. Is there objection to reading the conference report?

Mr. UNDERWOOD. I can not hear what is being said by the Chair.

The VICE PRESIDENT. The Senator from Oklahoma [Mr. OWEN] has presented a conference report and has asked that it be read. He was about to request its immediate consideration when a suggestion of the absence of a quorum was made. The roll has been called, a quorum has been disclosed, and the Chair thinks that the next business is for the Secretary to finish reading the report, unless there be an objection to it.

Mr. UNDERWOOD. I desire to say that the Senator in charge of the pending bill happens to be off the floor just for a moment, and in his absence I represent him. I know that it is his urgent desire that this bill shall be passed. If this bill is not passed it endangers the finances of the Government, for it carries the deficiencies for this year. Of course, the Senator from Oklahoma has the right and the privilege to move the immediate consideration of his conference report, and if the Senate desires to displace this bill, either temporarily or permanently, for the consideration of any conference report, that is for the Senate to determine; but being at present in charge of the bill, I can not consent to anything interfering with its consideration until it is disposed of, unless the Senate otherwise orders. Therefore, representing the Senator from Virginia [Mr. MARTIN], I must object,

Mr. OWEN. Upon the representation of the Senator from Alabama, I will say—

The VICE PRESIDENT. A conference report must be read when presented. Then, if there is objection to unanimous consent to proceed to its consideration, the Chair must put the question whether the Senate will proceed to the consideration of the report. The Secretary will read the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14746) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 16, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 39, 43, 44, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 61, 64, 65, 66, 67, 71, 72, 75, 76, 77, 78, 79, 81, 86, 89, 94, 96, 97, 106, 110, 117, 118, 119, 122, 127, 130, and 131.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 8, 9, 10, 11, 13, 14, 17, 18, 19, 21, 26, 33, 34, 35, 36, 37, 38, 41, 42, 48, 56, 58, 59, 60, 62, 63, 73, 74, 80, 82, 83, 84, 85, 87, 88, 91, 92, 93, 95, 98, 99, 100, 102, 104, 105, 107, 108, 109, 111, 112, 113, 114, 115, 116, 121, 123, 124, 125, and 129, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by the Senate amendment insert: "\$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by the Senate amendment insert: "\$36,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by the Senate amendment insert: "\$253,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert: "\$375,000, of which \$10,000 shall be used to care for old and indigent Indians in western Washington, and of which sum \$25,000 shall be immediately available," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert: "\$135,000: *Provided*, That \$5,000 of this amount shall be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "*Provided*, That not to exceed \$20,000 may be expended from Indian moneys, proceeds of labor, Sherman Institute, for the purchase of land and water rights, the title to which is to be held in the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: Restore the House provision, but in line 25, page 26 of the engrossed bill, strike out "\$50,000" and insert "\$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert: "three hundred and fifty," and on page 33, line 23, of the engrossed bill, strike out the word: "hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert: "\$75,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed by the

Senate amendment insert: "\$88,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$30,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: On page 19, line 5, of the engrossed amendments, strike out "\$25,000" and insert "\$10,000"; also, in line 10, on page 19 of the engrossed amendments, strike out the words "of Congress" and insert: "entitled 'An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes'"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"Provided, That this provision shall not prohibit other sales as provided by existing law, except that such tracts of coal and asphalt deposits shall not again be offered for sale until after the expiration of six months from November 15, 1919."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: On page 23, line 4, of the engrossed amendments, strike out "\$100,000" and insert "\$15,000," and on page 24, line 1, strike out the words "and to remain available until expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows: On page 27 of the engrossed amendments strike out lines 1, 2, and 3 and the words "of Indian Affairs in" on line 4 of said amendments and insert: "For" and in line 12, page 27 of the engrossed amendments, after the word "session" insert: "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert:

"For the construction of a road from the village of Odanah, in the Bad River Reservation, to the south line of said reservation, to be expended under the direction of the Secretary of the Interior, said sum to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Indians on the Bad River Reservation, to remain a charge and lien upon the lands and funds of said Indians until paid: *Provided*, That the Secretary of the Interior may cooperate with the State of Wisconsin in the construction of said road: *Provided further*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Wisconsin satisfactory guaranties of the payment by the said State of at least one-half of the cost of the construction of said road."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$151,000," and, on page 57, line 24, of the engrossed bill strike out "\$2,325,000" and insert "\$2,175,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows:

On page 30, line 22, of the engrossed amendments strike out the figures "27" and insert "26";

On page 31, line 3, of said amendments strike out the word "act" and insert "section";

On page 32, line 3, of said amendments strike out the word "act" and insert "section";

On page 32, line 11, of said amendments strike out the word "act" and insert "section";

On page 32, line 17, of said amendments strike out the word "act" and insert "section";

On page 32, line 18, of said amendments strike out the word "act" and insert "section";

On page 32, line 18, of said amendments strike out the word "thirty" and insert "twenty";

On page 33, line 4, of said amendments strike out the word "act" and insert "section";

On page 33, line 10, strike out the word "act" and insert "section";

On page 33, line 10, after the word "lease," insert the following: "subject to the payment of an annual rental of not less than \$1 per acre";

On page 33, line 12, strike out the word "act" and insert "section"

On page 33, line 21, strike out the word "act" and insert "section"

On page 33, line 23, strike out the word "approval" and insert "lease"

On page 34, line 1, of said amendments, strike out the word "act" and insert "section"

On page 34, line 3, strike out the word "act" and insert "section"

On page 34, line 8, strike out the word "act" and insert "section"

On page 34, line 18, after the word "of," insert "not less than"

On page 34, line 19, after the word "thereafter;" insert "not less than"

On page 34, line 20, after the word "and," where it occurs the second time, insert "not less than"

On page 35, line 22, strike out the word "act" and insert "section"

On page 36, line 8, strike out the word "act" and insert "section"

On page 36, line 11, of said amendments, strike out the word "act" and insert "section"

On page 36, line 13, of said amendment, strike out the word "State" and insert "States."

