Also, petition of E. B. Harris, Springfield, Ill., for the Retail Grocers & Merchants' Association, containing protest against the retail grocer being held responsible for the high cost of living and asking that a careful investigation be made; to the Committee on Agriculture.

Also, petition of Free Sewing Machine Co., Rockford, Ill., containing protest against House joint resolution 121 and Senate joint resolution 57; to the Committee on the Judiciary.

Also, petition of George A. Evers, Chicago, urging the increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of H. J. Dicks, Chicago, containing protest against the Kenyon and Kendrick bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of John S. Murphy, acting postmaster, Pontiac, Ill., urging increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of the Springfield Commercial Association, Springfield, Ill., by W. H. Conkling, urging return of the railroads to their former owners; to the Committee on Interstate and Foreign Commerce.

Also, petition of John Howe Brown, Springfield, Ill., containing protest against House bill 5941; to the Committee on Ways and Means.

Also, petition of Manhattan Electrical Supply Co. (Inc.), Chicago, containing protest against the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of Martin Sipple, Elgin, Ill., urging increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Col. R. J. Shand, Springfield, Ill., urging passage of the Sells bill, House bill No. 2; to the Committee on Pensions.

Also, petition of Illinois District Traffic League, Sterling, Ill., urging passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Francis A. Gibson, United States post office, Springfield, Ill., urging passage of the Senate joint resolution 84, to increase the salaries of the postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of members of the clerical and carrier force of the post office, Galena, Ill., urging the passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

Also, petition of Missouri Lime & Material Co., Alton, Ill., protesting against the advance rates on sand, stone, and gravel; to the Committee on Ways and Means.

Also, petition of Yeager & Sons, Danville, Ill., favoring House bill 2232, Senate bill 6649, and Senator CALDER's bill, 2492; to the Committee on Military Affairs.

Also, petition of Roy E. Gard, carrier No. 4, Springfield, Ill., urging passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *September 3, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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:

Brandegee	Johnson, S. Dak.	Nelson	Smith, S. C.
Chamberlain	Jones, N. Mex.	Norris	Smoot
Colt	Jones, Wash.	Nugent	Sterling
Culberson	Keyes	Page	Sutherland
Cummins	King	Poindexter	Thomas
Edge	Kirby	Reed	Trammell
Gay	La Follette	Robinson	Walsh, Mont.
Hale	Lenroot	Sheppard	Warren
Henderson	McLean	Sherman	Watson
Hitchcock	McNary	Smith, Md.	

Mr. SHEPPARD. The Senator from Rhode Island [Mr. GERRY], the senior Senator from Kentucky [Mr. BECKHAM], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

Mr. KING. I wish to announce that the junior Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], the Senator from South Carolina [Mr. DIAL], the Senator from Virginia [Mr. SWANSON], the Senator from Ohio [Mr. POMERENE], the Senator from Louisiana [Mr. RANSDELL], the Senator from Wyoming [Mr. KENDRICK], and the senior Senator from Tennessee [Mr. SHIELDS] are detained on official business.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER, Mr. OVERMAN, Mr. PITTMAN, Mr. SMITH of Georgia, Mr. WADSWORTH, Mr. WALSH of Massachusetts, and Mr. WILLIAMS answered to their names when called.

Mr. NEWBERRY, Mr. FALL, and Mr. HARRIS entered the Chamber and answered to their names.

Mr. EDGE. I wish to announce that the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from West Virginia [Mr. ELKINS], and the Senator from Delaware [Mr. WOLCOTT] are engaged in a committee hearing.

Mr. BRANDEGEE. I wish to announce that the Foreign Relations Committee is still in session, and that is the reason why the members of that committee have not answered on the roll call.

Mr. WOLCOTT, Mr. FRANCE, Mr. BANKHEAD, and Mr. NEW entered the Chamber and answered to their names.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6238. An act to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States; and

H. R. 7705. An act to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

PETITIONS AND MEMORIALS.

Mr. WARREN presented memorials of the town council of Rock Springs; of Local Union No. 1968, United Mine Workers of America, of Dietz; and of Local Union No. 595, Almalgamated Sheet Metal Workers' Alliance, of Sheridan, all in the State of Wyoming, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Commercial Club, of Cokeville, Wyo., remonstrating against the enactment of legislation providing for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the town council of Rock Springs, Wyo., praying for an investigation into the present high price of gasoline, and for the regulation of the same, which was referred to the Committee on Agriculture and Forestry.

Mr. PAGE presented a petition of Cavendish Grange No. 275, Patrons of Husbandry, of Proctorsville, Vt., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. COLT presented memorials of the Young Men's Republican Club and of the Board of Aldermen, of Newport, R. I., remonstrating against the removal of the United States engineers' office, the naval training station, and the naval torpedo station from that city, which were referred to the Committee on Naval Affairs.

Mr. WALSH of Massachusetts presented memorials of members of the Massachusetts Branch of the League for the Preservation of American Independence, residents of Boston, Cambridge, Dorchester, Malden, Wellesley, Jamaica Plain, Concord, Cohasset, Milton, South Weymouth, Brookline, and Lowell, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty unless certain amendments or reservations are adopted, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

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

By Mr. SMITH of South Carolina:

A bill (S. 2913) to authorize the Columbia Railway & Navigation Co. to construct a canal connecting the Santee River and the Cooper River in the State of South Carolina; to the Committee on Commerce.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

By Mr. WALSH of Montana:

A bill (S. 2914) granting an increase of pension to Mary Thibodo; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2915) granting an increase of pension to William D. Harrington; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2916) to provide for the payment to Alice E. Wells, formerly Alice E. Davis, only heir at law of John C. Davis, deceased, of the amount stated in the findings of the Court of Claims in congressional case No. 9264; and

A bill (S. 2917) for the relief of J. W. Hogg; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 2918) granting a pension to Grace P. Carter (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 2919) granting an increase of pension to E. Bradford Gay (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 2920) to enable the Secretary of Agriculture to carry out investigations of the causes and means of prevention of fires and dust explosions in industrial plants; to the Committee on Agriculture and Forestry.

MEAT-PACKING INDUSTRY.

Mr. NORRIS. I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The resolution (S. Res. 177) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, instructed to inform the Senate whether said Federal Trade Commission, prior to July 1, 1918, made a special investigation of the reasonableness of the maximum-profit limitations fixed on the meat-packing industry by the Food Administration; and if such investigation was made that the Federal Trade Commission be instructed to report to the Senate its conclusions and findings based thereon.

CIVILIAN EMPLOYMENT OF COMMISSIONED OFFICERS.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of the following resolution asking for information from the Secretary of War.

The resolution (S. Res. 178) was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a statement showing specifically, with respect to each and every organization and suborganization in or attached to the office establishment of the Chief of Staff of the Army in Washington, D. C., the title or designation; the powers and duties; the nature of each class of work performed; the total number of commissioned officers now employed, the number in each grade of rank, and the total annual amount of the present pay and allowances of all such officers now employed; the total number of civilians now employed, the capacities in which employed and the number in each capacity, and the total annual amount of the present salaries of all the civilians now employed; also, for the whole of said office establishment, the total number of commissioned officers now employed, the number in each grade of rank, the total annual amount of the present pay and allowances of all officers now employed; the total number of civilians now employed, the number in each grade of salary, and the total annual amount of the present salaries of all the civilians now employed; and the nature, amount, and appropriation from which paid, of each class of expenditures, including the pay and allowances of officers of the Army, for the maintenance and operation of the whole of said office establishment during the fiscal year ended June 30, 1919, and the total amount of said expenditures.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. SMOOT. I am not going to object to its consideration, but I ask Senators not to request the consideration of any other business this morning.

The resolution was considered by unanimous consent and agreed to.

COTTON STATISTICS.

Mr. SMITH of South Carolina. I offer a resolution and ask that it may lie over.

The resolution (S. Res. 179) was ordered to lie over and be printed, as follows:

Resolved, That the Secretary of Agriculture is hereby authorized and directed to ascertain the number of acres of cotton cultivation of which was abandoned during the current crop year and to publish the same not later than October 2, 1919.

ADDRESS OF HON. FRANK P. WALSH.

Mr. BRANDEGEE. Mr. President, I ask that the proceedings before the Committee on Foreign Relations upon Saturday, containing the address of Hon. Frank P. Walsh, of the War Labor Board, may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TREATY OF PEACE WITH GERMANY.

[Hearing before the Committee on Foreign Relations, United States Senate, Sixty-sixth Congress, first session.]

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C., Saturday, August 30, 1919.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426, Senate Office Building, Senator HENRY CABOT LODGE presiding.

Present: Senators LODGE (chairman), BORAH, BRANDEGEE, FALL, KNOX, HARDING, JOHNSON, NEW, MOSES, SWANSON, and PITTMAN.

There were also present the following persons:

O'Neill Ryan, St. Louis, Mo., former justice supreme court.

Michael Heffernan, Chester, Pa., Thomas Clarke branch, Friends of Irish Freedom.

William J. Hurley, New York, N. Y., secretary Maj. John McBride branch, Friends of Irish Freedom.

John J. Buckley, New York, N. Y., president Roger Casement branch, New York City.

P. J. Kilduff, Hoboken, N. J., State organizer.

Dr. T. C. McNamara, Hoboken, N. J., State organizer, Friends of Irish Freedom.

Thomas O'Brien, New York, N. Y., president St. Columcille branch, Friends of Irish Freedom.

Rev. William T. McLaughlin, Jersey City, N. J., State president, Friends of Irish Freedom.

Michael J. O'Connor, New York, N. Y., Innisfail branch, Friends of Irish Freedom.

Thomas J. Maloney, Jersey City, N. J., president P. Lorillard Co.

Kate M. Kelly, New York, N. Y., Irish Women's Council.

John Regan, New Bedford, Mass., president Thomas Clarke branch.

Rodger Power O'Neill, M. D., New York, N. Y., national committee.

Thomas McNamara, jr., Youngstown, Ohio, chairman Ohio committee.

Shaemas O'Sheel, New York, N. Y., William Pearse branch, Friends of Irish Freedom and William Rooney Society.

Thomas F. J. Connolly, Port Chester, N. Y., Friends of Irish Freedom, Port Chester and Rye, N. Y.

Roderick J. Kennedy, New York, N. Y., confidential attendant supreme court, State of New York.

W. E. Hogan, Bridgeport, Conn., vice president of De Valera branch, Bridgeport, Conn.

John O'Dea, Philadelphia, Pa., national secretary Ancient Order of Hibernians.

John J. O'Neill, Bridgeport, Conn., president J. F. Meagher branch, Friends of Irish Freedom.

Attorney Thomas D. Shea, Nanticoke, Pa., local council, Luzerne County; headquarters, Wilkes-Barre, Pa. Secretary, Matthew O'Connor Ford; vice president, T. R. Callam; treasurer, R. R. Fitzpatrick; trustees, P. J. Calligan, J. V. Moylan, C. A. Judge, M. D.

John Stratton O'Leary, New York, N. Y., member of grievance committee, Bronx Builders' Protective Association.

Cornelius F. Murphy, Shelton, Conn., president of P. H. Pearse branch, Friends of Irish Freedom.

Rodger Power O'Neill, M. D., New York City, N. Y., member national committee.

James D. O'Neil, Jenkintown, Pa., organizer.

Thomas McCourt, New York, N. Y., Con Colbert branch, Friends of Irish Freedom, Sunburst Club.

Frank Hague, Jersey City, N. J., member Jersey City branch.

Charles F. H. O'Brien, Jersey City, N. J., member Jersey City branch.

Eugene F. Kincaid, Jersey City, N. J., former Member of Congress.

Thomas Shea, Nanticoke, Pa.

Michael J. Enright, Chester, Pa., Thomas Clarke branch, Friends of Irish Freedom.

James B. Mulherin, Augusta, Ga., delegate John F. Armstrong branch, Friends of Irish Freedom, Augusta, Ga.

Margaret Bowles, New York City, N. Y., Bishop D. Dwyer, Friends of Irish Freedom.

Peter J. Fleming, M. D., Boston, Mass., medical committee.

Daniel Foley, Winthrop, Mass., professor of economics, Trade Union College, Boston, Mass.

John Morton, Dorchester, Mass., advisory committee chairman, Boston, Mass.

Rev. Edward S. Brock, S. J., Washington, D. C.

Joseph J. Hall, Naugatuck, Conn., assistant purchasing agent of Rubber Regenerating Co.

James O'Sullivan, Lowell, Mass., treasurer of two important corporations.
Jeremiah Flahavan, Ansonia, Conn., president of James Connely Club, Friends of Irish Freedom, Ansonia.
Francis B. McKinney, Boston, Mass., lecturer, Joseph Plunkett branch, Friends of Irish Freedom.
John G. Fitzgerald, Ansonia, Conn., vice president.
Michael B. McGreal, New Haven, Conn., City Board Ancient Order of Hibernians, New Haven, five divisions, three auxiliaries. Division No. 7, Ancient Order of Hibernians, Sarsfield G. A. Club, Friends of Irish Freedom, New Haven, Conn.
Matthew Cummings, Boston, Mass., president Boston Council, Friends of Irish Freedom.
John H. H. McNamee, Boston, Mass., banker and manufacturer.
Hon. Edward W. Quinn, Cambridge, Mass., mayor of Cambridge.
Richard Dwyer, national vice president Ancient Order of Hibernians, South Boston, Mass.
Paul F. Spain, Cambridge, Mass., treasurer bench and bar committee, Boston, Mass.
James A. Dorsey, Boston, Mass., chairman finance committee, bench and bar committee, Boston.
Michael L. Fahey, Boston, Mass., secretary bench and bar committee.
Daniel H. Coakley, Boston, Mass., chairman bench and bar committee.
Joseph C. Pelletin, Boston, Mass., bench and bar committee.
Edw. F. McSweeney, Framingham, Mass., member national council, member advisory committee, Boston.
John J. McDonagh, New York, N. Y., delegate from the Archbishop Plunkett branch, Friends of Irish Freedom.
H. Miller, New York, N. Y., Archbishop Plunkett branch, Friends of Irish Freedom.
James E. Deery, Indianapolis, Ind., national president Ancient Order of Hibernians.
E. F. White, Chester, Pa.
Rossa F. Downing, Washington, D. C., Washington branch, Friends of Irish Freedom.
Wm. J. Boyle, Central Labor Union of Philadelphia, Pa.
N. J. Sinnott, Member of Congress from Oregon.
Daniel J. Moran, Lynn, Mass., recording secretary and director of publicity.
(Mrs.) Honor Walsh, Germantown, Pa., editorial staff, the Standard and Guild.
Robert E. Ford, New York, N. Y., editor Irish World.
Patrick King, Catholic Young Men's Union, Philadelphia, Pa.
Patrick Fitzgerald, United Irish Societies of Western Pennsylvania.
Patrick Cronin, Duquesne University.
Thomas Lee, New York, N. Y.
William J. Noonan, 37 Raleigh Avenue, Richmond Borough, city of New York.
Thomas Rock, Central Federated Union, New York City.
Louis D. Kavanagh, president of Irish Self-Determination Club, Omaha.
James O. Reilly, Philadelphia, Pa.
Joseph McGarrity, Philadelphia, Pa., chairman Irish volunteer committee.
John J. Liddy, Indianapolis, Ind.
William H. Foley, Indianapolis, Ind.
P. J. Conway, president Irish-American Athletic Club, New York City.
John H. Dooley, 535 West One hundred and twenty-first Street, New York, N. Y., representative position, national executive committee, New York City.
Annie Lester Lyons, delegate Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
Lawrence Craddock Lawless, delegate Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
Margaret Edward Lawless, delegate Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
James C. Gordon, president Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
M. J. Lyons, vice president Yorktown branch, Friends of Irish Freedom, United States deputy marshal's office, Norfolk, Va.
Henry McNally, president of Patrick Henry branch, Friends of Irish Freedom, Girard, Ohio.
Thomas F. Martin, secretary of state of New Jersey.
John Mannix, Glens Falls, N. Y.
Patrick O'Hagerty, Springfield, Mass.
Patrick J. Kennedy, Glens Falls, N. Y.
Rev. Joseph O'Keefe, Akron, Ohio.
J. B. Shannon, Kansas City, Mo.
Casinn J. Welch, Kansas City, Mo.
Martin Owens, Newark, N. J.
Rev. Thomas J. Hurton, Philadelphia, Pa., St. Enda's Gaelic School and St. Enda branch of the Gaelic League.
H. J. Phillips, Philadelphia, Pa., Robert Emmet branch, Friends of Irish Freedom.
J. T. Lawler, Norfolk, Va., member national committee, Friends of Irish Freedom.
Hugh Montague, Passaic, N. J., general contractor.
Roderick J. Kennedy, clerk supreme court, State of New York.
D. J. Lawless, Marcellus Falls, N. Y.
R. E. O'Malley, Michael Davitt branch, Friends of Irish Freedom, Kansas City, Mo.
J. D. Turner, Baltimore, Md.
W. C. Walsh, Cumberland, Md.
Joseph B. Fitzgerald, member Wolfe Tone Club, Jersey City, N. J.
Jerome O'Keeffe, Jersey City, N. J.
John G. McTigue, New York, N. Y.
R. T. B. Kelly, Gardner, Mass.
James Tumulty, 646 Bergen Avenue, Jersey City, N. J., president of Wolfe Tone Club, Jersey City, N. J.
P. J. O'Donnell, Detroit, Mich.
D. Lynch, Utica, N. Y.
Miss Margaret Bowers, New York, N. Y.
John B. Burke, Gary, Ind.
William J. Maloney, Gary, Ind.
M. C. Ford, Oklahoma City, Okla.

The CHAIRMAN. The committee will be in order, please. Judge Cohalan, we will hear you now. Unfortunately our time is limited, and we can give only two hours, as we have to hear representatives of Greece for an hour afterwards. Judge Cohalan, I leave it to you to arrange the time for the different speeches.

STATEMENT OF HON. DANIEL F. COHALAN, JUSTICE OF THE SUPREME COURT OF NEW YORK.

Judge COHALAN. Mr. Chairman and gentlemen of the committee, acting on behalf of those who are here to represent the great bulk of the 20,000,000 of the Irish element in this country, we have arranged a program which with your permission we will carry through in the order we have fixed, if possible, taking only the time you have allotted to us. If we may have to call upon you for a few minutes extra, we are going to ask you to indulge us in it if you will.

We are opposed to the proposed league of nations for many reasons, all of which we believe are of great weight and importance to the interests of our country. We object, in the first place, to the proposal to establish what we believe to be a superstate to which shall be delegated or turned over powers that belong to the sovereign United States of America. We believe that that is an infringement upon the sovereignty of the country and is an interference with its liberty, and because of that we most strongly oppose the establishment of any such body.

We believe it to be an affront to America to suggest even that in any such proposed league of nations as is coming before us it should be proposed that any country, no matter how friendly it may claim to be to America, should have six votes as compared to the one vote of America. We believe that would be practically an affront to the interests of America and to the intelligence of the people of America and a very decided injury to America if any such scheme were to go through.

We are opposed to this proposed league of nations because of the fact that under it we believe the old American doctrine of the freedom of the seas, for which America has stood all through its history, is not taken care of in any way, but that, on the contrary, the matter has been arranged in such a way as practically to turn over to England, without protest, the control of the oceans of the world.

We call your attention to the fact that because of the extraordinary development of our industrial conditions we manufacture in less than 8 months of every year what we would consume in 12 months, and that as a consequence of that for 4 months in the year we are dependent for a market, for an output for our factories, upon our foreign trade. We insist that under the conditions that would obtain if this proposed league of nations were to go through we would be left in a position where we could carry on such trade, not as a matter of right which we now enjoy, for which we fought, and our forefathers before us fought, and which we have always enjoyed during the history of our country, but we would be put in a position where we would enjoy it as a privilege extended to us by the nation which controlled the sea. We say this in no spirit of hostility to England. We would take the same position if any other country were put in the position of controlling the sea. We insist that for the interest of America it is absolutely requisite that we should be put in a

position where no power would be able to control the ocean through the system of navalism any more than we would have been taken care of if any country had been able to control all the land under the system of militarism.

We believe we went to war for the purpose of ending autocracy and all that that means, and that it means not alone militarism, the control of the land, but also navalism, the control of the oceans of the world. We say that if we were put in a position where we could carry on our commerce only so long as the opportunity to do so was extended to us as a matter of privilege by any nation, no matter how friendly that nation might claim to be, we could in no way build up our commerce or build up our industry on any permanent basis at all, because we would be left in the position where the carrying on of our commerce would be subject to the whim, or subject to the interest, or subject to the passion of the hour, as it might appeal to any other nation, or to any combination of nations together; and we point out with relation to that that we do not believe this war will have been properly won; that is, that the interests of America will have been properly taken care of as a consequence of the winning of the war as we insist that it was won, because of the contribution made by America, in spite of all that may be said by the other countries and the contributions they made, that it was because of the contribution made by America that the war ended in the way in which it did; and we say that under those circumstances the interests of America and the interests of mankind will not be properly safeguarded so long as any one nation or any combination of nations is left in possession and control of the sea, and able to interfere with the commerce that should be carried on in a normal way between all the free-trading countries of the world, all the countries that want to carry on commerce with one another and to have friendly business relations with one another.

We point out, with relation to that, that we believe the existence of the British fleet in its position of predominant power to-day is such that it can be directed only as against the commerce of the United States. We say that it no longer can be a weapon in the hands of England as against Germany, because Germany has been put in a position where it can in no way compete with England, where it has been deprived of its navy entirely.

We say the same thing with relation to Russia. We say that it can not be held in any way to be used as a weapon against France, because France, through the action of her statesmen and the stress of circumstances, has practically been taken into the continental vassalage of England. We say under those conditions that the English fleet can be directed or used as a weapon of menace against nobody except the United States of America, and we point out that even though, as many Englishmen contend, it is only a matter of coincidence that at any time when any country has put itself or been put in the position of being an economic rival or being an industrial competitor of England ruin has overtaken that country in every way; and we say in the interest of a just and permanent peace, if it can be made under these conditions at all, it can be made only by taking care to see that England should not be put in a position where she can menace the commerce of the United States, and menace the commerce of the world, whenever it suits her interest or whenever it suits her whim to do so. We suggest, with relation to that, that in any peace that should be made precaution should be taken to see that there be a general disarmament not only on land but also on sea, so that there will be actual freedom of all the world and not freedom simply of part of the world.

We point out the importance of Ireland in any scheme that would practically bring about the freedom of the sea. We say, again in no spirit of hostility to England at all, but only taking conditions into account as they exist, that England can not continue to be the dominant power of the earth, that England can not continue to control the world, unless she controls the sea, and that her continued control of the sea is dependent upon her continued control of Ireland; and we say that she can make no better contribution to the general freedom of the world, she can give no better evidence of her desire to make a just and durable and permanent peace, in any way equal to that which she would make by consenting to the disarmament of this fleet, which now is so very much larger than the fleet of any other nation or practically any combination of nations.

Senator BRANDEGEE. Do you object to being asked a question, or do you want to proceed without interruption?

Judge COHALAN. I do not mind, at all.

Senator BRANDEGEE. I wanted, if it would not interrupt the continuity of your thought, to have you state a little more in detail what you mean when you say that the continued supremacy of the sea depends upon this control of Ireland by England. I did not quite get it.

Judge COHALAN. For your consideration I would present the geographical position of Ireland with relation to England, the thing to which you remember George Washington referred when he said that if Ireland was 500 miles from England there would be no Irish question. When you think of the relation of Ireland to England, it puts England in a place where she can control the ocean, as she can not control the ocean unless she controls Ireland. While it is true that England made last year $225,000,000 out of the control of Ireland, the real secret for insisting upon keeping her control of Ireland is that she wants to be able to control the seas. She can do that because of the geographical position of Ireland. You will remember that you can not approach the southern coast of England without approaching the southern coast of Ireland, and can not approach the northern coast of England without approaching the northern coast of Ireland. Under the circumstances, England is going to insist on control of Ireland.

As I say, she can make no greater contribution to the freedom of the world, can give no greater evidence of the desire to bring about a just and permanent peace, than to give her consent to having the republican form of government which has been set up in Ireland recognized by herself as well as the other nations of the world.

Passing from that, we contend that we must as Americans take a position in opposition to this proposed league of nations because of what it does with relation to the Monroe doctrine. We insist that the Monroe doctrine is one of the fundamental principles upon which American statesmanship has been reared, and that our foreign policy has recognized it as the great principle of American statesmanship, of American interests, and we say in relation to it that if instead of having peace made between belligerents this peace convention is going to give its attention to the settling of all problems in the future, so as to do away with the probability of some great war occurring in the world, it ought to take into question the conditions as they have existed up to the present time, and then the interests of America are the first thing that should be looked out for by those who represent and speak for America.

We point out that under the Monroe doctrine as it has been established we have grown in wealth, prosperity, and power as no nation in the history of the world has grown. And we say that the Monroe doctrine if it is to be changed should be changed not in the way of diminishing its power but in the way of strengthening its power. If there shall be a desire to make a permanent peace, the Monroe doctrine should be extended so that it shall include any European interests in the Western Hemisphere. Any European country which is represented here by territory should depart. Since the Monroe doctrine has been enunciated all the territory which is possessed in western America by them has been given up by Denmark, France, Spain, and Portugal, and the only power remaining in any large way upon this hemisphere, the only European power possessing territory of any extent in this country, is the British Empire, and we say that if there is going to be a permanent settlement to come out of these peace negotiations the people of Canada, our great neighbor on the north, ought to have submitted to them the question of taking their place among the republics of the Western Hemisphere, or even if an arrangement could be made of joining our country, and in the same way the territory that England has in the West Indies should be turned over to America or turned over to the independence of those islands in order that there may be no further menace of American commerce, so far as the Western Hemisphere is concerned.

We Irish think that there should be no abandonment of the policy laid down by Washington in his Farewell Address of keeping away from permanent entangling alliances with any of the countries of the Old World. We point out that this has been the policy which has been followed strictly by America and has resulted probably more than anything else in strengthening the extraordinary position we occupy to-day. As the Senator from Pennsylvania said so well yesterday, the only great solvent power left, practically, on the earth is the United States, and it is the duty of those representing America to continue this policy, and we urge that in acting for the welfare of America care should be taken to see that that doctrine should be upheld, and that the advice of Washington should be continued and lived up to in such a way that we should neither take part in the quarrels of the Old World nor permit them to take part in our quarrels.

We urge, then, further, coming down to specific things, that as far as article 10 of the proposed league of nations is concerned,

we most emphatically protest against that. We say under it that we are asked to make the greatest departure from American traditions of statesmanship that have ever been made. We are asked to abandon the position that we have taken up to this day, as we did in Cuba, to give aid where people have been struggling to be free, and we would be unable to extend our sympathies to people struggling all over the world, and who are struggling to be free, if we guarantee the territorial integrity of existing nations. Under the proposed league of nations we should have to guarantee the territorial integrity of the Japanese Empire, the British Empire, the only two empires remaining, and guarantee to them the possession of all the spoils and the loot that they have gathered up in their existence in all parts of the world. No relief could be given Ireland as in the sixteenth century Spain went to the help of Ireland in her fight against England, for we would be compelled to make a fight, and would be compelled to send our men into Ireland, not for the purpose of helping them in their struggle but in order to help England to rivet the chains upon her.

We point out that if France should desire to assist Ireland as she did in the seventeenth century and the eighteenth century she would be compelled to do the same thing.

We say that it is utterly un-American, that it is against our best interest, against our highest ideals and against our highest ambition, and we point out the facts, so well known, that if a league of nations had been in existence at the time of the Revolution France could not have come to the assistance of the Thirteen Colonies, or if it had been in existence at the time of the Spanish-American War we could not have gone to the assistance of Cuba to help Cuba to obtain the position that she now occupies among the republics of the world.

Now, so far as Ireland is concerned, of course we understand that this discussion here should be very largely confined to the proposed league of nations. But we want to point out some of the conditions over there with relation to this that show the condition of affairs in the British Empire. We say that no people on earth held in oppression, held practically in slavery, have ever shown such an extraordinary political unanimity in the expression of their desire for the form of government under which they live and to become again one of the free nations of the world. I say that Ireland is able to support herself—to stand upon her feet. England last year made from Ireland $25,000,000, gathered in taxation, according to her own figures some £34,000,000, equivalent to $170,000,000; that she spent for the government of Ireland some £13,000,000, leaving a profit of £21,000,000, or $101,000,000, taking $5 as the value of a pound.

We say that last year, by reason of her absolute control of the sea, by reason of the fact that she shut Ireland off absolutely from contact with the rest of the world, so far as commerce is concerned, compelling Ireland to sell everything she has to sell through an English channel and everything she has to buy and compelling her to buy everything she has to buy from the western world through an English channel, that she did 95 per cent of the business of Ireland.

Sir Horace Plunkett says that Ireland's business with the rest of the world amounted to $820,000,000. The English statistics, so far as we can get them, show that this amount was $860,000,000 instead of $820,000,000. And we say that the English trader, who has no peer in greatness, has made an ultimate turnover of $120,000,000.

We say that since the equity union was appointed by Gladstone in 1894, composed of 19 men, 9 Englishmen, after two years of investigation of English data, they reported that Ireland, instead of costing the English money, that from January, 1891, to 1896, they had overpaid into the English treasury in the form of overtaxation the sum of £2,715,000, or the equivalent of $14,000,000, which means that for the 20 years since the formation of the union England had taken out of Ireland in that period over $1,700,000,000. We call your attention to that staggering sum even in these days. When they wanted to destroy France they imposed an indemnity of $1,000,000,000; but here, in a country two-thirds the size of that, they have taken from Ireland in overtaxation a much greater sum.

In the last 70 years, between 1845 and 1915, the population of Ireland has been practically cut in two. In 1845 the population was practically 8,500,000—between 8,250,000 and 8,500,000. According to the census taken in 1915 by the British Government, the population was a little over 4,000,000. We say that you can not find any parallel in the history of the world as that.

Senator KNOX. From what years?

Judge COHALAN. Seventy years; from 1845 to 1915.

Senator KNOX. There is a parallel in Central America.

Judge COHALAN. I did not know that you could find one.

Senator KNOX. That is under very benighted conditions.

Judge COHALAN. I would say, in relation to that, by way of comparison, that the peoples of the Continent of Europe that were most strongly tyrannized over—if you put it in that way, the nations against whose governments the strongest complaints were made by those over whom they were working and who suffered under such a condition of affairs, during the time that Alsace-Lorraine was under German rule—grew and prospered in population; Schleswig-Holstein under German rule grew and prospered; and there has been no parallel, except as Senator KNOX has indicated as to Central America.

We say that we are dependent for four months of every year upon the foreign markets of the world to find some place in which to sell our goods in order that our factories may run to their full capacity and the men may be employed.

In 1913 the business between England and the United States amounted to $875,000,000. The exports from America to England were $700,000,000, while the imports from England to America were $175,000,000. The export business between England and Ireland was $675,000,000 and the imports were around $350,000,000, so that England found in Ireland a place to which to send her manufactured goods to the extent of twice that she found in this country.

In 1845 the population of England was 9,000,000 and the population of Ireland was 6,000,000. The size of England is 50,000 square miles and Ireland 32,000 square miles, showing that the proportion of population of Ireland should be two-thirds that of England. That was the condition when the act of union passed on the 1st of January, 1801, which Gladstone characterized as the most corrupt act ever passed in England.

We say that the proposed league of nations is un-American and that it can not be depended on to guard the interests of America; that it can not safeguard the interests of America. We speak for people who are devoted to America above everything else, who have done everything possible to stand by American traditions and ideals. We urge upon you very strongly, speaking practically for one of every five persons in America, and we urge that the Senate report against this proposed league of nations and recommend that the Senate reject it; and if under any circumstances any part of it should be accepted, that under no condition should article 10 or article 11 be accepted, or any of the other things which we have pointed out, from which, as we have pointed out, there would be a curtailment of American sovereignty and American independence. We are opposed to the whole league of nations. We believe it is un-American, and urge and insist that in it there can be no justice and no just and permanent peace, and that by adopting it you are only making for a continuance of the war.

Senator MOSES. Judge Cohalan, you spoke of your speaking for one of every five persons in the United States. Do you intend to imply that there are 20,000,000 of inhabitants of this country who are of Irish origin?

Judge COHALAN. We think there are many more than that.

Senator MOSES. And the views that you express are shared by that 20,000,000?

Judge COHALAN. Suppose I give you some evidence of it. I would like to put on the record the reasons I have for that opinion. On the 22d and 23d of February, in the city of Philadelphia, I had the honor of presiding over the most patriotic gathering of American citizens that I have ever seen. There were 32 accredited delegates to the convention. The resolutions that were passed were offered by Cardinal Gibbons, seconded by a distinguished Episcopalian minister and by a distinguished Presbyterian minister and by a famous Jewish rabbi. There were representatives from every one of the Irish societies all over the country. Judge Deery, president of the Ancient Order of Hibernians, was there, and Mrs. McWhorter, representing the Women's Branch of the Order of Hibernians, representing a membership of over 150,000. And after seeing this representation there I think that we can feel assured that we are speaking practically for the great bulk of the Irish citizens in urging this action.

Senator MOSES. Can you explain, then, why it is that the Irish Senators are so lukewarm?

Judge COHALAN. Senator, I came here for the purpose of making an argument showing our position to-day. I came here to make an argument that would appeal to all the Senators, no matter what races they represent, and when the hearing is concluded I hope that the Senators will be convinced.

Senator JOHNSON of California. The difficulty is that you have been addressing yourself thus far to members of this committee who are of one mind upon this subject.

Judge COHALAN. Looking around and seeing the number of them, I am glad that that is so.

Senator JOHNSON of California. I wish it were possible for you to address them all.

The CHAIRMAN. Are you ready to go on?

Judge COHALAN. I am going to call upon Mr. Patrick J. Lynch, of the Supreme Court of Indiana, to read the memorial on the behalf of those who have come here. They have come from practically every State in the Union, from all walks in life, and from all over the country. We wish that it were possible to get people from the different parts of the country to be heard, but we have prepared a general memorial, and then later we will hand in the names of those who have signed.

The following memorial was read by Mr. Patrick J. Lynch:

MEMORIAL TO THE SENATE OF THE UNITED STATES.

"SENATORS: We, citizens of the United States, of Irish blood, but attached above all things to this Republic and its Constitution, respectfully pray that the proposed treaty now before you be rejected as a direct violation of the principles on which this war was fought as they were defined by President Wilson in these words, addressed to Congress:

"'National aspirations must be respected; peoples may now be dominated and governed only by their own consent. "Self-determination" is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril.'

"And, again, in the President's address delivered at Mount Vernon July 4, 1918:

"'The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.'

"On these principles other nations which have claimed their right to independence only during a period comparatively recent have been emancipated. To them America was bound by no ties save that of sympathy for the cause of freedom.

"Ireland has been asserting continuously her claim to independence for eight centuries. America is bound to her by close ties of friendship and of obligation for manifold services in peace and war. One-fifth of this entire population is of Irish extraction. In every war which America has fought Irishmen have shed their blood in a measure far in excess of their proportion to population. We ask that Ireland be not the only nation excluded from the benefit of the glorious principles enunciated by Mr. Wilson, as those which the Great War was fought to establish.

"We especially denounce article 10 of the proposed league of nations as a device to stifle the conscience of civilization and render it impotent to condemn, and, by condemning, to end the oppression of weak nations enslaved by powerful neighbors. It impeaches the most creditable page in our history and discredits the circumstances and conditions in which our Republic was born and our liberty achieved.

"The conscience of civilization, the only force to which the oppressed can appeal, would no longer be able to take effective jurisdiction of wrongs perpetrated by powerful nations on weaker people. No struggling nation has ever achieved its independence except through the aid of other nations. The struggling American Colonies could never have thrown off the yoke of Great Britain without the aid of France. Cuba could never have been freed without the intervention of this country, and one of the most creditable pages in human history would never have been written.

"Greece could never have escaped from the hideous domination of the Turk but for the assistance of enlightened nations.

"Under article 11 it becomes the right of the council of the league to prevent an assembly of American citizens to petition their Government to afford relief to an oppressed nation. On this point article 11 specifically says:

"'It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threaten to disturb international peace or the good understanding between nations on which peace depends.'

"Under that clause our Congress could not express in the future, as it did in the past, our sympathy with countries like Greece, seeking freedom from the Turk; the South American Republics, seeking liberty from Spain; or tender a welcome to Kossuth, of stricken Hungary; or Parnell, pleading for a self-governing Ireland.

"The determination of Ireland to regain her independence has been one of the sources of every great war which scourged the world for four centuries. Any question which disturbs the peace of nations is not domestic, but international. Its settlement is, therefore, an imperative necessity of international peace.

"Through long centuries of oppression Ireland has maintained her national spirit largely because she has always hitherto been able to cherish a hope that she might receive from some well-disposed foreign power the assistance which would insure her independence. She looked to Spain for this aid at the close of the sixteenth century; to France in the seventeenth, eighteenth, and nineteenth centuries. She looks for it now in the twentieth century to America, and we confidently hope and pray that the Senate will not allow that light of hope to be extinguished.

"Signed by—

"Daniel F. Cohalan, justice, supreme court, New York City.

"Frank P. Walsh, Kansas City.

"E. F. Dunne, former governor, Illinois, Chicago, Ill.

"Michael J. Ryan, Philadelphia.

"John Archdeacon Murphy, Buffalo, N. Y., member of American commission on Irish independence, attending peace conference, Paris.

"Charles S. Bartlett, governor, New Hampshire, Concord, N. H.

"W. W. McDowell, lieutenant governor, Montana, Butte, Mont.

"John W. Goff, former justice supreme court, New York City.

"Bourke Cochran, New York City.

"Daniel T. O'Connell, director Irish national bureau, Washington, Boston, Mass.

"John E. Milholland, New York City.

"James K. McGuire, representing Irish societies of Westchester County, N. Y.

"Joseph F. O'Connell, former Member of Congress, Boston, Mass.

"Rev. F. X. McCabe, president De Paul University, Chicago, Ill.

"Right Rev. Monsignor Gerald P. Coghlan, treasurer Philadelphia Friends of Irish Freedom, Philadelphia.

"Michael Francis Doyle, Philadelphia.

"Mary F. McWhorter, national president Ladies' Auxiliary Ancient Order of Hibernians, Chicago, Ill.

"Peter F. Tague, Member of Congress, Boston, Mass.

"Cornelius Corcoran, John McBride branch, Friends of Irish Freedom, Lawrence, Mass.

"Frank S. McDonald, John McBride branch, Friends of Irish Freedom, Lawrence, Mass.

"Michael F. Phelan, Member of Congress, Lynn, Mass.

"Hugh O'Neill, committee of 100 for an Irish republic, Chicago, Ill.

"Richard W. Wolfe, committee of 100 for an Irish republic, Chicago, Ill.

"James E. Murray, representing Irish societies of Montana, Butte, Mont.

"C. E. McGuire, Washington, D. C.

"D. J. Carlin, New Orleans, La.

"John P. Leahy, delegate, Friends of Irish Freedom, St. Louis, Mo.

"W. J. O'Brien, M. D., Philadelphia, Pa.

"Mrs. M. A. Gallagher, State president Ladies' Auxiliary of Pennsylvania, Ancient Order of Hibernians, Philadelphia.

"Louis E. Kavanaugh, president Omaha association branch, Friends of Irish Freedom, Omaha, Nebr.

"P. M. Halloran, representing Irish societies of Anaconda, Mont.

"J. W. Maney, president of Friends of Irish Freedom, Oklahoma City, Okla.

"Horace H. Hagan, former assistant attorney general of Oklahoma.

"Dennis Meehan, York, Nebr.

"Thomas Darragh Mullins, member national council, Friends of Irish Freedom, Pittsburgh.