On page 36, line 17, strike out the word "Act" and insert "section."

On page 36, line 23, strike out the word "Act" and insert "section."

On page 37, line 1, strike out the word "Act" and insert "section."

And the Senate agree to the same.

R. L. OWEN,
A. A. JONES,
A. J. GRONNA,

Managers on the part of the Senate.

CHARLES D. CARTER,
CARL HAYDEN,
D. S. CHURCH,
PHILIP P. CAMPBELL,
H. P. SNYDER,

Managers on the part of the House.

The VICE PRESIDENT. The Senator from Oklahoma has asked unanimous consent for the present consideration of the report. Is there objection?

Mr. UNDERWOOD. Mr. President, for the reason I stated a few moments ago, I am compelled to object.

Mr. OWEN. Then, I move that the Senate proceed to the consideration of the report.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the report of the committee of conference? [Putting the question.] The noes seem to have it. The yeas have it.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16187) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York [Mr. CALDER] to the amendment of the committee.

Mr. HARDING. Mr. President—

Mr. UNDERWOOD. If the Senator from Ohio desires to offer an amendment, I will yield to him.

Mr. HARDING. With the consent of the Senator from New York [Mr. CALDER], I send to the desk a substitute for the committee amendment and the proposed amendment of the Senator from New York, which I think will make the committee amendment satisfactory and permit the Emergency Fleet Corporation to meet all of its obligations. I therefore offer the substitute, which I send to the desk.

The VICE PRESIDENT. The Chair will have to suggest the point of order, and sustain it himself. The amendment offered by the Senator from Ohio is not in order, being an amendment in the third degree. The parliamentary procedure will be, if we are not satisfied, to defeat the committee amendment, and then for the Senator from Ohio to offer his amendment. The committee amendment is in the first degree and the amendment of the Senator from New York is in the second degree; conse-

quently the amendment offered by the Senator from Ohio must be in the third degree.

Mr. HARDING. Is it in order to have the amendment read, Mr. President?

The VICE PRESIDENT. Yes.

Mr. HARDING. I ask that the amendment be read.

The VICE PRESIDENT. The amendment offered by the Senator from Ohio will be read.

The SECRETARY. In lieu of the amendment of the committee it is proposed by Mr. HARDING to insert the following:

For payment of obligations heretofore incurred in purchase or requisition or charter of ships, materials, or plants authorized by the deficiency appropriation acts approved June 15 and October 6, 1917, \$50,000,000.

Mr. UNDERWOOD. Mr. President, I will say that I think the language that is used in the bill is general language. It is universally carried in bills for this class of appropriations. I am satisfied from the hearings that there is no desire to use this money for the purchase of the ships which have been referred to in debate. I think the language offered by the Senator from Ohio [Mr. HARDING] fully covers the item for which this money is required; and, in order to obviate any further discussion, on behalf of the chairman of the committee, who is temporarily absent and with whom I have consulted, I am prepared to so accept the amendment.

Before doing so I wish to say this: The debate here would indicate that this item had not been properly considered by the committee. The Senate must bear in mind that this bill reached the Appropriations Committee on March 1, and almost a continuous session of the Senate has intervened. To-day is the 3d of March. Of course, the Committee on Appropriations did not have the opportunity to have elaborate hearings and to give the consideration to this bill that it would if it had come from the House a week or 10 days sooner; but, as this bill must pass in order to supply deficiencies to take care of the Government between now and the 1st of July, action was required by the committee.

I think this entire appropriation of \$50,000,000 is a deficit. The Shipping Board originally asked for \$111,000,000—I am using round numbers. The House Committee on Appropriations in the sundry civil bill provided an authorization of \$100,000,000. The hearing before the House Committee on Appropriations is published, and covers 233 pages of testimony of the various officers of the Shipping Board. Of course it is impossible for me at this time to bring to the attention of the Senate all of the various items that are covered by this hearing, but on page 217 of the hearings is a letter by Mr. Hurley, chairman of the Shipping Board, to Representative SWAGAR SHERLEY, chairman of the Committee on Appropriations of the House of Representatives, in which he defines what this money is used for, and to make it clear I ask that the letter be published in full, though I will not take up the time of the Senate to read it. He says in that letter that "\$34,000,000" of his request for \$111,000,000 "represents payments which will be due to builders who are completing ships which on August 3, 1917, were requisitioned while under construction."

The Senate well recalls that when the Shipping Board was created it was authorized to requisition certain ships on the docks, which was done; and \$34,000,000 of the \$111,000,000 is due for that purpose and to meet those payments.

Six million five hundred and twelve thousand one hundred and sixty-four dollars represents payments which are now or will be due before July 1, 1919, to builders who are working upon vessels which, in October, 1917, were requisitioned complete and are now in course of being fitted for ocean service.

In other words, we have taken these people's ships already; they are in our possession, and we have not paid for them.