"Dudley Field Malone, Croton on the Hudson, N. Y.

"Martin Scully, former mayor of Waterbury, Waterbury, Conn.

"Joseph P. Mahoney, president United Societies of Cook County and Chicago, Chicago, Ill.

"Rev. James Mattan Mythen, representing national council, Baltimore, Md.

"Patrick Lee, secretary American commission on Irish independence, Richmond Hill, N. Y.

"Hon. David J. O'Connell, Representative in Congress, Brooklyn, N. Y.

"Very Rev. Edward C. O'Reilly, representing Catholic clergy of diocese of La Crosse, Baraboo, Wis.

"P. J. McGarvey, Philadelphia, Pa.

"Hugh McCaffrey, Philadelphia, Pa.

"Bernard J. Rocks, Newcastle, Pa.

"P. T. McCourt, committeeman, Friends of Irish Freedom, Akron, Ohio.

"T. A. Clancy, Hartford delegate, Hartford, Conn.
"Patrick J. Lynch, Indianapolis, Ind.
"Margaret T. Mulvaney, State secretary Ladies' Auxiliary Ancient Order of Hibernians, Providence, R. I.
"M. E. Smith, treasurer St. Louis, Mo.
"Robert Emmet O'Malley, delegate, Michael Davitt branch, Kansas City, Mo.
"P. J. Ryan, member of executive council, Washington, D. C.
"M. O'Neil, president, Friends of Irish Freedom, Akron, Ohio.
"James A. Kelly, Danville, N. Y.
"Katherine Hughes, secretary, Irish national bureau, Washington, D. C.
"Joseph T. Brennan, secretary Federation of Catholic Societies, Boston, Mass.
"John R. Haverty, director John McBride branch, Lawrence, Mass.
"Timothy P. Donohue, treasurer John McBride branch, Lawrence, Mass.
"Rev. Walter P. Gough, director of Columbus, Philadelphia, Pa.
"Margaret L. Brosnahan, district president Ladies' Auxiliary Ancient Order of Hibernians, Washington, D. C.
"Margaret Buckley, district treasurer Ladies' Auxiliary Ancient Order Hibernians.
"Thomas J. Blewett, representing Thomas Francis Magher branch, Bridgeport, Conn.
"H. B. Cassidy, Syracuse, N. Y.
"Edward Ryan, president Friends of Irish Freedom, Syracuse branch, Syracuse, N. Y.
"John B. London, secretary Ancient Order of Hibernians, Philadelphia, Pa.
"E. J. Devine, delegate Norfolk branch, Norfolk, Va.
"James O'Neill, president John McBride branch, Lawrence, Mass.
"Rev. Joseph Byrne, D. D., president St. Mary's College, Darien, Conn.
"Matthew Donovan, District Council 40, Philadelphia, Pa.
"James O. Reilly, Ancient Order of Hibernian delegate, Philadelphia, Pa.
"Henry J. Phillips, secretary Robert Emmet branch, Philadelphia, Pa.
"Patrick King, Young Men's Union, Philadelphia, Pa.
"Joseph P. O'Neill, Federation of Irish County Societies, Philadelphia, Pa."

Senator BRANDEGEE. Mr. Chairman, I suggest the absence of a quorum. I would like the record to state the names of those present.

The CHAIRMAN. The clerk will call the roll.

The clerk called the roll, and the following members answered to their names: Senators LODGE, BORAH, BRANDEGEE, FALL, KNOX, HARDING, JOHNSON, NEW, MOSES, SWANSON, and PITTMAN.

The CHAIRMAN. There are 12 Senators present, a quorum. Judge Cohalan, you may put on your next speaker.

Senator BORAH. Before that is done, Mr. Chairman, I want to make a suggestion with reference to the gentlemen who are still to address the committee. The argument has been made by the advocates of the league and by some of our colleagues that under the league of nations Ireland would have a better opportunity or a better chance of having her affairs settled in harmony with her aspirations than without it. You gentlemen having kept close tab, undoubtedly, upon the debate along that line of argument, will appreciate what I say. I would like to have some one address his attention to that feature of the question.

Judge COHALAN. That will be done during the course of the hearing. Mr. Chairman, I want to put in the record a memorial with certain figures.

The CHAIRMAN. They will be printed, and as our time is limited, we will not take the time to read them now.

Judge COHALAN. Very well. Mr. Chairman, I am also going to file Ireland's declaration of independence along with other official documents, and some extension of my remarks.

The extension of Judge Cohalan's remarks and the declaration of independence referred to are here printed in full, as follows:

"The great trouble with the mass of the people of America on the question of Ireland is their viewpoint on the Irish question. Without intending to be unfair, they take for granted the justice of the English view. They find England, largely the mistress of the world and in many ways admitted to be the leader of modern civilization, in possession of Ireland.

"They find, according to histories mainly written by England's friends, that she has been thus in Ireland for centuries, and they take it for granted that she must be there legally; that she is there as a matter of right. They take for granted, too, that in the evolution of civilization, in the making of history, that conditions required her to be there, and that England's claim to the overlordship in Ireland is a valid and just claim.

"This view is strengthened by all the literature which most Americans ever read. The so-called English literature with which Americans come in contact usually rates England as the one great power which, through the centuries past, has been carrying aloft the torch of justice and progress into the dark corners of the world. So, it is not to be wondered at that many Americans are prone to think of England as the guiding star of civilization, educating and lifting up downtrodden, suffering people that have been tyrannized over by their national tyrants.

"This is the view of England that Englishmen like to have the world take of their country. Because of this viewpoint, it is extremely difficult to get before the American jury—fair as it intends to be—the actual facts of history, not to speak of the present-day conditions as they exist in Ireland.

"THE DOMINATING FIGURES IN ENGLAND.

"The ordinary American, accustomed to giving almost all of his time to a study of the internal conditions of his own country, so far as his interests lead him on, has not learned to differentiate between the England which is and the England that, according to her writers and poets, seems to be.

"He has not come to understand that the English democracy of which he hears and reads so much has little reality in fact, and that England still continues to be governed by a handful of men, representing, with but few exceptions, the same small group of titled land-controlling families that have governed England since the days of Henry XIII, if not, in fact, much longer. Since the downfall of continental aristocracies this is true of England more than of any other country.

"The dominating figures in England to-day—those in actual power—are the Cecils and their relations. Lloyd-George or some other figure that has come to represent democracy or radicalism, if you will, in the eyes of the world, is put forward as the premier of governing authority. But the will that dominates, controls, and finally directs the policies and actions of England is that of the master spirit Cecil, no matter which member of that family or its connections it may happen to be.

"In the last generation it was the Marquis of Salisbury, former premier of England, the man who said, some 40 years ago, that England and America were natural rivals in every court and in every port; the man who more than any other—with the exception of Joseph Chamberlain, the great radical who ratted and joined the forces of conservation—was responsible for the destruction of the two little Republics in South Africa.

"It was this same Salisbury who said, in the days when the Irish were carrying everything before them in the Parliamentary fights in the House of Commons, that the Irish were no better than the Hottentots and should receive the same treatment. It was the same man who represented England in the Congress of Berlin and of whom Bismarck said—because he quit when opposed by superior force—that he reminded him of a lath painted to look like iron.

"Salisbury was aided and was succeeded by his nephew, Arthur James Balfour, who became premier of England, first lord of the admiralty, and a number of other high-sounding things, but who has never been able to wipe out the title of 'Bloody Balfour,' conferred upon him by the people of Ireland when he was chief secretary for Ireland, and, among other things, ordered the shooting, if necessary, by the troops, in cold blood, of the defenseless, unarmed people of Mitchelstown.

"Balfour is still to the fore and is probably the chief governing force in England to-day, except in so far as he is displaced by his counsin, Lord Robert Cecil, son of the Marquis of Salisbury and father of the proposed league of nations—which would, if it became effective, undo the work of the revolution and put us in the position of again being a vassal state of England, subject to the control of the Cecils or any other landed aristocracy that might in the future control the destines of England and the world.

"These are types of the men who dominate England, and, through her, control the British Empire. The little King George V, first cousin to the late Emperor of the Germans and the Czar of the Russians, at present represents the German royal family as King of England and Emperor of India.

"He rules over every third person on earth and over almost every third square mile of land on earth. He is actually master of all the seas and is at the head of a Government more powerful than any which ever before existed in all the history of mankind.

"Englishmen like to say that King George reigns but does not rule. That is true. The real ruling force is that handful of aristocrats who represent the landed feudal aristocracy of England and who form the most absolute, most arbitrary, and most powerful autocracy the world has ever seen.

"ENGLAND MAKES OTHER NATIONS SUPPLY THE SOLDIERS.

"The history of England differs from that of every other country. No other country before her has reached her dominant place among the empires of the earth. Rome approached nearer to England than did any other country in similarity of methods by which she acquired world control. Her imperial motto, 'Divide et Impera,' marked the policy by which she subdued almost the entire world of her day and ruled the known world without a rival for centuries.

"But Rome acquired most of her power through her own soldiers. The generals who led her armies to victory were of Roman blood; the soldiers who swept everything before them on the field of battle were Roman legions, who found few who could stand before them. They risked their own lives, their own blood, for the quarrels of their country, in order that her will might be imposed upon other countries.

"England has improved on all this. She follows the Roman motto, but because England leaves the control of the policy of her Government in the hands of her diplomats, other nations, other races, are made to supply the generals who win the battles, and the soldiers who bleed, in order that England may grow great.

"ENGLAND'S POLICY TAKES ADVANTAGE OF FRIEND AND FOE.

"The policy which had its beginning under Henry the Eighth has been consistently carried forward, subordinating every other interest to that of the growth of England and the extension of her power. It has been carried on through all the ages by every government which comes into power in England, no matter what its domestic policy may have been.

"Englishmen may differ upon domestic problems—upon questions of taxation, of education, of religion—but as against all foreigners they are a unit and their policy is always consistently to take advantage of all openings given them throughout the world, to make and unmake alliances, to make and break treaties, to take advantage of friend and foe in order to add to the wealth and power of England and to break down those who have stood against her.

"One of the results of this policy is seen to-day in the proud boast of England that the sun never sets on the British Empire. Her flag flies in triumph over territory in every continent and in most of the important islands of the seas. It is carried aloft as the flag controlling the power of every sea of the world.

"Her forts guard practically all the great narrow waterways of the earth, with the exception of the Panama Canal. Yet here, by reason of her extraordinary influence over American legislation, England has acquired for her commerce all the rights and privileges enjoyed by American commerce, although the Panama Canal belongs to us, was built by America and paid for by America's treasures.

"MOLDING PUBLIC OPINION OF THE WORLD.

"Another and, if possible, more important result of this policy of England is the extraordinary control she has gained over public opinion in every country in the world. Her soldiers have won battles for her on land, her admirals have won fights at sea, but these are as nothing when compared to the triumph of her diplomats. No group of men in the history of the world can compare in skill, in adroitness, in finesse, in influence, with the diplomats of England.

"The visible British Empire is an external monument of their triumph, but the invisible British Empire, with its control of influences in every Government on earth, its thousand and one ways of making opinion through the press, the magazines, the pulpits, the schools, of every race and in every clime, is a vaster, more far-reaching monument of their finesse, their adroitness, their ability to make black seem white.

"The Romans were satisfied with their triumph at arms. When their soldiers had beaten down those of the opponent, the generals and princes of the vanquished were brought to Rome and made to walk sub jugo through the streets, chained to the wheels of the chariot of the Roman Consul.

"The English diplomat, more skilled in human nature, more subtle, more far-reaching in his plans, is not satisfied with such outward marks of triumph. He carries on a campaign throughout the world, to justify his actions, and, if possible, to ease his own conscience. As an example:

"ENGLAND ATTEMPTS TO DESTROY THE SOUL OF IRELAND.

"Even though England by brute force has been in possession of the body of Ireland for centuries, the English diplomat continues his fight to destroy the soul of Ireland. Even though he has proclaimed, at the birth of each succeeding generation, that he has again conquered Ireland, he still keeps looking in vain for a declaration from the people of Ireland that they have been conquered.

"He tells himself that he has beaten the Irish because of the thousand and one cruelties he has practiced upon them, but he knows in his heart that he can not conquer the Irish people while one man and one woman of Irish blood survive.

"He knows—if the world does not know—that the people of Ireland want absolute independence. He has been able with a thousand subterfuges to confuse the thought of the world on the question of what Ireland wants, but he can not deceive himself.

"The Balfours and Cecils of this generation know, as well as Burleigh, their relative, in the days of the reign of Elizabeth knew, that what Ireland wants is to have England get out of Ireland, bag and baggage, and leave the people of Ireland to govern their own country in their own way.

"IRELAND IS UNITED FOR ABSOLUTE INDEPENDENCE.

"In the last analysis, the question between England and Ireland is simplicity itself. There are two nations, each of which wishes to rule, govern, own Ireland. One is the Irish nation, to whom Ireland belongs, for whom it was set apart by God Almighty himself for all the rest of the world.

"The Irish people have dwelt in Ireland for thousands of years, distinct and separate in a hundred ways from all other peoples, set apart in nature, in thought, in language, in custom from the rest of the world, marked by the hand of God with an individuality all their own.

"The Irish people have their own strength, their own virtues, their own gifts, their own weaknesses, but differ from and are different to any and all other races of men. The Irish people have absorbed all other strains of blood that have gone into the strange country of Ireland so as to have made strangers who have gone there, after a few generations, an integral part of themselves, or, as an old writer phrased it, 'more Irish than the Irish themselves.'

"The other nation that wishes to own, govern, and rule Ireland is the English nation, belonging to England but foreign to Ireland. A nation of great gifts, great failings; a nation that may yet, in the providence of God, reach the point where it can be made to see that it will be greater to conquer themselves than to conquer a city or a world; greater to bring peace, contentment, and opportunity for decent living, not to some portion of itself but to all its peoples, so that it may not be said in the future, as it was said in the past, in a recent report of a British commission, that one-third of the people of England did not have a week between themselves and starvation.

"IRELAND ONLY WANTS WHAT BELONGS TO HER.

"If the question between Ireland and England were between two individuals, no jury sitting in any part of America would have any difficulty in disposing of the matter. Ireland does not ask anything of England except to be let alone. She wants only what belongs to her. She wants only that which was her own. She wants to govern herself and her own people in her own way, according to her own standards, and with absolute religious freedom and political equality for all of her children.

"Ireland does not ask one inch of territory that is not contained within the four seas of Ireland. She does not ask to impose her will upon a single person who dwells beyond her shores. She appeals to the free people of the earth for the opportunity to go her own way, in peace and harmony with all the rest of mankind. She offers not alone to forgive, but so far as she can, even to forget past dealings with England and to dwell in peace and amity and concord with England as a neighbor.

"But she refuses, as she has refused for 750 years, to permit the stranger—England—to govern her, to control her resources, to shut her off from contact with the other nations of the earth, to keep her out of her high place among the nations. She says, with the voice of a united people—not in a quarrelsome way, but in the quiet voice of reasoned judgment—that as she has fought for 750 years for her independence, so she is prepared to fight, if necessary, as long again in order to attain that independence, and to resume her place among the independent nations.

"Her sons say for her, quite calmly, with knowledge of the fact that though scattered all over the world, they yet remain a great race, that England with all her power, with all her subtlety, with all her barbarity, can not destroy them or wipe them out. That the fight which England waged through so many centuries can only end when England shall withdraw her last soldier from Ireland and leave that country, which she has been robbing for centuries, to govern and rule herself.

"The diplomat of England has succeeded in many parts of the world as has no other diplomat in the history of mankind, but he

has failed in Ireland as absolutely and completely as any diplomat has failed in other parts of the world.

"It may be said without exaggeration that England has tried for centuries every form of tyranny, of cruelty, of inhumanity in her treatment of the people of Ireland. Her chief spokesman, Lloyd-George, admitted in the House of Commons last year that England had made an absolute failure of her government of Ireland, and that to-day she was as unpopular with the mass of the people of Ireland as she was in the days of Oliver Cromwell.

"BELGIAN ATROCITIES DUPLICATED A HUNDREDFOLD IN IRELAND.

"In the early stages of the late Great War, the world was made familiar with the story of the treatment the Belgians received in their own country at the hands of the invaders. It was but the recital and summary of England's treatment of Ireland. Not an atrocity was charged against the Germans in Belgium, not a cruelty was practiced, not a crime committed, which could not be duplicated a hundredfold in England's treatment of Ireland.

"Proof of this fact need only be taken from the admissions of English historians; from the declarations of English statesmen—the only difference between Belgium and Ireland being that the atrocities in Belgium extended over a period of three or four years, while the atrocities of England in Ireland have extended over the centuries.

"Belgium to-day, with a chorus of thanksgiving from all over the world, has resumed her place among the free nations of the earth and is to be indemnified in so far as money can indemnify a suffering country for losses sustained.

"Ireland to-day, after seven and a half centuries of greater suffering, still lies prostrate at the feet of England, while English statesmen, with a smug hypocrisy all their own, dilate with well-stimulated astonishment on the dreadful fact that England can not leave Ireland to be governed by Irishmen, because, forsooth, the Irish can not agree politically among themselves.

"NO SUCH POLITICAL UNANIMITY EXISTS ELSEWHERE IN THE WORLD.

"The fact is, however, that there is in Ireland to-day a degree of political unanimity greater than exists in any other country on earth—very much greater than that which exists in England, where Lloyd-George and his confreres are kept in power through a political coalition between eight different groups, and much greater than exists in our own country.

"Ireland is the only country in the world in which a plebescite has been taken since the armistice was declared last November. The result of that plebescite was that the people of Ireland, by a vote of more than three to one, declared in favor of absolute separation from England and in favor of the establishment of an Irish Republic.

"This was on the 14th of last December. On the 21st day of January of this year the elected representatives of the people of Ireland met in convention at the Mansion House in the city of Dublin, declared the existence of the Irish republic, and made an appeal to the free peoples of the earth for its international recognition.

"In furtherance of that appeal, Eamon de Valera, president of the Irish republic, and several members of the Dail Eireann (Irish congress) are now in this country. They seek to lay before the people of America actual conditions as they exist in Ireland to-day. They ask a hearing in order that America may understand that what the people of Ireland are asking is full recognition of their status as a free and independent people.

"They seek not some redress of grievances, large or small, but they demand that England take her grip off Ireland and leave the country to be governed by its own people in its own way. The opinion of America has been aroused within the last year as it never has been before in favor of Ireland.

"ENGLAND AIMS TO CONFUSE THE ISSUE.

"But the English diplomats, with their accustomed skill, are seeking to confuse the issue, to prevent our people from getting a clear understanding of what is at stake between Ireland and England.

"It is their task, their duty at this time, not to simplify but to complicate the issue; not to clarify, but to confuse the situation. Because of that, there appear in a hundred forms, a hundred suggestions from England as to a way out of the difficulty.

"One group talks of dominion home rule, while others talk of a dozen varieties of the same form. Carson talks of having conditions remain as they are, while Smuts—the 'slim' South African who believes all peoples should continue to be swallowed up by the British Empire—comes forward with that latest suggestion that Ireland should receive the same recognition as that given to Bohemia.

"But all ask for Ireland something which England wants—none offers to Ireland that which Ireland demands; because at bottom—let them explain as they may—in any one of the hundred devious devices English statesmen and historians have used in attempting to explain it—the fact is that England remains in Ireland for England's profit, security, and power, and does not intend to get out of Ireland until she is persuaded, either by force or by the prospect of greater profit in some other form, that it is to her interest to do so.

"England says she remains in Ireland only for two reasons: First, because Irishmen can not agree politically, and, second, because Ireland can not financially stand alone. Neither statement has the slightest foundation in fact.

"PLEBESCITE TAKEN IN DECEMBER REFUTES FIRST CLAIM.

"The plebescite taken in Ireland last December, under the most adverse conditions, shows that the people of Ireland have reached a degree of political unanimity practically without parallel. With the great English Army of occupation and with all the machinery of the Government in possession of the English garrison, the people of Ireland, by a vote of more than 3 to 1, decided in favor of total separation of Ireland from England.

"According to the standard American histories, Washington and his associates were never able to rally to their support more than a majority of the colonists, if, in truth, they ever had so large a proportion of the colonists on their side.

"Even in the so-called convention presided over by Sir Horace Plunkett and hand picked by Lloyd-George, there was a majority of 40 to 29 in favor of the proposed plan then given, which would have gone beyond the scheme of so-called settlement now proposed by many responsible spokesmen for England. This is the more remarkable when it is considered that a large number of the members of that body were selected by Lloyd-George and his associates for the express purpose of having them fail to agree to any settlement.

"If the situation were not one of so much importance it would be farcical to hear Lloyd-George talk about the failure of the Irish to agree, when he himself remains in power in England through a coalition made up of eight different groups, and was the direct cause of the so-called failure to which he refers.

"ENGLAND REMAINS IN IRELAND FOR HER OWN FINANCIAL GAIN.

"England dares not say that she remains in Ireland because Ireland can not financially stand alone. This, in spite of the fact that last year England made at least $225,000,000 from her control of Ireland. She collected from Ireland and on Irish goods during the preceding year a revenue of more than £34,000,000. She spent on what she is pleased to call the 'government' of Ireland about £13,000,000, leaving a profit to herself of £21,000,000, an equivalent of about $105,000,000 profit gathered to herself through taxation of Ireland.

"Ireland did with the rest of the world the previous year a busines of $820,000,000, according to Sir Horace Plunkett, though other spokesmen for England say this estimate is entirely too low. Of the foreign business done by Ireland, more than 95 per cent was done with England. Why? Because England has so completely cut Ireland off from the rest of the world that she is unable to send goods abroad except through England, or to buy abroad except through England, thus being compelled, against all economic law, to sell in the cheapest market and to buy in the dearest market.

"It is only fair to presume, as a result of this, that the English tradesman, who is as shrewd, as adroit, as far seeing in his own field as is the English diplomat in the field of government, made a profit of at least 15 per cent on the turn over of this business with Ireland.

"Ireland thus gives to England, in addition to the taxation, the profit of $120,000,000, thus making for England in a single year a profit of vast proportions—a profit of $225,000,000 from her control of Ireland. That sum represents 225,000,000 reasons why England wishes to remain in Ireland. She is there as a matter of profit. She is there as a matter of interest. But above all other reasons, strong and selfish as they are, England remains in Ireland because she regards her continued control of Ireland as vital and essential to her continued control of the seas.

"ENGLAND USES IRELAND FOR A GREAT DAIRY FARM.

"Much has been made by the spokesmen of England of the claim that Ireland must remain attached to England because England is the chief market for Irish goods, and the country through which Ireland's commerce with the world must be carried on, if Ireland is to seek a world market.

"No more damning indictment could be brought against England than is brought by this bit of English propaganda. The

simple outstanding fact is that England does not buy one dollar's worth of goods from Ireland which she could buy cheaper in any other part of the world. Further, because of her absolute control of the seas of the world, and of her economic contact with every other country on earth, England does not sell to Ireland one single article, no matter how insignificant, for which she could find a better price in any other part of the globe.

"England uses Ireland for a great dairy farm, a broad grazing land, in order that food may be provided at the lowest possible price, for the teeming millions in the industrial centers of England. She uses Ireland as a dumping ground for the excess products of her factories—excess products which are turned out by her manufacturers either to meet special competition in some other country or in order to keep her industrial workers employed so that they may not have time to think too much about the grievances and the industrial problems that lead to revolution.

"ENGLAND DESTROYED THE POPULATION OF IRELAND.

"The world recently rang with English propaganda in the form of stories of the tyrannies of the Czar of the Russias and of the government of the Central Empires. These empires have gone, and properly gone, the ways of every other tyrant of past history, but the fact remains that at their worst these powers did not keep the population of Alsace-Loraine, of Schleswig-Holstein, of Galicia from greatly increasing in numbers and in prosperity.

"Nor did the brutalities and outrageous excesses of power of the successive Czars of the Russias prevent Russian Poland from growing greatly in population and in wealth. Yet in the 70 years from 1845 to 1915, the population of Ireland, under what English spokesmen are pleased to call the benign reigns of Victoria, of Edward VII, and of George V, has decreased from more than 8,750,000 to 4,390,219.

"GOVERNMENT-MADE FAMINES TO DESTROY THE PEOPLE OF IRELAND.

"In that time, in spite of the cruelties and misgovernment practiced upon the people of those continental countries, no charge has been made and has been proved—as in the case of Ireland—of a government-made famine in which more than one million starved to death in a land of plenty, and another two million were sent across the seas to seek in foreign countries an opportunity to live, an opportunity of which they were deprived in their own land by reason of the inhumanity of an alien government.

"England has systematically broken down every effort made to build up the industries, to develop the resources of Ireland, while her spokesmen sing in chorus that all the wrongs of Ireland are ancient wrongs and that Ireland is to-day governed by the same laws that govern England, and therefore the Irish people should be contented with their lot and cease to cry for liberty.

"These assertions do not bear the slightest investigation of an impartial mind. Ireland has been turned into a grazing country by the laws of England and by acts of the English Government. The system of laws made for a highly complex industrial State like England are utterly out of place in a country whose main pursuit is made to be agriculture.

"GREAT HARBORS OF IRELAND IN IDLENESS.

"The shipping controlled by England cuts Ireland off from all contact with the rest of the world and keeps in idleness 20 of the greatest harbors of Europe. It prevents the modern development of the ports of Cork, Limerick, Galway, Sligo, and Dublin, ports which centuries ago were great trading ports, carrying on extensive commerce with the countries of continental Europe.

"The railroads of the smaller and poorer country are controlled by the railroads of the richer and larger country, so that it cost until recently as much to send a barrel of flour across from Galway to Dublin as it would to send it from Chicago to Liverpool.

"Most of the banks in Ireland are bought up or controlled by the banks of England, with the result that the deposits are not invested in Ireland for the development of its resources or the upbuilding of its industries, but are placed at the disposal of English manufacturers and business men to aid in their schemes for exploiting the rest of the world and beating down the industrial rivals of England in Europe and in the United States of America.

"The Irish mercantile marine, which for centuries carried on a commerce with continental Europe and America, has been wiped out of existence by adverse English laws. It has been replaced only by ships which bring Ireland's goods to England and England's goods to Ireland in such a manner as to make the Irish market to all intents and purposes the private monopoly of England.

"England, roughly speaking, is one and one-half times the size of Ireland in square miles. When the act of union was laid upon Ireland, January 1, 1801, the population of Ireland was almost 6,000,000 and the population of England was less than 9,000,000. To-day, the population of England is over 36,000,000, and the population of Ireland, according to the latest English census, is 4,390,219. At the same date which marks the application of the act of union to Ireland, the population of Scotland was 1,700,000, while to-day, for the first time in history, it is larger than the population of Ireland.

"IRELAND VICIOUSLY MISREPRESENTED ABROAD.

"If Ireland had been satisfied to become the contented province of England and to abandon her fight for liberty and her desire for independence; if she would consent to become absorbed into England, to become a part of the English people, she would undoubtedly enjoy a prosperity that would mean all that the word implies.

"It is because of the fact that she will not consent to such an arrangement, it is because she regards the ideal as of more consequence, even in this life, than she does the material, that Ireland must continue to be misrepresented abroad. If England has her way, her rule will continue in Ireland until that day and that generation when the British Empire, following all the other mighty empires of the past, shall hear the hour of her doom strike and shall be compelled to give way to the onward march of events which will carry its end into the mighty empire and bring freedom to the peoples all over the earth who are oppressed by it. Thoughtful observers the world over agree that that day is not far distant.

"England has time after time overrun Ireland with her armies, with her confiscators, but she has never conquered Ireland, and unless all signs by which the future may be gauged fail, she never can conquer Ireland.

"To-day England faces an Irish race scattered all over the world, totaling 30,000,000 of people. She may boast that the sun never sets on the British Empire, but she must also admit that it never sets on the man of Irish blood. Wherever he has gone, into whatever country he may have been absorbed, he remains distinctively hostile to the British Government and the things for which that Government stands.

"He was, as American historians tell us, the first to raise the banner of revolt against England in this country. According to that scholarly volume, Hidden Phases of American History, by Michael J. O'Brien, 38 per cent of the rank and file of Washington's Army were Irishmen or sons of Irishmen—the most determined, the most unfaltering enemy England had in America.

"He harbors no enmity against the English people. He pities rather than condemns them for the injustice under which they suffer. He understands the economic slavery which is imposed upon them—but he is the untiring, the unfaltering enemy of the conscienceless chicanery and corrupting materialism which are the chief weapons of English diplomacy.

"AMERICA WAS LED INTO THE WAR TO PUT AN END TO AUTOCRACY.

"England may control statesmen, she may thunder from the pulpits, and she may speak through the impersonal editorials of the press in various countries. She may purchase poets, she may hire apologists, she may rewrite school histories, but ever and always there will be men rising up throughout the world to thwart her schemes, to prevent the consummation of her carefully laid plans, to point out the facts of history, and to arouse the liberty-loving people of the world to a realization of the fact that there can be no freedom on earth until the autocracy which hides behind the mask of navalism is as completely broken as was that which was covered by the garb of militarism.

"England may succeed—as she has succeeded—in cajoling or outmaneuvering the spokesmen of free peoples at the conference of Versailles; she may write the terms of peace there as she wrote them at Vienna a century before—but she can not stifle the conscience of the world. She can not satisfy America with the assertion that the war has been won because German and Russian militarism has been broken.

"America was led into the war to put an end to autocracy, and that means autocracy in every form. America entered the war to break down special privileges in all Governments and to see that not only militarism, but its twin sister, navalism, was broken beyond repair.

"If America had not gone into the war, it would have ended in an entirely different way. We threw our strength, our youth, our vigor, our idealism into the scales and we freely expressed our belief that when we won—for there was no 'if' about it once we went into the war—there would be an end to autocracy.

"We declared there would be self-determination for all peoples; that there would be freedom of the seas—that freedom for

which America through all her history has contended and for which she waged one victorious war.

"America won the war, Sir Douglas Haig's comments to the contrary notwithstanding. America threw her soul, her honor, her ideals into the winning of the war, and America will not now be satisfied until all the peoples of the earth gather in the fruits of that victory.

"There can be no just or permanent peace if, after destroying one form of autocracy, we leave another form more strongly intrenched than ever and resting upon a firmer foundation. The plain people throughout the world will not rest while two great empires remain, their strength buttressed and fortified by a peace which able spokesmen of these empires, with superior courage, superior diplomacy, with greater skill, impose upon mankind.

"America magnificently won the war. America has failed to make the peace. America's spokesmen laid down splendidly the terms of peace which were to satisfy the world and which were agreed to in advance by the spokesmen of England, of France, of Italy. But America's spokesmen have been outplayed, outclassed, by the veteran diplomats of the latter countries.

"America was satisfied with the proposed terms of peace. She is utterly dissatisfied with the proposed peace treaty and its accompanying league of nations as drawn by Cecil and Smuts and now urged by the President of the United States as something behind which he may hide the discomfiture resulting from his encounter with the skilled diplomats of the Old World.

"Gloss over the story as one may, the fact remains that out of the conference at Versailles there have emerged two great powers greatly strengthened—the island empires of England and Japan. These two empires are now seizing and taking to themselves the choicest spots on earth, adding tremendously to their already swollen power.

"THE WAR, FOUGHT FOR DEMOCRACY, ENTHRONES AUTOCRACY.

"England, whose spokesman assured us one hundred times during the war that she sought no territory, has had, in her own accustomed style, forced upon her "unwilling" shoulders huge strips of land which nominally belonged to the German Empire but which really belonged to their inhabitants. These people, as the result of the war, are simply transferred from one group of exploiters to another, and a more experienced group.

"Forty million Chinese Republicans were torn from their own country with the immense Province of Shantung and turned over to the Empire of Japan, thus making it larger, in point of population, than the United States of America.

"England, which, before we entered the war, on the visit of Balfour to Washington, was in the throes of despair and on the verge of defeat, can now proudly proclaim through her mouthpiece, Lord Cecil, that she emerges from the war richer and stronger, actually and relatively, than any other country on earth.

"The war, fought for democracy, may end with a peace which greatly increases the power of autocracy. The war, fought to bring freedom of the seas, ends with England in unquestioned control of all the oceans of the earth. The war, fought to bring self-determination to all the peoples of the earth, has the doctrine of English predetermination applied to some parts of the continent, in order temporarily to break up and permanently to cripple her European rivals. This doctrine is applied to Asia in such a way that the Japanese predetermination may apply to the continent of Asia to the end that she may eventually absorb China and be ready with her intimate ally and close friend, England, for any emergency that may arise in any part of the world.

"THE TWO GREAT EMPIRES INSIST THAT AMERICA GUARANTEE THEIR POSSESSIONS.

"Not satisfied with their own power to retain that which the self-satisfied and temporary spokesman for America has permitted them to absorb, England and Japan are insisting through Clause X in the proposed league of nations that America shall guarantee for all time the present territorial integrity of the two remaining empires on earth.

"One little knows the fierce passion for democracy which burns in the breast of the average American if he thinks that such a scheme will ever succeed. For 143 years, America has been fighting with ever-increasing vigor the battle of democracy.

"America has ever been to the forefront in the struggle for human rights. She has sought to put an end in every way to the special privileges of the few. She favors the rights of the many and she will not now permit any man speaking for her to reverse her position, to destroy her old ideals, or to prevent her from carrying on the struggle until democracy shall finally triumph and the last stronghold of autocracy be destroyed.

"SHANTUNG A MONSTROUS ACT.

"The transfer of Shantung with its 40,000,000 people from the great young democracy of China to the absolutist Empire of Japan is a monstrous act, indefensible, high-handed, un-American. The attempt to have us guarantee the territorial integrity of England and Japan is a monstrous and a cowardly act, an attempt not alone to truckle to the strong but to trample upon and destroy the rights of the weak. It would make us a party to every act of tyranny that hereafter was perpetrated throughout the world.

"But history shows that even if it were possible for the great Senate of the United States to be false and recreant to its trust a thing like this could not be permanently done. It is asking us to do the impossible. All history teaches, all experience shows, that nothing is static in nature, that it is impossible for one generation to so impose its will on the world as to prevent a change in the boundaries of countries or in the fortunes of nations.

"THE LEAGUE OF NATIONS AND THE HOLY ALLIANCE.

"A century ago a 'holy alliance' undertook to do the very thing that is again being attempted to-day, but not only is the 'holy alliance' referred to nowadays by words of contempt and contumely, but the very governments which brought the treaty into existence are themselves but memories.

"The old or little men who for the moment from time to time control the destinies of mankind may think themselves able to stop the progress of mankind and impose their wills upon advancing generations. But history shows that even the few great outstanding figures in the history of the centuries were not able thus to act for the future. And the last half century, with its seven great empires thrown into the discard, shows how fate laughs at the puny efforts of man to govern the future or control its destinies.

"The world is just entering upon a great era of growth and reconstruction, yet this is the time when an old man, an older man, and a very old man in whose hands fate seemed for the moment to have whimsically placed the strings of the future, chose to abandon the high-sounding battle cries upon which the was was waged and won, and to make another ill-conceived and badly executed balance of power under the name of the league of nations.

"To do this, Clemenceau has tried to turn the wheels of time backward, tried to go back to the Europe of Louis XIV, breaking down the great peoples of the continent who outnumber and outbreed the French, and to set up, all over the continent, a series of buffer states that would prevent the growth of strong rivals to France, and leave her in the position of being the dominant military power of the continent.

"England, running true to form, is entirely contented for the moment to have France resume her old place among the nations, so long as she may see her economic rivals on the continent broken into bits and reduced to the position of impotence and poverty.

"England herself, true to her predatory instincts, seizes in the name of civilization and justice, territories almost continental in area, rich in mineral and other natural resources, to be added to her already immense empire. She emerges from the war not only the greatest empire in extent that the world has ever known, with a monopolistic control of articles essential to the comforts and conveniences of mankind, but, through her unquestioned control of the seas, she will strive for a practical monopoly of the commerce of the world.

"England emerges from the war with but one economic or industrial rival upon earth, these United States of America, whose public opinion she flatters herself that she controls and whose activities she at least has been able to guide so far as to make us forgive, if we did not forget, our previous experience with her.

"ENGLAND SEEKS TO FLATTER AMERICA.

"Tossing everything into the scales in the last great contest in which she broke, at least for generations to come, the continental industrial rivals which were ousting her from the markets of the world, England has won decisively and absolutely, as far as empire is concerned, and now looks with complacency upon the task before her of cajoling and flattering America.

"Meanwhile she carries on an economic war against us which will shut us out from the markets of the world, and which will gradually put us on the defensive in the fight that England is waging to recover the financial supremacy of the world, which she fondly believes we have but momentarily taken from her.

"One plea that she has made calls attention to her tremendous sacrifices in the contest which she keeps reminding us was fought for our safety as well as for her own interests, and which many of her spokesmen, like Sir Douglas Haig, now remind us, since she is no longer in danger, was won by her and not by us.

"England is shutting out the products of our manufacturers from her territories and, so far as possible, is shutting out our commerce in every corner of the globe and is depending upon her control of the seas to eventually shut us out from most of the foreign markets and leave us in the position where our manufacturers must be content to sell their products in so much of our own markets as England may choose to leave to us.

"This is in no sense an exaggeration of what she seeks and of what she hopes. She relies upon the skill of her diplomats to bring this state of affairs about. She has very largely monopolized rubber, wool, and other essential products of the world. She is seeking every day, with ever-increasing chances of success, to monopolize the oil fields of the world, while all the time, with sophisticated casuistry, she keeps, through a chorus of a thousand voices raised in the press, the pulpits, and the schools of America, assuring us that she alone in all the world is our constant friend, that but for her and her chivalrous, unselfish efforts we would have been overrun by some of the continental powers which were seeking this very world power which she now possesses to the full.

"She would have us believe that she fought unselfishly in the war for the very purposes for which our President says we entered the war, yet her first act after the war was won by us was to say that the doctrine of the freedom of the seas could not be even considered at Paris, and utterly unconsidered it was and still remains.

"She said she favored self-determination for all oppressed peoples and agreed with the President when he said that no people must live under a government not chosen by themselves. She must cynically smile to herself when she has the peace conference practically adjourn after having, with the help of that self-determination cloak, broken her rivals into pieces without any effort having been made to apply that doctrine to Ireland, to Egypt, to India, or to any of the other countries of which she is in possession with only the title that a robber has to his prey.

"ATTEMPTS TO MAKE OVER THE MAP OF THE WORLD IN THE DARK.

"She said she favored open covenants of peace, openly arrived at, and yet the 'holy alliance' did not attempt to make over the map of the world with the same secrecy behind which these three gentlemen hid themselves at Paris. And so one might go through all the points and find that English skill had escaped, or English cynicism had aroused mankind to have England, but these were in the way when an English peace had to be made.

"The Englishman has a genius for diplomacy. Not content with being saved from destruction, not content with unprecedented gains in territory, in wealth, in prestige throughout the world, he now seeks to undo what he regards as mistakes of the past and to recover by mental ability that which he lost a century and a half ago by force of arms. In his self-satisfaction he takes no account of the fact that the Thirteen Colonies, if they had continued as colonies, could not have begun to save him, as the forty-eight States did actually save him, as he himself must admit.

"ENGLAND AIMS TO UNDO THE WORK OF THE REVOLUTION.

"He wishes, now that his peril is for the moment past, to undo the work of the Revolution, to destroy the great experiment in government which the fathers set up upon these shores, and by one stroke set back the hands on the clock of time for centuries. He wishes to do this in order that the special form of privileged autocracy which governs England may regain control of this country, and with its mighty strength and unlimited resources bring about that junction of the English-speaking races which his agents like Carnegie and Rhodes have foretold and for which they have labored for two generations.