Sixty million dollars represents payments which it is estimated will become due and payable before July 1, 1919, to former owners of ships requisitioned on August 3, 1917, while under construction. * * * Eleven million dollars represents payments which it is estimated will become due and payable before July 1, 1919, to former owners of completed ships requisitioned in October, 1917.

So that, according to Mr. Hurley's letter, practically every bit of this money is needed for ships that we have requisitioned and for which we owe other people.

As a matter of fact, the committee, if it went to the full extent of this request, ought to report \$100,000,000; but in view of the fact that the sundry civil bill has failed and will not become a law, and it was originally proposed to place this appropriation in the sundry civil bill, the committee consented to cut down the appropriation by half and allow the balance of the money to be taken up in the sundry civil bill at the extra session of Congress, whenever it is called.

Mr. President, I ask that there may be printed in the Record the letter I have referred to, following my remarks.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

UNITED STATES SHIPPING BOARD,

Washington, February 19, 1919.

Re: Sundry civil appropriation bill—1920 deficiencies.

Hon. SWAGAR SHERLEY,

Chairman of the Appropriations Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: The balance of the emergency shipping fund, under the items directly involved in the estimates which are now before you, and their respective status with reference to deficiency through the present fiscal year, are as follows:

CONSTRUCTION OF SHIPS FUND.

(See pp. 8, 24.)

In the fund "for the construction of ships" there is a balance sufficient to carry the Fleet Corporation through the present fiscal year and to enable it to enter the fiscal year 1919-20 with a substantial balance.

REQUISITIONING FUND.

(See pp. 45, 50, 216.)

In the fund "for purchasing, requisitioning, or otherwise acquiring plants, materials, charters, or ships now constructed or in the course of construction, and the expediting of construction of ships thus under construction" there is no balance available. The deficiency for the present fiscal year is \$111,512,164, based upon the following figures:

Thirty-four million dollars represents payments which will be due to builders who are completing ships which, on August 3, 1917, were requisitioned while under construction.

Six million five hundred and twelve thousand one hundred and sixty-four dollars represents payments which are now or will be due before July 1, 1919, to builders who are working upon vessels which, in October, 1917, were requisitioned complete and are now in the course of being fitted for ocean service.

Sixty million dollars represents payments which it is estimated will become due and payable before July 1, 1919, to former owners of ships requisitioned on August 3, 1917, while under construction. This amounts to 75 per cent of the total estimate on account of such claims which was placed in the record, the remaining 25 per cent being safely assignable, in our opinion, to the next fiscal year on account of expected delays in settlement.

Eleven million dollars represents payments which it is estimated will become due and payable before July 1, 1919, to former owners of completed ships requisitioned in October, 1917. The figure originally allowed under this item was \$3,902,975, because of the fact that until a day or two ago it was expected that the War Department would indemnify the Fleet Corporation against these claims to the extent of about \$11,000,000. It has just developed, however, that the Auditor of the War Department has ruled that the statute does not require the War Department to indemnify the Fleet Corporation in connection with these claims. For this reason the Fleet Corporation finds itself suddenly confronted with having to meet the entire amount of these claims without any assured protection from the War Department. The total estimated sum which will have to be paid to this class of former owners is \$14,902,975, but about \$4,000,000 of this sum has been charged over to the fiscal year 1920, on the theory that a very few of the settlements may be delayed until that time; hence the figure of \$11,000,000 on this account.

It must be said that the Government stands in the position at this time of being remiss in making just compensation to former owners and that it will be placed in an extremely embarrassing position if funds are not made available in the emergency shipping fund at this time for making payments in accordance with the statute.

RECRUITING AND TRAINING FUND.

(See p. 111.)

In the fund "for recruiting, instructing, and training officers, engineers, and crews for American vessels, and for all expenditures incidental thereto," the available balance is approximately \$456,000. The deficiency in this item is as originally estimated, \$4,661,302.

You will note that the deficiency stated above of \$111,512,164 is \$11,512,164 in excess of the original estimate of deficiencies on account of purchasing, requisitioning, or otherwise acquiring plants, materials, charters, or ships, etc., which came to your committee from the Secretary of the Treasury on February 4 as Document No. 1770.

It is probable that the Fleet Corporation will apply to the Secretary of the Treasury for a supplementary estimate to cover these new developments.

Very truly, yours,

EDWARD N. HURLEY, Chairman.

Mr. LENROOT. Mr. President, I am not in favor of the substitute proposed by the Senator from Ohio, which the Senator from Alabama now accepts; and I want to say just one additional word.

It appears from the letter that the Senator from Alabama has now read that this is a true deficiency appropriation. This afternoon I sent for the hearings before the House committee upon this bill, which comprise a volume of over 500 pages. I also sent for the hearings before the Senate Committee on Appropriations, and, as I have stated, that is a pamphlet of 35 pages. In neither of these hearings was there one single word on this subject.

Mr. UNDERWOOD. I will state to the Senator that he merely got the wrong hearing. This was a separate hearing.

Mr. LENROOT. I have the hearing on the third deficiency appropriation bill, and I find nothing in it on this subject.

Mr. UNDERWOOD. It was a separate hearing on the sundry civil bill.

Mr. LENROOT. Oh, yes; I am coming to that in just a moment. Is the practice and procedure of this body to be such that in order to find information about a deficiency appropriation one must seek through all the hearings upon appropriation

bills for appropriations beginning on the 1st of the next July? Who would dream of looking in hearings upon the sundry civil bill for information respecting a deficiency bill, the appropriations for which begin July next?

Mr. UNDERWOOD. I am sure the Senator will agree with what the committee did. There was a hearing. We had only a day in which to report the bill.

Mr. LENROOT. I am not criticizing the committee at all. Of course the Senate committee had no opportunity to do otherwise with the bill coming over so late as it did.

What I am now criticizing is the practice, too often followed, of putting what is really a deficiency upon a regular appropriation bill and making the appropriation immediately available. Deficiencies should appear in the deficiency bill, so that Senators, in going through a deficiency bill, may look at the hearings upon both bills and find the necessary information there. I am not criticizing the Senate Committee on Appropriations in the least, because it was not its fault.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York.

Mr. CALDER. Mr. President, in offering this amendment I was anxious that some action be taken by the Senate, or at least that the fact should be called to the attention of the Senate that stock jobbing was going on on the Stock Exchange of New York in the stock of the International Mercantile Marine Corporation.

I said when I proposed the amendment that this stock had gone from \$90 a share to \$122 a share two or three times. I offered the amendment to prevent the use of this money for that purpose and to give notice, so far as I was concerned, that I would oppose the purchase of this stock.

The amendment proposed by the Senator from Ohio is satisfactory to me. It accomplishes in another way the purpose that I sought to accomplish; and I know, too, that this money is needed for many shipbuilders in New York and other parts of the country who are coming to Washington—some of them have come to see me, and told me that their bills are due, but are not paid—and this, of course, will take care of their interests.

I withdraw my amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. JONES of Washington. Mr. President, I wish the Senator would not withdraw his amendment. If these stocks can be manipulated, raised and lowered by mere rumors coming from Washington that this or that is going to be done, we ought to put something in the bill as an intimation, at any rate, that the Senate is opposed to such a proposition. I do not charge, nor do I think for one minute, that these suggestions or rumors or statements are given out by the Shipping Board with the intention of influencing the stock market; but it simply shows the effect upon stocks of any suggestion that comes from a public official who may be connected with the operations of the Government.

Mr. President, a word or two about another matter that has been suggested. The way this bill has been handled illustrates a condition that confronts the Congress, and it illustrates the reckless way in which we seem to deal with the people's money. The Senator from Colorado a short time ago suggested that this bill ought to be passed in an hour. He seemed to think that that was the wise way for us to legislate. This bill carries, in effect, \$1,671,472,208.69. This bill alone carries almost as much money as any Congress before this has appropriated, with all of its appropriations throughout the whole two years almost \$2,000,000,000; and the Senator from Colorado says the Senate ought to pass a measure like that in one hour!

Mr. SHAFROTH. Mr. President, does not the Senator recognize the fact that in less than 14 hours we are bound to adjourn? And has he not enough confidence in the administration and in the officers who are to expend this money to believe that they are not going to expend the money unless it is on a valid obligation of the Government? Have we not that check upon the expenditures that might be made?

Mr. JONES of Washington. Mr. President, if we are to follow that argument, we ought not to consider this bill for a minute. We ought simply to say to these people: "Go on and spend whatever you need, and, of course, it will be all right." That is not my idea of the way in which the Congress should handle the people's money or make appropriations for officers of the Government to use that money.

Mr. SHAFROTH. Mr. President, ordinarily when the Senate and House have time to consider these matters it is all right to carefully consider them; but in the closing hours of a Con-

gress, when almost repudiation will occur if this bill is not passed, it seems to me that we ought to hurry matters.

Mr. JONES of Washington. Mr. President, this bill ought not to have been brought here in the closing hours of the session. It ought to have been brought here long before this.

Mr. President, this Congress has passed but very few important measures. We knew when the session began that the main thing we would have to do would be to pass the appropriation bills, and those appropriation bills should have been the first things brought out and should have been considered. I know, Mr. President, that the Senate is not responsible for the delay. Probably it would be improper for me to say who is responsible for the delay, or what body is responsible for the delay; but I am going to call attention to the fact that the Senator from Alabama referred to, that this bill passed the House of Representatives February 28. That is not very long ago.

It is the practice—and some contend that it must be followed—for the House to originate the appropriation bills; that they must come over here from the House first; and so we did not have this bill; it did not get here until the 28th of February. Why it did not get here I am not prepared to say. I have my ideas about it. I have my views of it.

I want to say this: There are no politics in connection with this bill, but our Democratic friends are in control of both the House and the Senate. They are responsible for what is done and what is not done.

Mr. SHAFROTH. Mr. President, does the Senator think that we ought to be held responsible when we can not prevent people getting up here and speaking from two hours to five hours about something that is not before the Senate?

Mr. JONES of Washington. Mr. President, I do. [Laughter.] Of course, our Democratic friends are responsible. They are in control of the organization. They should have had these bills over here. They should have had this bill over here a week or two weeks ago. It came over here on the 28th of February. It went to the Committee on Appropriations. We considered it one day, being called in session in the afternoon on Saturday. We did not have any opportunity to bring in before us the men who will administer this fund and spend it to ask them about the items of this bill.