"He has hoped, because of his easy control of things at Paris, that he would find that the dead hand of Rhodes had actually won the victory. But he was astounded to find not alone the Senate of the United States standing like adamant against the proposed league of nations but the public sentiment of the people of America, aroused as never before, not only to defend American rights but to do what he complains of as an insolent thing—to interfere in 'domestic' problems of English politics.

"WASHINGTON STILL THE SEAT OF THE AMERICAN GOVERNMENT.

"He is horrified to find that in spite of huge expenditures, that in spite of the British propaganda of Northcliffe, Parker, and others of that ilk, America refuses to be made again into a colony, and that interest in the freedom of the seas has been aroused in America as never before.

"He had been brought to believe during the pressure of the war that American public opinion was only the echo of English public opinion, and is astounded now to find that his complete victory at Paris is likely to be turned into complete defeat at Washington, where, in spite of his hopes to the contrary, and to his utter consternation, he finds the real seat of American government still continues to be found.

"THE REAL STRENGTH OF ENGLAND.

"England, while hastening to assure us in a hundred ways that she had no selfish interest to serve in asking to have the league of nations made operative and the integrity of the British Empire guaranteed by the power and resources of the United States, has unwittingly shown her own weakness. More and more thoughtful observers throughout the world are able to read in that demand the real opinion of English statesmen as to their own strength.

"As a flash of lightning in a storm enables the observer in a second to see his way through the darkness, so the request for such guarantee by Lord Cecil has revealed the real weakness of England, instead of the apparent strength which he and his group have been teaching us to observe.

"It is at once made clear that the England which must call on the world to guarantee its possessions is in a bad way both at home and abroad. It is an admission that it can no longer hope to call upon the strength of other countries in its hour of peril in order to preserve it, as it called the world into arms against France under Napoleon and against Germany under Wilhelm.

"In spite of its censorship the rumblings of industrial labor troubles with miners and transport workers and railway men are being heard in the land. The uprisings in India and in Egypt, the dissatisfaction in Australia and in Canada, and, above all, the settled determination upon the part of the people of Ireland to take at its face value the promises of Wilson, Clemenceau, Lloyd-George, and Orlando, and to insist upon absolute self-determination, are matters which are calling the attention of mankind to the fact that there is and there can be no freedom on earth while this distended and gigantic appetite called the British Empire continues to threaten and to prey upon mankind.

"AMERICA IS AT THE PARTING OF THE WAYS.

"The parting of the ways has come for America. Either we remain true to our ideals, true to the traditions of the past, still the moral leader of mankind and the hope of the oppressed people of the earth, or we join with the privileged class of England and become one of the predatory powers of the world.

"Either we continue to lead the forces of republicanism, whether they oppose the Central Empires of the Continent, the Czars of the Russias, or whether they stand against the Cecils and Balfours of England or the Mikado of Japan, and bring hope and cheer to the downtrodden people of Ireland, and we stand for the preservation of American rights or we join forces with Lloyd-George, that artful dodger of English politics, in his efforts to further deceive the people and put off until another generation the settlement of the question of Ireland. The question of Ireland, it must be remembered, can only be settled right when Ireland regains her independence and takes her place once more among the nations of the earth.

"Like everything else human, America can not remain static. America must either advance or retire. It must continue to lead the forces of democracy in its onward march to absolute freedom, or it must join the forces of autocracy and seek to snatch liberty from the other nations of the world.

"AMERICA IS ASKED TO ENTER INTO AN ENTANGLING ALLIANCE.

"We are asked now to abandon the advice given us by our first, and one of our greatest, Presidents against entering into entangling alliances with other powers. Not alone should we refuse to abandon this advice, but we should more than ever make clear to the world our unfaltering determination to abide by it and to make it one of the fundamental planks in our foreign policy. By standing by it in the past we have grown great and prosperous, masters of our own destinies, arbiters of our own fate.

"We have been free to enter wars and free to remain at peace, according to the exigencies of the hour and according to what we conceived to be our own interest and the best policy for the protection of the liberties of mankind. We have been free to govern our actions by the best light and information which we could obtain upon questions at the hour of action.

"Our liberty of action has not been foreclosed by reason of any commitment made in advance by those who had passed off the stage of action or were no longer in a position to speak for the majority of the people of our country. In other words, we have always been in the position of being governed by the living will of the present rather than by the dead hand of the past.

"Not alone every mandate of interest, but the high call of idealism should counsel us to remain in that position and not commit ourselves to any alliance which, obeying the passion

and meeting the whim of the hour, could commit those who come after us to labors and sacrifices which they should not be asked to undertake except at their own free will and upon good cause shown to them at the hour of sacrifice.

"We are asked now to be satisfied with a declaration of the Monroe doctrine which, according to many thoughtful observers, weakens and jeopardizes rather than strengthens that cardinal principle of American diplomacy. In this hour when a peace conference, called into existence for the purpose of making peace, did not content itself with settling the questions at issue between the belligerents, but went up and down the world seeking problems it might settle, we should extend and strengthen, rather than weaken, the doctrine laid down by James Monroe.

"We should insist that the Western Hemisphere be not invaded by any power from the East; that no Old World possessions held here are to be increased, and we should also insist upon the absolute withdrawal from this territory of the flag of every empire or monarchy.

"THE BRITISH FLAG SHOULD BE COMPELLED TO FOLLOW THE OTHER FLAGS FROM OUR SHORES.

"What is sacrosanct about the British Empire that it continues to rule vast sections of the American Continent after all other empires have left its shores? The flag of Russia, of Spain, of Portugal, of Denmark have been withdrawn from this hemisphere. Why should we not now insist that the flag of England should follow the others and leave here in this hemisphere, dedicated for all time to liberty and republicanism, only the flags of the free?

"Why should not our great neighbor on the north, which Cecil undoubtedly hopes some day to use as a weapon to smite us, should the economic war now being waged between the countries ever reach the acute stage of military or naval warfare, or if there ever should come a conflict between England's ally, Japan, and ourselves—why should not that great country have an opportunity of taking its place among the republics of the earth, or even, if it chooses, of joining our country and thus bridging the gulf which separates us from our great Territory of Alaska?

"The ties which bind the people of Canada to us are every day increasing in number and in strength. The ties of trade which bind us are natural and are varied in form. The Great Lakes that lie between us are not intended to separate us, but should by a thousand ties of commerce draw us more closely together. Great numbers of our people come from the same racial stocks, and in the late war, according to reports coming from ever-increasing sources through our returned soldiers, our own soldiers found a dozen ways in which they resembled one another for every way in which either found that they resembled the British soldiers.

"CHAMBERLAIN HAS SAID THAT AN ADJOINING REPUBLIC IS A MENACE.

"Thoughtful observers in the United States as well as in Canada realize that our interests in the Western rather than in the Eastern Hemisphere, and that the views of an ever-increasing number of Canadians with relation to the future of Ireland, the future of Shantung, are those of a majority of the people of America rather than those of the governing body of England.

"The people of Canada are essentially a freedom-loving people, aside from what is pleased to call itself the governing class, which seeks for special privileges, like the same class in England. Canadians desire liberty for themselves and would like to see the blessings of liberty given to every people.

"More than that, if there be anything in the repeated declarations of Joseph Chamberlain in his attempts to justify the rubbing out of the two little republics of South Africa that republican institutions adjoining British territory were a menace to Britain, the governing class in England can look upon the continued existence of the American Republic only as a menace to England, and we have now the right to ask of her, having saved England, that as an evidence of her good faith in saying that she is a friend of liberty, that she withdraw her flag from this continent and leave it to be entirely dedicated to liberty and freedom.

"MAN IS SIGHING FOR PEACE.

"The late war aroused mankind to a realization of the fact that without regard to the boundaries of a country or the lines of race, war is a curse to mankind; that it takes not only millions of a generation to death and leaves other millions subject to sickness and disease as an aftermath, but it imposes on the future generations a back-breaking burden of taxation which means countless hardships and privations, while it brings only to the specially privileged peoples in every country immense fortunes which break down the foundations of liberty and sap the principles on which freedom exists.

"Without regard to race or religion, man is sighing for peace. He realizes that war is an abnormal condition, that peace is the normal condition, and men are seeking as they have never sought before, to insure a peace that will prevent and destroy war.

"HOPES BASED ON PEACE CONFERENCE VANISH LIKE A DREAM.

"Mankind lived in the hope that the peace conference was to be a setting for the ending of all wars. Peoples were to be taken from the thraldom of their aggressors, natural boundaries were to be established between States, armaments were to be destroyed, cannon were to be made into plowshares, and the 14 points of President Wilson were to be made the basis of an enduring peace.

"The peace conference has practically adjourned and all the hopes that were based upon it are passing into oblivion like the illusions of dreams. But the mass of mankind is more than ever insistent that there must be an end to human destruction and to the awful butchery and suffering that modern war spells for humanity. It has been driven into their minds that only by freedom to the oppressed of all nations can peace come, putting an end to the rule of the few and by bringing about government by the many, bringing at once liberty to man and an end to all war.

"There may be for a short time a brief respite for those who remain in power, though they have deceived the people who have seen promises solemnly made, lightly broken. But no just or permanent peace can be made until the purposes to which the American people set their hands when they entered the war have been attained, until autocracy in all its forms has been destroyed, until not alone the militarism that was breaking the back of Europe but the navalism which is oppressing and controlling the whole world shall be destroyed and the right of self-determination shall be given, not alone to some, but to all the peoples of the earth.

"A COURT OF NATIONS.

"A court of nations will come in its own due time that will embrace all the people of the earth, that will see to it that all peoples are free, and that will see to it that the World War will actually bring a permanent peace. Such a court will exalt justice and will destroy tyranny, but it will be a real court, open to all peoples, and not an unreal league which is only another name for an Anglo-American alliance, a Cecil-Smuts plan to exalt autocracy and enslave mankind.

"Every red-blooded man favors such a court of nations as he favors the brotherhood of man and the counsel of perfection, but the more intensely he favors such an ideal the more he objects to and abhors the hypocrisy which would steal the ideal in order to cover a treaty of alliance that would fasten the robber grip of England on all the world.

"THE GUARANTIES OF IRELAND.

"Having set forth the claims of Ireland to independence, her demand and her right to be free, having exposed the hypocrisy of England in her varied attempts to confuse the issue, having torn away the mask behind which England hoped to securely hide from the gaze of the world, let us see what Ireland offers to the world as an evidence of her good faith.

"The people of Ireland seek for themselves a form of government which would do justice to all the people within the four shores of Ireland. They seek to set up a government representing equality to all, injustice to none. They demand and will insist upon political equality and religious freedom for all the people of Ireland.

"They insist that the majority must rule, but that the rights of political equality and religious freedom shall be given to all members of the minority as well as of the majority.

"The people of Ireland believe that the minority is entitled to guaranties but not to control. They are ready to embody a guaranty of these rights in their constitution, as they have been embodied in the Constitution of the United States.

"They are ready to adopt these things which made for success in America and to avoid those things which were found to be mistakes or errors.

"CONTRASTS IRELAND AND AMERICA.

"As a result of the Revolution in America, estates were confiscated and men were exiled. The people of Ireland, however, are ready to say to the small group in Ulster who say they can not remain as an integral part of the Irish people that they would part with them with regret but will guarantee to them, if they choose to sell, the full market value of all property which they own in Ireland.

"The people of Ireland ask every man, of whatever blood or whatever religion, who is now in Ireland to remain in Ireland on terms which will insure absolute equality for all. They point out that there is no instance in its history of religious

persecution or racial intolerance due to the majority of the people of Ireland; that wherever there has been persecution it has been by the minority, urged on against the majority by the English Government.

"The people of Ireland point out that in every section of the country, in every generation, Protestants of different sect or religious persuasions have been put forward as leaders by a majority of the Irish people, called to the highest elective office within the gift of the majority of the people. They urge that no fairer way of judging the future can be found than that furnished by the experiences of the past.

"They are willing at all times to accord to others the rights which they insist upon for themselves. They demand without further delay that their present rights shall be recognized by the world and that international recognition shall be given to the republican form of government established in Ireland after a plebiscite held on her shores last December in the presence of the great English army of occupation and under conditions which held the machinery of government at that time in the hands of Great Britain.

"All that any friend of Ireland asks of America is that present conditions in Ireland be studied fairly and dispassionately. In no other part of the world can there be found a parallel to the manner in which the population of Ireland has been reduced by the English Government within the past 70 years.

"Why should England, that cried out with such strength against injustice in Belgium, be permitted to maintain and continue her rule of might in Ireland? Even her apologists admit that England's rule in Ireland is based only upon her bayonets and cannon.

"How can England satisfy the conscience of the world with her explanation that what is wrong in Belgium and in Alsace is right in Ireland? She says that the people of Ireland should not cry out for liberty because, forsooth, they are to-day enjoying a larger measure of prosperity than they formerly had. Why should they not have it? Is it not the result only of their own thrift, their own industry, their own labors?

"The apologists of England say that Ireland did an immense business with that country last year—that this is a sufficient answer to Ireland's cry that she is badly governed! How typical was Clive of the English Government of all time when he said, after he had been accused of robbing India of immense treasure, that when he saw the wealth of the country he was astonished at his own moderation! England's statesmen feel that it is right to steal Irish sheep so long as they return a chop to the Irish owner.

"The proposition is an insult to the intelligence and conscience of the world, and in spite of the marvelous system of propaganda which the English diplomat has built up, he can not prevent the cry of Ireland for freedom from resounding in all parts of the world and coming back to plague him until it is satisfied by having justice done to Ireland.

"The English governing class are the Bourbons of modern days. They learn nothing, forget nothing. Let them beware lest the aroused public opinion of mankind shall sweep them as it swept their German and Russian cousins into oblivion and break into bits the British Empire, which is the last bulwark of autocracy against the onrushing tide of liberty and democracy."

Judge Daniel F. Cohalan, following the conclusion of his oral argument, by permission of the committee was authorized to have incorporated as a part of the testimony presented the following:

IRELAND'S DECLARATION OF INDEPENDENCE AND OTHER OFFICIAL DOCUMENTS, INCLUDING LETTERS TO THE PRESIDENT OF THE PEACE CONFERENCE AND THE GENERAL MEMORANDUM SUBMITTED IN SUPPORT OF IRELAND'S CLAIM FOR RECOGNITION AS A SOVEREIGN INDEPENDENT STATE.

IRELAND'S DECLARATION OF INDEPENDENCE—PROCLAIMED BY DAIL EIREANN, JANUARY 21, 1919.

[Translation.]

"Whereas the Irish people is by right a free people;

"And whereas for 700 years the Irish people has never ceased to repudiate and has repeatedly protested in arms against foreign usurpation;

"And whereas English rule in this country is, and has been, based upon force and fraud and maintained by military occupation against the declared will of the people;

"And whereas the Irish republic was proclaimed in Dublin on Easter Monday, 1916, by the Irish republican army, acting on behalf of the Irish people;

"And whereas the Irish people is resolved to secure and maintain its complete independence in order to promote the common weal, to reestablish justice, to provide for future defense, to insure peace at home and good will with all nations, and to constitute a national policy based upon the people's will, with equal right and equal opportunity for every citizen;

"And whereas at the threshhold of a new era in history the Irish electorate has in the general election of December, 1918, seized the first occasion to declare by an overwhelming majority its firm allegiance to the Irish republic:

"Now, therefore, we, the elected representatives of the ancient Irish people, in national parliament assembled, do, in the name of the Irish nation, ratify the establishment of the Irish republic, and pledge ourselves and our people to make this declaration effective by every means at our command.

"To ordain that the elected representative of the Irish people alone have power to make law binding on the people of Ireland, and that the Irish parliament is the only parliament to which that people will give its allegiance.

"We solemnly declare foreign government in Ireland to be an invasion of our national right, which we will never tolerate, and we demand the evacuation of our country by the English garrison;

"We claim for our national independencee the recognition and support of every free nation of the world, and we proclaim that independence to be a condition precedent to international peace hereafter;

"In the name of the Irish people we humbly commit our destiny to Almighty God, who gave our fathers the courage and determination to persevere through centuries of a ruthless tyranny, and strong in the justice of the cause which they have handed down to us, we ask His divine blessing on this, the last stage of the struggle which we have pledged ourselves to carry through to freedom.

—

IRELAND'S MESSAGE TO THE NATIONS.

[Translation.]

"To the nations of the world, greeting:

"The nation of Ireland, having proclaimed her national independence, calls, through her elected representatives in parliament assembled in the Irish capital on January 21, 1919, upon every free nation to support the Irish republic by recognizing Ireland's national status and her right to its vindication by the peace congress.

"Nationally, the race, the language, the customs, and traditions of Ireland are radically distinct from the English. Ireland is one of the most ancient nations of Europe, and she has preserved her national integrity vigorous and intact through seven centuries of foreign oppression; she has never relinquished her national rights, and throughout the long era of English usurpation she has in every generation defiantly proclaimed her inalienable right of nationhood down to her last glorious resort to arms in 1916.

"Internationally, Ireland is the gateway to the Atlantic. Ireland is the last outpost of Europe toward the west; Ireland is the point upon which great trade routes between east and west converge; her independence is demanded by the freedom of the seas; her great harbors must be open to all nations, instead of being the monopoly of England. To-day these harbors are empty and idle solely because English policy is determined to retain Ireland as a barren bulwark for English aggrandizement, and the unique geographical position of this island, far from being a benefit and safeguard to Europe and America, is subjected to the purposes of England's policy of world dominion.

"Ireland to-day reasserts her historic nationhood the more confidently before the new world emerging from the war, because she believes in freedom and justice as the fundamental principles of international law; because she believes in a frank cooperation between the peoples for equal rights against the vested privileges of ancient tyrannies, because the permanent peace of Europe can never be secured by perpetuating military dominion for the profit of empire, but only by establishing the control of government in every land upon the basis of the free will of a free people, and the existing state of war between Ireland and England can never be ended until Ireland is definitely evacuated by the armed forces of England.

"For these, among other reasons, Ireland—resolutely and irrevocably determined at the dawn of the promised era of self-determination and liberty, that she will suffer foreign dominion no longer—calls upon every free nation to uphold her national claim to complete independence as an Irish republic against the arrogant pretensions of England founded in fraud and sustained only by an overwhelming military occupation, and demands to be confronted publicly with England at the congress of nations, that the civilized world having judged between English wrong and Irish right may guarantee to Ireland its permanent support for the maintenance of her national independence.

IRELAND'S DEMOCRATIC PROGRAM—PROCLAIMED BY DAIL EIREANN.
[Translation.]

"We declare in the words of the Irish Republican Proclamation the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies to be indefeasible, and in the language of our first president, Padraic Pearse, we declare that the nation's sovereignty extends not only to all men and women of the nation, but to all its material possessions; the nation's soil and all its resources, all the wealth and all the wealth-producing processes within the nation; and with him we reaffirm that all rights to private property must be subordinated to the public right and welfare.

"We declare that we desire our country to be ruled in accordance with the principles of liberty, equality, and justice for all, which alone can secure permanence of government in the willing adhesion of the people.

"We affirm the duty of every man and woman to give allegiance and service to the commonwealth, and declare it is the duty of the nation to assure that every citizen shall have opportunity to spend his or her strength and faculties in the service of the people. In return for willing service, we, in the name of the republic, declare the right of every citizen to an adequate share of the product of the nation's labor.

"It shall be the first duty of the government of the republic to make provision for the physical, mental, and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food or clothing or shelter, but that all shall be provided with the means and facilities requisite for their proper education and training as citizens of a free and Gaelic Ireland.

"The Irish republic fully realizes the necessity of abolishing the present odious, degrading, and foreign poor-law system, substituting therefor a sympathetic native scheme for the care of the nation's aged and infirm, who shall no longer be regarded as a burden, but rather entitled to the nation's gratitude and consideration. Likewise it shall be the duty of the republic to take measures that will safeguard the health of the people and insure the physical as well as the moral well-being of the nation.

"It shall be our duty to promote the development of the nation's resources, to increase the productivity of the soil, to exploit its mineral deposits, peat bogs, and fisheries, its waterways and harbors, in the interest and for the benefit of the Irish people.

"It shall be the duty of the republic to adopt all measures necessary for the re-creation and invigoration of our industries and to insure their being developed on the most beneficial and progressive cooperative industrial lines. With the adoption of an extensive Irish consular service, trade with foreign nations shall be revived on terms of mutual advantage and good will; while undertaking the organization of the nation's trade, import and export, it shall be the duty of the republic to prevent the shipment from Ireland of food and other necessaries until the wants of the Irish people are fully satisfied and the future provided for.

"It shall devolve upon the national government to seek the cooperation of the governments of other countries in determining a standard of social and industrial legislation with a view to a general and lasting improvement in the conditions under which the working classes live and labor.

—

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CASE.

"MANSION HOUSE, DUBLIN, *May 17, 1919.*

"Monsieur CLEMENCEAU,
"*President of the Peace Conference, Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as Great Britain.

"Therefore we ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates, deliberately chosen.

"We request you to notify the peace conference that we, the undersigned, have been appointed and authorized by the duly elected Government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our great esteem.

"EAMON DE VALERA,
"ARTHUR GRIFFITH,
"GEORGE NOBLE COUNT PLUNKETT.

—

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CAUSE.

"MANSION HOUSE, DUBLIN, *May 26, 1919.*

"Mons. GEORGES CLEMENCEAU,
"*President of the Peace Conference, Paris.*

"SIR: On May 17 we forwarded to you a note requesting you to warn the conference that the Irish people will not be bound by the signatures of English or British delegates to the conference, inasmuch as these delegates do not represent Ireland.

"We now further request that you will provide an opportunity for the consideration by the conference of Ireland's claim to be recognized as an independent sovereign state.

"We send you herewith a general memorandum on the case and beg to direct your attention in particular to the following:

"(1) That the rule of Ireland by England has been and is now intolerable; that it is contrary to all conceptions of liberty and justice, and as such, on the ground of humanity alone, should be ended by the conference.

"(2) That the declared object of the conference is to establish a lasting peace which is admittedly impossible if the legitimate claims of self-determination of nations such as Ireland be denied.

"(3) That incorporated with the peace treaty under consideration as a covenant establishing a league of nations intended, amongst other things, to confirm and perpetuate the political relationships and conditions established by the treaty. It is clear that it is radically unjust to seek to confirm and perpetuate what is essentially wrong, and that it is indefensible to refuse an examination of title when a confirmation of possession is intended such as that provided by the draft covenant of the league of nations.

"Ireland definitely denies that England or Britain can show any just claim or title to hold or possess Ireland and demands an opportunity for her representatives to appear before the conference to refute any such claim.

"We feel that these facts are sufficient basis to merit for our requests the consideration which we are sure you, sir, will give them.

"Please accept, Mr. President. the assurance of our great esteem.

"EAMON DE VALERA,
"ARTHUR GRIFFITH,
"GEORGE NOBLE COUNT PLUNKETT.

—

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CASE.

"MANSION HOUSE, DUBLIN, *May 26, 1919.*

"To the CHAIRMAN,
"*Council of League of Nations, Paris.*

"SIR: The Irish people share the view that a lasting peace can only be secured by a world league of nations pledged, when a clash of interests occurs, to use methods of conciliation and arbitration instead of those of force. They are consequently desirous that their nation should be included as a constituent member of such a league.

"Therefore, we, the delegates of the nation, chosen and duly authorized for the purpose by the elected national government of Ireland, desire to intimate through you that we are ready to take part in any conversations and discussions which may be necessary in order that the foundations of the league may be properly laid, and we ask the commission to provide us with an opportunity for doing so.

"Apart from the general grounds of right, the Irish nation has a special and peculiar interest in the league at present proposed.

"In the form in which the covenant is now drawn up it threatens to confirm Ireland in the slavery against which she has persistently struggled since the English first invaded her shores, and to pledge the rest of the civilized world, which has hitherto done us no wrong, to discountenance in future our just endeavors to free ourselves from the régime of implacable and brutal oppression under which we have suffered so long.

"Ireland is a distinct and separate nation with individual inalienable rights; which any league of nations founded on justice is bound to recognize.

"Accept, sir, the assurance of our great esteem.

"EAMON DE VALERA.
"ARTHUR GRIFFITH.
"GEORGE NOBLE COUNT PLUNKETT.

O'KELLY'S LETTER NO. 1 TO PREMIER CLEMENCEAU AND ALL THE PEACE CONFERENCE DELEGATES.

"PARIS, *February 22, 1919.*

"SIR: As the accredited envoy of the provisional government of the Irish republic, I have the honor to bring to your notice the claim of my government, in the name of the Irish nation, for the international recognition of the independence of Ireland, and for the admission of Ireland as a constituent member of the league of nations.

"The Irish people seized the opportunity of the general election of December, 1918, to declare unmistakably its national will; only in 26 (out of 105) constituencies of the country was England able to find enough "loyalists" to return members favorable to the union between Ireland and Great Britain; for the remaining 79 seats the electors chose as members men who believed in self-determination; of these, 73 who now represent an immense majority of the people went forward as republican candidates, and each of these republican members has pledged himself to assert by every means in his power the right of Ireland to the complete independence which she demands, under a national republican government, free from all English interferences.

"On the 21st of January, 1919, those of the republican members whom England had not yet cast into her prisons met in the Irish capital in a national assembly, to which, as the only Irish parliament de jure, they had summoned all Irish members of parliament; on the same day the national assembly unanimously voted the declaration of independence appended hereto and unanimously issued the message to the free nations, likewise appended.

"The national assembly has also caused a detailed statement of the case of Ireland to be drawn up; that statement will demonstrate that the right of Ireland to be considered a nation admits of no denial, and, moreover, that that right is inferior in no respect to that of the new States constituted in Europe and recognized since the war; three members, Eamon de Valera, Mr. Arthur Griffith, and Count Plunkett, have been delegated by the national assembly to present the statement to the peace congress and to the league of nations commission in the name of the Irish people.

"Accordingly I have the honor, sir, to beg you to be good enough to fix a date to receive the delegates above named, who are anxious for the earliest possible opportunity to establish formally and definitely before the peace conference and the league of nations commission now assembled in Paris Ireland's indisputable right to international recognition for her independence and the propriety of her claim to enter the league of nations as one of its constituent members.

"I have the honor to be, sir,

"Your obedient servant,

"SEAN T. O'KELLY,

"*Delegate of the Provisional Government*

"*of the Irish Republic.*

O'KELLY'S LETTER—NO. 2.

"PARIS, *March 31, 1919.*

"*To Premier Clemenceau and all the peace conference delegates.*

"SIR: On behalf of the Irish nation, whose accredited representative I am, I beg to draw your attention, and through you the attention of the peace conference, to the following statement with regard to Ireland:

"Ireland is a nation which has exercised the right of self-determination in harmony with the principles formulated by President Wilson and accepted by the belligerents as the only sure foundation for a world peace. It is not only in the past that Ireland, generation after generation, has striven by force of arms as well as by all pacific means to regain her national freedom. At the general election last December the issue, and the only issue, placed before the Irish people was the independence of their country, and by a majority of more than three to one the representatives elected by the constitutional machinery of the ballot box are pledged to the abolition of English rule in Ireland. In none of the small nationalities with which the peace conference has hitherto occupied itself is the unanimity of the people so great; in none has the national desire for freedom been so great; in none has the desire for freedom been asserted so unmistakably and with so much emphasis. Following upon the general election, an Irish National Assembly has met; an Irish Republic has been constituted and proclaimed to the world; a President has been appointed, and with him ministers to direct different departments of state; a program of domestic policy has been issued; and an appeal has been addressed to the nations of the world to recognize the free Irish State that has thus been recalled to life. But while the national will has been declared and the mechanism of free government is ready, the former is being stifled and the latter paralyzed by England's ruthless exercise of military power. The President is a fugitive; the Irish Parliament is forced to conduct its business in secret; the most elementary civil rights are abrogated; the courts-martial are sitting at every center; and the gaols are filled with prisoners, victims of every brutality and indignity, whose only offense is that they have sought the freedom of their native land. It is in these circumstances that the Irish nation, through me, addresses the peace conference.

"Ireland manifestly comes within the scope of the principles that have been indorsed by the civilized nations, and it is for the application of these principles that the peace conference is now sitting. Ireland is weak; England is strong. Ireland in every possible way has asserted her right to freedom, which England, by sheer militarism, is intent now, as always in the past, to destroy. It is only by the exercise of tyrannical power that Ireland's right to freedom can be denied. It is to the great principle of national freedom, represented and embodied in the peace conference, that Ireland, exhausted by the cruelties of English rule, her population annihilated by one-half within living memory, her industries destroyed, her natural resources wasted, her civil liberties ended, her chosen leaders proscribed and treated as felons, now makes her appeal.

"Article 10 of the draft covenant of the league of nations is framed to secure national independence against the aggression of an external power. Its terms are as follows:

"'The high contracting powers undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any aggression or in case of any threat or danger of such aggression the executive council shall advise upon the means by which this obligation shall be fulfilled.'

"Ireland, as a nation that has declared its independence and is pledged to the principles of freedom, justice, and peace, desires to subscribe to the covenant of the league and to claim as against England the protection of article 10. I submit to the conference with profound respect that Ireland's claim is clear and can not with any shadow of justice be refused. Should it be rejected, the consequences would be as follows:

"1. Ireland henceforth must rely for her deliverance wholly upon her own efforts. No such rule has been laid down with regard to any other of the smaller nationalities whose emancipation has been made the care of the conference.

"2. Nations which never have denied the right of Ireland to freedom will deprive themselves for the future of the power of countenancing her claim, and will in consequence be bound, for the first time in history, to leave her unaided to her own resources as indicated in the preceding paragraph.

"3. Article 10 will impose upon all nations as a condition of membership of the league the obligation to guarantee to Great Britain a title to the possession of Ireland and dominion over the Irish people.

"Against the imposition of such slavery upon Ireland, and especially against the giving of such a guaranty of title to Great Britain, I enter on behalf of the people of Ireland, in whose name I have the honor to speak, the most emphatic protest.

"Great Britain's title to Ireland rests solely upon 'the military power of a nation to determine the fortunes of a people over whom they have no right to rule except the right of force.'

"The combined guaranty of such a title against the declared protest of Ireland would constitute a definite denial of 'the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether strong or weak,' and without the acceptance of that principle 'no part of the structure of international justice can stand.'

"The guaranty of such a title would be subversive of 'the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind.'

"The guaranty of such a title would constitute recognition of the right of a strong power to serve its own material interest and advantage through the exercise of its 'exterior influence and mastery.'

"The guaranty of such a title would give Great Britain a warrant to make a nation weaker than herself 'subject to her purposes and interests.' It would confirm the claim of Great Britain to rule and dominate the people of Ireland 'even in her own internal affairs by arbitrary and irresponsible force.'

"Any guaranty under article 10 of territorial integrity and political independence as affecting Ireland can rightly inure only to the benefit of the people of Ireland themselves.

"In the name, therefore, of the people of Ireland I ask that the Irish nation may be invited to give their adhesion to the covenant of the league of nations, and that membership of the

league—a membership available under article 7, even to colonies who have freely and legislatively subscribed to the supremacy of the English Imperial Parliament—shall not be denied to the government of a free, independent Irish Republic.

"I have the honor to be, sir,

"Your obedient servant,

"SEAN T. O'KELLY,

"*Delegate of the Provisional Government*

"*of the Irish Republic.*

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MEMORANDUM IN SUPPORT OF IRELAND'S CLAIM FOR RECOGNITION AS A SOVEREIGN INDEPENDENT STATE.

"Ireland is a nation not merely for the reason, which in the case of other countries has been taken as sufficient, that she has claimed at all times and still claims to be a nation, but also because, even though no claim were put forward on her behalf, history shows her to be a distinct nation from remotely ancient times.

"For over a thousand years Ireland possessed and duly exercised sovereign independence and was recognized through Europe as a distinct sovereign State.

"The usurpation of the foreigner has always been disputed and resisted by the mass of the Irish people.

"At various times since the coming of the English the Irish nation has exercised its sovereign rights as opportunity offered.

"The hope of recovering its full and permanent sovereignty has always been alive in the breasts of the Irish people and has been the inspiration and the mainspring of their political activities abroad as well as at home.

"English statecraft has long and persistently striven in vain to force the Irish people to abandon hope. The English policy of repression, spiritual and material, has ever been active from the first intrusion of English power until the present day.

"English policy has always aimed at keeping every new accretion of population from without separate from the rest of the nation and a cause of distraction and weakness in its midst.

"Nevertheless, the Irish nation has remained one, with a vigorous consciousness of its nationality, and has always succeeded sooner or later in assimilating to its unity every new element of the population.

"The Irish nation has never been intolerant toward its minorities and has never harbored the spirit of persecution. Such barbarities as punishment by torture, witch burning, capital punishment for minor offenses, etc., so frequent in the judicial systems of other countries, found no recognition in Irish law or custom. Twice in the seventeenth century—in 1642–1648 and in 1689—when, after periods of terrible persecution and deprivation of lands and liberty, the Irish people recovered for a time a dominant political power, they worked out in laws and treaties a policy of full religious equality for all dwellers in the island. On each occasion this policy of tolerance was reversed by the English power, which, on recovering its mastery, subjected the Irish race to further large confiscations of property, restrictions of liberty, and religious persecutions. More recently, notwithstanding the English policy of maintaining as complete a severance as possible, when Irish Protestants became attracted to the support of the national cause, the Catholics of Ireland accorded political leadership to a succession of Protestant leaders.

"The Irish have long been a thoroughly democratic people. Through their chosen leaders, from O'Connell to Parnell, they have provided the world with a model of democratic organization in opposition to the domination of privileged classes.

"If Ireland, on the grounds of national right and proved ability to maintain just government, is entitled to recover her sovereign independence—and that is her demand—the recognition of her right is due from other nations for the following reasons:

"(1) Because England's claim to withhold independence from Ireland is based on a principle which is a negation of national liberty and subversive of international peace and order. England resists Ireland's demand on the ground that the independence of Ireland would be, as alleged, incompatible with the security of England or of Great Britain or of the British Empire. Whether this contention is well or ill founded, if it is admitted, then any State is justified in suppressing the independence of any nation whose liberty that State declares to be incompatible with its own security. An endless prospect of future wars is the natural consequence.

"(2) Because England's government of Ireland has been at all times and is conspicuously at the present time an outrage on the conscience of mankind.

"Such a government, especially in its modern quasi-democratic form, is essentially vicious. Its character at the best is sufficiently described by a noted English writer, John Stuart Mill (Representative Government (1861), ch. 18): 'The Government by itself has a meaning and a reality, but such a thing as government of one people by another does not and can not exist. One people may keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm, to be worked for the profit of its own inhabitants. But if the good of the government is the proper business of a government it is utterly impossible that a people should directly attend to it.' Consequently the people of England devolve the power which they hold over Ireland upon a succession of satraps, military and civil, who are quite irresponsible and independent of any popular control, English or Irish, and represent no interest of the Irish people. Recent events show that the essential vices of the government are as active now as in former times.

"(3) Because the English temper toward the cause of Irish national liberty produces atrocious and intolerable results in Ireland. Among the results are a depopulation unexampled in any other country however badly governed; wholesale destruction of industries and commerce; overtaxation on an enormous scale; diversion of rents, savings, and surplus incomes from Ireland to England; opposition to the utilization by the Irish people of the economic resources of their country, and to economic development and social improvement; exploitation of Ireland for the benefit of English capitalists; fomentation of religious animosities; repression of the national culture; maintenance of a monstrous system of police rule, by which, in the words of an English minister, all Ireland is kept 'under the microscope'; perversion of justice by making political service and political subservience almost the sole qualification for judicial positions; by an elaborate corruption of the jury system by the organization of police espionage and perjury, and the encouragement of agents provocateurs, and recently and at present by using for the purpose of political oppression in Ireland the exceptional powers created for the purposes of the European war. Under these powers military government is established, some areas being treated as hostile territory occupied in ordinary warfare; a war censorship is maintained over the press and over publications generally; printing offices are invaded and dismantled; the police and military are empowered to confiscate the property of vendors of literature without any legal process; persons are imprisoned without trial and deported from Ireland; Irish regiments in the English Army are removed from Ireland, and a large military force, larger than at any previous time, with full equipment for modern warfare, has been maintained in Ireland; civilians are daily arrested and tried by courts-martial and sentenced to long terms of imprisonment.

"What are England's objections to Ireland's independence?

"The one objection in which English statesmen are sincere is that which has been already mentioned—that the domination of Ireland by England is necessary for the security of England. Ireland, according to the English Navy League, is 'the Helgoland of the Atlantic,' a naval outpost, to be governed for the sole benefit of its foreign masters. This claim, if it is valid, justifies not only the suppression of national liberty but also the weakening of Ireland by depopulation, repression of industry and commeree and culture, maintenanec of internal discord, etc. It can also be held to justify the subjugation of any small nation by a neighboring great power.

"The proximity of Ireland to England furnishes another plea. But Ireland is not as near to England as Belgium, Holland, Denmark, etc., are to Germany, Norway to Sweden, Portugal to Spain. In fact, it is this very proximity that makes independence necessary for Ireland as the only condition of security against the sacrifice of Irish rights to English interests.

"A further plea is that England, being a martime power, her safety depending on her navy and her prosperity depending on maritime commerce, the domination of Ireland is for her a practical necessity—a plea involving that Ireland's natural harbors, the best in Europe, must be kept empty of mercantile shipping, except for such shipping as carries on the restricted trade between Great Britain and Ireland.

"Ireland can not admit that the interests of one country, be they what they may, can be allowed to annul the natural rights of another country. If England's plea be admitted, then there is an end to national rights, and all the world must prepare to submit to armed interests or to make war against them.

"We may expect also to find the plea insinuated, in some specious form if not definitely and clearly made, that the English rule in Ireland has been and is favorable to the peace, progress, and civilization of Ireland. We answer that, on the contrary, English rule has never been for the benefit of Ireland and has never been intended for the benefit of Ireland; that it has isolated Ireland from Europe, prevented her development, and done everything in its power to deprive her of a national civilization. So far as Ireland at present is lacking in internal peace,

is behind other countries in education and material progress, is unable to contribute notably to the common civilization of mankind, these defects are the visible consequences of English intrusion and domination.

"The Irish people have never believed in the sincerity of the public declarations of English statesmen in regard to their 'war aims,' except in so far as those declarations avowed England's part in the war to have been undertaken for England's particular and imperial interests. They have never believed that England went to war for the sake of France or Belgium or Serbia, or for the protection or liberation of small nationalists, or to make right prevail against armed might. If English statesmen wish to be regarded as sincere they can prove it to the world by abandoning, not in words but in act, the claim to subordinate Ireland's liberty to England's security.

"Ireland's complete liberation must follow upon the application of President Wilson's principles. It has not resulted from the verbal acceptance of those principles; and their rejection is implied in the refusal to recognize for Ireland the right of self-determination. Among the principles declared by the President, before and since America entered the war, accepted by the American people, and adopted by the spokesmen of the chief allied powers, we cite the following:

"'No peace can rest securely on political or economic restrictions meant to benefit some nations and cripple or embarrass others.' 'Peace should rest upon the rights of peoples, not on the rights of governments—the rights of peoples, great and small, weak or powerful; their equal right to freedom and security and self-government, and to participation, upon fair terms, in the economic opportunities of the world.' 'What we demand in this war is nothing peculiar to ourselves. It is that the world be made fit and safe to live in, and particularly that it be made safe for every peace-loving nation, which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by other peoples of the world, as against force and selfish aggression.' 'An evident principle runs through the whole of the program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made the foundation, no part of the structure of international justice can stand.'

"Speaking on behalf of the American people at New York on the 27th of September, 1918, President Wilson said:

"'We accepted the issues of the war as facts, not as any group of men either here or elsewhere had defined them, and we can accept no outcome which does not squarely meet and settle them. These issues are these: "Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule, except the right of force?" "Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?" "Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force, or by their own will and choice?" "Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will, and the weak suffer without redress?" "Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?" No man, no group of men, chose these to be the issues of the struggle. They are the issues of it, and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weakest is as safe as the interest of the strongest. * * * The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favorites and knows no standards but the equal rights of the several peoples concerned.'

"If England objects to the application of those principles to the settlement of the ancient quarrel between herself and Ireland, she thereby testifies: (1) That her international policy is entirely based on her own selfish interest, not on the recognition of rights in others, notwithstanding any professions to the contrary; (2) that in her future dealings with other nations she may be expected, when the opportunity arises, to use her power in order to make her own interest prevail over their rights; (3) that her particular object in keeping possession of Ireland is to secure naval and mercantile domination over the seas, and in particular over the North Atlantic and the nations which have legitimate maritime interests therein, ruling Ireland at the same time on a plan of thoroughgoing exploitation for her own sole profit, to the great material detriment of Ireland, and preventing the establishment of beneficial intercourse, through commerce and otherwise, between Ireland and other countries.

"It is evident that while Ireland is denied the right to choose freely and establish that form of government which the Irish people desire, no international order can be founded on the basis of national right and international justice; the claim of the stronger to dominate the weaker will once more be successfully asserted; and there will be no true peace.

"It must be recognized that Ireland has already clearly demonstrated her will. At the recent general election, out of 105 constituencies 73 returned republican candidates and 6 returned representatives who, though not republicans, will not oppose the free exercise of self-determination by the Irish people. Nor is there the slightest likelihood that this right will at any time be relinquished.

"The Irish people are thoroughly capable of taking immediate charge of their national and international affairs, not less capable than any of the new States which have been recognized since the beginning of the war or which are about to be recognized, and by a procedure not less valid than has been held good for other restored or newly established States they have already formally constituted a national government.

"The effect on the world of the restoration of Ireland to the society of free nations can not fail to be beneficial. On the part of the nations in general this fact will be a guaranty of the new international order and a reassurance to all the smaller nations. On the part of England, if justice to Ireland be not 'denied or sold or delayed,' the fact will be an earnest to other peoples, especially to those whose commerce is borne upon the Atlantic Ocean, that England's naval power is not hostile to the rights and legitimate interests of other countries.

"Ireland's voice in the councils of the nations will be wholly in favor of peace and justice. Ireland covets no possessions and makes no territorial claims outside of her own well-defined geographical bounds. Her liberty can not infringe on that of any other people. She will not make any war or aggression or favor any. In remembrance of her unexampled progress and prosperity during a brief period of legislative but not executive independence (1782–1798), she looks forward to the time when she will again be free to contribute to the prosperity of all countries in commercial relation with her.

"The longest agony suffered by any people in history will be ended, the oldest standing enmity between two peoples will be removed. England will be relieved of the disgrace she bears in the eyes of all peoples, a disgrace not less evident to the remote Armenian than to her nearest continental neighbors.

"In proportion as England gives earnest of disinterestedness and good will in like proportion shall Ireland show her readiness to join in with England in allowing the past to pass into history. The international ambition of Ireland will be to recreate in some new way that period of her ancient independence of which she is proudest, when she gave freely of her greatest treasures to every nation within her reach and entertained no thought of recompense or of selfish advantage."

Judge COHALAN. Mr. Chairman, I have the pleasure of presenting to the committee Hon. Frank P. Walsh, who went over to the other side as the chairman of the American mission on Irish independence. He appeared before the Paris peace conference with his colleagues, Mr. Ryan, of Philadelphia, and Gov. Dunne, of Illinois, for the purpose of appearing there on behalf of the chosen representatives of Ireland, President De Valera, Arthur Griffith, and Count Plunkett. The committee may remember that he was, with President Taft, the former joint chairman of the War Labor Board. I have great pleasure in presenting to you Hon. Frank P. Walsh.

STATEMENT OF MR. FRANK P. WALSH.

Mr. WALSH. Mr. Chairman and gentlemen of the committee, to my mind the issue that is before the Senate and to which I have the privilege of addressing myself this morning, transcends in importance any issue that has ever been presented to us in our history of nationhood. I do not except from that the great issues that brought on the conflict between our own people, the question of nullification, the question of black slavery, and the question of the right of secession, because I see in what is going on here a situation of menace to us as a Nation—not as a power, but integral as a Nation—such as we have never been confronted with before.

It was conceivable to the minds of the men who wrote our Constitution that a situation might arise whereby a dictatorship might be asserted in this country by some person who had secured the favor of the people through the processes laid down in the Constitution of the United States. It was conceivable to them that men might be weakened by flattery, that they might be carried away by power and that, perhaps, especially in dealing with other nations of different beliefs and different concepts, they might wander away from the principles laid down in the Constitution of the United States. And so I am

profoundly thankful, and I say that on behalf of those whom I represent, that this Senate committee has given us a hearing to-day. I am distressed to observe that there is not a fuller attendance of Senators, and yet I feel that I should go on with what I have to say notwithstanding, in the hope that as my mind was brought to where I am to-day, perhaps the minds of some of my fellow Democrats may be so brought, and that we may be preserved from the calamity which I believe is about to overtake us, if it be not checked by the Senate. Our forefathers, with that in mind, provided specifically against one-man power in the dealing with other nations. They provided that the President of the United States had authority to make treaties only with the advice and consent of the Senate, and then only when two-thirds of those present concurred in the treaty. It is our hold, our democratic hold, on the Constitution of the United States that I believe is going to save us and save more than one-half of the world from being plunged into wars such as have not been comparable in our history before, and which will occur under any such proposition. We have now more than one-half of the world in open rebellion against the other half asserting repressive power, among which would be under the present league of nations the Congress of the United States. So the people of the world have been looking to this Constitution, understanding its strength and elasticity, and looking to the Senate to save them from what they think will be the most calamitous event in the history of the world.

Might I, without being thought to put a personal angle on what I have to say, describe as briefly as I may how I am brought to this conclusion, which I urge upon you. Although I am but one humble citizen of this country, in appearing before you gentlemen to plead the cause I do, I do so with a feeling of solemnity which I have never before felt in any presence in my life. Perhaps what I say about myself may in a small way reflect an angle on the public mind, and it might give your committee perhaps some sort of idea if I can make myself plain, of what goes to make up the composite mind. Prior to our entry into this war I might have been described as a pacifist. I know that this finally in its last analysis will not be a political question. I know that when this matter is settled it is going to be settled by honorable men from motives of the loftiest patriotism. Our reactions may first be excused, primarily and initially, for running along party lines, because we are a party Government, but in great questions, we stand together. That is evidenced by the support that the gentlemen in whose presence I have the honor to speak gave the President of the United States, a member of my party, during the dark days when he needed support in the bitter conflict which cost us so many precious lives and billions of dollars of our treasure. I say this because I have always been a Democrat, and I like to call myself an independent Democrat, and I have supported every Democratic President since I reached my majority. Prior to our entry into this war I was a believer in peace to the point of being called a pacifist.

I believe I did think that I was a pacifist, but when brought face to face with these questions I found, as we all found, that there are so many things that we would fight for, there are so many things that if physically brave enough we would die for, that the pacifist so called, in this country was a negligible quantity. But I did have that point of view to an extent that I was led to make something like 78 speeches on the theme which the President of the United States gave to us, that he kept us out of war, and I want to say to you that throughout this land there was a great response to that thought. On account of certain connections I have had in an official way—I suppose for that reason—I was sent through the great Hocking Valley of Ohio and Pennsylvania, the coal valley, and practically with unanimity the people in that section responded to the thought that we were traditionally opposed to war, that we were historically opposed to entangling ourselves with any European embroilment and entanglements. But our country saw fit, through the regular processes, to declare war, and I say that I speak the composite mind of the people who despise war in this country when I say that they sprang to the support of the Government because under the written Constitution laid down by our forefathers they agreed in honor to do so. They knew, the intelligent ones of them, that when war was declared by this country the President of the United States became the most powerful potentate upon the face of the earth. They knew or thought they knew that he needed less legislation in the freest country in the world to perform what was at his hand, namely, to provide the means and opportunity for winning the war, than did any man on the face of the earth, including the late Emperor of Germany; and we did it purposely, gentlemen of the committee—I believe our forefathers did—because it was thought at that time that a democracy, a government founded upon republican principles, could not stand against an autocracy where one man had autocratic power, so it was provided, and wisely provided, that along the paths of peace we should proceed as a democracy, but that when war was declared we wanted all of the power, all of the drive, all of the concentration that the most powerful potentate on the face of the earth might have at that time.

So that we went into it without question. I believe that nothing that was done by any man in this war was a sacrifice. I stood among the 2,200 graves of those American citizens at the edge of Belleau Wood, with practically every name on every cross showing the boy or the man was of Irish or German origin, because there were many German names on those crosses, and I knew that even they, fighting in this spirit as they did, would not say, if their voiceless lips could speak, that they had made any sacrifice. They did it willingly, cheerfully, for the confederation of human beings that got together more than 150 years ago to declare that this was one Government that would never foster tyranny; that it was one Government that would always remain the refuge of the principles of right, and that when it was threatened or that when its representatives thought it was threatened, their answer could be but one thing—to give up all they had, even life, for this Government.

I had the privilege to serve my Government for about a year, or over a year, in a capacity that brought me quite in touch with what might be called the masses of the people of this country. Considering industrial disputes involving something over 3,000,000 people, I saw that that same spirit existed among the working people, what we are pleased to call the masses, the common people of this country, and that that same intelligent thought, even though perhaps they could not define a section of the Constitution, actuated them, that same spirit and genius, so that they were just like the soldier who went abroad. Therefore, when we threw the weight of our great resources and our man power into the conflict, we obtained the results we did. I use the words "man power" as I do, although I despise the words, because I know that man power is talked about by the Governments of Europe as meaning only the skull and the brains of such as my boy who sits yonder. It means the disemboweling of the human beings; it means throwing men and women to their death by the words usually of one or two men. But that was the name they gave to it, and so I use it. We threw into the conflict the man power of this country and the matchless resources that won this war. I say that, gentlemen of the committee, not because strategically our soldiers made a fight that kept the enemy from Paris, not because with a dash that at least was as great as that of the most seasoned soldiers, they won a battle at certain points and turned the tide. I do not mean that, but I mean that when we threw in our mighty resources that war was won. We have enough gained to pay off the war in one year's productivity. We have enough now, according to Government figures, to pay the whole cost of the war in the increased value of our productivity since 1914; so that if a country marches on its stomach and wins by the last pound of wheat or the last pound of meat, when we went in, we won this war.

In addition to being opposed to war—and I want to say that my opposition was strengthened by walking through those devastated fields in France—I want to add one other thought. No man could see the bleaching bones of his own kindred, no man could look at those rough brogans still with the flesh and blood in them of the living men who walked in them a few months ago, and not despise war with all his heart. I was a believer likewise in a league of nations. I profoundly believed in a league of nations. I took my conception of a league of nations from what our great President has said, and I want to say at this moment again, according him very great respect for his great ability and for the work that he has done for this country up until this time, that the best friend that he has in the United States is the man who will stand up and preserve him from the wreck of the great mistake that he seems about to make after coming from Paris.

I followed his concept, and I was and am in favor of that much-talked-of thing, a league of nations, a league of nations that will let every nation upon the earth take part in it, to begin with national disarmament, the absolute freedom of the seas, and the much-talked-of open covenants openly arrived at, and the abolition of secret treaties. It was not an ideal thing. I say that it was the whole basis of any league of nations that would prove effective. It was the parting of the ways between secret diplomacy, and open covenants that a free people could understand and act upon intelligently, as I know you are trying to act upon this question to-day. I believed that such a league of nations was possible, and I so

abhorred war that I gave what strength I had to the formation of such a league. Having been a humble member of the League to Enforce Peace, after the armistice was signed I accepted a position upon the executive committee of that body, and took part in the nation-wide tour for a league of nations.

Senator BORAH. Did you travel with Mr. Taft for a while?

Mr. WALSH. I did. I traveled as far as Chicago with him. From there I went to St. Louis and he went in another direction, and I will say that I was in accord with Mr. Taft and Dr. Lowell and others who spoke with him upon this general proposition, and I believe at heart if I understand them I am in accord with them to-day; and perhaps if I can get to it as I hurry through I may show the point of departure, and hope that the re t of them will depart at the same point. [Applause.]

It was thrown in my way to go to Paris. I might say here, although it is nothing to be proud of or to be ashamed of, that I have not given as much attention to the so-called Irish question that formerly existed as some of these gentlemen have who appear with me here to-day. I was not a member of any society that had for its object help to Ireland, but I was called into this by the gentlemen who organized the Irish race convention. My ancestry was Irish, every bit of it. This appeals to me as an American proposition. It occurred to me that if the case of Ireland so splendidly described by the President of the United States could be given to the world, if it could be understood that that was what we fought for, the greatest advance could be made by our country, and the greatest evidence could be given of our entire good faith in this enormous and awesome enterprise upon which we had entered, so that I went in as the representative and as the chairman of the committee of the American commission on Irish independence from the Irish race convention. We have here, gentlemen of the committee, and have given you a copy of, all the correspondence that we had with all persons while in Paris. We have given you a splendid copy of the report on conditions in Ireland. We have addre sed a letter to your honorable chairman, a copy of which is on the first page of the brown-covered pamphlet in which we have embodied this correspondence. In addition to that we had interviews with every member of the American commission to negotiate peace. Some of them we believe to be very significant, and we wanted to give the full text of those interviews in an executive session of this committee, because I believed there were matters in it that ought not to be made public, that would be embarrassing to some gentlemen if they were made public, but we will offer them to an executive meeting of this committee or to the Senate of the United States, if called upon.

Senator MOSES. Mr. Chairman, I move that these communications be received and printed as a confidential committee document.

The CHAIRMAN. If there be no objection it will be so ordered.

Mr. WALSH. We were sent to Paris and we went there with the commission of the e 5,132 men and women, with this idea.

Senator JOHNSON of California. Just a moment, Mr. Walsh.

The CHAIRMAN. The Senator from California.

Senator JOHNSON of California. I want to suggest to you, Mr. Chairman, that the hearings of this committee have all been open. We have endeavored to make a departure from the rules that have prevailed heretofore, and to act in the open; to observe one of the 14 points, that of open covenants of peace openly arrived at.

I think these communications, if printed, ought to be open to the public as well as to the United States Senate. [Applause.] I want to amend the motion made by the Senator from New Hampshire [Mr. MOSES] or to substitute for it the motion that the communications be received, be accepted, and be printed as a part of our record of the proceedings.

Senator MOSES. I accept that substitute, Mr. Chairman.

The CHAIRMAN. The question is on the substitute.

Senator BORAH. What are these communications?

Mr. WALSH. The communications are the interviews which we had with the members of the American Commission to Negotiate Peace, including the President.

Senator FALL. Mr. Chairman, this commission waited upon the President of the United States and there declined to receive from him any confidential information which they could not impart to the people of the United States. If the committee could not conscientiously receive information of that character from the President of the United States—and I was one who would not have attended the conference had it not been open, I must decline—and I had intended to so state later—to keep anything confidential from the people of the United States which it is their business to know.

Senator SWANSON. Mr. Chairman, I submit that this matter ought to come later, because it was understood that we would have nothing but hearings this morning.

Senator FALL. This is a part of the hearing, Mr. Chairman.

The CHAIRMAN. The question is on the motion for the printing of these documents.

Senator FALL. That will leave them at liberty to present them under those conditions, if they desire to do so.

The CHAIRMAN. If they are submitted, I think they ought to be published as a part of the record.

Senator FALL. I simply wanted to serve notive that I would not regard the information as confidential if it was submitted.

Senator KNOX. Put the question.

The CHAIRMAN. The question is, Shall these documents referred to by Mr. Walsh be printed as a part of the record, as submitted by him.

The question was taken, and the motion was agreed to.

(The documents referred to are as follows:)

CORRESPONDENCE IN CASE OF IRELAND'S CLAIM FOR INDEPENDENCE BETWEEN AMERICAN COMMISSION ON IRISH INDEPENDENCE, AMERICAN COMMISSION TO NEGOTIATE PEACE, AND REPRESENTATIVES OF OTHER GOVERNMENTS.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
OFFICE OF CHAIRMAN,
2142 Woolworth Building, August 26, 1919.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Relations,
United States Senate, Washington, D. C.

DEAR SIR: We beg to hand you herewith, for consideration of your honorable committee, copies of all correspondence between the American Commission on Irish Independence, the American Commission to Negotiate Peace, and the representatives of other Governments, at Paris, between the dates of April 16, 1919, and June 27, 1919, inclusive.

We likewise beg leave to inform your honorable body that, in addition to this correspondence, we had personal interviews with all of the members of the American Commission to Negotiate Peace.

Immediately at the close of such interviews, the substance of the same were dictated to stenographers, and full transcripts of the important ones preserved.

On account of the subject matter of certain of them, we do not consider it proper to offer the same at a public hearing. If your honorable body desires the information, however, we shall be glad to submit the full text of the interviews to you in executive session.

With assurance of our high respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WASH, *Chairman,*
MICHAEL J. RYAN,
EDWARD F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Hotel Grand, Paris, France, April 16, 1919.

The PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We beg to advise you that in pursuance of the commission given us by the Irish race convention held in the city of Philadelphia on February 22, 1919, we were, among other things, instructed to obtain, if possible, for the delegates selected by the people of Ireland, a hearing at the peace conference.

The delegates so selected are Messrs. Eamon de Valera, Arthur Griffith, and Count Plunkett.

If these gentlemen were furnished safe conduct to Paris so that they might present their case, we feel that our mission would be, in the main if not entirely, accomplished.

May we therefore ask you to obtain from Mr. Lloyd-George, or whomsoever may be intrusted with the specific details of such matters by the English Government, safe conduct for Messrs. de Valera, Griffith, and Plunkett from Dublin to Paris.

If you could see your way clear to do this, we feel sure that it would meet with the grateful appreciation of many millions of our fellow citizens, would certainly facilitate the object of our mission, and place us under additional great and lasting obligation to you.

It would afford us the utmost pleasure to call upon you in person in order that we might pay our respects as well as make a brief suggestion as to the subject matter of this letter, provided such course meets with your approval and convenience.

With assurances of our continued high consideration and esteem, as always,

Sincerely, yours,

FRANK P. WALSH, *Chairman.*
MICHAEL J. RYAN.
EDWARD F. DUNNE.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
Grand Hotel, Paris, April 17, 1919.

MY DEAR MR. WALSH: The President asks me to say, in reply to your recent letter that he would be very glad to see you at his residence, 11 Place des Etats Unis, at 5.30 o'clock this afternoon, Thursday.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 17, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace.

SIR: On behalf of and representing the Irish race convention held in Philadelphia on February 22, 1919, we very respectfully request your good offices to procure from the British Government a safe conduct from Dublin to Paris and return for Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, the elected representatives of the people of Ireland, so that they may in person present the claims of Ireland for international recognition as a republic to the peace conference.

As you know, the British Government assented to our going to Ireland; we went there for the purpose of conferring with the representatives of the Irish people and ascertaining for ourselves at first hand the conditions prevailing in that country. We have returned therefrom and are now more desirous than ever that the authorized representatives of Ireland shall be given the opportunity to appear and present the case of that country to the representatives of the assembled nations.

Awaiting the favor of an early reply, we remain,

Very truly, yours,

FRANK P. WALSH, *Chairman.*
EDWARD F. DUNNE.
MICHAEL J. RYAN.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Suite 760, Grand Hotel, Paris, May 20, 1919.

DEAR MR. PRESIDENT: Following the interview courteously accorded by you to the chairman of our delegation on the 17th ultimo, Col. House made the following request of Mr. Lloyd-George:

"That safe conduct be given by the Government of Great Britain from Dublin to Paris and return for Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, the representatives selected by the people of Ireland to present its case to the peace conference."

Upon the day following Col. House conveyed the information to us that Mr. Lloyd-George was willing to comply with such request, but desired an interview with the American delegates before doing so, and that it was the desire of Mr. Lloyd-George that arrangements for the meeting with him be made through Mr. Philip Kerr, private secretary to Mr. Lloyd-George.

After two tentative dates had been set by Mr. Kerr for the meeting with Mr. Lloyd-George, and not yet having met him, we were advised by Col. House to repeat our original request in writing to the honorable Secretary of State, Mr. Robert Lansing, which we did upon the 17th instant.

At this moment we have been informed by the private secretary of Mr. Secretary Lansing that our request has been referred to you.

May we not therefore respectfully ask of you that the undersigned, our full delegation, be given an opportunity to present to you in person, in as brief manner as consistent with the importance of the case, suggestions which Messrs. de Valera, Griffith, and Plunkett, the representatives aforesaid, have asked us to convey to you, together with certain facts of grave import now in our possession?

May we also take the liberty of suggesting, in view of existing conditions in Ireland (which can not and will not be denied), that to foreclose its case by refusing a hearing to its representatives at this time would be disconsonant with the declared purpose for which the war was prosecuted and out of harmony with the common principles of democracy?

We would gratefully appreciate a response at your convenience, and with assurances of our continued high regard.

Sincerely,

FRANK P. WALSH, *Chairman.*
EDWARD F. DUNNE.
MICHAEL J. RYAN.

To the PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 21, 1919.

MY DEAR MR. WALSH: The President asks me to acknowledge the receipt of the letter of May 20 signed by yourself, Gov. Dunne, and Mr. Ryan and to say that he has taken the matter up with the Secretary of State, and that, by the President's direction, Mr. Lansing will reply to it.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Hon. FRANK P. WALSH,
Suite 760, Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 22, 1919.

The original of the following letter was to-day handed to M. Clemenceau's secretary at the foreign office, Quai d'Orsay, Paris, by Sean T. O'Ceallaigh, envoy of the Irish republican government at Paris, and copies were handed personally by Mr. Frank P. Walsh, chairman of the American Commission on Irish Independence, to President Wilson, Col. House, Secretary of State Lansing, Mr. White, and Gen. Bliss, the members of the American Commission to Negotiate Peace:

"MANSION HOUSE, *Dublin, May 17, 1919.*

"To M. CLEMENCEAU,
"*President of the Peace Conference of Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as of Great Britain.

"Therefore we must ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently that no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates deliberately chosen.

"We request you to notify the peace conference that we, the undersigned, have been appointed and authorized by the duly elected national government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our high esteem.

"EAMON DE VALERA.
"ARTHUR GRIFFITH.
"COUNT GEORGE NOBLE PLUNKETT."

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 22, 1919.

DEAR MR. PRESIDENT: The following communication has this day been transmitted to M. Clemenceau, president of the peace conference:

"MANSION HOUSE, *Dublin, May 17, 1919.*

"To M. CLEMENCEAU,
"*President of the Peace Conference of Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as of Great Britain.

"Therefore we must ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently that no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates deliberately chosen.

"We request you to notify the peace conference that we the undersigned have been appointed and authorized by the duly

elected national government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our high esteem.

"(Signed) EAMON DE VALERA,
"(Signed) ARTHUR GRIFFITH,
"(Signed) COUNT GEORGE NOBLE PLUNKETT."

At the suggestion of President de Valera, we desire to call the same to your attention. We trust that the justice of the demand from the standpoint of democracy as well as of fundamental human rights, may lead you to throw the weight of your influence in its favor.

Sincerely,

FRANK P. WALSH, *Chairman.*
EDWARD T. DUNNE,
MICHAEL T. RYAN.

To the PRESIDENT OF THE UNITED STATES.

—

COMMISSIONER PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA,
Paris, May 22, 1919.

DEAR MR. WALSH: I have duly received the letter dated the 22d which you have been so good as to write me.

Yours, sincerely,

(Signed) HENRY WHITE.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Hotel de Crillon, Paris, May 24, 1919.

SIR: I have received the letter which you and Messrs. Dunne and Ryan addressed to me on May 16 regarding the issuing of safe conducts by the British Government to Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, in order that they may proceed from Ireland to France and return, and I immediately took steps to acquaint myself with the facts of the case, which transpired before the matter was brought to my attention by your above-mentioned letter.

I am informed that when the question of approaching the British authorities with a view to procuring the safe conducts in question was first considered every effort was made, in an informal way, to bring you into friendly touch with the British representatives here, although owing to the nature of the case it was not possible to treat the matter officially. The British auhorities having consented that you and your colleagues should visit England and Ireland, although your passports were only good for France, every facility was given to you to make the journey. Before your return to Paris, however, reports were received of certain utterances made by you and your colleagues during your visit to Ireland. These utterances, whatever they may have been, gave, as I am informed, the deepest offense to those persons with whom you were seeking to deal, and consequently it seemed useless to make any further effort in connection with the request which you desired to make. In view of the situation thus created, I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and therefore unwise.

I am, sir,

Your obedient servant,

ROBERT LANSING.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

NOTE.—This letter was received subsequent to the dispatch of our letter of May 26, 1919.

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AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 26, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner
to Negotiate Peace, Paris.

SIR: Upon the 17th instant we had the honor to hand to your private secretary, for immediate transmission to you, a letter requesting your good offices to procure from the British Government safe conduct from Dublin to Paris and return for Hons. Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett, representatives of the people of Ireland, copy of which letter we inclose to you herewith.

Upon the day following we were advised by the American press representatives that you had communicated to them the fact that you had referred the letter to the President of the United States. Later in the day this statement was confirmed by your secretary in an interview with our chairman.

With this information, upon the 20th instant we addressed a letter of the same purport to the President of the United States, and requesting a hearing by him. We also inclose copy of this letter to you herewith.

Upon the 21st instant we were advised by Mr. Gilbert F. Close, confidential secretary to the President, that at the President's direction you would make reply to such letter. We have not been advised of further action, if any, either by yourself or the President, upon our request.

In view of the urgency and importance of the matter, the arrangements which must necessarily be made by President de Valera and his associates as an outcome of your reply, as well as the further steps which we may be called upon to take in an endeavor to accomplish the objects of our mission, may we not ask that you be good enough to give us an answer to our request.

With assurances of our high regard, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 27, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner
to Negotiate Peace, Paris.

SIR: Your letter of the 24th instant conveying the refusal of the American Commission to Negotiate Peace to our request that they should use their good offices to secure the issuance of safe conducts by the British Government to Hons. Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, was duly received.

Your letter states that you have been informed that every effort was made, unofficially, to bring us into friendly touch with the British representatives in Paris. It is also stated in your letter that you have information to the effect that certain utterances of ours made during our visit to Ireland "gave the deepest offense to certain persons with whom you (we) were seeking to deal."

We beg to advise you that no person was authorized by us to make any effort to bring us into friendly touch with any British representatives, here or elsewhere.

We also beg to further advise you that at no time, in Paris, or elsewhere, have we sought to deal, privately or unofficially, with any persons relative to the purposes of our mission.

In order to make the record perfectly clear, we submit the following:

On March 27, 1919, a letter in form following was delivered in person by the undersigned to the Acting Secretary of State, in your absence, at your office in Washington:

"PARIS, *March 27, 1919.*

"Hon. FRANK L. POLK,
"Acting Secretary of State, Washington, D. C.

"DEAR SIR: We respectfully request the issuance of passports to France to Frank P. Walsh, of New York, N. Y.; Michael J. Ryan, of Philadelphia, Pa.; and Edward F. Dunne, of Chicago, Ill., who have been appointed by the recent Irish race convention held in the city of Philadelphia, Pa., on February 22 and 23, 1919, and whose object in visiting France is to obtain for the delegates, selected by the people of Ireland, a hearing at the peace conference, and to place before the conference, if that hearing be not given, the case of Ireland; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

"Very respectfully,

"FRANK P. WALSH, *Chairman.*"

We were informed by Mr. Assistant Secretary Phillips that he was acting for you, in your absence, and that the request contained in the letter would receive careful consideration. After a lapse of two days Mr. Assistant Secretary Phillips informed Mr. Patrick Lee, our secretary, that the request contained in the letter had been granted, and that your office had ordered the passports issued, which was accordingly done.

Upon our arrival in Paris a communication was addressed to the President, signed by Messrs. Walsh, Dunne, and Ryan, the full commission, advising him that we were acting in pursuance of a commission given us by the Irish race convention held in Philadelphia on February 22, 1919, and that we were instructed by said convention to obtain, if possible, for the delegates selected by the people of Ireland a hearing at the peace conference, and containing the following specific request:

"May we, therefore, ask you to obtain from Mr. Lloyd-George, or whomsoever may be intrusted with the specific details of such matters by the English Government, safe conduct for Messrs. de Valera, Griffith, and Plunkett from Dublin to Paris."

Following an interview between the President and the chairman of our delegation, the matter was taken up with Col. E. M. House, and the identical request was made through him.

The implication of your letter that any person was acting unofficially, privately, or secretly is therefore erroneous.

Attempted negotiations on behalf of Ireland in such fashion would not only be violative of our instructions but obnoxious to the principle, to which we steadfastly adhere with multitudes of our fellow citizens, that a just and permanent peace can only be secured through open conventions openly arrived at.

For the verity of the record, which we are anxious to maintain upon this important matter, will you be good enough to give us the names of the persons to whom we gave deep offense by our utterances in Ireland, and with whom you have been informed we "were seeking to deal," as well as the name or names of any person or persons who assumed to negotiate or promote any such secret or unofficial dealings upon our behalf?

We likewise deem it proper to call your attention at this time to the fact that we scrupulously refrained from any public utterances in England, and that our statements to the people of Ireland as to the objects of our mission were in strict conformity with the purposes stated to you in our written application for passports and cherished and advocated by American citizens since the foundation of the American Republic. We are confident that, if your information is correct to the effect that our utterances gave deep offense, such offense was not given to the Irish people or to their duly elected representatives, in whose presence the utterances were made.

Awaiting your further advices, we are, sir,

Respectfully and sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

NOTE.—This letter was never answered.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 27, 1919.

The PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We inclose herewith copy of letter received last evening from Mr. Robert Lansing, Secretary of State, together with copy of reply thereto of even date. We submit this so that you may be fully advised pending one further effort to carry out the purposes of our mission.

With assurances of our high esteem and respect, we are,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

(Same letter sent to Messrs. White, Bliss, and House.)

COMMISSIONER PLENIPOTENTIARY
OF THE UNITED STATES OF AMERICA,
Paris, May 28, 1919.

DEAR SIR: I am in receipt of your letter of the 27th instant and hasten to inform you, in reply, that I have neither made nor associated myself in any way with efforts to bring you and your colleagues into touch with the representatives of the British Government in Paris or elsewhere, nor had I, until within the last few days, any knowledge of those efforts.

You, yourselves, have not at any time approached me in the matter, nor was I aware, until quite recently, of the informal action to which you refer.

I may add that I was equally unaware, until a few days ago, of the communication which you addressed to the President upon your arrival in Paris from the United States.

I must, therefore, both personally and as a member of the American Commission to Negotiate Peace with Germany and Austria, decline all responsibility in connection with the outcome of your mission.

Yours, sincerely,

HENRY WHITE.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 28, 1919.

Hon. HENRY WHITE,
Commissioner Plenipotentiary
of the United States of America, Paris.

DEAR SIR: Please accept our thanks for your prompt and courteous response to our letter of the 27th instant, just received.

With assurance of our appreciation and respect,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 28, 1919.

To the PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We have the honor to transmit to you herewith a large number of cablegrams from different parts of the United States, insisting upon the securing of opportunity to present Ireland's case to the peace conference, and protesting against article 10 of the covenant of the league of nations. We trust that you will find time, even with your multiplicity of duties, to give the same careful consideration.

May we also take the opportunity to suggest that the fears of these petitioners as to the effect of article 10, if adopted, seem to have a very substantial basis of fact and reason. It occurs to us, as it doubtless has to them, that the following evil effects might flow from the inclusion of article 10 in its present form:

1. That nations and peoples claiming age-old territorial integrities of their own would, ipso facto, be forced under the authority of other nations or even kingdoms, without a hearing.

2. That peoples, the vast majority of whom are devoted to the principles of free governments such as our own, could be forced under the rule of monarchies or military autocracies.

3. That the signatories, including our country, would be bound, after the adoption of article 10, to prevent the giving of aid by outside advocates of liberty to oppressed nations, which practice has obtained among civilized peoples from time immemorial.

4. That the powerful signatories, including our country, might eventually be compelled to wage war, for the preservation of "territorial integrity," no matter how unjust and oppressive in any part of the world.

In view of the refusal to give the representatives of the Irish people a hearing in Paris, and without consulting with them upon this particular subject, may we not offer the suggestions following, which might apply to the case of Ireland and other nations under like disabilities and similarly situated:

First. Before final adoption of article 10 that a full and open hearing before the committee of four of the great powers at the peace conference be accorded to any nation or people, in order that they may present any questions of fact which they may desire to submit to prove their own territorial integrity, or to dispute the claim of any nation claiming territory to which it is not entitled, or is, at the time of the signing thereof, attempting to acquire or hold by force of arms.

Second. That in any event article 10 of the covenant of the league of nations should be amended so as to read:

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled: *Provided, however*, That the territorial boundaries of no country at the signing of the covenant shall be deemed to include any other country or nation the boundaries of which are natural ones, or clearly defined, inhabited by a homogeneous people, a majority of whom by a vote of its electorate has determined the form of government under which they desire to live, and whose efforts to establish the same and function thereunder are at the time of the signing hereof prevented by an army of occupation or other form of forcible repression."

With assurances of our continued high regard, we remain,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

(Copies of the above letter and cablegrams sent to Messrs. House, White, Bliss, and Lansing.)

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 28, 1919.

MY DEAR MR. WALSH: I am writing on behalf of the President to acknowledge receipt of your letter of May 17 inclosing a copy of your letter to the Secretary of State of May 27.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 29, 1919.

DEAR MR. WALSH: Thank you for your note of May 27 inclosing for my information a copy of your recent correspondence

with the Secretary of State regarding the issuance of safe conducts for Messrs. de Valera, Griffith, and Count Plunkett.

Cordially, yours,

E. M. HOUSE.

Mr. FRANK P. WALSH,
Chairman American Commission on Irish Independence,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 29, 1919.

DEAR SIR: As representatives of the Irish race convention held in the city of Philadelphia on February 22, 1919, we respectfully request an opportunity of appearing before the members of the American Commission to Negotiate Peace at as early a moment as may be convenient and meet with the pleasure of the commissioners plenipotentiary.

With assurances of our respect and high regard, we are,

Sincerely,

FRANK P. WALSH.
E. F. DUNNE.

Mr. J. C. GREW,
Secretary to the American
Commission to Negotiate Peace, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 29, 1919.

DEAR MR. PRESIDENT: We inclose you herewith copy of letter this day addressed to the secretary of the American Commission to Negotiate Peace.

We were informed by Col. House that daily meetings of the commissioners plenipotentiary are held at the Hotel Crillon, and he was good enough to say that he would be glad to attend at any time an opportunity was given us for a hearing.

We called at the headquarters of the commission at their regular meeting hour this morning, but their meeting had adjourned. Mr. Secretary of State Lansing therefore suggested to us, through his private secretary, that we make this request through the secretary of the commission.

We wish you to be assured that we will occupy but a brief space of time, and indulge the hope that you may accord us this hearing at as early a moment as will meet with your pleasure and convenience, considering your other important duties.

With assurances of our great respect, we are,

Sincerely,

FRANK P. WALSH.
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

(Letters of similar purport were sent to Messrs. Lansing, White, House, and Bliss.)

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 31, 1919.

DEAR MR. PRESIDENT: We beg to advise you that, in pursuance of the commission given us by the Irish race convention held in the city of Philadelphia on February 22, 1919, and following our letter to you of April 16, 1919, every effort has been made to obtain a hearing for the delegates selected by the people of Ireland to represent them at the peace conference. Our information is that the Government of Great Britain has definitely denied safe conducts to these representatives, and hence they can not appear before the peace conference or any committee thereof.

The resolutions and instructions under which we are acting provide that, if opportunity be not given the regularly chosen representatives of Ireland, we should ourselves present her case; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

We therefore petition you to use your good offices to secure a hearing for us before the special committee of the four great powers, so that we may discharge the duty imposed upon us by our convention.

In order to avoid misunderstanding, we desire to state, and would thank you to convey the information to the other members of your committee, that we do not hold, or claim to have, any commission or authority from the people of Ireland or their representatives, but desire solely and respectfully to present the resolutions of the American convention with a brief argument in support thereof.

May we also point out that while the convention which we represent was unofficial, and while we claim no official authority in the governmental sense, nevertheless it was a convention composed of 5,132 delegates, democratically selected, representing every State in the American Union; and the individuals who composed it may fairly be said to have been men and women of all shades of political opinion, of all religious sects, and of practically every trade, profession, and avocation which go to make up our national life.

We think it is likewise fair to state that this convention acted for many millions of our fellow citizens, who, in this representative way, respectfully urge you to give favorable response to the request of this petition.

We will deeply appreciate it if you will be good enough to give us an early reply to this letter, as the matter of our departure for home is pressing us.

With considerations of our continued great respect and esteem, we are,

Sincerely,

FRANK P. WALSH, *Chairman,*
E. F. DUNNE.

To the PRESIDENT OF THE UNITED STATES,
Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 31, 1919.

GENTLEMEN: I beg to acknowledge receipt of your letter of May 29, requesting, as representatives of the Irish race convention held in the city of Philadelphia on February 22, 1919, an opportunity of appearing before the members of the American Commission to Negotiate Peace at as early a moment as may be convenient and meet with the pleasure of the commissioners plenipotentiary.

The commission is led to believe that your object in requesting to be received is to ask its good offices to obtain a hearing before the peace conference of representatives of the so-called "Irish republic." On the basis of this understanding, I am instructed by the American commissioners to express to you their regrets that they are unable to comply with your request, for the reason that it is not within the province of the American delegation to request the peace conference to receive a delegation composed of citizens of a country other than our own, when that country is officially represented at the conference, in regard to a matter having no relation whatever to the making of peace with Germany and Austria.

With assurance of respect, I am, gentlemen,

Your obedient servant,

J. C. GREW, *Secretary General.*

Messrs FRANK P. WALSH and E. F. DUNNE,
Grand Hotel, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 31, 1919.

MY DEAR MR. WALSH: I am writing on behalf of the President to acknowledge receipt of your letter of May 28, with the inclosed telegrams, and to say that I am bringing them to the President's attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

MY DEAR MR. CLOSE: I am handing you herewith letter for delivery to the President, which is quite urgent as to time. Would appreciate it deeply if you would get it to his hand at the earliest opportunity.

Thanking you for all of your kindnesses, I am,

Sincerely,

FRANK P. WALSH.

Mr. GILBERT F. CLOSE,
Confidential Secretary to the President, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

DEAR MR. PRESIDENT: Upon this morning Mr. J. C. Grew, secretary general to the American Commission to Negotiate Peace, handed Gov. Dunne and myself a letter, copy of which is inclosed to you herewith. He stated at the same time that you were willing to accord personal interviews to us.

I am deeply appreciative of the courtesy extended, and would be grateful if you will be good enough to indicate at as early a

moment as possible, consistent with your great press of affairs, when I might see you.

Always, sincerely,

FRANK P. WALSH.

The PRESIDENT OF THE UNITED STATES,
Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

MY DEAR SIR: We beg to acknowledge receipt of your letter of May 31 answering ours of the 29th ultimo, handed to us by you in person this morning.

We desire to state that our object in requesting an opportunity of appearing before the American Commission to Negotiate Peace was not to ask its good offices to obtain a hearing before the peace conference of representatives of the Irish republic, as you state in your letter the commission has been led to believe. In order to remove this misapprehension, we respectfully submit the following:

Our information is that the Government of Great Britain has definitely denied safe conducts to these representatives, and hence they can not appear before the peace conference or any committee thereof.