We first prepared this amendment for \$100,000,000; and, Mr. President, if they need the \$50,000,000, according to the showing that they presented to us, they need the \$100,000,000. If it is repudiation not to appropriate this money it is repudiation not to appropriate half of what they say they have to have. They wanted over \$100,000,000, to be made immediately available. We cut it down to \$50,000,000—upon any testimony from the administrative officers? No; but simply because we thought it ought to be done. We had some information from some Members elsewhere who thought that probably they could get along with that. It is a guess. Mr. President, that is not the way to determine upon appropriations to run the people's business.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES of Washington. I yield to the Senator.

Mr. KENYON. I should like to ask the Senator why it is that all of these appropriation bills, or practically all of them, come over near the close of the session, with practically no time for the Senate committees or the Senate to investigate them, outside of any question of long speeches, which, I assume, do not affect the House?

Mr. JONES of Washington. The Senator from Colorado seems to think that because we have four or five or six hour speeches they can not get the bills through the other body and get them over here.

Mr. SHAFROTH. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES of Washington. I yield to the Senator.

Mr. SHAFROTH. The Senator knows that in the closing of the session of Congress every year, without fail, appropriation bills come over in the late hours, as to which we do not have more than two or three or four hours for consideration. This is not extraordinary in that respect; but the situation is extraordinary when in the closing hours of this Congress we have a filibuster on these bills.

Mr. JONES of Washington. Mr. President, it has been the custom during the last four or five years that whenever a measure comes toward the close of the session, and anybody wants to get any information about the terms of it, or wants to discuss the terms of it, the cry comes from that side that we are filibustering; it is a filibuster to try to get any information

with reference to any of these bills. The Senator from Colorado may think it is a filibuster, but, Mr. President, the country will not think so. The country would like to have these measures scrutinized a little bit more closely than they are, because the people of the country are going to have to pay these bills.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES of Washington. I yield to the Senator.

Mr. LENROOT. I will ask the Senator whether it is not a fact that, as a result of the discussion upon this amendment, the chairman himself has accepted a substitute for the amendment?

Mr. JONES of Washington. That is a fact.

Mr. SHAFROTH. Then what is the Senator talking about?

Mr. JONES of Washington. Maybe I can get another substitute accepted.

Mr. SHAFROTH. Does not the Senator know that these continuous speeches of from three to six hours on the league of nations do in effect produce a filibuster?

Mr. JONES of Washington. Mr. President, the Senator can not shake his gory locks at me. I have not consumed any three or four hours on the league of nations.

Mr. SHAFROTH. But the Senator knows that that has been the principal theme for the last month before the Senate.

Mr. JONES of Washington. Oh, no.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Colorado how long he thinks persons ought to speak on the league of nations?

Mr. SHAFROTH. Mr. President, it depends entirely on what is the subject for discussion. The Senator's talk of three hours the other day in any other legislative body on earth would have been stopped, because the Senator was not discussing anything that was upon the table of the Vice President. But, Mr. President, under the idiotic rules that we have in this body you find that a man can talk about the moon being made of green cheese when any subject, no matter what it is, is before the Senate, and the league of nations has been a favorite theme by which there has been more delay than anything else. I want to say, Mr. President, that when the people get at the facts of these attempts to thwart a league of nations, when it is given serious consideration by those whose boys have been over on the other side and whose desire is to stop war, you will find, Mr. President, that there will be a serious condemnation of such obstructive measures.

Mr. POINDEXTER. Mr. President—

Mr. JONES of Washington. I yield to my colleague.

The VICE PRESIDENT. The Chair wants to warn the Senator from Washington that he is going to lose the floor if he yields promiscuously.

Mr. JONES of Washington. With all due respect to the Chair, I wish to suggest that the rule relating to interruptions is a rule that is to be applied by the Senators, and if no Senator raises the point of order I respectfully submit that the Chair has hardly the right to do it; but I am willing to accept the suggestion of the Chair in the interest of time.

I want to say to the Senator from Colorado with reference to his last suggestion, that if we are interested in getting the boys home from France and want to get them home, we will impose our peace terms upon Germany and bring them home and then work out this league of nations proposition in a way that will promote the peace of the world.

Mr. SHAFROTH rose.

Mr. JONES of Washington. Mr. President, I can not yield to the Senator because he takes too much time.

Mr. SHAFROTH. Very well.

Mr. JONES of Washington. Mr. President, that is the way to get the boys home from France. In my judgment, that is what the people of this country would like to have done. I want to see a league of nations or something else, I do not care what you call it, some organization or some association of the nations of the world worked out that will prevent war, that will maintain peace throughout the world; but I do not believe we ought to use the presence of the boys in France to compel us to take whatever may be brought over here. I want to say that that consideration will not influence me in the least when the time comes to pass upon the treaty that may be presented to us. I shall determine my vote with reference to it with which I conceive to be for the best interests of the American people and the American Nation and then for the peace of the world. I want our boys home. I think they ought to get home. We ought to bring them home, and the best way to get them home in the quickest possible time is to determine what terms we are going to impose upon our enemies in the war, and then we can bring them home, and then we will have time to give this momentous subject the consideration it ought to have.

Mr. President, we do not want to have to consider this league of nations treaty as we must consider these appropriation bills. Congress ought not to be asked along about the 1st of July to ratify a treaty in order that the boys may be brought home. We ought to have most of them home before the 1st of July. We ought not to have a single one over there whom it is not necessary to have there in order to enforce whatever terms of peace we propose to impose upon Germany, and what we propose to impose upon Germany does not depend upon the compact for a league of nations.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that the soldiers are being brought home just as fast as our ships or any ships which we can hire can bring them?