The resolutions and instructions of the Irish race convention, under which we are acting, provide that if opportunity be not given the regularly chosen representatives of Ireland, we should ourselves present her case, her insistence upon her right of self-determination, and to international recognition of the republican form of government established by her people.

We wish to advise the commission further that we do not hold, or claim to have, any commission or authority from the people of Ireland or their representatives; but desire in appearing before the commission solely and respectfully to present the resolution of the American convention with a brief argument in support thereof.

May we also point out that while we claim no official status in the governmental sense, nevertheless we are the representatives of a convention composed of 5,132 delegates, democratically selected, representing every State in the American Union; and the individuals who composed it may fairly be said to have been men and women of all shades of political opinion, of all religious sects, and of practically every trade, profession, and avocation which go to make up our national life.

We think it likewise fair to state that this convention acted for many millions of our fellow citizens, who in this representative way respectfully urge the commission to grant us a full hearing.

We therefore renew our request, and trust that the commission may see its way clear to fix a time, at its pleasure and convenience, when we may appear before it.

Awaiting the favor of an early reply, and with assurances of our great respect, we are,

Sincerely,

FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. J. C. GREW,
Secretary General American Commission to Negotiate Peace, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

DEAR MR. PRESIDENT: We have the honor to hand you herewith report on conditions in Ireland with demand for investigation by the peace conference.

On account of the serious and critical situation exposed by the report, we beg that you will be good enough to give this document your careful consideration, and also to present the same to the full peace conference or to the committee of the five great powers, whichever may be the proper course under the practice of the conference. With assurances of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: Complying with your request of May 1, 1919, made through Sir William Wiseman and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representatives at Paris of the Irish republican government, that we visit every part of Ireland, and especially Belfast, to ascertain the actual conditions existing in that country.

We have the honor to inform you that we have, except where prevented by the use of military forces of the English army of occupation, visited the four Provinces of Ireland, including Belfast, as well as the other principal cities and towns.

We have prepared a report covering the facts, with certain recommendations.

In order that the Government of Great Britain may be informed, we herewith hand you copy of this report, which, in addition to the presentation of facts contains a demand for an investigation under the authority of the peace conference.

We also wish to advise your Government that the original of this document has this day been handed to the President of the United States and that copies have been transmitted to the House of Representatives and the Senate of the United States through the Secretary of State.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. DAVID LLOYD-GEORGE,
Prime Minister of England, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: We have the honor to hand you three copies of document entitled "Report on conditions in Ireland with demand for investigation by the peace conference," which we have this day transmitted to the President, with copy to Hon. David Lloyd-George, prime minister of England.

In view of the fact that the Senate of the United States is now considering the subject of a new treaty or treaties with the Government of Great Britain, and on account of the further fact that the House of Representatives has heretofore passed a resolution in favor of Ireland's right of self-determination, which has not been acted upon by the peace conference, unless in secret session, of which we have had no advices, we respectfully request that you kindly transmit one copy of this document to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of the State Department. With assurances of our great respect and consideration, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. ROBERT LANSING,
Secretary of State of the United States, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 7, 1919.

MY DEAR MR. WALSH: I beg to acknowledge receipt of your letter of June 6, inclosing the memorandum concerning conditions in Ireland and to say that I have brought it to the President's personal attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

DEAR MR. PRESIDENT: We inclose you herewith paragraph inadvertently omitted from our "Report on conditions in Ireland with demand for investigation by the peace conference," which we had the honor of sending you upon the 6th instant. The same should be inserted under the subtitle "The revolution," on page 13 of said report.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

(A similar letter and inclosure also was sent to David Lloyd-George, British Prime Minister.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

DEAR SIR: We inclose to you herewith two corrected copies of our "Report on conditions in Ireland, with demand for investigation by the peace conference." Will you be good enough to have these substituted for the ones heretofore transmitted, or have the necessary corrections made?

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. ROBERT LANSING,
Secretary of State, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

Right Hon. LORD BIRKENHEAD,
Lord Chancellor of England,
House of Lords, London, England.

SIR: Upon the 22d ultimo, during the proceedings in the House of Lords on that date, as published in the London Times, you made a statement, in reply to a question of Viscount Midleton, as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith for presentation to the House of Lords this report, together with copies of letters addressed to Hon. David Lloyd George, prime minister.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

EDITOR LONDON TIMES,
London, England.

SIR: We have the honor to hand you herewith "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to the President of the United States, the American Secretary of State, and Hon. David Lloyd-George, British prime minister, upon the same subject.

As you are doubtless aware, charges have been made that matters deeply affecting the peace of the world, such as the condition of Ireland, are habitually suppressed by English newspapers. In order that your paper may be thoroughly advised, and that there should be no misunderstanding upon the subject later, we take this opportunity to submit the inclosed documents.

Respectfully, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

(Similar letters and inclosures were sent to all leading English journals.)

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 14th ultimo, during the proceedings in the House of Commons on that date, as published in the London Times, you made an official statement as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for transmission to the cabinet, this report, together with copies of letters addressed to His Majesty, King George V, and Hon. David Lloyd-George, prime minister.

Respectfully.

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. BONAR LAW,
Leader of the House of Commons, London, England.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

His Majesty GEORGE V,
King of Great Britain, London, England.

YOUR MAJESTY: We herewith transmit to you our "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to your prime minister, Mr. David Lloyd-George.

The original of this report has been delivered to the President of the United States for presentation to the peace conference, and copies have been forwarded to Hon. Robert Lansing, American Secretary of State, for transmission to the Congress of the United States.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 13, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: Following Mr. Lansing's letter of the 24th ultimo, conveying to us the opinion of the American Commission to Negotiate Peace that further effort to secure the issuance of safe-conducts by the British Government to Messrs. de Valera, Griffith, and Plunkett would be futile and unwise, we proceeded, as you have been individually informed, to ourselves secure a hearing before your full body upon the merits of the Irish case.

While making this effort we are informed that the United States Senate has passed a resolution requesting your honorable body to endeavor to secure a hearing for the same gentlemen before the peace conference, in order that they might present the case of Ireland, and expressing sympathy with the aspirations of the people of Ireland for a government of their own selection.

In this situation we feel that further effort upon our part should be suspended until the resolution is acted upon by your honorable body.

We most respectfully urge, both as American citizens and in our representative capacity, that early and favorable action be taken by your body upon the Senate resolution.

If your commission concludes to so act upon the Senate resolution, and a hearing is granted by the peace conference to the Irish representatives and international recognition is accorded to the republican government set up by the people of Ireland, there will be no necessity for further demand by us upon your valuable time.

Will you therefore be good enough to advise us of whatever action your honorable body may see fit to take at the earliest convenient moment?

With assurances of our appreciation for other courtesies, and indulging the hope of an early response to this communication, we are,

Very respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 13, 1919.

Mr. J. C. GREW,
Secretary General American Commission
to Negotiate Peace, Paris.

DEAR MR. SECRETARY GENERAL: We are taking the liberty of handing you herewith letter of even date addressed to the American commission to negotiate peace, which we request that you kindly hand to them at once.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 13, 1919.

DEAR MR. PRESIDENT: We inclose you herewith copy of letter to-day addressed to the American Commission to Negotiate Peace, the original of which was forwarded through Secretary General Grew, and to which we respectfully request your early and kindly consideration.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

(Similar letters were sent to Messrs. Lansing, Bliss, House, and White.)

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 14, 1919.

GENTLEMEN: I beg to acknowledge receipt of your letter of June 13, together with the inclosed copy of letter to the American Commission to Negotiate Peace, and to say that your letter will receive my careful consideration.

Sincerely, yours,

TASKER H. BLISS.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE, *Paris.*

GENTLEMEN: Inasmuch as the peace terms are so close to signature, will you not be good enough to advise us at the earliest possible moment as to the disposition by the full peace conference of the Senate resolution as follows:

"*Resolved*, That the Senate of the United States earnestly requests the American Peace Commission at Versailles to endeavor to secure for Edward de Valera, Arthur Griffith, and Count George Noble Plunkett a hearing before said peace conference in order that they may present the cause of Ireland.

"*Resolved further*, That the Senate of the United States express its sympathy with the aspirations of the Irish people for a government of its own choice."

In addition to the fact that we are receiving constant and urgent inquiries in regard to the same, we wish to respectfully call to your attention that unless action is taken very shortly, the delay itself will amount to a denial of the request.

With assurances of our high regard and esteem,

Sincerely,

FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 17, 1919.

Mr. FRANK P. WALSH,
Chairman American Commission on Irish Independence, Paris.

SIR: The American Commission to Negotiate Peace has the honor to acknowledge the receipt of your letter dated June 17 and previous correspondence regarding the resolution of the Senate of the United States in connection with the appearance of Edward de Valera, Arthur Griffith, and Count George Noble Plunkett before the peace conference and to inform you that the commission will not fail to comply with the request stated in your above-mentioned letter.

I am, sir,

Your obedient servant,

J. C. GREW,
Secretary General.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

DEAR MR. PRESIDENT: On the 6th day of June, 1919, we had the honor to forward you our "Report on conditions in Ireland with demand for investigation by peace conference," the investigation to be conducted by an impartial body appointed by the peace conference, and excluding from membership the interested countries; or a committee selected equally by the prime minister of England and the elected representatives of Ireland, the chairman to be agreed upon by parties, or, in case of failure to agree, by the Supreme Court of the United States.

We now beg leave to point out that in the report heretofore forwarded to you the most revolting acts committed against the people of Ireland were not included, for the reason that many of the details of evidence covering the same are in the exclusive possession of the chief secretary for Ireland, Mr. Ian MacPherson, and military and other officials under his authority.

The substantial accuracy of our report has been attested by some of the more progressive and independent newspapers of England; but in view of certain public statements by English officials and certain newspapers, we beg to make the following additions to our report:

(1) Since the submission thereof, through use of an army of spies and agents provocateurs, reprisals have begun against the persons and property of those who are to bear witness to the truth of many of the atrocities reported; and men and women are being arrested upon trumped-up charges and transported to places distant from their homes and friends, so as to be deprived of assistance or defense.

(2) The only charge in the report heretofore submitted to you which has, so far as we know, received specific denial at the hands of any English authority is the following:

"Police and soldiers are habitually permitted to enter the cells where political prisoners are confined and to beat them with their clubs."

We are ready to substantiate this charge before the commission of inquiry, (*a*) by the production of large numbers of witnesses who have been thus beaten; (*b*) by proof of witnesses of the highest standing, including American citizens, who examined the cells of the prisoners shortly after the beatings and found the fresh blood still covering the walls of the cells; (*c*) by the production of prisoners whose injuries did not prove fatal, but who have been maimed and disfigured for life by the beatings of the soldiers and police.

In view of the conditions in Ireland as herein and heretofore set forth, which we earnestly insist can not be ignored if the peace of the world is to be accomplished, as well as the fact that if prompt action is not taken many more innocent lives may be lost and further brutalities committed, with the apparent sanction of other nations; that evidence now in existence may be destroyed, and witnesses placed beyond the reach of the commission of inquiry, we respectfully request that you will be good enough to at once place these additional facts before the peace conference and urge upon it the necessity and justice of prompt acquiescence in the demand for a hearing before an impartial tribunal such as heretofore described.

With considerations of our continued esteem and great respect,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

Col. E. M. HOUSE,
Member of American Commission to Negotiate Peace, Paris.

DEAR COL. HOUSE: We inclose you herewith copy of letter which we are to-day sending to the President, in reference to conditions existing in Ireland.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

(Similar letters sent to Messrs. Bliss and White.)

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace, Paris.

DEAR SIR: We inclose you herewith copies of letter which we are to-day sending to the President, in reference to conditions existing in Ireland.

We respectfully request that you transmit one copy of this letter to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of your department.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 18, 1919.

Right honorable LORD BIRKENHEAD,
Lord Chancellor of England,
House of Lords, London, England.

SIR: We hand you herewith copy of letter sent on the 17th instant to the President of the United States, containing additional atrocities being committed by the English Government in Ireland, so that you may be informed. Copies of this letter have also been sent to Mr. Lansing, Secretary of State, for transmission to the Congress of the United States.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Similar letters were also sent to Messrs. David Lloyd-George, Bonar Law, the London Times, the Daily Mail, the Daily Herald, Manchester Guardian, the Morning Post, and other widely-known English newspapers.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, 18, 1919.

GENTLEMEN: Gen. Bliss has received your letter of 17 June, 1919, inclosing copy of letter of even date to the President in reference to conditions existing in Ireland, and has asked me to acknowledge its receipt, with his thanks.

Sincerely, yours,
W. B. WALLACE, *Colonel, General Staff.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 19, 1919.

THE AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: We inclose to you herewith copy of letter this day forwarded to Hon. David Lloyd-George, British prime minister, relating to the case of Countess Markievicz.

If your honorable commission can officially or individually aid in securing the release of this worthy woman, we beg to assure you that the ends of justice will be served thereby, and that it will be an act of humanity for which you will receive the kindly gratitude of many millions of people.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 19, 1919.

Hon. DAVID LLOYD-GEORGE,
British Prime Minister, Paris.

SIR: We desire to respectfully call your attention to the case of Countess Markievicz, and to enter our most solemn protest against the conduct of the British Government and its officials toward her.

On June 6, 1919, we had the honor to submit to you, for your official consideration and action as Prime Minister of Great Britain a report of certain atrocities and cruelties inflicted by the English army of occupation on the inhabitants of Ireland, with a demand for the appointment of a special committee of inquiry by the peace conference.

We have been advised that the Countess Markievicz, who is a member of the Irish parliament and minister of labor in the Irish republican cabinet, has been arrested and confined in jail upon an inconsequential charge; and that the punishment now being inflicted upon her is in the nature of a reprisal and in retaliation for giving information in regard to certain of the atrocities contained in our report.

We wish to point out that the Countess Markievicz is a woman of refinement, splendid intellectual gifts, courageous spirit, and of spotless character, and has a place deep in the affections of the people of Ireland as well as many millions in the United States.

During our interviews with the Countess Markievicz, in Dublin, a few weeks ago, we observed that while she is a woman of high spirit and strong will, her health is not robust, and we greatly fear that the harshness of jail life may result in her death.

Our reasons for making the charge that the cruelties now being inflicted upon the Countess Markievicz are in the nature of reprisals by the British Government are as follows:

(1) Much of the detailed evidence of atrocities committed against women prisoners in Ireland was furnished us by the Countess Markievicz.

(2) She has in her possession the evidence of certain unspeakable outrages, the details of which have not yet been published, but which we intend to submit to the commission of inquiry when selected by the peace conference.

(3) We have indubitable proof at hand that during the course of our investigation in Ireland the Countess Markievicz was shadowed by spies in the employ of the British Government, and direct threats were made against her during the progress of our inquiry.

(4) She was arrested on a frivolous charge after our report was sent to you, and while publication of it was absolutely forbidden in Ireland, where the facts were easily ascertainable, and during the time the same was being withheld from publication by the English press.

(5) The sentence imposed upon her is for a length of time which would keep her in jail during the inquiry that may be made by the peace conference.

(6) The alleged utterances for which she is now imprisoned were made a month or more before her arrest, and no action had been taken upon them, as we are informed, until after the receipt of our report on English atrocities by the chief secretary for Ireland, Mr. Ian MacPherson.

(7) That during our visit to Ireland we heard many public utterances of the same import as those for which the Countess Markievicz is in jail, delivered in and out of the Irish parliament, and upon which no action whatever was taken by the Government.

We sincerely hope that, animated by a decent regard for the opinion of mankind, which we know you cherish, and in view of the foregoing considerations, especially having in mind the danger to the life of the Countess Markievicz through continued suffering in jail, you will use your great powers and authority as prime minister of Great Britain to secure the immediate release of this worthy woman.

We have, moreover, reason to apprehend that arrests of other women who suffered atrocities on their own persons while in jail, or who were witnesses to them being practiced on others, are impending, and that it is the purpose of the English Government to imprison in Ireland or remove from that country men and women whose testimony may be indispensable to the proposed investigation.

We wish to assure you that we are not making this request at the instance of the Countess Markievicz, nor at the suggestion of the representatives of the republican government in Ireland, but on the grounds—

(*a*) Of our common humanity; and

(*b*) So that when the committee of inquiry is appointed those upon whom atrocities have been practiced, or who have witnessed the same, will not be dead, incarcerated in prison, or so broken in health as to be unable to attend the hearing.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman,*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 20, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: We beg to advise you that the American Federation of Labor at its national annual session now being held at Atlantic City, N. J., by unanimous vote adopted a resolution urging the international recognition of the republican form of government now existing in Ireland and urging the peace conference to give a hearing to Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett on the case of Ireland.

May we point out some of the reasons which we respectfully submit should move your honorable body to make every effort to have this resolution complied with:

(1) The American Federation of Labor has enrolled in its membership more than 3,000,000 men and women, with a sphere of legitimate influence embracing many millions more.

(2) The American Federation of Labor contributed a high percentage to the overseas army of the American Expeditionary Forces.

(3) The organization was the basis and strong bulwark of the division of industry behind the military forces of the United States, without which the war could not have been won.

(4) Mainly through the efforts of this great organization, its veteran leader, and other officials the productivity of our country during the great World War was maintained at the highest point, and not one day's delay was occasioned in the production of essential war materials by strikes or labor disputes.

(5) The American Federation of Labor, aside from its purely industrial activities, is, we believe, without exaggeration, the most powerful force existent in the world to-day for the maintenance of that democracy cherished and practiced by us, and for the universal establishment of which America entered the World War, and to which the world must look for safety amid the clash of conflicting governmental ideas, ranging from the reactionary ambitions of monarchies and autocracies to the extreme dangers of unrestraint and chaos.

We also take this occasion to point out that since we made our original request to your honorable body on behalf of the Irish race in America, urging you to endeavor to secure a hearing for the Irish case before the peace conference, the United States Senate, with practical unanimity, has made the same request; and we have transmitted to you from bodies representing vast numbers of American citizens of all shades of political belief, composing all groups which make up our national life, cablegrams to the same effect.

In view of the fact that the day is so close at hand upon which we all earnestly hope the terms of peace will be signed, with the greatest respect, but with all urgency, we would ask the favor of a reply to the following questions:

(a) Has the American Commission to Negotiate Peace, or any individual member thereof, made a request to the general peace conference for a hearing for Messrs. de Valera, Griffith, and Plunkett?

(b) Has your honorable body, or any individual member thereof, made a request to the peace conference for the international recognition of the Irish republic?

(c) Has your honorable body, or any individual member thereof, made request of the peace conference for any person or persons to present the case of Ireland and its right to self-determination to the peace conference?

(d) If all or any such requests have been made, have the same been considered by the peace conference; and, if so, has answer thereto been received from the peace conference or any official representative thereof?

(e) If such requests have not been made, will your honorable body be good enough, in view of the manifold petitions and appeals herein referred to, and in the cause of humanity and justice, to make such requests, or any thereof which you may deem proper; and, if so, promptly advise us as to the result or make the same public, so that all of your petitioners may be advised?

With considerations of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 20, 1919.

DEAR MR. PRESIDENT: We inclose herewith, for your information, copy of letter addressed to the American Commission to Negotiate Peace, which was this day delivered to Mr. J. C. Grew, secretary general.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

(Similar letters were sent to Messrs. Lansing, House, Bliss, and White.)

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 21, 1919.

MY DEAR SIR: I beg to acknowledge the receipt of your letter of June 17, which arrived during the President's absence in Brussels, and to say that I am bringing it to his personal attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 21, 1919.

Mr. FRANK P. WALSH,
American Commission for Irish Independence,
Grand Hotel, Paris.

SIR: I beg to acknowledge, on behalf of the American Commission to Negotiate Peace, the receipt of your letter of June 20, in which you advise the commission of a resolution adopted by the American Federation of Labor at its annual session now being held at Atlantic City and ask certain questions with regard to the recent Senate resolution.

In reply to your letter I beg to inform you that, in accordance with advice which has already been given you, a copy of the said Senate resolution was forwarded to the president of the peace conference, Mr. Clemenceau. Mr. Clemenceau, alone, is competent to bring this whole question to the attention of the conference. Beyond this, of course—as you very readily will appreciate—neither the American commission as a whole nor any of its individual members can take any further steps in the premises.

I am, sir,

Your obedient servant,

J. C. GREW, *Secretary General.*

[Copy of telegram.]

PARIS, *June 25, 1919.*

IAN MACPHERSON,
Chief Secretary for Ireland,
Dublin Castle, Dublin, Ireland:

Proof has been submitted to us at Paris that you are using your official power as well as the forces of the English Army of Occupation in Ireland to suppress our full reply to your answer to our report on conditions in Ireland, which was made on the 21st instant. Your answer, published broadcast, made denials of certain portions of our report and serious personal accusations against us. We are also advised that through the same instrumentalities you are suppressing altogether or causing to be printed garbled accounts of statements and affidavits made by individuals and officials in Ireland supporting the report of our commission and challenging the accuracy of your answer. We most earnestly protest against this unfair procedure and arbitrary abuse of authority as repugnant to the modern conception of justice and fair play held by right thinking men and women, which we had hoped applied to the English officials in Ireland as well as to the rest of mankind.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

NOTE.—This telegram was never answered.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 27, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference
and Premier of France, Paris.

Monsieur le PRESIDENT: We have received formal notification from the secretary general of the American Commission to Negotiate Peace that the whole Irish question is now referable to you alone.

We therefore beg leave, as the representatives of the Irish race in America, to submit to you copies of the following documents, i. e.:

(*a*) The repudiation by the representatives of the Irish republic of the usurped right of England to enter into obligations or agreements affecting Ireland.

(*b*) Official report of the American commission on Irish independence on conditions in Ireland with demand for investigation by the peace conference.

Pending action by the full peace conference upon the request already submitted to you by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the envoys of the Irish republic at Paris, for a full hearing before the peace conference, we desire to urge upon you the urgent necessity of the early creation of an impartial commission of inquiry to investigate and report upon the actual state of war now existing between the people of Ireland and the English army of occupation, with special reference to the atrocities and acts of barbarism still being perpetrated.

Since the filing of our original report with President Wilson and the American commission to negotiate peace, the following acts of savagery are being perpetrated by the English army of occupation on the Irish people, which we submit are in violation of the rules of civilized warfare, and which, if permitted to continue, will render impossible the just pacification of the world, for which its people are so earnestly striving:

(1) Lives are being taken or men and women are being maimed and wounded daily.

(2) An organized effort to destroy the homes of the peoples of Ireland is being waged.

(3) Orders of banishment are issued frequently against people, commanding them to leave their homes at the risk of death and under penalty of imprisonment.

(4) Raids are being made upon peaceful towns and villages by aeroplanes.

(5) The homes and places of business of the inhabitants are being invaded and ransacked; looting is being carried on in a most shameful manner.

(6) Property of great value is being confiscated, for which reparation will be impossible unless opportunity is quickly given to prove and inventory the losses.

(7) Barricades and emplacements for artillery and machine guns are being erected which menace the lives and property of the people.

(8) The meeting places of the workers of Ireland are surrounded by machine guns, so that the workers are in imminent peril of death while endeavoring to carry on the lawful and ordinary activities of their organizations.

(9) Reprisals of a cruel and unusual character are being practiced in retaliation for the efforts to present the case of Ireland to the peace conference.

(10) Delicate and aged men and women are being confined in noisome and insanitary jails solely on account of their political opinions.

As the president of the peace conference, to which the peoples of the world are looking for the establishment of peace and the adoption of instrumentalities which will put an end to existing wars and prevent future conflicts, we most earnestly urge upon you the immediate presentation of the accompanying documents to your honorable body, and the great necessity for early action thereon.

With considerations of our high esteem and respect, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

[Personal and urgent.]

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 22, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and
Premier of France, Paris.

Monsieur le PRESIDENT: We are in receipt of information from sources of high authorities that, as president of the peace conference, you have notified American peace plenipotentiaries that, so far as further consideration of the Irish question is concerned, the matter is one in which you will take no action.

We understand this decision covers—

1. That the resolution of the American Senate, officially forwarded to you by the American Commission to Negotiate Peace, and the recommendations contained therein expressing sympathetic support to the people of Ireland in their efforts to obtain a government of their own choice, is, by this action, denied in a manner suggestive of your entire disregard of American public opinion as rendered in the deliberate resolution of our highest legislative body.

2. That the peace conference further ignores the request of the Hon. Messrs. Walsh and Dunne for the appointment of an international tribunal to investigate into the charges of barbarities and inhuman conduct, in violation of the rules of civilized warfare, perpetrated by the British Government through its military forces in occupation of Ireland, and upon its defenseless people.

The knowledge of your decision in these matters has been, up to now, withheld from the American public. The results of the publication of this information will doubtless have very material weight at this time while the attention of the United States Senate is occupied in matters of international importance, in which we feel France has a material interest. Arrangements have already been made for giving widespread publicity in America to this decision on your part. But before taking this step, we respectfully suggest that an audience may be granted by you to the undersigned to present the importance of the situation, particularly in this relation to the future interests of France, of America, and of Great Britain.

There are 20,000,000 citizens of Irish blood in the United States, and the effect of this information, when published there, needs no characterization by us to indicate how grave may be the danger to the continuance of those same relations of amity and esteem that have marked the friendships existing between the French, American, and Irish peoples.

Trusting that I may be accorded the honor of this audience with you at your earliest possible convenience, and, with assurances of high esteem and respect, we have the honor to remain,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
JOHN ARCHDEACON MURPHY,
Commissioner in Charge.

—

REPORT ON CONDITIONS IN IRELAND, WITH DEMAND FOR INVESTIGATION BY THE PEACE CONFERENCE.

The Irish race convention held in Philadelphia on the 22d and 23d of February, 1919, provided by resolution for the appointment of a committee of 25 by the chairman, and instructed it to use all honorable means to secure for Ireland her right of self-determination.

This general committee selected from its own body Frank P. Walsh, of New York; former Gov. Edward F. Dunne, of Illinois; and Michael J. Ryan, of Philadelphia, as a special commission to go to Paris. The instructions of this special committee were as follows:

"To obtain for the delegates selected by the people of Ireland a hearing at the peace conference, and to place before the conference, if that hearing be not given, the case of Ireland; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people."

Upon their arrival at Paris a letter signed by all the commissioners was addressed to President Wilson, asking him to obtain from the British Government safe-conducts for Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett, the representatives selected by the people of Ireland, from Dublin to Paris and return; and also asking him to accord an interview to the American commission.

In response to this letter the President wrote to Mr. Walsh, chairman of the commission, granting him an interview, and fixing the time.

The President gave an exhaustive hearing to the case as presented by Mr. Walsh, and referred him to Col. E. M. House, with instructions to say that he believed the request a proper one, and that it should be granted.

The entire commission waited upon Col. House, advised him of the suggestion of the President, and presented the request in writing for safe-conducts for Messrs. De Valera, Griffith, and Plunkett. Col. House promised to take the matter up with Mr. Lloyd-George immediately and to use every effort to have the safe-conducts granted.

Upon the following day Col. House announced to the commission, who again called upon him in a body, that he had communicated with the prime minister of England, and that in all likelihood the safe-conducts would be granted; but that Mr. Lloyd-George was very desirous of having an interview with the American commissioners personally and would be glad to have Chairman Walsh take up the matter of fixing the time and place for the meeting with Mr. Lloyd-George's confidential secretary, Mr. Philip Kerr.

The commission notified Col. House at once that they did not seek a conference with Mr. Lloyd-George; doubted very much the wisdom or propriety of meeting him; but finally agreed to do so as a matter of courtesy.

Later in the day the entire commission called upon Col. House and stated that under no circumstances did they wish to be relegated to Mr. Lloyd-George on the question of the issuance of the safe-conducts, but were relying upon him—Col. House—as one of the American commissioners, to secure compliance with the request, if possible. With this clear understanding they would meet the prime minister.

Mr. Lloyd-George, on the plea of being closely occupied with the preparation of the German peace terms, put off the proposed meeting with the delegates from time to time, covering a period of something like two weeks.

The American commission finally called upon Col. House, explained once more that no part of the duties of their mission called for a meeting with Mr. Lloyd-George, and asked him to address a formal request for the safe-conducts for Messrs. De Valera, Griffith, and Plunkett, to Mr. Lloyd-George, and secure, if possible, a prompt and direct answer to that request.

Upon the same day, and shortly before the visit of the commission to Col. House, Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representative of the Irish republic in Paris, conveyed an invitation from President de Valera to the commission to visit Dublin, and gave, among other reasons, the necessity for a conference upon matters of grave importance at the time transpiring in Ireland.

When we arrived at the office of Col. House in the Hotel Crillon that evening to receive an answer from Mr. Lloyd-George we found Sir William Wiseman, the liaison officer between the American and British embassies in Paris. He presented the apologies of Mr. Lloyd-George for the delay, and said that Mr. Lloyd-George would like to fix a time for the interview upon some day of the following week. Mr. Walsh, speaking for the commission, replied that if they were to remain another week in Paris before receiving an answer to their request for the safe-conducts, they wished to use the time in a visit to Ireland for the purpose of meeting the representatives of the Irish people and of making a first-hand investigation of conditions in Ireland.

As the passports of the members of the commission did not include England and Ireland, it was necessary to have them amended, which was expeditiously done, the amended passports reading that the members of the commission were going to Ireland on an "unofficial political mission," and the forms of the passports were made diplomatic, which greatly facilitated their movements.

It should be noted that after the visit to Ireland demands were made in the English Parliament for a full report from the prime minister as to whether or not it was true that he in-

tended issuing safe conducts to the Irish representatives, and also if it was his purpose to have an interview in Paris with the members of the American commission.

Mr. Bonar Law, leader of the House of Commons, made official answer for the prime minister and stated that Mr. Lloyd-George had not and never had the slightest intention of granting safe conducts to the Irish representatives. He said that Mr. Lloyd-George had agreed to the visit of the American commission to Ireland, hoping upon their return that he could press upon them the "English point of view," to be used as propaganda in America.

The lord chancellor, officially replying to the same questions in the House of Lords, likewise denied, on behalf of the prime minister, that there was ever any intention to grant safe conducts to Messrs de Valera, Griffith, and Plunkett, and declared it was the purpose of the prime minister to have present at his interview with the American commission upon their return from Ireland all of the American newspaper correspondents, so that he (the prime minister) might make a statement of England's attitude on the Irish problem which would tend to allay the growing prejudice against England in the United States.

When the passports were handed to the American commissioners on the morning of their departure for Ireland, Sir William Wiseman stated that Mr. Lloyd-George wished the commission to go to all parts of Ireland, if possible, and it was his especial request that they should visit Belfast.

Upon repeating Sir William Wiseman's request to Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the envoys of the Irish republican government at Paris, they joined in the request that we should make a close investigation of conditions in Ireland, and especially urged that we should visit the jails, particularly those in the larger cities, where, they asserted, hundreds of men and women were confined under circumstances of the most shocking nature.

Crossing the Irish Sea from Holyhead to Dunleary we came upon the first evidence of the military occupation of Ireland. The vessel and wharves swarmed with soldiers, fully equipped for the field, going to and coming from Ireland.

When we arrived in Ireland we found soldiers everywhere. A careful investigation made on the day before we left Ireland showed that the army of occupation numbers considerably over 100,000 men, to which accessions are being made daily. The troops are equipped with lorries, armored cars, tanks, machine guns, bombing planes, light and heavy artillery; and in fact all of the engines of war lately employed against the Central Powers.

In addition to this there are approximately 15,000 members of the Royal Irish Constabulary. The constabulary is a branch of the military forces. They are armed with rifles, as well as small side arms, engage in regular drill and field maneuvers. They are never residents of the districts which they occupy, and have quarters in regular Government barracks.

After our arrival in Ireland we conferred with President de Valera as to the prisons which we should visit, and Mountjoy Jail, in the city of Dublin, was selected, for the reason that it contained a large number of political prisoners, many of them men of the highest character and standing. Mountjoy, so far as physical equipment and brutality of conduct goes, is not as bad as many of the other jails in Ireland.

We made our demand for permission to visit this jail through the municipal authorities of the city of Dublin. The governor of the prison, a resident of England, who had been in office but a few weeks, refused us admission. It was then explained to Sir John Irwin, chairman of the visiting justices of Mountjoy prison, that the commission was traveling on diplomatic passports and was investigating conditions in Ireland, partly at the solicitation of the prime minister. With this explanation Sir John Irwin, who is in supreme authority of the jail, overruled the decision of the governor and we were admitted to Mountjoy.

When we appeared at the gate we were ushered into the office of the governor, where we found Sir John Irwin. The governor told us that we were to be admitted to the prison, but with the understanding that we should not speak to any prisoner nor seek to fix the identity of any prisoner exhibited.

Although Mountjoy is called a jail it is, as a matter of fact, a combination of jail and penitentiary. It is surrounded by a stone wall 20 feet in height, and is larger than any of the midwestern American penitentiaries, such as Jefferson City or Joliet, and almost as large as Sing Sing. It has immense cell houses, built to accommodate approximately 1,000 prisoners. It is equipped with workshops, where men convicted of serious crimes are confined at hard labor. It is also used for the confinement of persons awaiting trial, as well as misdemeanants serving sentences for petty offenses.

Exclusive of the political prisoners, there were but 12 persons in confinement, all of them undergoing sentence for petty infractions of law.

One of the men who accompanied us upon the visit was an official of the city of Dublin, well acquainted with all of the political prisoners, so that we had no difficulty in identifying them. They were confined for the most part in groups, the majority of them being locked up in steel cages built in the yards of the prison, entirely outside of the buildings proper. These cages are exact duplicates of those used for wild animals in the larger zoological gardens such as Lincoln Park and the Bronx in the United States.

Statements had been made that unspeakable outrages were being committed against the persons of these men and the most barbarous cruelties inflicted upon them—that they had been starved, beaten, confined in dark and noisome underground cells, otherwise maltreated, and kept for days with their hands handcuffed behind their backs.

We attempted to secure statements from the officers, either confirming or denying the charges. We were permitted to talk to no one inside the prison except the governor. He stated that no such barbarities had been committed since he had taken charge of the prison a week or two before. He refused to speak for any time prior to that. He at first denied that there were underground cells in the prison. We had been furnished, however, with a plan showing their location, and upon our insistence we were allowed entrance. We found a great number of cells underground too narrow for human occupation, without beds or covering for the prisoners, no ventilation, pitch dark, and extremely cold, although the weather at the time was not severe. The chief warden admitted that these cells were at times occupied by prisoners.

Our information, well authenticated, is to the effect that a large number of political prisoners were taken out of the underground cells after we had demanded admission the night previous.

We found one of the political prisoners still in solitary confinement. He presented a pitiable spectacle. The miserable cell was cold and badly ventilated. He was in an unkempt conditon, highly nervous, palpably undernourished, and had a wild glare in his eyes, indicating an extremely dangerous mental state. He tried to speak to us, but was quickly silenced by the warder.

The political prisoners in this jail, without exception, are men of the highest standing—journalists, lawyers, business men, skilled tradesmen, and laborers. Many of them, confined for months, have not been informed of the charge against them. All of them are denied the right of trial by jury. When charges are made—often of the most trivial character—bail is denied. They were all emaciated and appeared to be suffering from malnutrition. Of the thousands of German prisoners we have seen in France none of them showed such wretched physical condition or had countenances so marked with pain as the prisoners in Mountjoy.

As we were leaving the prison we were attracted by shouts in the rear of the main hall of the prison. Looking around we saw Pierce Beasley, one of the political prisoners, an Irish journalist of the highest standing, and one of the most beloved men in Ireland, being hustled through the back doorway by a burly prison guard.

Beasley cried out, "I want to call your attention to the fact that this brute who has me in charge is about to punish me for saying, 'Long live the republic.'" We immediately protested against the assault on Mr. Beasley. The governor of the prison hastened back to where the men were, and, after a hurried whispered conversation with the guard, returned and said that we could be assured that no punishment would be inflicted upon Mr. Beasley.

Upon our return from the prison we were furnished with detailed statements of others who had been confined in the prison, exposing the vilest atrocities committed against prisoners.

Having received information that there were a large number of prisoners confined in a smaller prison in the town of Westport, County Mayo, which place was invested by troops, we announced our intention after leaving Mountjoy jail, of visiting Westport. Shortly before the departure of our train upon the following evening two policemen appeared at our apartments, and handed us an unsigned typewritten letter, notifying us that we would not be permitted to enter the town of Westport, the only reason given being that it was "within a military area." We proceeded, nevertheless, to Westport.

As we approached the town a company of soldiers met us about 3 miles out, and the lieutenant announced, in a surly tone, that under no circumstances would we be permitted to enter. We demanded to see the colonel, to whom we showed

our passports, repeated the message of Mr. Lloyd-George delivered through Sir William Wiseman, to the effect that he wanted us to visit all of Ireland, explained that we were conducting an investigation under the authority of the Prime Minister. We advised him that we understood that revolting conditions existed in Westport. The colonel, however, declared that he would take the full responsibility of not complying with the request of even so high a personage as the Prime Minister of England, though he stated that he was acting on orders from the Government officials in Dublin.

Many of the persons we met in the vicinity corroborated the stories of brutal treatment to which prisoners in the Westport jail were being subjected, the details being horrible beyond belief.

During our visit to Ireland we witnessed numerous assaults in public streets and highways with bayonets and clubbed rifles upon men and women known to be republicans, or suspected of being in favor of a republican form of government. Many of the outraged persons were men and women of exemplary character and occupying high positions in the business and professional life of the country.

We took statements covering hundreds of cases of outrage and violence committed by the officers and representatives of the English Government in Ireland, the details of which we set forth herein.

The excesses and atrocities detailed are either being actually committed at the present time or have been committed within the recent past, as a part of a scheme and plan to crush out and repress the effort of the Irish people to establish a republican form of government in Ireland.

Upon the basis of what we witnessed ourselves, as well as statements of men and women of unimpeachable integrity, we make the following specific charges:

(1) Within the past few months at least 10 citizens have been killed by soldiers and constables under circumstances which in a majority of the cases coroners' juries found to be willful murder under the laws of England; the last man having been murdered in this way less than one month ago.

In all of these cases the perpetrators of the crimes have gone unpunished.

(2) Hundreds of men and women have been confined for months in the vilest prisons without any charges being preferred against them.

(3) At least five men have died as the result of atrocities perpetrated upon them while in prison, the post-mortem examination in some of the cases disclosing marks of violence upon the bodies of the victims.

(4) Prisoners are confined in narrow cells with hands handcuffed behind them day and night. In this condition they are fed by jail attendants. They are permitted no opportunity of answering calls of nature and are compelled to lie in their clothing, befouled by human excrement, for days at a time.

(5) Persons are confined in cells which are not large enough for one man. They are not provided with beds or bunks of any kind, but are compelled to sleep upon the bare floors. There are no toilet facilities or receptacles to contain the human offal, which necessarily accumulates upon the floors where men are compelled to sleep in the filth night after night.

(6) The food is insufficient and unwholesome. Prisoners, men and women, are compelled to live for days upon water and poorly baked, sour, and stale bread.

(7) Hundreds of men and women have been discharged from jail with impaired constitutions, and are in many cases incurable invalids as a result of their treatment.

(8) During the past winter and spring streams of ice-cold water were poured upon men confined in jail, and they were compelled to lie all night on cold floors in unheated cells in their wet clothing. Many of them were afterwards removed to outside hospitals suffering with pneumonia.

(9) Police and soldiers are habitually permitted to enter the cells where political prisoners are confined and to beat them with their clubs.

(10) Solitary confinement in most horrible form is generally practiced. Numbers of prisoners have been taken directly from the jails to insane asylums, rendered maniacs by their treatment.

(11) Large bodies of political prisoners, in certain jails, have been kept without any food whatever for days at a time.