Mr. JONES of Washington. Why does the Senator suggest, then, that long speeches here are keeping them from being brought over?

Mr. SHAFROTH. That is not the fact. They are delayed because we have not the bottoms to bring them over in.

Mr. JONES of Washington. We will never get them this way.

Mr. SHAFROTH. You will not get them by denying this \$50,000,000 for the very purpose of paying for the ships to bring them home in.

Mr. JONES of Washington. Does the Senator think that we have to wait until this \$50,000,000 is appropriated to bring them over?

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES of Washington. It will be a long time before they are brought over if we have to wait for that.

Mr. WALSH. Mr. President, a parliamentary inquiry. I merely wish to inquire of the Chair if the Senator from Washington has not spoken twice on this subject?

The VICE PRESIDENT. The Chair has not been keeping any record of it. But the Chair will state—

Mr. JONES of Washington. I am through Mr. President.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. HARDING] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 15, after line 10, to insert:

For recruiting, instructing, and training officers, engineers, and crews for American vessels, and for all expenditures incidental thereto, \$3,750,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," subhead "Bureau of Engraving and Printing," on page 20, after line 3, to insert:

The Secretary of the Treasury is hereby authorized, during the emergency growing out of the war with Germany, to have all bonds, notes, checks, or other printed papers now or hereafter authorized to be executed by the Bureau of Engraving and Printing of the Treasury Department printed in such manner and by whatever plate-printing process and on any style of plate-printing presses that he may consider suitable for the issue of such securities and other papers in the form that will properly safeguard the interests of the Government, and that such presses as are used in printing from intaglio plates shall be operated by plate printers except on such work as is now being done by other processes and any similar work that may be necessary hereafter: *Provided*, That in the execution of such work only such part of it shall be transferred from the present method of executing it as will permit of the retention in the service of such permanent plate printers as are now engaged in the execution of such work, or such temporary plate printers similarly employed and who can qualify under civil-service regulations for permanent appointments; and all acts or parts of acts heretofore enacted relative to the use of power and hand presses in the printing of securities of the Government are hereby suspended and declared not in effect until that time, and at the termination of said emergency such acts or parts of acts shall be in effect and force as prior to the act of October 6, 1917.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

REFUND OF INTERNAL-REVENUE COLLECTIONS.

To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections under the provisions of the act approved May 27, 1908, \$75,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 13, to insert:

BONDS OF CREW OF U. S. S. "SAN DIEGO."

Any liberty loan bonds belonging to an officer or member of the crew of the U. S. S. *San Diego* and which were in possession of the owner on board said vessel on the 19th day of July, 1918, when such vessel was sunk off the coast of Long Island, N. Y., and which shall be shown to have been at that time lost beyond recovery, are hereby declared to have been wholly destroyed and the Secretary of the Treasury is hereby authorized and directed to issue duplicates of such bonds in conformity with the provisions of the Revised Statutes.

The amendment was agreed to.

The next amendment was, under the head of "War Department," subhead "River and harbor work," on page 23, after line 12, to insert:

Cape Cod Canal: Whenever the Secretary of War, in pursuance of authority heretofore conferred on him by law, shall cause proceedings to be instituted for acquiring by condemnation the Cape Cod Canal and all the franchises, property, and rights of property appurtenant thereto, the United States, upon the filing of the petition in such proceedings, shall have the right to take immediate possession of said canal and appurtenances and maintain and operate the same in accordance with the provisions of section 6 of the river and harbor act of March 3, 1909, which are hereby made applicable to said works. The sum of \$10,000,000 is hereby appropriated for the improvement of this waterway, with the view to maintaining a depth of 25 feet at mean low water, with suitable channel widths, out of which sum may be paid any awards which may be made under the aforesaid condemnation proceedings: *Provided*, That the total amount to be paid under such awards shall not exceed \$10,000,000.

Mr. LENROOT. I should like to have some explanation of why this amendment is inserted in the bill. Is it a deficiency?

Mr. WEEKS rose.

Mr. LENROOT. The Senator from Massachusetts will explain it.

Mr. WEEKS. Mr. President, at the last session of Congress authorization was made for an examination and survey and a purchase of the Cape Cod Canal. The Secretaries of War, Navy, and Commerce were appointed a commission to make the purchase, provided the report of the engineers was favorable. The usual examination was made by the Corps of Engineers, the report was favorable, and the three Secretaries referred to have proceeded to complete the purchase. In the meantime the Railway Administration took over the operation of the Cape Cod Canal and expended on it about \$450,000 to widen it and deepen it. The Railroad Administration now proposes to turn the Cape Cod Canal back either to its owners or to the War Department. The War Department wishes to take over the canal and complete the transaction. An offer has been made to the owners of the canal which has not been satisfactory. In other words, they have been unable to reach terms which are satisfactory to the Government and to the owners of the canal; and as provided in the act of last summer, condemnation proceedings have been undertaken and are now proceeding.

This particular amendment, included in the appropriation bill now under consideration, comes from the Secretary of War, with the request that action be taken. The other day when bills on the calendar were being considered this bill passed the Senate unanimously. Undoubtedly, before the extra session of Congress is called, if reports are true about the time of its calling, proceedings which have been undertaken will have been completed and the turning over of the canal will then be made, even if it has not been done at this time. The appropriation is put in this particular bill because of the desire of the Railroad Administration to turn the canal back, and of the War Department to take it over, and particularly to secure the four hundred and fifty odd thousand dollars which have already been expended by the Railway Administration on the canal, which would revert to the owners if the purchase is not completed.