(12) The right of privacy no longer exists in Ireland. The homes of the people are constantly being invaded by armed men, and the occupants, including delicate women and young children, cruelly beaten and otherwise maltreated.

(13) The children of suspected republicans, many of tender years, are kidnapped and their parents kept in ignorance of their whereabouts for weeks.

(14) Women and children of refinement and respectability are arrested without warrant and, in company of rough and brutal soldiers, transported to distant parts of Ireland and England, where they are confined in jail with the lowest prostitutes, some of whom are suffering from vile diseases, and are compelled to use the same toilet facilities and thus expose themselves to the danger of infection.

(15) The right of private property no longer exists in Ireland. Places of business of republicans are invaded by soldiers and constables, fixtures destroyed, and property confiscated without compensation. In many cases the owner of such businesses and property are utterly impoverished.

(16) Heads of hundreds of families have been jailed or deported, leaving dependent women and children without means of subsistence and rendered objects of public charity.

(17) Men and women on mere suspicion of having republican sympathies are being taken from their homes and arrested upon the streets and highways of Ireland, deported to England, or confined in jails in remote places, while their distracted families are kept sometimes for many months in ignorance of their whereabouts.

Among the leaders of the republican movement in Ireland, many of whom have had these atrocities practiced upon their persons, are lawyers, such as Edward Duggan, George Nichols, and John Hanrahan, who rank relatively with such men in the United States as Morgan J. O'Brien, John B. Stanchfield, Levi Mayer, or A. Mitchell Palmer.

Some of the men whom we actually saw in jail in a pitiable condition were newspaper men who rank with Henry Watterson or the late Col. William R. Nelson, of Kansas City. This comparison is made because two of the prisoners in Mountjoy, Messrs. Pierce Beasley and William Seares, are the owners or principal stockholders of papers which they edit themselves. Many others we actually saw in prison are working newspaper men and correspondents of high-class publications, such as Charles H. Grasty, Frank H. Simmonds, and Herbert Bayard Swope.

Among the men we saw in prison are stock raisers and farmers, business men of large affairs, and literary men of brilliant parts and of the highest character.

We witnessed while in Ireland a brutal and unprovoked assault by an English colonel and a crowd of soldiers upon the person of Prof. John Mac Neill. Prof. Mac Neill is a member of the faculty of the National University, is an educator and publicist of the highest type, a Member of Parliament, and occupies relatively the same position in Ireland that William Howard Taft or Nicholas Murray Butler does in the United States.

EDUCATION.

If England ever had an educational system in Ireland, it has completely broken down.

The Irish people are taxed more for the support of the police and constabulary, although the country is practically crimeless in the ordinary sense, than they are for the maintenance of the whole educational system of Ireland, including the upkeep of the National University, Trinity College, as well as all the primary and other schools in the land.

School teachers in the primary schools are paid as low as $4 per week.

No system of hygiene or sanitation has been installed. The teeth of practically all the children are in decay, and respiratory and throat troubles exist to an alarming degree.

Lack of decent clothing and undernourishment is keeping thousands of children out of school.

ANTISOCIAL CONDITIONS.

In the city of Dublin alone there are 20,000 families, on an average of five to each family, living in one-room tenements. Infant mortality is appalling. Destitution and hunger are rife.

Municipal bodies and private persons attempted to extend relief, but such activities must have the sanction of the English Government, which is difficult, if not impossible, to obtain.

LAND LAWS.

The much vaunted land laws have not appreciably aided in decreasing poverty in the agricultural districts.

Leaving out of the question the manifold defects and hardships in the operations of the law, all the farmer might gain by his ownership of the land is taken away from him by unjust taxes and monopolistic control of the necessaries of life.

When the first land law was passed in 1881 the direct per capita tax in Ireland was about $6 per head. At the present time the direct taxation imposed by British law amounts annually to the enormous sum of $45 per head.

Indirect taxation of the people can not be accurately estimated, but is higher proportionately than in any other country in the world.

The age-old curse of absentee landlordism still cuts deeply into the economic heart of Ireland. Hundreds of thousands of its most fertile acres are owned by foreigners. As quickly as the rich crops are garnered they are taken out of the country, and this immense food supply and almost infinite source of wealth is lost to her people forever.

England has cut off Ireland from the outside commerce of the world, allows no ship to come trans-Atlantic to her ports, and thus controls the prices of the necessaries of life for her inhabitants.

This combined system of taxation and monopoly automatically takes away the legitimate profit from the farmer, no matter how fertile the land, propitious the season, or energetic the individual, and sucks the lifeblood out of all industry.

LABOR.

Ireland has the best organized and most coherent labor movement in the world. It is being thwarted and suppressed by the army and constabulary. Wages of unskilled workers are below a line which means to them hunger, cold, and privation. The wage of skilled labor is far below the minimum for decent existence.

In many of the larger cities and towns the trade-unions have a 100 per cent organization. We met and interviewed almost all of the national leaders of labor. The heads of the National Irish Labor Party, which is in control of the situation, are, without exception, ardent republicans, fully alive to their rights and insisting on self-determination for Ireland. They have all been the innocent victims of atrocities against their own persons such as are enumerated herein in the jails of Ireland and England.

They work along traditional trade-union lines. If their country is not freed of foreign control and exploitation, and quickly, many of them declare that in sheer defense of their own lives they will be compelled to set up local Soviet governments and refuse longer to produce wealth for their oppressors.

THE REVOLUTION.

Ireland for the first time in more than 100 years is absolutely cut off from England, its regularly elected members of Parliament having with few exceptions refused to go to Westminster. They are attempting, under the guns of the English soldiers, to hold orderly sessions in the Mansion House in Dublin.

There is a military organization of approximately 200,000 republican volunteers of fighting age, poorly equipped as to arms and without artillery. They appear to be well officered, and seemingly maintain a perfect organization, engaging in daily drills and frequent maneuvers. Upon all sides may be heard declarations that they are ready to fight and die for the right of self-determination, no matter how great the odds against them may be.

Guerilla warfare of the character which usually precedes major conflicts is now going on in Ireland. Almost every day there are fights between small detachments of the army of occupation and groups of republican volunteers. One day the British soldiers prevail, with the result that citizens are killed. In another day or two perhaps the republican volunteers are successful, with the result that soldiers are killed. Frequently the British soldiery wound and capture the volunteers, and in turn the volunteers kill or wound the soldiers and retake the prisoners.

With a ferocity unparalleled even in the history of modern warfare, within the past few days men and women have been shot down in the streets of Dublin.

The killing by the British Government of these republican volunteers would not settle the Irish problem. Those below the fighting age, and even the children of Ireland, are singing The Soldiers' Song, shouting "Long live the republic," and trying to enlist in the revolutionary movement.

ENGLISH TESTIMONY.

Mr. Erskine Childers, an English writer of high repute, who served Great Britain throughout the war in the Royal Naval Flying Corps, coming out a major, made the following declaration in regard to the Irish situation in the London Daily Herald of May 26, 1919:

"I could bomb a crowd from an aeroplane with a better conscience (and more skill) than engage in this cold-blooded, systematic condemnation of respectable people to the rigors and ignominies of jail life—to loss of health, loss of business and career, too often to loss of life; not for breaking the moral law, but in very truth of obeying that universal law which impels men worthy of the name of men to become free."

Lord Cavendish Bentinck, a Unionist member of the House of Commons, within the last month declared upon the floor of that body that England was not governing Ireland, but was engaged in a mere scuffle with the Irish people.

The lord chancellor of England, in an official report to the House of Lords within the last fortnight, made the confession that the vast majority of the people of Ireland were now in open rebellion against the rule of the British Government.

Right Hon. Herbert H. Asquith, former prime minister of Great Britain, made the following statement upon June 2, 1919, which appeared in to-day's London Daily Mail:

"Lord French is at present viceroy of Ireland, which to-day is the darkest of the dark spots on the map, not of Great Britain, but of the world."

DEMAND FOR INVESTIGATION.

All of the charges herein made are based upon the actual observation of the signers while in Ireland, or upon the statements of men and women of unimpeachable character, who are prepared to make direct legal proof of every crime and atrocity set forth.

The Government of Great Britain, up to this time, has measurably succeeded in hiding the details of these atrocities from the peace conference and the people of the world. From time to time, when crimes and atrocities are forced into publicity, they are met in three ways.

(a) Some distinguished English statesman or high official, usually one without personal knowledge of the facts, solemnly denies the truth of the charges.

(b) The British press impressively and unanimously denounces the charges as false, and carries many communications from persons claiming to have knowledge of the facts, and bearing testimony to their falsity.

(c) Government investigations before partisan judges, where testimony is controlled by implicated officials, resort often being had to intimidation of witnesses and subornation of perjury.

In order that the peace conference may act in the light of knowledge of the conditions, and be fully advised as to the effort of England to keep the people of Ireland in subjection by military power and violence, in contravention of the principles for which the peace conference was convoked, we respectfully urge the appointment of a commission to ascertain the facts and report the same to the peace conference, and respectfully submit the following alternative suggestions as to its formation and appointment:

(a) That an impartial committee be appointed by the peace conference, authorized to sit in the cities of Dublin and London, to take testimony as to the alleged facts herein set forth.

None of the members of such committee to be residents or citizens of Great Britain, Ireland, or any of the countries under the domination of Great Britain, or over which that country claims to exercise a protectorate or control.

(b) That a committee of seven be selected immediately in the manner following:

The prime minister of England shall select three members; the elected representatives of Ireland, including Unionists, Nationalists, and Republicans, shall, by a majority vote, select three members of said committee; that the six members thus selected shall agree upon a chairman, who shall be a resident and citizen of the United States, France, or Italy. In case of inability or failure to agree upon a chairman, the selection shall be made by the Supreme Court of the United States. That the Government of Great Britain and the elected members of Parliament from Ireland, as aforesaid, shall each have the right to select its own counsel, to conduct the examination of witnesses and assist in the investigation, the only restriction being that counsel so selected shall be reputable members of the legal profession in good standing in the country of which he or they are citizens.

We sincerely urge that if the peace conference refuses a hearing to the people of Ireland in these circumstances, the guilt for the commission of these monstrous crimes and atrocities, as well as for the bloody revolution which may shortly come, must from this time forward be shared with Great Britain by the members of the peace conference, if not by the peoples whom they represent.

Respectfully submitted.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

PARIS, *June 3, 1919.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

DEAR MR. PRESIDENT: We have the honor to hand you herewith report on conditions in Ireland with demand for investigation by the peace conference.

On account of the serious and critical situation exposed by the report we beg that you will be good enough to give this document your careful consideration, and also to present the same to the full peace conference or to the committee of the five great powers, whichever may be the proper course under the practice of the conference.

With assurances of our great respect and esteem, we are,

Sincerely,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: We have the honor to hand you three copies of document entitled "Report on conditions in Ireland, with demand for investigation by the peace conference," which we have this day transmitted to the President, with copy to Hon. David Lloyd-George, prime minister of England.

In view of the fact that the Senate of the United States is now considering the subject of a new treaty or treaties with the Government of Great Britain, and on account of the further fact that the House of Representatives has heretofore passed a resolution in favor of Ireland's right of self-determination, which has not been acted upon by the peace conference, unless in secret session, of which we have had no advices, we respectfully request that you kindly transmit one copy of this document to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of the State Department.

With assurances of our great respect and consideration, we are,

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. ROBERT LANSING,
Secretary of State of the United States, Paris.

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AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: Complying with your request of May 1, 1919, made through Sir William Wiseman, and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representatives at Paris of the Irish republican government, that we visit every part of Ireland, and especially Belfast, to ascertain the actual conditions existing in that country.

We have the honor to inform you that we have, except where prevented by the use of the military forces of the English army of occupation, visited the four provinces of Ireland, including Belfast, as well as the other principal cities and towns.

We have prepared a report covering the facts, with certain recommendations.

In order that the Government of Great Britain may be informed, we herewith hand you copy of this report, which, in addition to the presentation of facts, contains a demand for an investigation under the authority of the peace conference.

We also wish to advise your Government that the original of this document has this day been handed to the President of the United States, and that copies have been transmitted to the House of Representatives and the Senate of the United States, through the Secretary of State.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. DAVID LLOYD-GEORGE,
Prime Minister of England, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

YOUR MAJESTY: We herewith transmit to you our "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to your prime minister, Mr. David Lloyd-George.

The original of this report has been delivered to the President of the United States for presentation to the peace conference, and copies have been forwarded to Hon. Robert Lansing, American Secretary of State, for transmission to the Congress of the United States.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

His Majesty GEORGE V,
King of Great Britain, London, England.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 22d ultimo, during the proceedings in the House of Lords on that date, as published in the London Times, you made a statement, in reply to a question of Viscount Midleton, as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for presentation to the House of Lords, this report, together with copies of letter addressed to Hon. David Lloyd-George, Prime Minister.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Right. Hon. Lord BIRKENHEAD,
Lord Chancellor of England, House of Lords,
London, England.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 14th ultimo, during the proceedings in the House of Commons on that date, as published in the London Times, you made an official statement as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for transmission to the cabinet, this report, together with copies of letters addressed to His Majesty King George V and Hon. David Lloyd-George, prime minister.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. BONAR LAW,
Leader of the House of Commons,
London, England.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: We have the honor to hand you herewith "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to the President of the United States, the American Secretary of State, and the Hon. David Lloyd-George, British prime minister, upon the same subject.

As you are doubtless aware, charges have been made that matters deeply affecting the peace of the world, such as the condition of Ireland, are habitually suppressed by English newspapers. In order that your paper may be thoroughly advised and that there should be no misunderstanding upon the subject later, we take this opportunity to submit the inclosed documents.

Respectfully, yours,
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Editor LONDON TIMES,
London, England.

[This report was given publicity in Paris on the morning of June 3, 1919. Inasmuch as the report had the appearance of having been suppressed by all of the London papers except the Daily News and Herald, special copies were forwarded to the editors in London, accompanied by identical letters as above.]

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REPLY TO THE STATEMENT OF THE HON. IAN MACPHERSON, CHIEF SECRETARY FOR IRELAND, BY FRANK P. WALSH, CHAIRMAN OF THE AMERICAN COMMISSION ON IRISH INDEPENDENCE.

At the request of the Hon. David Lloyd-George, prime minister of England, transmitted by Sir William Wiseman, secretary of the British embassy at Paris, and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, envoys of the

Irish republic at the peace conference, the American Commission on Irish Independence, represented by Hon. Edward F. Dunne, former governor of Illinois, Michael J. Ryan, of Philadelphia, and myself visited the four Provinces of Ireland, including Dublin, Cork, Belfast, and other large cities, for the purpose of ascertaining existing conditions.

Upon June 3, 1919, the American Commission transmitted its report to the peace conference, at the same moment handing copies to President Wilson, His Majesty King George V, the prime minister of England, and likewise forwarding copies to the Senate of the United States.

The report contained a list of hideous atrocities being practiced upon the people of Ireland by the English army of occupation in Ireland. The report was suppressed by the English censor in Ireland, and the English press initially printed incomplete and garbled accounts thereof.

After a silence of more than two weeks and upon the insistent demand of the English press, notably the London Times, Mr. Ian MacPherson, English Chief Secretary for Ireland, issued a categorical statement confessing many of the charges denying others and making explanations in the nature of avoidance covering many of them. The answer of Mr. MacPherson was editorially denounced by the London Times as halting and evasive; by the London News, Manchester Guardian, and London Herald as containing damaging and shameful admissions of misgovernment and violation of human rights in Ireland.

Upon the 27th of July there was released to the American papers and all of the news agencies an additional answer by Mr. MacPherson to the atrocity charges reported by the American Commission, making sweeping denial of the same.

An issue of fact is thus clearly raised. If the original charges are true, England should be execrated by the liberty-loving people of the world, and Mr. MacPherson must go down in history as not only the prime mover and defender of the unspeakable crimes and cruelties set forth in the report, but as a dishonest and untruthful person. If the charges are untrue, then the signers of the report should be exposed as malicious falsifiers.

The original reports of the American Commission contained the following:

In order that the peace conference may act in the light of knowledge of the conditions and be fully advised as to the effect of England to keep the people of Ireland in subjection by military power and violence in contravention of the principles for which the peace conference was convoked, we respectfully urge the appointment of a commission to ascertain the facts and report the same to the peace conference, and respectfully submit the following alternative suggestions as to its formation and appointment:

(*a*) That an impartial committee be appointed by the peace conference, authorized to sit in the cities of Dublin and London, to take testimony as to the alleged facts herein set forth.

None of the members of such committee to be residents or citizens of Great Britain, Ireland, or any of the countries under the domination of Great Britain, or over which that country claims to exercise a protectorate or control.

(*b*) That a committee of seven be selected immediately in the manner following:

The Prime Minister of England shall select three members; the elected representatives of Ireland, including Unionists, Nationalists, and Republicans, shall, by a majority vote, select three members of said committee; that the six members thus selected shall agree upon a chairman, who shall be a resident and citizen of the United States, France, or Italy. In case of inability or failure to agree upon a chairman, the selection shall be made by the Supreme Court of the United States. That the Government of Great Britain and the elected members of Parliament from Ireland, as aforesaid, shall each have the right to select its own counsel, to conduct the examination of witnesses selected, shall be reputable members of the legal profession in good standing in the country of which he or they are citizens.

The latest answer by Mr. MacPherson, published broadcast in America, consists mainly of bald denials, unsupported by any citation to [sic] the military authorities who have first-hand information as to the truth or falsity of the charges, and without informative detailed proof to substantiate the same.

Assuming that England must eventually agree to an impartial court of inquiry substantially along the lines suggested herein, we make offer to prove the following:

ASSAULT UPON PROF. MACNEILL.

In addition to the statements of the investigators who witnessed the assault, we will produce at least 20 impartial persons who saw the assault and who will testify to its brutal nature and the insults which accompanied it.

POLITICAL PRISONERS IN ANIMAL CAGES.

To prove that the prisoners in Mountjoy Prison were exhibited in cages ordinarily used for wild animals, we will produce photographs of the cages unless they have been removed, in which event we will produce at least 50 prisoners who occupied them and a countless number of impartial witnesses who saw them.

VICTIMS RENDERED INSANE.

We will produce the records of the jails and insane asylums, as well as the victims who have recovered, and the relatives of those who have not, to prove our charges that numbers of Irish republicans were rendered insane by their treatment.

PNEUMONIA VICTIMS.

We will produce hospital records, testimony of physicians of the highest standing, as well as intelligent and impartial witnesses who treated and saw the victims while suffering from pneumonia, caused by having cold water thrown upon them from a hose in different prisons, also names and death certificates of those who died from the treatment.

DEAD, WOUNDED, AND DISABLED.

We will produce a list of the dead, those who were permanently maimed and disfigured by the atrocities practiced upon them; also a list of those whose health has been shattered and who have been rendered incurable invalids by their treatment, all accompanied by names and dates.

VIOLENT SUPPRESSION OF LABOR.

We will produce proof that the leaders of the national labor movement have been arrested without being informed of any charge against them, confined in jail in many instances for weeks and months; that while so confined they were treated with extreme harshness and cruelty; that their activities are spied upon by an army of detectives and their meetings infested by agents provocative; that their orderly meetings have been dispersed by the military authorities and violent assaults committed upon the bodies of men and women seeking to carry on the orderly business of their organizations; that permanent machine-gun emplacements have been erected and guns mounted thereon by the military engineers of the Army of Occupation, so that Liberty Hall in Dublin, the headquarters of the Irish National Labor Union, may be subjected to destructive assaults at a moment's notice.

INDISPUTABLE PROOF OF OTHER CHARGES.

These, as well as the other charges in the original and supplemental report of the investigators, we are ready to substantiate not only by the testimony of the victims, but by hundreds of disinterested witnesses, including past and present members of the English Army and Royal Irish Constabulary, who, sickened at the atrocious acts they were called upon to perform and witness, either resigned their commissions or now stand ready to sacrifice their careers in the interest of humanity and justice.

The issue now has been clearly made and formally submitted to the people of the United States and the world by the official reports of the American commission on Irish independence and the formal reply of Hon. Ian MacPherson, chief secretary for Ireland, representing Great Britain in the controversy. We respectfully submit, not only in justice to the character of the signers of our original report, which we assert to have been unjustly and maliciously assailed, but to the cause of a righteous and enduring peace, that unless the English Government quickly agrees to the institution of an impartial court of inquiry by the peace conference its case should go by default and England must stand convicted by thinking mankind as a cruel marauder of human rights and the one remaining Government of the world imposing its rule upon others by force of arms and exploiting weaker peoples by ugly might alone.

FRANK P. WALSH,
Chairman American Commission on Irish Independence.

NEW YORK, *August 4, 1919.*

[Copy of cablegram.]

NEW YORK, *August 8, 1919.*

IAN MACPHERSON,
Chief Secretary for Ireland,
Dublin Castle, Dublin, Ireland:

Am forwarding you by mail to-day reply to your statement denying facts set forth in report of American commission on Irish independence, dated June 3, 1919, so that you may be advised. Meantime I can not overlook the issue of personal veracity and honor which you have injected into the controversy. This is to inform you that unless you immediately join in request for appointment of impartial committee of inquiry by the peace

conference I shall publicly stigmatize you as a falsifier and your answer to our report as a piece of willful mendacity on the part of a high official unparalleled in the field of crooked politics.

FRANK P. WALSH,
Chairman American Commission on Irish Independence.

Mr. WALSH. I want to say, of course, Mr. Chairman and Senator FALL, that we will be very glad to accede to whatever is the pleasure of this committee.

Senator JOHNSON of California. We want nothing secret, Mr. Walsh.

Mr. WALSH. I think it is a good idea. Neither do we want anything secret. At the same time, there were certain elements about it that we thought they would prefer to have held confidential.

Senator JOHNSON of California. They were our delegates, were they not?

Mr. WALSH. Yes; and we claim, and I presented a legal argument to Secretary Lansing on the position, that they had in no way divested themselves of their official character; that they were sent over there for this purpose; that they not only had the right to attend to the matter in hand, but that they had the right to hear any representative American citizen in any sort of representative capacity that had anything to present. We will be glad to submit these documents under whatever rules you may be pleased to make.

Now, when we went over there we expected to meet this situation: The President had said this fight was for the right of small nations to control their own lives and to govern themselves. He said that the issue was not made by men or women, but was made by events; that this principle was to apply to those whom we did not like as well as to those whom we did like; that there was to be a peace conference at the end of the war, and that that conference was to be composed not of diplomats, as such conferences had been before, not of statesmen, not of governments, but of peoples through their representatives; and so these people, meeting in race convention, a homogeneous people, with their boundaries fixed by God himself, by the sea, a people who had retained their culture through the centuries, a people who had maintained their social institutions in spite of all sorts of repression of armies of occupation—aye, may I say, a people who shed their most precious blood at least once every generation in an attempt to repel the invader who was occupying their country—these people met in race convention and sent us as their representatives to the peace conference, and we believed that when we got there we would find a conference of delegates. These people had held a plebescite in December under the forms of English law, under every disadvantage, so far as they were concerned, and by an overwhelming majority had agreed to come under these principles for which so many of our soldiers died. When they did it they separated from England. They refused to go to Westminster.

They set up their own congress, and I want to say to you gentlemen, because I speak here as an American of America, that I give the American thought when I say as an American of Irish blood that if the great test was put between America and any other nation upon this earth, including the one for which we have so deep a sentimental attachment, that we would see Ireland go to the fathomless depths of the sea and to disappear as compared to our own country; but I want to say to you that when these men separated from England, when this Irish people separated from England, they separated forever. [Applause.] They have a volunteer army of 200,000 trained men, not well equipped, of course, but none will say in this presence that they will not go out with their rude weapons and fight to the death, because men are doing it in India, where women and children are being bombed. They are doing it in Egypt, where villages are being ravaged and people are being killed on the street. They are doing it in 20 different countries, among 20 different groups, at the very time that peace was signed. So we believed that under the declaration of the President of the United States, when we would present our case, we would show that Ireland came strictly within the definition which he gave, and that automatically Ireland would have the right to self-determination. But we found no such body in Paris. We found that 70 men or more had assembled there; that immediately upon assembling they had abrogated all their rights.

They were like the minority stockholders in a corporation that appointed a board of directors, and they appointed a board of directors of 10. The main body had met only four times in session up to the time we left Paris. They appointed a board of directors of 10. That board of directors appointed a committee of four. One of them was found to have no influence and was set aside, so they got down to a committee of three. We found that there was no small nation given a hearing before that board. We found that there was no abstract right contended for by any small nation laid down as the principle of action by that committee of three. And from now on, for the purposes of this argument, we will call them the Big Three instead of the Big Four.

Senator JOHNSON of California. Were you present over there, Mr. Walsh?

Mr. WALSH. Senator, I hung around the Hotel Crillon until I wore out several pairs of shoes.

Senator JOHNSON of California. I want the record to show that you are speaking from personal knowledge.

Mr. WALSH. I am speaking from personal knowledge, and I am putting so much "I" in this case that I do not know whether I am a witness or an advocate or what I am here; but I was there, and the record shows at least the part that I took.

Senator BRANDEGEE. Will you be kind enough to let me ask you a question?

Mr. WALSH. Yes, indeed, Senator.

Senator BRANDEGEE. Of how many people did this board of directors, as you call it, consist at the time you were corresponding with them with a view of getting the case of Ireland laid before the peace conference?

Mr. WALSH. There were 10 of the board of directors, but it had vanished down to 3. I am just giving my view of it, of course, as I looked at it at first hand, in a sort of a way. We were Kansas City and Chicago diplomats, not Parisian diplomats. We had to take it as we glanced at it, and we found that committee of three. Of course, Japan could have sat in there, but it was the joke of Paris, "What are the Japs going to do?" The other members were wishing to the Almighty that they would do something besides just sit there and blink; but England had winked at Japan, of course. Japan went in there under that broad plan, the equality of nations, the equal recognition of all nationals; but Japan already had her secret treaty; she already had her understanding. She did not need to be there. What she wanted was to maintain her grasp on Korea and to get Shantung. Of course she dropped out. She was well attended to.

Now, instead of dealing with small nations over there they dealt with reparations; they dealt with indemnities; they divided up territories; they created new nationalities—some of them, I understand, by mistake. They drew lines and sometimes did not know what country some of these nationals were put into. Around that place were all of these peoples trying to get a voice. I believe that had we had a little more practical statesmanship we might have organized the small nations of the world on the principles of the 14 points and started out and won it for the world. I really do [applause]; because the Lithuanians were there, the Arabians were there, the Chinese were there, the Esthonians were there, the Georgia republicans were there, the East Indians were there, and all the others were there. They called at the headquarters of the American commission to find out from us what was the reason why the 14 points were not being applied. So after they finished this work as far as it could be finished—the departure of the President of the United States put an end to it—we applied to the "Big Three." I am not going into our correspondence, but I will say this, that they said that unofficially they loved us, but officially they were ready to jump out of the window when we came in. I do not know what they were afraid of. Surely they were not afraid of England. Let them look at Ireland. Nine hundred soldiers held off 40,000 for over a week. Let them look back to the history of our own country that fought so well against unequal odds. Surely it was not fear. But as I say, unofficially they loved us, but officially, I am sorry to say, I do not believe they liked to see us come into the Crillon Hotel.

In the interviews which we are now to submit under the request of this committee we will give the interviews that we had with all these gentlemen. Our correspondence will show—I want to speak plainly—how they dodged us. It would have been, I may say, more agreeable to us and would have called for our admiration to a greater extent if they had just said, "We don't want to have anything to do with you"; but they did not do that. They recognized us just as far as they could unofficially, and we claim, of course, officially. So when the thing broke up——

Senator BORAH. Mr. Walsh, I suppose there must have been some one, aside from the American delegation, that was objecting to your being heard, was there not?

Mr. WALSH. Oh, yes; let me tell you. Let me say this, Senator BORAH, as it will appear here, that we were prevented from being heard by the representative of George V directly, for this reason, because now as I study this covenant of the league I

see many angles that I did not see before, and I recall that when that committee of four went into session to settle the fate of the whole world they agreed that they would not hear anyone except by unanimous consent, and we were the people—that is, the representatives of the Irish race; when I say "we" I mean the representatives of these other races—that had the great concern.

Now, when that committee adjourned by the departure of the President, we for the first time got the league of nations. I say here now, and I want to put it in this record, that that league of nations was never assented to, even by the ones who signed it, in the sense that we understand it. Anyone who was present at the Quay d'Orsai when the covenant of the league of nations was so splendidly and dramatically read by our President, and has seen them jumping up all over the room, wanting to say a word—you could not tell who they were—but Clemenceau, the lion of France, blandly said, "There being no objection, the covenant of the league is agreed to." We used to have what we called mob primaries out in Missouri, and I guess some of you gentlemen had them, where the chair would recognize only one man to appoint a committee of 10 to bring in a list of delegates to attend the convention, and the committee of 10 always returned with a list containing their own names, and then the meeting adjourned. [Laughter.]

Senator BRANDEGEE. You speak of these interviews you had. Did you have a stenographer with you?

Mr. WALSH. No; we did not have a stenographer, but the minute we came away, every time, we dictated to a stenographer what had occurred in the conference; and in the last one, the one with the President, I had a gentleman present who, of course, could be a witness, and there were two of us, Gov. Dunne and myself, and we immediately dictated it, and I do not believe that there will be any dispute about the facts. If so, we would like to appear before this committee again, and perhaps point out logically other things that coincide exactly with what was said in that interview.

Now, as I say, I was for a league of nations such as I have tried to set out here, but I was willing to take a bad league of nations. I was willing to take one that was not a good league of nations. I had gotten the French thought—the thought of France—that this is a rotten covenant for a league of nations; but it is not possible to start unless you have some sort of a league, and you can not have a robust and a good league by strangling it to death in infancy. I had a good deal of that thought. I studied that league covenant coming back on the boat, and having studied that league covenant I say, so far as my limited capacity goes and my ability to understand it, it is not a league of nations to prevent war, but it is a league of nations to foment war; it is a league of nations to put the shackles of injustice on almost half the people of the world; to embroil us in wars and in contests such as our country has never known before.

In order to be plain—it is with regret that I will send my resignation to the League to Enforce Peace coincidentally with the little effort I am making to-day—I hate to say it, but I say that that whole covenant of the league is so shot through with injustice, that the subtle European minds have so covertly and successfully planted their ideals in it in contradiction to the ideals of the American people, that no interpretation and no amendment can make it an honest document. [Applause.]

Now, if I may be indulged for a moment about this league, we have a certain concept. We have been reproached for being a material people. Over there I saw a cartoon that hurt my feelings, portraying America something like Davenport's cartoons used to do, with dollar marks all over Uncle Sam's clothes. We have been criticized for being chasers of the almighty dollar and for not having the high spirit that ought to animate people.

Senator KNOX. That cartoon represented the dollars they wanted.

Mr. WALSH. It represented the dollars they wanted; very good. But that criticism, as I say, is being made, Mr. Senator. Now, we have certain ideals. This Government was founded upon them. We believe that they have not only been good for us, but they have been good for the world. The great contribution that President Wilson made to this war was in his declaration upon going into the war, in the addresses that he made to you gentlemen at different times, and in public; because, as I had the privilege of telling him, when he made those declarations of the right of every man and woman to control their own life destinies, he said what was in the hearts and in the brains of countless millions of people—all of them, practically, except the men who held mastery. He declared principles for which thousands have died what might otherwise have been ignominious deaths upon the scaffold, for which countless millions have served time in jails and penitentiaries; and are doing it, I may add, in Ireland to-day; and when he did it, he gave utterance to the idea that set the world free. By your action in the Senate of the United States you may cause the butchery of many more thousands, but that ideal will live. The people of the world have been made free, and they have been made free by us; and if our temporary servants—or representatives, to be more polite, because we have no rulers—forget those principles, then by the strength of our intellects and by the power given by the Constitution of the United States we will get new servants and other representatives who will carry those principles to their final consummation. [Applause.]

I will only try to urge the fundamentals of this plan.

Senator FALL. Mr. Chairman, I move that the time of the hearing be extended indefinitely, until it is concluded.

Senator NEW. I second that motion.

Senator FALL. It is the first chance that the American people have had for a hearing anywhere, as I understand, except in the Senate. [Applause.]

Mr. WALSH. I do not like to take the time.

Senator FALL. Go on.

Senator MOSES. Let us have the question, Mr. Chairman.

Senator BORAH. We have got 25 days.

Mr. WALSH. I have all the rest of my life.

Senator JOHNSON of California. And so have the rest of us, too.

Senator MOSES. May we have a vote on this motion, Mr. Chairman?

Senator FALL. I make that motion, that the time be extended three hours—extended more, if necessary.

The CHAIRMAN. The motion is that the time be extended three hours.

Senator BRANDEGEE. Before we vote on that let me ask——

The CHAIRMAN. I want to say to the committee that we arranged to hear the Greeks to-day and to give them an hour, and as they have come here from a long distance, I feel bound to give them that hearing.

Senator FALL. The three hours additional need not necessarily be consecutive. They may take their hour and then we may continue this hearing, which is very interesting to me.

The CHAIRMAN. Certainly. There is no need of a motion for that.

Senator BRANDEGEE. I simply wanted to ask Judge Cohalan if he wanted three hours more.

Judge COHALAN. We would like it very much. Mr. Ryan gave way, and he has first-hand information. Gov. Dunne gave way. We would like very much to give them an opportunity to be heard.

The CHAIRMAN. We can hear the Greeks this afternoon, but of course it would involve a break in your hearing. We can take it up later.

Mr. WALSH. I am going to close as quickly as I possibly can. There are a few things I would like to say yet.

The CHAIRMAN. Take your time, Mr. Walsh. The committee are ready to hear you. [Applause.]

Seantor FALL. Mr. Chairman, had we not better settle this by voting on my motion for three hours' additional hearing? Then we can take a recess and hear the Greeks later.

The CHAIRMAN. Certainly. I think we can give them all the time they want.

Senator FALL. I will move to extend the time again if they have not completed.

The CHAIRMAN. The committee can arrange that. We have other hearings, and of course we must maintain our engagements.

Senator JOHNSON of California. We can run these hearings into next week.

Senator BORAH. We can go ahead, and if nobody calls time on them, they will not need to stop.

Senator FALL. Nobody will call time on them.

The CHAIRMAN. I will try and make an arrangement with the Greeks for their hearing in the meantime.

Mr. WALSH. I will try as well as I can to address myself to what I call the fundamentals of this proposed covenant of the league of nations, to give you if I can what is in my mind and what is in my conscience, because I will say again what I feel impelled to say, that this whole covenant of the league of nations is a perversion of what the men who really favored a league of nations intended and wished for.

Senator HARDING. Before you get away from it, I would like to have you emphasize and give us a little more light on one thing: You expressed the surprise of the assembled commissioners over the league when it was presented.

Mr. WALSH. Yes.

Senator HARDING. Was that marked?

Mr. WALSH. Oh, it was very marked. They jumped up all over the place to make protests. Man after man got up. You know there was an awful censorship upon this whole business. We followed the publicity very closely, on account of our own little embassy over there. It was impossible at that time to get anything about Ireland in a French paper. I am very happy to say that since the Persian matter and since the developments at the White House conference and other places a very distinctly different reaction is going on in Paris. Our cable advisers tell us that the most reactionary papers in Paris are in favor of the absolute independence of Ireland and think that Ireland was badly treated at the peace conference, and looked to this Senate not to give any advice and never to consent to the covenant of the league of nations as it is at present.

Senator BRANDEGEE. Will you allow me to ask you a question?

Mr. WALSH. Yes.

Senator BRANDEGEE. At the time this covenant was accepted by the plenary conference was there any attempt to elucidate its provisions, to explain the various provisions in it, or any debate upon it, other than the formal set speeches of the heads of the nations which presented it to the conference?

Mr. WALSH. Not a particle. It had been presented before, and there were some objections made to certain parts of it, and it went back and this meeting was called, and I talked to one of the most powerful members of the conference outside of the Big Four. He is a lawyer of very fine ability. As we are going in to have everything open, I will say that it was Judge Doherty, of Canada, representing the Dominion of Canada, and the night before he did not know what was in it.

Senator MOSES. He was one of the signatories to the treaty, was he not?

Mr. WALSH. He was a signatory to the treaty.

Senator BRANDEGEE. I would like to have you or some other gentleman who speaks for your side of the question state why this covenant can not by amendment be made satisfactory. I understand you to say that it is such a dishonest document that it can not be made honest by amendment.

Mr. WALSH. Yes; I say that. I do not mean personal dishonesty.

Senator BRANDEGEE. I understand that.

Mr. WALSH. I mean intellectually dishonest.

Senator BRANDEGEE. Such an undesirable thing for the United States to agree to.

Mr. WALSH. Yes.

Senator BRANDEGEE. I want either you or some other gentleman who addresses us to explain, in view of article 26, which provides that amendments to this covenant shall take effect when ratified by the members of the league whose representatives compose the council, and by a majority of the members of the league whose representatives compose the assembly, why under that article it can not be amended satisfactorily. I ask you that question in view of the fact that one of the strongest arguments contained in the letters which I receive in favor of the covenant is that, although the covenant has its imperfections, no human document can be expected to be perfect when it originates, that the Constitution of the United States was not perfect, and that it was afterwards amended very quickly, and that therefore this league covenant can be amended satisfactorily if we will only go into it. I want you to give your reasons why you say it can not.

Mr. WALSH. Very good; I will try to answer that, Senator. First, I look upon this document in this way: It is either a thoroughgoing fraud from beginning to end, to which a respectable nation should not give its assent; it is either something gotten up intentionally and deliberately to deceive, or else it has either the direct power or the potential power to enforce every idea in it. That is my opinion of this document.

I believe, if we surrender to this proposed covenant of the league of nations, that in the very essentials of its structure, we can never escape.

I begin by my opposition to article 10, and, as I suggested, not limiting it as far as Ireland is concerned, but that it should apply to any country that had the fate of the people in its hands, and had determined the form of government under which it should live and which government was oppressed by an army of occupation. I think it could be amended. But as you go through this, as has been said, 11 is just as bad as 10, and 12 is just as bad as 11, and you go a little further and you will find that 13 is as bad as 11, because if a dispute arose, and believe me, gentlemen, a dispute is going to arise about Ireland mighty quickly, and a dispute is going to arise about other matters as far as France is concerned, and if this committee has the power—and this committee has the power if it is a fair document and not a false document—it has the authority to lay down the procedure from which we can never escape. And I took section 40 of the annex, because my first criticism was answered by a gentleman very high in authority who said that this vote had to be unanimous, the vote of the assembly, but I found under section 40 of the annex that a majority vote, a bare majority of the council, carries any proposition with it. And when it comes to arbitrament of these nations, they know exactly what they want under this treaty, and will never agree to arbitration, and it goes to this council stacked in advance. I want to speak plainly—why? Because they have secret agreements entered into and signed by the representatives of the United States dividing territory, and unless the chairman has received them since I heard the argument on the case of Egypt the other day, they are still undisclosed to the separate branch of the treaty-making power, the Senate of the United States, and certainly not to our knowledge.

The CHAIRMAN. Most things connected with this treaty are undisclosed.

Mr. WALSH. I would say now, if we are doing it all open, as soon as you get the agreement mentioned by Senator FALL, that you send it to us that we may find out if Ireland is in it.

Senator BORAH. You were speaking about article 40?

Mr. WALSH. Article 40 of the annex.

Senator BRANDEGEE. You have not the committee print?

Mr. WALSH. I think I can find it.

Senator BRANDEGEE. Did you mean a majority of the council or of the assembly?

Mr. WALSH. A majority vote of the council decides the whole thing.

Senator BRANDEGEE. I wish you would read that provision.

Mr. WALSH. All right. I think I can find it. It is in the annex. It is chapter 3, article 40.

Senator MOSES. That relates to the Saar Valley.

The CHAIRMAN. Top of page 93, article 40, section 4.

Senator SWANSON. That relates to the Saar Basin, section 4.

Mr. WALSH. I think not, as I read it. Let us consider it, because I tried to weigh it with great care, and I weighed this with reference to what this council might interpret it to mean. Now, the league contains a great many of the ideals expressed by the President, but still I will say that an analysis of that will show that in some place there is something that points out that this is not a covenant that is going to bring peace to the world.

I get this from the CONGRESSIONAL RECORD. We have the covenant and then we have the annex.

Senator BRANDEGEE. Just give the page and the date of the RECORD.

Mr. WALSH. Page 2344 of the CONGRESSIONAL RECORD of Thursday, July 10, 1919. That was my first notion when I read it, that it referred to the Saar Valley, but I do not believe that it does.

Senator BRANDEGEE. I want you to put it in the record of the hearing of this committee.

Mr. WALSH. I am going to put it in the record, and then try to give you what follows, that makes me say that the interpretation of this can be made to show that it refers to the whole annex.

Senator BRANDEGEE. Take your time and find it.

Senator BORAH. I suggest that the gentleman proceed and that when he has time to look this up he can add it to his remarks.

Mr. WALSH. Yes.

Senator MOSES. In other words, he will present a brief on it?

Senator BORAH. No; he can present his remarks. We will stay here until he gets through.

Mr. WALSH. Yes; I will find the clause in there, if that refers to the whole annex, and I think it does.

Senator SWANSON. If you will look at page 67 of the annex, it is named "Annex." Then it concludes.

On page 93, here is the way section 40 reads [reading]:

"In all matters dealt with in the present annex the decision of the council of the league of nations will be taken by a majority."

On page 67, if you will read through—it is named "Annex"—it shows that all that in the annex is limited to a majority.

Mr. WALSH. I did not so get it out of the CONGRESSIONAL RECORD. I will try to come back to it. I took this CONGRESSIONAL RECORD in my analysis and that is my conclusion. I will come back to that.

Now, then, to begin with, fundamentally I say that the setting up of this assembly and council absolutely pushes us away not only from the ideas of our Government, but surrenders us in this way to the conception of monarchy as opposed to a republican form of government.

We were present, as I say, in Paris. We were there at the time when all of the experts were resigning. We were there at the time when all of Paris understood that the ideals for which we entered the war had been circumvented. We were there and heard the secret treaties discussed. We were there and heard not only the facts, but the intelligent men and women from many of the struggling nationalities, and all of them drawing the point of departure from democracy to autocracy or monarchy just as I am going to try to draw it here.

We start with this council, which consists of the representative of the American Republic, the minister of the King of England, the minister of the King of Italy, the minister of the Emperor of Japan, the minister of the King of Belgium, the minister of the King of Spain, the minister of the King of the Helenes, and the representative of the Republic of France, essentially different in form, of course, from our own, and the representative from the Republic of Brazil. So we started out with a monarchical institution essentially to pass upon all questions the council of the proposed league of nations has the right to pass upon.

We find as we look through this treaty, first, that the nations are not disarmed. We find that we are entering into obligations ourselves to increase our armament. We find that we are under a practical obligation to increase our armament fivefold. We find that under the authority—and I am speaking of it now as absolute authority—that this is a virile living thing that is intended to effectuate its purpose, with all the influence and power that can be put behind it by all of the powerful nations of the earth, and it is that sort of institution.

Senator HARDING. You have noted that the President has said that we really have no obligation except to pass upon the orders of the council in accordance with the conception of justice.

Mr. WALSH. I have followed that, and in my slight study of metaphysics it is too deep for me. I read it over and over again and tried to put it in the blunt way I have by saying that this is a document of liberty and power or it is an essential fraud; that if we admit there is such a thing as international law, under international law it must have all the force that any other agreement has between nations or it has not any at all. That is my conception of it, and I give it for what it is worth.

Now as long as we are a powerful nation and as long as the signatories with us have work to do for their kind of an imperialistic character in the world so long will they carry America along with them. If we furnish the men, if we furnish the treasure, if we spill the blood—and it must be done at once, as I will try to show before I leave my remarks—then we go along with our fellow imperialists and we are full imperialist criminals with them. But if our one man on that league of nations decides that we will not go on, then it will be found that we did not need this large army, that we will drop under a pledge that we have made to allow the council to set the quantity of disarmament or armament that may be had. We will then drop down into a small armed country. Why? Because it is not necessary to police our country. Why? Because if we refuse as a matter of fact to join with them in their imperialistic aggressions, and they have the power under it to allow Germany—we conjure hatred with that name of old, and so I mention it—if we admit Germany afterwards into the league, then England could right away have a standing army or navy to conquer any country that they desired to keep under subjection or to place under subjection, while we would have a small army if they disarmed us on land and disarmed us on sea, and we might have a navy half as large as England's, and she could have a navy twice as large as she has at the present time.

And so I might go through this document. I will be glad to do it. It can be done. But I know you gentlemen have done it.

I would do it if I had the power, which I doubt.

If this is not a covenant for a league of nations, what is it? Can there be any dispute about it? It is a so-called covenant of a league of nations proclaimed to the world, and honestly by its advocate—by its only advocate, who I believe has followed this thing through, because there is a propaganda going on in this country such as there never has been before. On Broadway, New York, I heard a Government official connected with the Educational Department in Washington. May I without offense to the gentleman say that he has never read this league of nations covenant. But he had a crowd around him and was speaking for it to the people of the United States. I saw another man speaking for it and asking his organization to indorse. I know this gentleman has not read it.

It is called a covenant of the league of nations. It is a catchword. It first caught my consciousness. It is a catchword, and that will bring behind it those who abhor war and those who believe that some start ought to be made with a league of nations. But the truth ought to be written that it is a league to effectuate and maintain permanently the divisions of territory, and the seizing of the lives of men and women as contained in secret treaties about which the President of the United States knew nothing when he made these utterances, about which he knew nothing when he went to Paris, and about which we knew nothing; and for the upholding and maintaining of the principles of which 300,000 of our men were killed, gassed, and wounded in foreign lands, which can not be denied here. I have read the questions asked by Senators BORAH and JOHNSON. It is in the minds of all of you that when that Big Three sat, there were three dominating thoughts. One was a man of ideals—of honest ideals. I say that I believe that if our President could have come back to this country with every one of them put in force, his heart's greatest desire would have been met. I believe that. But when he got there, as he expressed it, he had in mind all of the principles for which we had gone to war, an end of secret diplomacy, an end of back-door intrigue, an end of the power of one man to get into a squabble with another and call to arms millions of people, the young manhood of the country that he happens to represent, that there was to be an end to this thing of dividing territory regardless of the wishes of the people, that always and ever the rights of nationalities were to be considered, that always and ever no man hereafter should have a government imposed upon him that his conscience did not approve of, but he found that secret treaties had been made absolutely abrogating every one of his 14 points. What became of the freedom of the seas?

The recognition, if you give it—and I trust in God you will not—to England's protectorate over Egypt means that England takes Turkey's right to the Suez Canal; means, if I conjure the thought correctly, that it gives England a grip on every quart of salt water in the world; this country, attempting to enforce ideals, laying down what is contained in some parts of the present proposed league of peace, the present covenant. On the other hand, what do we have? I must state it plainly. I do not believe from my observation that the French people as a people have imperialistic aims. You can not get the thought or the reaction, I believe, that would convince you of that. At any rate, I believe that so intent were they particularly upon getting reparation for the devastation of their country, so anxious were they to have guaranties for their future protection, and so insistent was this demand, that it became, as the President said, a state of mind, and nothing else, so far as France was concerned, could be considered; and so all the press of France sounded that one note; and so everything was censored that might have anything to do with the enforcement of our ideals as expressed in the messages to Congress, in the writings and speeches of the President.

On the other hand was the representative of the King of Great Britain, Mr. Lloyd-George. He held his eyes to high heaven and said that England had no imperialistic aim in the war; that they did not propose to gain one yard of territory. And when they were urging us into the war, you remember how he denounced—how Mr. Asquith denounced—what they called the lie of the enemy, that they had any desire for any territorial aggrandizement. But Mr. Lloyd-George was there, and there for that purpose alone. He emerged with his mandatories or with his protectorates or whatever you call them; and I point to them and I point to Egypt and I point to Ireland, and I say, whatever they call them, they are always the same—and I say that at the very foundation of it, it is the desire and the purpose to economically subject the people of those countries; to keep them in practical slavery—the producing masses of those countries. The people who produce the cotton in Egypt are not allowed to manufacture the goods into textiles in their own country, but are compelled to send the raw material to England. If England did not get that economic advantage, as they have in Ireland and as they have in every country into which they have gone, she would have no concern in going in there.

I have no hatred of England. I am proud of her achievements where they have been good. But I say in the very genesis of the imperialist idea is corruption, the very thought of holding their people for economic advantage is, governmentally and internationally, if you enter into it, dishonesty.

Now, then, she emerged with an added control over something like 33,000,000 people, with an area in land, and valuable land, gold mines, diamond mines, the richest agricultural land existing in the world, in her own bag. Did she do it honestly and fairly? Can any league be a good league that has this honestly as its genesis? Was it fair, I ask—was it fair, gentlemen of this committee, let me ask—to take the lives of our

300,000 men or to cripple them; was it right to accept our aid under the declaration we made; was it right to accept our aid after Lloyd-George and Asquith had declared that they wanted no more territory, when they absolutely had the obligation so far as it could be international to hold that territory, and when they had in their minds that they would do exactly what they did do with the representative of the United States—that instead of following out the principles for which we entered the war they would get an agreement including among its signatories our powerful country, with its great resources, to effectuate and to keep forever what they had already gotten, a territory five times larger than the thirteen original States of the United States? As I say, I do not care what they call it, a mandatory or what not; they have it, and by force of arms and by the help that they think we can give them, they are going to keep it.

I would like at this point to try to direct a few observations, that may again be an answer to what Senator BRANDEGEE asked, as to the constitution, the constituent elements, of this league of nations, and the way it is being gotten up. Some place in the world there is a committee of seven men. I do not know whether there is a democrat upon it—I mean a democrat in its wide sense. I do not know whether there is a man on it that believes in the representative form of government. Has this committee been given a name—a committee to organize a league of nations? Very well, some place there is a committee sitting in the world. It may consist——

Senator JOHNSON of California. Did anybody on this committee know that that authority had been given?

Mr. WALSH. I think Senator FALL knew it.

Senator FALL. I knew it.

The CHAIRMAN. When I shook my head, I meant that I did not know the names. We know some of the people on it by reference to the newspapers.

Mr. WALSH. I have observed them. They all have been published.

The CHAIRMAN. Not to my knowledge.

Mr. WALSH. Some place sitting in the world there is a committee whose personnel is unkown in toto to the chairman of the Foreign Relations Committee. That committee has this important duty, if you do not know——

Senator FALL. Among its other duties, it has to control the agenda.

Mr. WALSH. They not only put down the primary organization, but they named the agenda for the first meeting.

The CHAIRMAN. And they also arranged the personnel and the officers of the league.

Mr. WALSH. They have gone even further than that, anticipating that the Senate would not perform its duty under the Constitution and advise against this if they thought that it was wrong. You will refuse to give your consent to it if you believe as I do about it. Anticipating that, Sir Eric Drummond was appointed first secretary general.

I want to say to you gentlemen who, I know, have had large experience in constituting boards and bodies, that a general secretary with the power that Sir Eric Drummond has, will have more influence upon the conduct of that board than will a majority of the members. I say that because he has the ability to and he will make the suggestions as to the agendum. He is the one who will receive the protests of people who claim they are being subjected or repressed. He is the one at first hand who passes primarily upon every act that that committee will be called upon to perform. So I say, knowing the little that I do about constituting boards, and in cases where they are brought from different parts of our own country that a general secretary of a board composed of different-speaking people from all over the world is the man who will control that body, practically, if not absolutely.

At the present time there are peoples subject to restrictions in all of the countries of the world. As I heard detailed to you the other day, the officers of the Government of Egypt have the right, so far as I can see, to be diplomatically represented in this or any other nation on earth. They showed me their papers, and they came from their own State Department, and they did not need to be visèed by Great Britain. They came to Paris. They were shocked when they came there to find that two days before they arrived the President of the United States had given out an interview in which he recognized the protectorate of England over Egypt, and adjured the people of Egypt not to commit any violence or do anything that would cause pain and suffering to the inhabitants. And these men, precluded from any effort to get into the conference, spent the balance of their time attempting to see the President of the United States, and before he left he advised Saad Pasha Zagloul that it would be impossible on account of lack of time to see him. This covenant is set up under the direction of Sir Eric Drummond in the United States. How is Saad Pasha Zagloul to come in? How is he to get in the building when he could not get in the country?

A BYSTANDER. How did the Irish get in?

Mr. WALSH. Because the Irish people had the spirit, because those Irishmen knew the genius of our country, knew that no mere prohibitory law with reference to criminals could keep a man out of there who was making a fight for liberty. That is how de Valera got in. That is the spirit that brought him in. The people of Ireland have representatives. They have sent their envoys, sent by the regular government of Ireland, to Paris. They have to go there on some specious plea or on disregard for some restrictive statute or ordinance or regulation. The Egyptians are a great people. There are many millions of people there crying out against the dominion which they despise, in order to come into the league of nations. How did they get into the building? The answer is how did they get into the country? I have said, and I say again, that there should be no pretense that we are going to hear anyone or that we are going to have any part in European affairs if the right of every decent man to come and go freely across the earth's surface is not accorded to him, holding him strictly amenable to the laws of every country in which he may be, whether those laws are to his liking, good or bad. But we can not talk about having an international body where we have restrictive laws that would keep the men that are trying to get a voice for their people from freely attending the place where the conference is to be held.

Mr. Chairman and Senators, this question, of course, to my mind, is not an Irish question. I want to say to you that the people of Ireland are better acquainted with our laws and our customs and the interpretation of our Constitution than any other people on earth, and I say that without boasting, and they are convinced that this league of nations would not only not furnish them any help, but would be absolutely destructive to their efforts for independence, and that they would not get their independence at all until the next war between half and half of the world was settled and democracy finally triumphs. That is the answer to the question.

What did we find there? We went through Ireland; we visited it. They have separated from England. They have set up a government of their own. There is an English censorship that does not allow news to get out. We got there, and what happened in Ireland? We have it in that blue book, Gov. Dunne and myself. It can be backed up by a wealth of evidence that will make every assertion so clear that even Mr. MacPherson, the chief secretary for Ireland, could not deny it. We challenged them to appoint a committee of their own to investigate conditions in Ireland. Why? Not that we would embroil the United States in any contest that Ireland is having, but in order that you may do nothing that will make the chains stronger upon Ireland.

Senator BRANDEGEE. Did you read the speech that Senator WALSH of Montana made in the Senate the other day, in which he claimed that the only hope for the Irish cause was in the league of nations.

Mr. WALSH. I did not have the pleasure of reading that. There is so much being published now that I can not read it all, but I say this: I respectfully differ from the conclusions arrived at by Senator WALSH. As I say, I just came from Ireland. Those are intelligent people over there. We have referred to the small nations, and I say that it warms my American heart to see the way those people clamored around our headquarters. It was a sort of headquarters for the oppressed people of the earth. They have an idea that the President's 14 points are absolutely in the hearts of our people. They have an idea, and have it very strongly, that in some way there is some power that is never going to allow this division of territory to be made. So we met these people; some of them splendid people. They are called backward and subject peoples, and small, and all those diminutive names. We found a state of war going on in Ireland. They have a volunteer army of 200,000. They have their officers. They drill daily, practically all of them are mobilized, and they have their maneuvers. The effort to repress them is an effort of force. We ought to understand this thing and look at it plainly. We heard about the so-called murders, and I shall try to classify them. Reference has been made to the constables. They are not constables such as we know. They are members of a standing army. They carry rifles, and they drill with rifles. They have machine guns. They live in barracks as soldiers do. They are never residents of the community in which they operate as constables.

So they are soldiers. They act under the direct command of the commander in chief of the English army of occupation in Ireland. They took prisoners; the prisoners they took are republican volunteer soldiers, and they were taken, not as assassins but in broad daylight, in the large cities of Ireland.

These men met them, and they met them in a way which, if war was declared and it was our country, because of the fight they made against unequal odds, they would be entitled to a medal from the Congress of the United States. They retake the prisoners of the English Army. In taking them, if they have to do it, they kill the soldiers of the army of occupation, of course, and the soldiers of the army of occupation try to kill them. Is it a state of war? There is the most crimeless country in the world. There is jail after jail, built to hold a thousand men, with 10 common-law prisoners in them, misdemeanants, or men charged with felony, and hundreds of men charged with nothing but being republicans. Are they criminals? These fights and flurries at arms take place in the large cities in Ireland. The Irish people retake their prisoners and take them away—in one case with 10,000 people looking on. These people are their soldiers and their heroes. They protect them and they fight for them, because they say that a battle is going on. The English Army is in Ireland to-day with every device of death immediately at command. I saw them build the emplacements upon which the machine guns are now firmly fixed, covering Liberty Hall in Dublin, so as to send a deathly fire into the headquarters of the national labor organization of Ireland. And why? Because, I say, those men, the most conservative labor organization in the world, going along lines approved of by all men, are likewise republicans, and instead of treating them as citizens they treat them as criminals. Those jails were created. We saw men confined in those jails that would compare with the gentlemen whom I have the honor to address this morning as lawyers.

We saw newspaper men there, Senator JOHNSON, who compare most favorably with any that you know in California or with the very best that I have known, who own and edit their own newspapers. We saw men who have devoted a lifetime to doing something for the people whom they represent—members of the Irish Parliament—in solitary confinement. We saw the cells in which they had been confined. They were taken out of them the night before, we were advised, but we saw the underground cells in which they were kept in solitary confinement, and when we asked the question of the governor of the jail, or made the assertion at Mountjoy, he did not deny it. We heard the story at first hand of the statement of the women, young and old, those whom I met, and from whose lips I heard the story which I would not undertake in this presence to detail because of its loathsomeness. I heard that story from the lips of women as refined, as virtuous, as intellectual as your wife and daughter and mine, and I can pay them no higher compliment; and what I say is going on all through Ireland to-day.

Talk about Bolshevists! Property is absolutely unsafe in Ireland. Raids are made on private residences, and thousands of dollars' worth of property are being taken, and not even what they call contraband. Every excess that applies to an army engaged especially in an unjust war is being practiced upon the Irish people. Thousands of dollars of ordinary mercantile establishments are taken away. Everything is done to break the spirit of those people. Yet we are asked to show that at a time a commission is undertaking to establish peace they are trying to pass this covenant, intended, as they claim, to prevent war, while a state of war actually exists in Ireland and in other countries, and at this very time they refuse to listen to the Irish people.

We are here to state to you, gentlemen, that if this league in its present form is consented to by the Senate, 200,000 men, according to their own statement—because I speak only by what they say—stand ready to-day before the world to bring America back to the ideals which it has always preserved.

Judge COHALAN. Mr. Chairman and gentlemen, I will now ask Mr. Michael J. Ryan, of Philadelphia, another one of the commissioners, to come forward and tell his experiences in Paris.

STATEMENT OF MR. MICHAEL J. RYAN.

Senator SWANSON. Mr. Ryan, before you begin, I think I should suggest to the other members of the committee that the Sergeant at Arms of the Senate has sent for us to come and make a quorum.

Senator BRANDEGEE. Why, we have the permission of the Senate to sit during the sessions of the Senate.

Senator SWANSON. Well, we can not break up a quorum.

Senator BRANDEGEE. We have permission to sit here.

Senator BORAH. Tell them to adjourn.

The CHAIRMAN. You may proceed, Mr. Ryan.

Mr. RYAN. Mr. Chairman, I have been asked by the chairman of our conference to participate in a departure from our program upon which we agreed this morning. It was then contemplated that Mr. Walsh should speak, and then that the governor of New Hampshire and the lieutenant governor of Montana should be heard, and that the closing argument upon the legal propositions advanced by the committee should be made by Mr. Bourke Cockran, to whom I am sure it will be a delight for all of us to listen. I am asked merely to rise for a moment and give an experience. I understand that some of you have asked that those who visited Paris should make a little statement.

We reached Paris—Mr. Walsh, Gov. Dunne, and myself—on the 12th or 13th of April. We immediately sought an interview with the President of the United States. We joined in a letter which appears as the first communication signed by the three of us, addressed to the President, asking for an interview. We set forth the purpose of our coming, to wit, that safe conduct should be granted to Eamon de Valera, the president of the Irish republic, Arthur Griffith, and George Noble Count Plunkett to Paris from Dublin, so that they might present the cause of Ireland. We have set it forth on page 2 of the document that is now filed with each of you. Some days afterwards the President, through his secretary, caused a communication to be sent to Mr. Walsh, asking Mr. Walsh alone to visit him, which he did. We were then referred to Col. House, and our communications during my entire stay in Paris were with Col. House. I left Paris on the 24th of May, and I left when we learned the attitude, as will be discerned from the communication printed in the pamphlet to which I have heretofore referred, signed by Robert Lansing, in which he says:

"I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile, and, therefore, unwise."

Col. House I had never seen, nor had I read much of him. I belong to the party, as Senator KNOX knows, of which President Wilson is the official head, and I confess that I was curious to meet the great Col. House. He undoubtedly treated us most splendidly, and he deserves all of the commendation given to him in respect to smoothness and velvetness of character, and I doubt whether we could at all find fault with the kindliness and courtesy extended to us by him.

I have listened to a summary of the proceedings of the peace conference, and I would confirm that from our knowledge of that which took place in Paris, with this detail. I think we were all three informed by the chairman of the subcommittee, to whom was theoretically allotted the preparation of the league of nations draft, that the perfected instrument was handed to him with instructions to present it within 10 minutes.

Senator FALL. Who was that?

Mr. RYAN. I would rather not now state. I shall probably inform you later on in the day after a conference with our people.

Senator FALL. We would like to know.

Mr. RYAN. I am sure you would. And the draft was read. There was no debate upon it. After its reading, the first man to interrupt was the representative from Japan, who stated that it had been his intention to present the question of race equality, but that he waived it for the time without withdrawing it, or without being misunderstood as asserting it. The representatives of Belgium arose and stated that they had hoped in view of Belgium's sufferings that Brussels would have been selected as the permanent place of meeting rather than Geneva. Some representatives of the South American Republics rose up, and then Chairman Clemenceau stated that there being no further objections, the league of nations was adopted. There was no roll call, and those of us who had heard of it, envied the skill with which it was handled and adopted, and we marveled at it all.

Senator BORAH. Is there any difference between the steam roller in Paris and in the United States?

Mr. RYAN. No; we regarded it with admiration. Some of us had had experience in Kansas City, in Chicago, and Philadelphia, and we thought that we had learned much in France which we might use profitably in America. At the last interview that I had together with my colleagues, with Col. House, the suggestion was made that we might present that which we had—our cause—to three of the American commissioners. We demurred. He then added that he would join in hearing us. We were jocular with him, and, as I say, everything was exceedingly pleasant. He was most courteous, and we suggested, and he joined in the suggestion, that it would be a great pleasure to listen to us upon the Irish question, that he could join three of his colleagues. There was a suggestion that we ought to have the President, and I am very positive that he said that the

five commissioners had never met, the five American representatives had never met to consider any question. I mention these things hesitatingly, but at the urging of Judge Cohalan, with the thought that they might be makeweights in the scale, to show to you men the direct absence of consideration of the peoples pressing for hearings, who sought to be resurrected into nations.

The interview which you have ordered to be printed, which took place with the President after I had gone, showed some of the reasons moving the President for his conduct, because he there asserts that it was agreed that no hearings should be given to any representatives of any small nations without the consent of the entire big four. Of course, unanimous consent could not be obtained. You Senators heard the cause of Egypt presented yesterday. It was to me a sad spectacle to see 20 men, magnificent in their manhood—for, being somewhat undersized myself, I look with admiration upon a 6-footer—treated in such fashion by the Paris conference. Of those 20 magnificent specimens of Egyptian manhood the chairman alone did not speak English. All of the others spoke many tongues, and it is curious that at least two of them—and I think, perhaps, three—spoke Gaelic, although neither Mr. Walsh, Mr. Dunne, nor Mr. Ryan speak a word of Gaelic. These men have been students at various universities, and those of whom I speak specifically had studied medicine in Dublin. They were at Paris, gentlemen, able men, asking for a hearing, and a hearing was denied them.

Senator BRANDEGEE. Do I understand you to say that you were informed by the President that no hearings could be had of the smaller nations except by the unanimous consent of the Big Four?

Mr. RYAN. I was not present, but I read the interview, which you have given permission to print, and that statement there appears.

Senator BRANDEGEE. What I want to get at is this: Does this interview show whether the President stated whether he had made the request for unanimous consent that hearings be accorded them?

Mr. RYAN. I do not think so. I do not think he had made that request. In fact, I think you can see that from Mr. Lansing's letter, and upon the receipt of that letter I came to this country, believing that our hope lay more in America than in Paris. He writes——

Senator BRANDEGEE. Who writes?

Mr. RYAN. Robert Lansing. This is a letter addressed to Hon. Frank P. Walsh, and it appears on page 10 of the pamphlet to which I have heretofore referred. We addressed a letter to the President on May 22, 1919, asking that the communication which we inclosed be transmitted to Monsieur Clemenceau, president of the peace conference, which letter will be found on page 8 of the pamphlet heretofore referred to. I wish now to read the reply to that letter which is signed by Robert Lansing, and which appears, as I say, on page 10 of the pamphlet heretofore referred to. The letter is as follows:

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Hotel de Crillon, Paris, May 24, 1919.

SIR: I have received the letter which you and Messrs. Dunne and Ryan addressed to me on May 16 regarding the issuing of safe conducts by the British Government to Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, in order that they may proceed from Ireland to France and return, and I immediately took steps to acquaint myself with the facts of the case, which transpired before the matter was brought to my attention by your above-mentioned letter.

I am informed that when the question of approaching the British authorities with a view to procuring the safe conducts in question was first considered, every effort was made in an informal way to bring you into friendly touch with the British representatives here, although owing to the nature of the case it was not possible to treat the matter officially. The British authorities having consented that you and your colleagues should visit England and Ireland although your passports were only good for France, every facility was given to you to make the journey. Before your return to Paris, however, reports were received of certain utterances made by you and your colleagues during your visit to Ireland. These utterances, whatever they may have been, gave, as I am informed, the deepest offense to those persons with whom you were seeking to deal and consequently it seemed useless to make any further effort in connection with the request which you desired to make. In view of the situation thus created, I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and therefore unwise.

I am, sir,
Your obedient servant, ROBERT LANSING.

In this correspondence you will find that my colleagues challenge the point that we had given utterance to any thought which gave offense to anyone. We went to Ireland at the request of the representatives of the Irish people and with the consent of Mr. Lloyd-George. Our passports were amended, mine and Mr. Walsh's, upon the application of the President of the United States. Gov. Dunne had the additional distinction, appearing in the record, of his passport having been amended upon the application of the President and Mr. Lloyd-George. Why this signal honor was given to him I do not know. Probably the typewriter slipped up on the other two.

Senator KNOX. Amended in what respect?

Mr. RYAN. In this respect: We made application when we went to Europe for France alone, for Paris. We did not contemplate a visit to Ireland. When we reached there suggestions were made to us of meetings and time was being lost, and in the meantime we were invited to go to Ireland. We then sought to have our passports changed, and they were changed forthwith, although the State Office said that such a thing had never happened, that it would take at least three weeks by cable to effect the change. Nevertheless, they were changed within an hour and a half and delivered to us; changed after that message had been received from the State Department. We did go to Ireland, and we saw the conditions detailed there. We visited all parts of Ireland.

At the request of the representatives of Lloyd-George, Gov. Dunne and I visited Belfast at the request of Sir William Wiseman, the liaison officer between the two Governments. We visited all parts of Ireland, and the conditions portrayed by our chairman are exactly as portrayed. They present to different minds, of course, different phases, but you have a people there united to a degress unparalleled in their history. I have been connected with the Irish movement during all of my life. There has never been such unanimity among the Irish people, and there has never been such a unanimous desire upon the part of the people of Ireland for their recognition by the people in the United States. I do not care what official place men may hold through whose veins flows Irish blood, when they seek to uphold this tyrannous production, then I say they fly in the face of the desires and the hopes of the Irish people. We are one in this matter as never before in our history. I never saw Ireland until I saw it in May of this year. They are a wondrous people, a kindly people, yearning, yearning for betterment. By every test that the President meted out, they have met the requirements. Under the forms of British law, 79 representatives are hostile to English rule out of an elected 101—79 out of 101—73 of these 79 were elected as ultrarepublicans, saying they would not sit in the British House of Commons if chosen, and upon that platform they were chosen. There was division among the people, because large masses of them who are what are called nationalists still believed there was no hope for a republic. Therefore they divided their vote. Men there say that upon a plebescite, the nation, four to one at least, would vote for an Irish republic. All Provinces in Ireland are as one. For 30 years, may I call to the attention of Senators, every one of the four Provinces in Ireland has been a nationalist Province.

For 30 years 17 out of the 33 representatives from Ulster have been nationalists. When men speak of this Ulster question and say that it indicates hostility to the aspirations of the rest of Ireland, they speak in ignorance of the history of Ulster. The best blood of Ulster, the people of Ulster, have been the radical revolutionists of Ireland. The united Irishmen who first proclaimed and sought the establishment of a republic—that movement was originated by the Ulster men, not Catholics, in 1792. The greatest name in Irish history, the one most loved, the one to whom the hearts of the people go out in greatest enthusiasm, was the founder of that organization, Theobald Wolfe Tone, the man who died in the rebellion of 1798 with the Ulster Protestants. And need I say to you that Robert Emmet was also a Protestant, though not an Ulster man? Those of you who walk along lower Broadway in New York City will see as you come up to Cortland Street, at St. Paul's Church, two great monuments, higher than from floor to ceiling of this room, one telling of the life of the brother of Robert Emmet, the brother who, fleeing from imprisonment, sought refuge in New York and became its attorney general and one of the leaders of the American bar.

The other is a monument of like character to Dr. McNevin, who rose to the head of American physicians in the early days of the nineteenth century. These men are typical of the long roll of Ulster men who fought and died for Ireland. Why, Senator KNOX, your Pittsburgh district is filled with the names of the Pattons and men of that character whose ancestors died in Ireland battling against British tyranny. They gave to Pennsylvania so many of its names, Colerain, Donegal, Tyrone, and Duncannon, all resplendent in its history. Those men

brought these names to their new homes, and they helped to make that great American Commonwealth. They reached out away beyond the Alleghenies, and they peopled the West, and I doubt not the ancestors of many of you were of that glorious strain. There is no religious question in this Irish movement. Excepting O'Connell and Regnan, in the whole long line of Ireland's history, when we call the roll of her mighty men, there were only two or three Catholics. In the last 150 years, with Molineaux and Swift and Wood and Grattan and Emmet, and Archibald Hamilton, and Rowan and Curran, and John Mitchell and Parnell in our own day, the men who make up this splendid body of idealists, even though their writs run to no foot of land, these men have been animated by a holy hope for liberty. All three of us who went to Paris—Dunne, Ryan, and Walsh—were born in this country. All our interests are here. The dust of our fathers and the bones of our children are alike buried in America. We love America above all other nations; three of my household went into this war.

One of my kin is dead at Chateau-Thierry. I looked for his grave over there. The French Government conducted me and Gov. Dunne to find that grave. Our kin entered this war believing that the United States meant what it said, that the right of self-determination should be given to all peoples, and the Irish, no matter what their feelings were that no war should have been declared, when this Congress spoke they rallied to a man; they poured forth their blood and their treasure, whether from Massachusetts or Missouri or Pennsylvania or California. Wherever it might be, the Irish rallied to the cause of the Stars and Stripes; I beg of you Senators to exercise your rights and keep the pledged faith of America. Keep close to the living and to the dead, and save this Nation and save our sons from engaging in wars to which neither the conscience nor the Congress of the United States shall give its assent, by defeating this treaty. [Applause.]

Judge COHALAN. I have the pleasure of introducing Gov. Dunne, the third member of the commission that went to Paris, former governor of Illinois, former mayor of the city of Chicago.

STATEMENT OF HON. EDWARD F. DUNNE.

Mr. DUNNE. Senator LODGE and fellow Senators, I with my colleagues appreciate the great courtesy extended to ourselves and to those who will address you after I have concluded my brief statement, and I will not unduly trespass upon your most valuable time.

Permit me briefly to corroborate in general the statements made so eloquently, so forcefully, and so truthfully by Mr. Walsh and by Mr. Ryan. Let me tell you gentlemen why we went to Paris. We had read, as every American citizen has read, the aims and objects of the American Nation as expressed by its Chief Executive in entering this World War. We believed that the aims and objects so lucidly, so clearly, so forcefully stated by the President of the United States would, when that war was consummated, be carried out at the conference in Paris.

We, with millions of our fellow citizens in this country, expected that the Irish nation would not be made an exception among the weaker nations of the earth. We waited with patience and with confidence that at the conference in Paris the representatives selected by the American people would embody in the terms of the peace that was to be consummated there the aims and objects of the American people as expressed by its President. We waited until the 1st of February. We knew that in Paris the envoys of the Irish nation were knocking at the doors of the conference and asking a safe conduct for the duly elected representatives of the Irish people to Paris, so that they could present to this conference the claims of the Irish people to nationhood. So far as the papers of America were concerned, and so far as the papers of the world were concerned, the name of Ireland was not mentioned at that conference. We are citizens of America, who were born here, who love and admire this country, and believe in keeping its faith; we happen to have Irish blood in our veins, but all three of us, like Mr. Walsh, were born here, and we all feel alike about this country. Like Mr. Walsh, I was not identified in any way with Irish societies. For years and years before I was honored by that great convention with the appointment as one of its commissioners, I had devoted all my life to American citizenship solely, and had been honored by my fellow citizens as an American citizen. I love this country above all countries, as they do, and we would sink Ireland and every other country into the deep rather than sacrifice the interests of this country.

We met at that convention. I think it was the most extraordinary convention I ever attended. Over 5,000 people who felt as we did gathered from every State and Territory in the United States, and under the guidance and inspiration of that convention a committee of 25 were appointed for the purpose of assisting the Irish people before the American commission in Paris to obtain a hearing, and the right of Ireland, as determined by an election held in December, a month after the armistice was signed, under all the forms and securities of British law, in which it was determined by three-quarters of the Irish people, in round numbers, that an Irish republic was born, and a declaration of independence was issued such as the American people issued in 1776.

That committee of 25 honored Mr. Walsh, Mr. Ryan, and myself, asking us to become a commission of three to go to Paris, to appeal for what and to whom? To appeal to the representatives of the American Nation in Paris for the right of the Irish people to be heard in Paris along the lines enunciated by the President when he advised the American people to enter this world-wide war. Before we left Washington Mr. Walsh, in a letter to the Secretary of State, told the Secretary of State the object of our mission. It was avowedly political. It was avowedly for the purpose of enabling us to obtain a hearing for the Irish nation before the world peace conference. That letter is on file with the Secretary of State. After some delay passports were issued. I believe there was a protest from the British Government which delayed us 48 hours, but the Secretary of State granted the passports upon that letter.

The Secretary of State and the whole world knew, through the newspapers, the object of our mission, which was avowedly political.

We arrived at Paris. We were careful from the start to place the objects of our mission in writing and address it to the President first. The letter was addressed to the President and we were accorded a long interview, and I think I can characterize it as an unofficially sympathetic interview. The President referred us to Col. House. We had several interviews with Col. House, who treated us with extreme courtesy and acted with extreme diligence, but also unofficially.

I think Mr. Walsh interviewed every member of the American delegation. I personally interviewed every member but one, Secretary Lansing. We pointed out that we came as American citizens to address five American citizens in their official capacity as the representatives of the great American Republic, and all that we asked of the official representatives of the American Republic was to use their good offices officially to obtain for the duly elected representatives of the Irish people, elected under all the securities of British law, the right to plead their case before the tribunal in Paris. That was the sole object of our mission. Col. House acted with extreme diligence and courtesy, as my colleagues have told you. I think he interviewed Lloyd-George on the subject, and gave us to understand that he believed we were going to get for them that safe conduct.

The CHAIRMAN. Unofficially?

Mr. DUNNE. Unofficially, but told us that Lloyd-George—I suppose also unofficially—desired to meet the members of the delegation, and we believed that our cause was so impregnably just from the standpoint of American citizens that we could afford to meet and argue with Lloyd-George the justice of the Irish demand, and we consented to meet him at any day he might designate, and a day was designated to meet him. On the day designated it turned out, and I think truthfully, that owing to the exigencies of the situation in the preparation of the final draft of the peace conference and its presentation to the German representatives, Lloyd-George was unable to keep the appointment for the interview with us, and we were courteously so informed in the presence of Col. House, by Sir William Wiseman. It was then suggested, I do not know by whom, that as the safe conduct was not to be given promptly, and as the delegates of the Irish people were in Ireland and we were in Paris, it was impossible for us to confer with them, if they could not come to Paris, unless we could go to Ireland.

Thereupon, by prompt cooperation between the American officials, French officials, and British officials, we were given passports the next day which stated upon their face that our mission was diplomatic, and that we were going upon an unofficial political mission, and we avowedly stated that our desire was to communicate with the representatives of the Irish people and to become acquainted at first-hand with the situation in Ireland. There was no disguise about the object of our visit, and no restrictions or limitations of any character were imposed upon us either by the British premier or by the French authorities or by the American authorities, and we went to Ireland. And this is what we found there in Ireland, a component part of the British Empire, that the people of Ireland were without any of the British constitutional securities which are thrown around the citizens of those islands. We found that the habeas corpus was practically suspended, because of the restrictions thrown around it by the rulings of

British courts, which made it an idle formality. We found the right of trial by jury suspended. Any man charged with political crime in Ireland could be tried only before a British court-martial, military authorities, or before a removable magistrate without a jury, these removable magistrates being appointed by the Crown, many of them from the police force, sent from Dublin and different districts in Ireland, removable overnight, earning salaries of $4,000 a year and amenable to the recall of the Government at any time.

Senator BRANDEGEE. Is there any appeal from the decisions of those military magistrates?

Mr. DUNNE. None that I know of. Men were arrested without warrant. We found that houses were searched without warrant and men when arrested were imprisoned in British jails or deported to English jails, and not informed what charges were made against them.

Senator BRANDEGEE. The previous speaker, Mr. Walsh, spoke of men being taken prisoners in this fight between the populace and the British constabulary. What sort of a trial did they get?

Mr. DUNNE. My information is that they got a trial before a court-martial or a removable magistrate. If a man in Ireland makes a speech in which he advocates the republic, he is immediately brought up. If he advocates or argues in favor of the recognition of the Irish republic, they take that man up before a court-martial or before a removable magistrate, who is paid $4,000 a year.

Senator BRANDEGEE. Under the British law it is a crime to advocate that, is it not?

Mr. DUNNE. Yes; notwithstanding the fact that 75 per cent of the people have gone to the polls openly and voted for that. We found that men's houses are searched without warrant; that men, women, and children are arrested without warrant and confined, at the pleasure of the Government, either in an Irish jail or deported to an English jail. A boy 11 years of age was arrested there and kept in jail for two months. No one knew where he was. Finally he was released when there was a threat of an investigation. That is the situation we found in Ireland.

The leaders of the Irish people—the men who were elected by their constituents to the British Parliament—refused to attend the British Parliament, and organized the Irish Parliament, the Dail Eireann. Many of them were in jail, not being able to attend the meetings of the Parliament, with the result, of course, that the sentiment of the people being so overwhelmingly with them that when they get them in jail they can not keep them there.