That, in substance, is the explanation.

Mr. LENROOT. I wish to ask whether this amendment is identical in form with the bill passed the other day?

Mr. WEEKS. Exactly so.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 24, line 14, after the numerals "1735," to strike out "part 2" and insert "parts 2 and 3," and in line 15, after the word "session," to strike out "\$714,813.58" and insert "\$852,106.49," so as to make the clause read:

Ordnance Department: For the payment of the claims for damage to and loss of private property occasioned by the explosions and fire at the plant of T. A. Gillespie Co., at Morgan, N. J., which have been agreed upon by the War Department and the claimant, and in amounts not exceeding those which are enumerated and scheduled in House Document No. 1735, parts 2 and 3, of the present session, \$852,106.49.

Mr. LENROOT. I should like to ask what is the reason for this increase of \$150,000 over the House figures?

Mr. MARTIN of Virginia. It is a change in the judgments certified to since that time.

The amendment was agreed to.

Mr. KNOX. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The Secretary will read the amendment offered by the Senator from Pennsylvania.

The SECRETARY. On page 21, after line 5, insert:

The Secretary of the Treasury is authorized to purchase the land at the corner of Seventh Avenue and the proposed extension of Grand Street, in the city of Pittsburgh, Pa., on which the United States holds an option until May 10, 1919, from the proceeds from the sale of the old

site, amounting to \$950,000, as a site for a new post-office building in said city, and such sum or so much thereof as may be necessary is hereby appropriated.

Mr. KNOX. This amendment is subject to a point of order, I realize, but I hope when I explain the situation the point of order will not be made and the amendment will be passed.

The facts are these: About 13 years ago the Government purchased in the city of Pittsburgh a site for a new post-office building, paying therefor about \$1,000,000. They held it since that time without improvement. I am stating these facts from a letter of Secretary Glass to the House committee which reported this amendment as a bill favorably. They then sold it, and in the act of Congress passed in 1913, authorizing the sale of this property, it was provided that the proceeds should be reinvested in another site for the same purpose, but unfortunately the money was not specifically appropriated at that time for that purpose. There has been an option taken on a very desirable property which can be bought for the proceeds of the sale of the old property, which option expires on the 10th day of May of this year. As the option was taken at a very reasonable price for the property, the department is very anxious to have this money available in order that they may close the deal.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, do I understand amendments are in order on the bill at this time?

The VICE PRESIDENT. Of course; it will promote the consideration of the bill if they are presented as we go along.

Mr. WADSWORTH. Then I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed by the Senator from New York [Mr. WADSWORTH] to amend on page 24, after line 22, by adding a new paragraph, as follows:

SALE OR EXCHANGE OF PROPERTY.

The President is hereby authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to sell, exchange, lease, or otherwise dispose of real property or any interest therein or appurtenant thereto acquired by the United States of America since April 6, 1917, for storage purposes for the use of the Army, which, in the judgment of the President, or the head of such department, is no longer needed for use by the United States of America, and to execute and deliver, in the name of the United States and in its behalf, any and all contracts, conveyances, or other instruments necessary to effectuate any such sale, exchange, lease, or other disposal; that all moneys received by the United States as the proceeds of any such sale or exchange shall be deposited in the Treasury of the United States to the credit of the appropriation from which the funds to purchase or acquire the said property were allotted, and a full report on the same submitted annually to Congress.

Mr. MARTIN of Virginia. Mr. President, I am compelled to make a point of order against that amendment.

Mr. WADSWORTH. I hope the Senator will withhold his point of order just a moment until I can explain what it is. It will save the Government about a million dollars.

Mr. MARTIN of Virginia. I have withheld so many points of order that we are having altogether too many amendments.

Mr. WADSWORTH. Will the Senator permit me to explain the matter before he makes his point of order?

Mr. MARTIN of Virginia. Yes; I will do that.

Mr. WADSWORTH. Of course, I imagine the Chair will hold the point of order well taken. This is the situation as to this amendment which I have offered: It is an amendment I clipped from the military appropriation bill, which it is stated can not pass. It was inserted in the military appropriation bill at the earnest request of Gen. Goethals, who has been at the head of the Purchase, Transportation, and Storage Bureau in his capacity of Assistant Chief of Staff of the Army.

The situation with respect to this amendment is that the Division of Purchase, Transportation and Storage, as Senators know, acquired or built a very large amount of storage for Army supplies during the war. They have contracted for enormous buildings in which to store Army material, both at the ports of embarkation and at the principal depots in the interior of the country. In one particular instance, in the city of Chicago, the Division of Purchase, Transportation and Storage entered into a contract for the erection of a tremendous building to be used as a freezer for meats to be placed in storage for the use of the troops at home and abroad. The building had almost reached completion when the armistice was signed on November 11. The information which came to the Committee on Military Affairs was to the effect that the department endeavored to cease the construction of this building, which was a very expensive one, but a legal opinion was given to the effect that the department would have to stand by its contract and

the building must be finished—finished, mind you—and delivered to the Government after the time had gone by when it would be of the slightest use to the Government. The building is just about to be finished now.

The Division of Purchase, Transportation and Storage has made arrangements for the exchange of that building with some concerns in Chicago for another building which is not a freezer plant and which the Government can use. If this amendment goes through, the Government can get rid of the freezer plant, which is utterly useless to it now, and get a building which will be of some use, because Senators will see that the amendment authorizes the exchange as well as other actions taken with the storage building which the Government has put up. If the building has to be retained by the Government we shall find ourselves in possession when the option has expired which the Government now has for this exchange or possession of a building that will be of no use to us at all; but, by reason of this exchange, Gen. Goethals told the Military Affairs Committee that something like a million dollars, as I remember, would be saved to the Government of the United States. There are other instances of similar character. I think there is one at New Orleans, where there is an opportunity for the Government to immediately sell, lease, or exchange some of its surplus storage and get rid of it now on a good market, thereby saving a good deal of money. The Senator from New Jersey, were he here, would remember that there are tremendous storage plants also in New Jersey, and there is an opportunity for the Government to exchange some of those or to lease them or to sell them. If it is done quickly, we can get some of our money back. That is the object of this amendment.

I know that the point of order will be held good if it is made against the amendment, but I hope it will not be raised because the adoption of this amendment and its passage through Congress will actually save the Treasury of the United States millions of dollars. That is the testimony that has come before our committee. I am trying to save something out of the wreck of the military appropriation bill.

The VICE PRESIDENT. The question is on the amendment. Mr. MARTIN of Virginia. I am very much embarrassed by this amendment. It looks to me to be a meritorious amendment, but it is plainly subject to the point of order. I am making points of order against amendments, feeling that it is the only way to save this bill because a large number of Senators have in view amendments that would certainly wreck the bill. It is a very difficult thing for me to determine what is absolutely right in the premises. I am in sympathy with the Senator's amendment.

The VICE PRESIDENT. Then the Chair will overrule the point of order.

Mr. MARTIN of Virginia. That settles it.

The VICE PRESIDENT. The question is on the amendment. The amendment was agreed to.

HOUSE OF REPRESENTATIVES.

MONDAY, March 3, 1919.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we lift up our hearts in gratitude to Thee for all the blessings of life, especially for our Republic, its great institutions and vast opportunities for advancement; for our homes, dear to our hearts; for our religion, which makes for righteousness in the soul. Be with us now and always, that through all the changing scenes of life we may be loyal to our country, loyal to our homes, and loyal to our religion. And, O Lord, if this shall be the last prayer of the Sixty-fifth Congress, may it ascend on high in behalf of all the Members of this House, its officers and employees. Go with them to their homes, give them rest and comfort, that those who come back may be strengthened for the work ahead of them and those remaining may be strong to take up the duties of life wherever they may find them. Bless all their families. Guide and keep us close to Thee. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of Saturday was read and approved.

COMMISSION TO ADJUST SALARIES.

The SPEAKER. It seems that the Speaker was premature the other day in appointing Messrs. HAMLIN, KEATING, and COOPER of Wisconsin upon this adjustment-of-salary business, because the bill had not been signed. The Chair thought the bill had been signed, because it had been presented to him by

the Clerk for signature and he signed it, but it turned out the President had not. So the Chair reappoints them.

MINORITY VIEWS, NATIONAL SECURITY LEAGUE.

Mr. WALSH. Mr. Speaker, I ask unanimous consent to file before the expiration of the session individual views upon the investigation of the National Security League, being a member of that committee.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to be permitted to file before the expiration of the session his individual views on the investigation of the National Security League. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the National Security League.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of Army courts-martial.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the league of nations.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5236) to amend sections 7, 10, and 11 of the Federal reserve act and section 5172, Revised Statutes of the United States.

The message also announced that the Senate had agreed to the amendment of the Senate numbered 24 to the bill (H. R. 15796) to enable the President to carry out the price guaranties made to producers of wheat of the crops of 1918 and 1919 and to protect the United States against undue enhancement of its liabilities thereunder, and had further insisted upon the residue of the Senate amendments still in disagreement.

The message also announced that the Senate had passed without amendment the bill (H. R. 16136) to amend the liberty bond acts and the war finance corporation act, and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate assembles as a mark of respect to the memory of Hon. JAMES H. DAVIDSON, late a Representative from the State of Wisconsin, in pursuance of an order heretofore made, in order that fitting tribute may be paid to his high character and distinguished public services.

Resolved, That the Senate again expresses its profound sorrow at the death of the late Representative from Wisconsin.

Resolved, That the Secretary transmit a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate stand in recess until 10 o'clock a. m. Monday, March 3, 1919.

Also the following resolutions:

Resolved, That the Senate assembles as a mark of respect to the memory of Hon. PAUL O. HUSTING, late a Senator from the State of Wisconsin, in pursuance of an order heretofore made to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Senate again expresses its profound sorrow at the death of the late Senator from Wisconsin.

Resolved, That the Secretary transmit a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate stand in recess until 10 o'clock a. m. Monday, March 3, 1919.

Also the following resolutions:

Resolved, That the Senate assembles as a mark of respect to the memory of Hon. DANIEL W. COMSTOCK, late a Representative from the State of Indiana, in pursuance of an order heretofore made in order that fitting tribute may be paid to his high character and distinguished public services.

Resolved, That the Senate again expresses its profound sorrow at the death of the late Representative from Indiana.

Resolved, That the Secretary transmit a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the family of the deceased the Senate stand in recess until 10 o'clock a. m. Monday, March 3, 1919.

QUESTION OF PERSONAL PRIVILEGE.

Mr. McFADDEN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. McFADDEN. On a question of privilege.