Robert Barton, owner of a landed estate—1,200 acres of the most beautiful country ever seen, with a manorial residence—an officer of the British Government, was compelled by the British authorities to take charge of Irish prisoners, and saw such indecencies committed that he resigned his office as a protest, becoming a republican, and was elected to the Dail Eireann. He made a speech during the campaign. He was arrested and placed in Mountjoy, remained there a couple of weeks, and then managed to saw a bar, left a very polite and humorous note, addressed to the governor of the jail, saying that he did not like his bill of fare or his sleeping accommodations, and would the governor of the jail be kind enough to send his clothes to the address given in Dublin. He was a man of such prominence and his case excited so much interest that an official investigation was ordered; and while the investigation was going on in the jail the deputy warden rushed in and said, "My God, there are 23 more of those fellows gone over the wall." That is the situation in Ireland.

Let me tell you of two little incidents that I witnessed with my own eyes. Three or four hundred soldiers under the command of British officers surrounded the Mansion House in Dublin, and three or four hundred policemen under official direction surrounded the Mansion House at half past 5 in the afternoon, for the sole purpose of preventing the Lord Mayor of Dublin from extending an official reception to the delegates from America. While we were attempting to get in, some guns were fired. There were a crowd of 20,000 or 30,000 people around the house, brought there by the mere fact that the military, with armored guns, were around the Mansion House. People were laughing at them and guying that ridiculous display of military force made for the sole purpose of preventing a social function tendered by the chief executive of the great city of Dublin to the three gentlemen who had come there from America.

A few hours before that the bedroom of the chief lady of Ireland was desecrated by the police, seeking as they claimed, some escaped prisoners. That is the situation which we found in Ireland.

Now, it is my judgment that if this treaty be confirmed by this body—and you are charged with the responsibility of approving or disregarding this treaty—if section 11 be approved you gentlemen will be acting as partners in the enforcement of that kind of law upon an unwilling people. We ask you to reject this treaty as American citizens, not because we are Irishmen, but because the Government over there as it now exists is an outrage upon constitutional government, because there is a situation to-day that rivals, if it does not exceed, the situation that prevailed years ago under the most tyrannical conditions of that time.

The CHAIRMAN. The committee will take a recess now until 2 o'clock. We will hear the Greeks from 2 to 3, and then we will resume this hearing.

Whereupon, at 1 p. m. a recess was taken until 2 p. m.

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess, at 2 o'clock p. m., Senator HENRY CABOT LODGE presiding.

The CHAIRMAN. I have here a protest against the views expressed in the morning session, signed by David W. Irvine, Henry Stewart, John Kennedy, Lieut. Lewis H. Shaw, Albert E. Kelley, William H. Cheney, and William Balfour. I told these gentlemen that we could not give them a hearing to-day, but I would give them a hearing next week. The gentleman who represented them said he desired to file this brief and have it published in our hearings.

Senator KNOX. It is a brief against what?

The CHAIRMAN. It is in opposition to what has been said here this morning. It will be printed at the conclusion of this hearing.

Senator KNOX. Mr. Chairman, I see no objection to including within our hearings everything that we hear, but does the chairman think that we ought to open the door for people to file briefs?

The CHAIRMAN. That authority was given when we started the hearings—that they would have a right to file briefs.

Senator KNOX. The first thing we know they will be filing books after a while. I think anyone who has anything to say ought to be heard.

The CHAIRMAN. This relates to the hearing which we granted this morning. The other side has requested to be heard in this way.

Senator KNOX. I think we ought to hear them, if they are here.

The CHAIRMAN. We could not hear them to-day, and I thought it would save the time of the committee to permit them to put in a brief. We have done that on several occasions.

Senator NEW. The brief is in lieu of a hearing?

The CHAIRMAN. In lieu of a hearing; yes.

Senator KNOX. I do not want to insist, but it does seem to me that if they have anything to say that is worth hearing we would better hear them rather than give them an indefinite right to print, because that is what it amounts to.

The CHAIRMAN. I think we can control the right to print.

Senator KNOX. Perhaps we can.

The brief referred to will be found at the conclusion of to-day's proceedings.

The CHAIRMAN. Judge Cohalan, I will ask you to present your next speaker.

Judge COHALAN. Gentlemen, I have the pleasure now of presenting to you Lieut. Gov. W. W. McDowell, of Montana.

STATEMENT OF HON. W. W. M'DOWELL, LIEUTENANT GOVERNOR OF MONTANA.

Mr. MCDOWELL. Mr. Chairman and gentlemen, when I came to Washington from Montana on yesterday morning with the seven governors who were appointed to attend the governors' conference with the President and the Attorney General, I did not know I was to have the pleasure and the honor of appearing before this committee.

I have been told by the gentlemen having this movement in charge that I am expected to speak only a few minutes, and that they would like to have me refer to the reception given to President de Valera, president of the Irish Republic, when he came to Montana recently. As my time is very limited, I will devote it to that angle of the matter, as tending to show the sentiment of the people on the question now being considered by this committee.

I will state that as lieutenant governor of Montana my duty is to preside over the State senate, and as such presiding officer I am familiar with the action taken by the legislature in its last regular session held in January and February of this year, and also the action taken at the special session held a few weeks ago.

At the regular session of the legislature last winter a resolution was unanimously adopted, there being no dissenting vote

in either the senate or the house, asking the Senate and House of Representatives of the Congress of the United States to use their best endeavors to bring about the recognition of the independence of Ireland.

Before the special session of the Legislature of Montana met, President de Valera, of the Irish republic, came to Montana. I live in Butte, and as I was then acting governor it became my pleasure to welcome President de Valera to Montana and to extend to him the freedom of the State. The reception which he received there was the most enthusiastic and the most spontaneous reception that I have ever seen since I have lived in Montana during the past 24 years. Our little town has a population of only about 65,000 people, but there were at least 10,000 people at the depot to greet President de Valera when he got off the train. It was almost impossible for him to get through the crowd to get into the automobile which was waiting for him to go uptown. I had the pleasure and the honor of riding uptown with the president, and I noticed that there were more returned soldiers in uniform escorting that automobile uptown than I have ever seen in uniform in Butte before or since the war started. I saw a great many horny-handed sons of toil break through the line and rush up to the automobile to shake hands with the president of the Irish republic, and there were tears in their eyes. The procession that came up from the depot with him was at least a mile and a half long. Every musical organization that we could get together in the State was there, and the sentiment of the people of Butte and the people of Montana is undoubtedly very strong in favor of Irish independence.

At the special session of the legislature the matter of again passing a resolution came up a few weeks ago. This was after President de Valera had been invited by me as the president of the senate to make an address to a joint session of the legislature. He stayed over several days so as to make this address. Some little opposition developed among some people in the legislature against inviting him. However, he was unanimously invited to address the legislature, which he did. He was then introduced to the crowd that could not get into the legislative hall, waiting in front of the capitol, and he received the same kind of an ovation in Helena at two or three meetings that he had received in Butte.

Another resolution was introduced in the special session of the legislature asking the Senate of the United States and Congress to do what they could to bring about recognition of the Irish republic, and this matter was fought out on its merits, and finally passed both the house and the senate by a good majority. I mention this to show that, in my opinion, three-fourths of the people of Montana and of the States around Montana are thoroughly and heartily in sympathy with the movement for the freedom of Ireland.

Senator KNOX. May I ask you a question right here? It was represented to us this morning that the fate of the Irish republic depends upon whether or not we reject this proposed league of nations. Now, you say the sentiment in Montana is in favor of an Irish republic. How is the sentiment there on the question of the league of nations?

Mr. MCDOWELL. I believe the opinion in Montana and in the surrounding States is one of decided opposition to any clause in any treaty or in any league of nations that will in any way stand in the way of Ireland securing her freedom.

Senator KNOX. Then, if Mr. Walsh is correct in his statement this morning that to adopt this league at all would defeat the Irish republic, your judgment is that the sentiment of the people of Montana would be against the whole league?

Mr. MCDOWELL. I think I have expressed the opinion which I wish to express in what I said before.

Senator KNOX. All right; I will not press you further.

Senator FALL. Would you object to answering this question? Is it the opinion there that any article in this proposed league would possibly affect the freedom of Ireland?

Mr. MCDOWELL. I think that among practically all of the Irish in Montana they feel that it would. There are a great many other people in Montana and in the adjoining States who are not of Irish blood, who, I think, are in hearty sympathy with the aspirations of Ireland and would be opposed to any clause in any treaty that would stand in the way of Irish freedom.

Senator JOHNSON of California. One further question: Do you think guaranteeing the boundaries of the British Empire will affect the question concerning which you are speaking here and the question that we have before us to-day?

Mr. MCDOWELL. Senator, I have answered that question as far as I am prepared to answer it.

Senator JOHNSON of California. I wanted to be perfectly fair on the proposition and perfectly fair as to the position that you gentlemen take in respect to this matter.

Mr. MCDOWELL. I am approaching this matter from a somewhat different angle from that of a great many of the gentlemen who have spoken here this morning so eloquently on this matter. I am a Protestant. My ancestors came to this country 250 years ago, and I am thoroughly and heartily in favor of Irish freedom and in helping them to obtain it. I think the great majority of the people of Montana and the surrounding States feel the same way about it, regardless of whether they have any Irish blood or not, and they would be opposed to any clause in any treaty that would stand in the way of Ireland securing that independence.

Judge COHALAN. I wish next to present Mr. John A. Murphy, of Buffalo, N. Y., the fourth member of the American Commission on Irish Independence, who has recently come back from Paris.

STATEMENT OF MR. JOHN ARCHDEACON MURPHY.

Mr. MURPHY. Mr. Chairman and Senators, in accordance with the request of the committee having in charge the American Commission on Irish Independence, I left on the 21st of June and reached Paris on the 30th of June. During the week while I was sailing the peace treaty had been signed, and the President and the presidential party had returned to America. The colleagues with whom I expected to fall in in the carrying on of the work, Messrs. Walsh and Dunne, had also returned from Paris, and I did not meet them in France.

It is needless to say that for a while the situation in France, as a stranger might sense it, was one of relaxation after the strain of the peace conference. It was one of an intense amount of gossip and whispers and reactions from the results of the peace conference.

During the most of the time I was there I was busily engaged in presenting the case of Ireland to the editors of the French papers and in endeavoring to obtain a presentation of it before Mr. Clemenceau, to whom it was stated the question of Ireland was referred in his capacity as president of the peace conference.

After being in Paris for about two or three weeks I became advised that before the President and Mr. Lansing left France they had been informed by Mr. Clemenceau in his capacity as president of the peace conference that no action would be taken upon the question of Ireland. That was material news and in my judgment it foreclosed any possibility that Ireland may have or might expect to have of prosecuting her cause before the league of nations.

On June 22 I wrote a letter in the name of the American Commission on Irish Independence to Mr. Clemenceau, and if you will permit me I will read the letter, or if you desire I will insert it in the record. It is on page 65 of the brown pamphlet.

The CHAIRMAN. The letter will be inserted in the record.

The letter is as follows:

[Personal and urgent.]

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 22, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and Premier of France, Paris.

Monsier le PRESIDENT: We are in receipt of information from sources of high authorities that, as president of the peace conference, you have notified American peace plenipotentiaries that, so far as further consideration of the Irish question is concerned, the matter is one in which you will take no action.

We understand this decision covers:

1. That the resolution of the American Senate, officially forwarded to you by the American commission to negotiate peace, and the recommendations contained therein expressing sympathetic support to the people of Ireland in their efforts to obtain a government of their own choice, is, by this action, denied in a manner suggestive of your entire disregard of American public opinion as rendered in the deliberate resolution of our highest legislative body.

2. That the peace conference further ignores the request of the honorable Messrs. Walsh and Dunne for the appointment of an international tribunal to investigate into the charges of barbarities and inhuman conduct, in violation of the rules of civilized warfare, perpetrated by the British Government through its military forces in occupation of Ireland, and upon its defenseless people.

The knowledge of your decision in these matters has been up to now withheld from the American public. The results of the publication of this information will doubtless have very material weight at this time while the attention of the United States Senate is occupied in matters of international importance, in which we feel France has a material interest. Arrangements have already been made for giving widespread publicity in

America to this decision on your part. But before taking this step, we respectfully suggest that an audience may be granted by you to the undersigned to present the importance of the situation, particularly in its relation to the future interests of France, of America, and of Great Britain.

There are 20,000,000 citizens of Irish blood in the United States, and the effect of this information when published there needs no characterization by us to indicate how grave may be the danger to the continuance of those same relations of amity and esteem that have marked the friendships existing between the French, American, and Irish peoples.

Trusting that I may be accorded the honor of this audience with you at your earliest possible convenience, and with assurance of high esteem and respect, we have the honor to remain,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
JOHN ARCHDEACON MURPHY,
Commissioner in Charge.

Mr. MURPHY. I was aware that the information I had received had not been made public in America, and that it was held under the veil of secrecy from publication by request of the American representatives. After the letter was delivered to Mr. Clemenceau, the information was conveyed back to me in circuitous fashion that if I were to make public the information that I had outlined in that letter to Mr. Clemenceau it would not be wise or judicious while I was a guest in Paris. Therefore I refrained from making it public until I returned to America; but it was known, not in one circle but in many, that there was an effort made to conceal from the American people and from the American Senate this action on the part of Clemenceau until they had, as it was hoped, passed favorably upon and ratified the league of nations.

Senator BRANDEGEE. You speak of this information as having been conveyed to you circuitously. Do you know from whom it originated?

Mr. MURPHY. You mean the information that it should not be published?

Senator BRANDEGEE. Yes.

Mr. MURPHY. No; I can not say that of my own knowledge, except to say that one of the most important men who are accredited to have the ear of the French Government, the foreign editor of Le Temps, advised an associate and friend of mine, Mr. Erskine Chillers, a former major in the British Army, a man who has espoused the cause of the Irish republic in a wholehearted and unadulterated manner, and one of the best known publicists in England. The foreign editor of Le Temps conveyed this information to him, and I have reason to believe that that was an inspired message. I did not say that that was a message brought from Mr. Clemenceau, but Mr. Clemenceau and Mr. Tardieu were the only two who had knowledge of it unless they conveyed that knowledge to some one else.

Senator BRANDEGEE. What I wanted to know was, in your judgment, did that information represent the French opinion, or did it represent the desire of the American commission?

Mr. MURPHY. I construed it as representing the French request, in accordance with the action of the American commission.

Senator BRANDEGEE. That is all I care to ask.

Mr. MURPHY. There is one more incident that I would like to present to you, and then I will give way to others. I am not going to occupy your time with the delivery of any argument on this question. There is a short presentation of one phase of the question that, with your permission, I will ask to insert in the record later.

At or about this time, by reason of family connections and business interests, I desired to visit England and Ireland. I made my request before Consul Reed, in the ordinary manner, for an amendment to my passport. My passport did not give me permission to proceed anywhere except to France, as it stated, to attend the peace conference in the interest of self-government for Ireland. I was told my request would have to be sent to Washington. After waiting two weeks on the pleasure of Washington, as they explained to me, I had called three or four times to ascertain if there was any reply to my request to amend my passport, and on August 8 I received the following letter:

UNITED STATES PASSPORT BUREAU,
Paris, August 8, 1919.

JOHN A. MURPHY, Esq.,
Grand Hotel, Paris.

SIR: Referring to your recent call at the passport bureau, you are informed that a telegram has been received from Washington instructing the bureau to refuse to amend your passport for Ireland.

There is inclosed herewith the amount of 0.80 franc in stamps, which represents the balance due you after the cable charges have been deducted from the sum of 100 francs which you deposited.

I am, sir,

Respectfully, yours,

E. C. REED, *American Consul.*

I felt surprised, Mr. Chairman and Senators, that in pursuit of my private business as an American citizen my Government should deny me the right to proceed to the British Isles. My request for a passport was not to go to Ireland. My request for a passport was to proceed to the British Isles. I had personally said that my purpose was not political; that I desired no exemptions from the laws of the land. I had desired to proceed there for family and personal reasons. Now, Mr. Chairman and Senators, on the other matter which I wish to present to the committee I wish to say that during a stay of about two months in Paris, where I met many of the editors of the French press and many of the public men of France, I have had opportunity to get a vision of the proposed league of nations somewhat different from that which would naturally otherwise have been given to me.

From my training and environment I have naturally paid most attention to the economic and industrial aspect of the treaty. The trouble with the treaty is that it is neither a treaty of vengeance nor a treaty of justice; it is calculated to maintain forever a commercial supremacy to one or two of the high contracting parties. I regret to say that America does not seem to be included as one of those parties.

The condition of France at the present time, as admitted to me in private conference by their thinking minds, is one of gravest import. Its finances are in a depleted condition; it has exercised its power of taxation so far as it is believed the people of France will endure, and still the income is more than a billion dollars below the absolute requirements of its budget, even with its army demobilized.

I spent some days driving over the devastated regions of northern France, and the paralysis of the country is appalling. The difficulties of obtaining raw materials and coal are greater than I can describe.

There has been no outlet for commercial development accorded to it by this present proposed treaty. Even the commercial advantages which have accrued to France from its old protectorate of the Christian people of the Orient is being imperiled by the British control in Mesopotamia and the Near East. Fifty-five per cent of the German indemnity which is supposed to be obtained by France is incomplete and uncertain reparation. Many eventualities may occur which would defer or avoid the payment of these indemnities, and neither France nor the world at large could ever be called to arms for the purpose of enforcing at the point of the sword payment which may or may not be beyond the will or the possibilities of the Central Powers to pay.

On the other hand, the question of sovereignty over subject people is understood in a more material way abroad than we generally understand it in America. It is understood as the right of commercial exploitation, and whether it be in the guise of mandatories for itself or its colonies, the British Empire has most successfully obtained the control of countries and people which are more than a commercial compensation for the losses endured even by the British Empire in the prosecution of war. I refer to the control that England now possesses, under the terms proposed by this treaty, of almost one-third of the earth's surface. I am not discussing the freedom of the seas for the minute. Gibraltar, Malta, Suez, Aden, and all the other strategic points held by England are solid answers in denial of the assertion that the freedom of the seas now exists.

This present treaty proposes to subject forever the sovereignty of Egypt, to condemn the oldest nation in the world to serfdom and to commercial exploitation; Asia Minor, Arabia, Persia, Afghanistan, Thibet, Burmah, India, form an unbroken chain in the interest of England to meet and to connect its links with the sphere of influence claimed, and by this treaty yielded to the Imperial Government of Japan.

Japan, whose losses in this war were of a negligible quantity, is to be confirmed in its control of Korea with its 20,000,000 of people, and to be accorded the control of Shantung, with its iron, and coal, and mineral resources, and its many millions of Chinese inhabitants, and which must be regarded as the commercial jugular vein of China; by it, and through its waterways and railways of the interior of China, will be acquired commercial and treaty advantages.

It is not necessary to more than glance at the map of Africa to see that from Cairo to the Cape it is to be dominated in the British interest.

I point out these things to you gentlemen to call your attention to the undying antagonism that exists between the principles upon which a Government like ours is founded, of the people and for the people, and the principles upon which an imperial government is founded, where the Crown is, if not the right divine, at least it is the center around which rallies in support the commercial, the military, and selfish oligarchies of privilege. All of this, which I believe you will admit as self-evident, is to my mind trained and aimed more especially against America than any other country in the world; it is asserted that our factories produce in eight months our domestic requirements, so that for four months of the year we are forced either to seek foreign markets or to shut down our factories. England well knows that it can not stop the fertility of our fields from producing cotton and corn and the necessaries of life in bounteous plenty; nor our mines in their production of raw material in practically unlimited quantities; nor can it fetter the energy and the power of American industrial and commercial development. It therefore seeks, under the specious title of a league of nations, to draw a wall of iron around the markets of the world, where, by a preferential imperial tariff, the products of our factories will be handicapped in their efforts to obtain a foreign market; where from time to time a slight concession here and there on their part may be looked upon and exploited as an act of generosity on their part toward their American cousins, and so through the aid of finance and intrigue an invisible British Empire may be superimposed upon the destinies of America.

We are asked to abdicate our sovereignty in favor of a sovereignty of a composite body in which we have but one vote as against six votes of the British Empire, and the six votes of the British Empire are but a small portion of its influence. It will be in a position to offer to every country in the world—France, Italy, Greece—special concessions and considerations for their vote on every question that arises wherein American interests might be circumscribed and impeded, regardless of principle or regardless of the eternal right in the controversy involved.

I have not attempted in these few words to enter into any discussion of the question from the Irish point of view, because I wanted it plain that my objections against this are American in the most intense and vital things. But I respectfully submit for your consideration that the question of Ireland is interminably involved in this whole scheme of operation. America is at the present time engaged in the development of a mercantile marine to make it independent of either the good will or capacity of any other power in delivering to foreign markets the products of our factories, and especially for our trade with Europe. Her ships must have a point of debarkation as well as embarkation. In other words, a line of mercantile marine without harbors in Europe would be short lived and unprofitable. The harbors of England are and will be insufficient for the British commerce; the harbors of Europe will be dominated and controlled in the interest of their respective governments. Ireland alone offers to America friendly, sufficient, and secure harbors for the termini of its mercantile marine in the European carrying trade. From these harbors by packet steamships may be made the quickest, the cheapest, and the best distribution in Europe of American goods and merchandise.

What the attitude of England would be to bar the development of Irish harbors in this connection was illustrated in 1913, when Europe was at peace. The White Star Line, at the instance of the British Government, discontinued Queenstown as a port of call. The Hamburg-American Line announced that it would make Queenstown a port of call, but before even one ship of that line made a call at Queenstown, the British Government, in pursuance of its policy of commercial isolation with which it has surrounded Ireland, informed the Imperial Government of Germany that making Queenstown a port of call would be considered by the British Government unfriendly, and it was undesirable.

I therefore submit for your consideration that the recognition of the Irish republic, the de jure government of Ireland, is not only right and desirable as reasoned by every standard of justice and of American ideals, but that America has an enlightened self-interest in the doing of this commendable act.

The brevity of the space allotted to me compels me to deal in conclusions rather than in a presentation of the premises and the logic of the case. But we are asked by this treaty to subscribe our fortunes and the lives of our children and their children's children to continuation in serfdom of hundreds of millions of human beings whom God has created in freedom and equality; we are asked to lock the door against ourselves as an American nation in our own commercial development, and while reservations and amendments may draw many of the fangs from this thing serpentine of iniquity, the American answer should be to kill it and in its place erect a true league of nations imbued with American ideals of justice and equality of opportunity for all; to lay these foundations securely and broadly and deeply, and from here in America to bring about a league of nations that shall be of all things just to the world and all its peoples, and shall also kill this threatened encirclement of American commerce that lies hidden but real in the terms of the proposed treaty you are now asked to sanction.

Peace can only come and endure as a result of justice, and until the fabric of this treaty is reconstructed and until the thought that controls its reconstruction becomes American in its democracy we must cease to be a people following our traditions, if we support it, and will be dragged down to the lowest levels of commercial greed.

For these reasons I submit that the defeat of the entire treaty is the most American thing, is the most humanitarian thing, is the most just thing, that can now be done.

Judge COHALAN. The last speaker before Mr. Bourke Cockran will be Mr. Daniel C. O'Flaherty, of Richmond, Va.

STATEMENT OF MR. DANIEL C. O'FLAHERTY.

Mr. O'FLAHERTY. Mr. Chairman and gentlemen of the committee, in my opinion the matter which we are considering demonstrates the wisdom of the fathers when they created the Constitution of the United States. I do not believe in the history of our country a more momentous epoch has ever arisen than is now before you. It is the question of the ratification, by and with the advice and consent of the Senate, of a treaty that I think is more momentous in its consequences to the people of the world, and especially to the people of the United States, than anything that has ever come before the United States Senate. I speak to you, gentlemen, briefly, not as a politician but as a Democrat, as a Virginian, as a southerner, and, if I may say so, as a Protestant and a Mason. Some people have said to me, and I have been told, even out in the hall here to-day, that this is a religious question. I say to you that it is not a religious question, it is not a political question, but it is a question which every American citizen has a right to take into consideration. I repeat that since the day when the Liberty Bell rang in old Philadelphia, proclaiming the Declaration of Independence, no more important matter has even been considered by the people of this country. I have not time to go into it in the way of an argument, and after what has been said here to-day it is not necessary to argue it to such distinguished men, constitutional lawyers, but I believe that the ratification of this treaty, with articles 10 and 11 and with the other articles that follow along after them, would not make the world safe for democracy, but it would make it safe for hypocrisy. [Applause.]

What is a treaty? It is a contract between nations, and everything that is put in it is put in for somebody's benefit. What is article 10 put in there for? Is it for the benefit of the United States? We do not need it. For whose benefit is it to retain the integrity, for instance, of the British Empire? Somebody says, "Well, how does it do it?" Let us take an illustration. Suppose Canada or Ireland should desire to be free. Suppose Egypt should become free by the volition of England and England should try to help Canada or Ireland. With whom would we go? We should have to fight against Canada in favor of England. Is not that true? I say as a lawyer that in my humble opinion articles 10 and 11 of this treaty bind Ireland and every other nation that is under the hoof of England hand and foot to the cross.

Why should we not speak out? I say to you, gentlemen, in my opinion if we do not speak out at this awful moment the very stones in the street should cry out for us.

I do not claim to speak for all the people of Virginia. I am glad to say that you have on this committee one of our most distinguished sons, who has his own opinion on this subject and I may differ with him, but we have the right to come and be heard, and I come to you to-day as a Virginian, as a southerner, as an Irishman, as an Irish-American, as a descendant of Irish ancestors back for a thousand years. But I am first an American, and I believe that some of these articles are the greatest blow that has ever been aimed at the American Constitution. [Applause.]

Mr. Chairman, I come to you to bear to you a message from a mass meeting held in Richmond the other day, the capital of Virginia, the capital of the old Confederacy, if you please, the home State of our distinguished President. It passed this resolution unanimously.

Senator BRANDEGEE. Was it a large mass meeting?

Mr. O'FLAHERTY. Four thousand people, a large mass meeting for a city of our size, and not a dissenting voice. It unanimously adopted these resolutions:

"*Resolved*, That we declare ourselves unreservedly in favor of the independence of Ireland, and demand that our Government recognize the Irish republic; and

"*Resolved*, That we register our opposition to any proposed league of nations which does not protect all American rights and ideals and which binds us to guarantee the territorial integrity of the British and Japanese Empires."

This resolution was adopted at a meeting at which the mayor of the city presided, and to which his excellency the governor gave the honor of his presence. I believe that if a plebiscite of the people of Virginia were taken without a word of discussion to-day you would find that the majority of them would be in favor of the freedom of Ireland. [Applause.] And I am sure that if you were to go before them and tell them what is being done and tell the truth of the matter they would be still more greatly in favor of it.

Gentleman, I have been in a quandary. It is not my desire to embarrass the administration. I believe in that great Virginian who is the President of the United States, Mr. Wilson, but I believe that any league of nations which perpetuates the British Empire in its present condition, in which portions of that empire are in perpetual thraldom, is un-American, unfair, and will never be ratified by the will and the wishes of the American people. I believe I would be unfair to myself as an American, untrue to the teachings of the great Virginia patriots who did so much to establish this Republic, if I did not raise my voice at least against articles 10 and 11, especially, of the proposed league of nations, which, in my view, rivet the bands that bind Ireland to England, and would compel us to assist England in keeping Ireland in perpetual thraldom. I trust in the wisdom of this committee. I say reverently that I thank God that unto men like these was committed by the fathers the keeping of the ark of the covenant of this Constitution; that we may be saved—I hope I am not speaking like a school boy—that we may be saved from the rocks ahead of us; that we remember what George Washington said when he warned us to keep out of entangling alliances. Why, this is a cobweb of such a character that the mind of no human being can fathom where we will go under it. So I hope that this committee will safeguard the rights of Ireland, that ancient nation, so that she may take her place among the nations of the earth. She is a nation; she has been a nation; she has every element of a nation, the geography, the ethnology, the soil, the climate. everything that goes to make up a nation. Why under heaven should Ireland, the oldest of all the white nations on earth, be the only one that is denied her freedom? [Applause.]

A favorite objection of those who are opposed to the independence of Ireland is what they glibly call the "Ulster question." Along with this is also the other oft-repeated statement that Irishmen can't agree among themselves. The last and only election ever held in Ireland in which the question of self-determination was in issue was in December, 1918, in which outside of Ulster, which is only about one-fifth of Ireland, not a single constituency, except a gerrymandered one in Dublin, was carried by the Unionists. So you have the greatest unanimity in four-fifths of Ireland for a republic.

It is true that in Ulster the Irish do not agree on this political question, or rather those who claim not to be Irish do not agree. Without discussing the fact that we never agreed upon any political issue in our own country, and that at the time of the formation of our own Republic there were many Tories, none Irish, however, and we very often fail to agree and it is preferable that we should not always agree.

It is quite interesting to analyze the Ulster situation from an impartial standpoint, taking the vote of December, 1918, as a basis. I say an impartial standpoint, because the writer of this article belongs religiously to the faction that claims to be in the majority in Ulster and that is opposed to the independence of Ireland, but is one who does not share that view. I, as a Protestant, a Mason, and one with other than Irish blood in my veins, can not be accused of being partial to the Catholic Irish, and certainly can see the facts and analyze them freely from the point of the Ulster people, if it is a religious question.

The chief opponent, as is well known, of this Ulster bugaboo is Mr. Carson, who himself until recently has never represented a constituency in Ireland, but who attempts to speak for the Province of Ulster, and his ideas have been widely disseminated through the English press as those which should be accepted by the outside world.

Ulster consists of nine counties—Donegal, Londonderry, Antrim, Tyrone, Down, Fermanagh, Monaghan, Caven, and Armagh. These nine counties in the election which was held for Parliament in 1918 were entitled to 25 seats. Out of these the Sinn Feiners carried 10; the Irish party which was not with the Sinn Feiners but opposed to the Unionists carried 4; so that the Carsonites or Unionists only carried 11, or a minority in Ulster. Four of these 11 seats were accredited to Antrim, in which the city of Belfast is situated, and all of these representatives are Unionists. So that outside of the county in which Belfast is situated were only 8 Unionist representatives elected in the whole of Ireland, the 7 outside of Antrim and the 1 in the gerrymandered district near Dublin, as against 73 Sinn Feiners and 6 of the Irish Party and 6 Nationalists. Since that election, just about a month ago, one of the constituents in Antrim was captured by the Sinn Feiners in a by-election, showing the tremendous change in the sentiment in the only stronghold that the Unionists had, and this is the election at which Mr. Carson said that if he didn't carry he would resign, which, of course, was nothing but a bluff, for he is simply the agent of the English Government, and is not likely to resign his job so long as he can hold it. The majority for the Unionists in those constituencies last December averaged about 6,000.

These are the cold facts in the case, which are verified by the official reports which I have before me as to the election of 1918. We then have a minority of a small section of the country, less than one-fifth of it, asking that the will of the people of a great country in which a million votes were cast be heard as against the rights of the many.

Belfast in the last election cast about 79,000 votes for the union and 39,000 for the independence. By some sanctity unknown to Americans this 40,000 majority, who claim they are not Irish but Scotch-Irish, claim that they ought to rule over a million Irish who are not only not ashamed to be called Irish but glory in the distinction. When, therefore, you hear anyone repeat the statement that Ireland can not agree as to what she wants, simply recall these facts and ask yourself if such "twaddle" should receive any consideration at the hands of the Americans who believe in majority rule.

But rest assured that the epitaph of Robert Emmet, a Protestant Irishman, will be written some day, and monuments will be erected to others without regard to religion or creed, but simply because they were friends of Irish freedom; and, further, that if England's fleet was thrice as great and her gold as many times more potent in disseminating false propaganda, the Irish republic will live.

It is thus seen that the only people of Ireland who can not agree among themselves are the Irishmen of Ulster, and even here many have said that the will of the rest of Ireland should prevail.

The fact is that many of the people of Antrim, and especially Belfast, are not Irish, but are Scotch, or, as they are sometimes erroneously called, Scotch-Irish, whatever that means, for that term is a much-abused one and ignorantly used, for as a matter of fact there is no such race as Scotch-Irish.

The remedy would seem to be for these people as Scotch or English who feel that they do not want to be ruled by the majority of the people of the country to take a boat and sail across to Glasgow, which is just a few hours' ride, and let the great mass of people who dwell in Ireland conduct the affairs of the country to suit themselves. Belfast is nothing more than a mushroom manufacturing town, which might succeed as well in building ships and making linen in Glasgow as on the other side of the Irish Sea. As well might the cities of Norfolk, Portsmouth, and Newport News, which constitute about the same proportion to the State of Virginia, say that "we won't play with you at all because we don't like you in other respects and therefore we are not going to submit to the majority of the people of Virginia." In other words, if you should move the shipyards from Belfast, which 40 years ago had a population of less than 50,000, to the Clyde or the Firth, you would get rid of the Ulster question and remove the only argument that England has. But luckily this ancient nation has never recognized, and never will as long as the blood of the Gae flows through Irish veins, the government of England maintained at Dublin Castle by force of arms, fraud, and bribery.

Another argument which is highly esteemed by these self-styled "better-than-thou" Irishmen is that "while we have not the population we have the wealth and intelligence." The facts in the case as to this canard are even stronger than as to the question of the majority in Ulster.

Leinster, in which the city of Dublin is situated, is a much wealthier province than Ulster. The city of Dublin, with her population which is really about the same as Belfast, is assessed with property of the value of over £11,000,000, or Dublin

is assessed about twice as much as Belfast. Dublin pays an income tax of about £200,000. The whole of Leinster, taken together, is much wealthier than Ulster, whose wealth is the lowest, except Connaught, which is in the extreme western part of Ireland and much of its territory is a wild and rocky broken sea country, which is not susceptible of cultivation or development.

But, say these same objectors, Ulster is Protestant and the rest of Ireland is Catholic, and therefore the majority should not rule. That is democracy with a reservation which American people can not understand, for it announces that if the majority in Ulster are Protestants they should rule; if Catholic they should not. Quoting, however, from the religious census in the nine counties of Ulster, there are 690,134 Catholics, 451,566 Presbyterians, 48,490 Methodists, and other scattered religious denominations. The self-constituted guardians of this part of Ireland are always talking of taking care of these Presbyterians. This is wasted sympathy, for in the history of Ireland's fight for independence since the days of Hugh O'Neill down to the present time the majority of the men who have fought for Ireland's independence have been of these same Irish Presbyterians, or Protestant. Wolfe Tone, Lord Edward Fitzgerald O'Connor, and Emmet were all Irish Presbyterians. John Mitchel, John Philpot Curran, and many other leaders were Protestants.

The only leaders that Ireland has had for generations who were Catholics were Daniel O'Connell and Redmond, and it was O'Connell's fight that won for both the Catholics and Presbyterians the right of suffrage. The great emancipation bill which freed the Catholics freed the Presbyterians, for in the days of O'Connell no one but the Church of England could vote or hold office, and the so-called Irish Parliament, which voted to destroy Ireland and carried the Union, was a Church of England body, with not a single Catholic in it. What, then, becomes of the foolish statement by men who are otherwise usually intelligent that Ireland's fight for independence and throwing off of the British yoke has been a religious one? In the past 50 years and prior to the Easter rebellion many Irish Protestants, for political offenses, have been hanged, drawn and quartered, and dogs have lapped their blood in the streets of Dublin.

In Ireland's glorious future these names will not be forgotten; though they are not heroes in the sight of Sir Edward Carson or Bonar Law, they will in future generations be revered as men who would not hug the chains that bound them nor kiss the feet that trampled upon them, content to be slaves if they could but eat and drink, for such a condition is natural asphyxia, in which the breathing "of the great dumb, stupid animal alone gives evidence that it lives at all."

It was a religious question in a sense at one time, to give help to Protestants and Catholics alike, the right of suffrage, without which men are but slaves, and this was carried by Irish Catholics and Irish Presbyterians, and the fight is being fought out by the Irish, not only in Ireland but in America and in Canada and in Australia and in New Zealand and in South Africa, by the friends of Irish freedom, not as a religious question but as a question of right, and the tide of public opinion of the world is such that no man, no group of men, or no one nation can stop it.

As I have said on a former occasion, "Tell me what is the unseen and mystic law that claims the fidelity of the compass and keeps it ever pointing to the polar star. Tell me this, and I will tell you why Irishmen, whether they come from the golden vale of Tipperary or the picturesque hills of Connemara, whether smiling in the sunshine of prosperity or groaning under the load of adversity, are drawn to the Prince of Connla of the Golden Hair, to

"That sunny land
From druids and demons free,
The land of rest,
In the golden west,
On the verge of the azure sea."

Some ask me the question, "What can Ireland do?" I reply, "What can England do?" She has reached the point where she must respect the wishes of over 4,000,000 people in Ireland or shoot them down with machine guns or starve them in prison. Does she dare do it? Can there be any doubt of the outcome? Germany tried it on Belgium, and England will tread the same path as Germany if she persists in her course. Not only has England to respect the wishes of Ireland, but she now fully understands, I hope, what she did not in 1776, that a decent respect for the opinions of mankind bids her halt.

It is no longer a fight between Ireland and England, but a fight between England and the enlightened opinion of mankind, and she is fast learning that the world will no longer let her hide behind the false cry of protection for Ulster.

Senator MOSES. Mr. O'Flaherty, I want to ask you a question or two. You stated that in your opinion a plebiscite taken in Virginia would show a vote of 4 to 1 in favor of the freedom of Ireland.

Mr. O'FLAHERTY. No; I did not say that. I said a majority. Did I say 4 to 1?

Senator MOSES. I so understood you.

Mr. O'FLAHERTY. I did not mean to say that.

Senator MOSES. A majority of the people of Virginia would favor the freedom of Ireland and would so express themselves?

Mr. O'FLAHERTY. I said they would if there was a plebiscite. I believe they would so declare themselves. I have never seen a Virginian yet that was not in favor of freedom, and especially the freedom of Ireland.

Senator MOSES. What attitude do you think they would take in Virginia on a plebiscite on the league of nations?

Mr. O'FLAHERTY. I would not want to answer that. If you would come around and ask me as a lawyer, I would not want to answer that.

STATEMENT OF MR. W. BOURKE COCKRAN.

Judge DANIEL F. COHALAN. Mr. Chairman, I desire now to present the last speaker of the hearing. I want to say, first, a word of thanks, and to reserve the right for filing statements, which you gave some time ago, from a great many people from different parts of the country. I shall not take up further time now, except to present one of the foremost men of the country and of the Irish race, a scholar, a student of affairs, a statesman, and an orator, Hon. William Bourke Cockran, of New York.

Mr. COCKRAN. Mr. Chairman and Senators, I would like to begin by answering some questions that were propounded this morning to gentlemen who appeared here in opposition to this proposed league of nations. One of the most important was that of Senator BORAH, who asked if it were true, as some gentlemen have contended on the floor of the Senate, that if this league of nations be established it would prove a very effective agency through which Ireland could obtain her independence. I take it that Senator BRANDEGEE's question was put in amplification of Senator BORAH's inquiry, because he said Senator WALSH made practically the same statement in the course of debate.

Senator BRANDEGEE. I did ask such a question; but I did not know that Senator BORAH had previously asked it.

Mr. W. BOURKE COCKRAN. I shall, therefore, answer both Senators together. I think that Senator WALSH supplied the answer to his own contention most effectively. He said, as I recollect, that there were three means by which a subject nation could effect its independence. One was by consent of the governing nation, another was by revolt of the subject people themselves, the third was by outside intervention, and he claimed great credit for the proposed league of nations, because it prohibited but one of those methods of relief, leaving the other two open and available. The objection to this position is that no nation ever did achieve its independence by consent of the dominant power, or by naked action of its own people. Every successful revolution of which I have any knowledge was effected through outside support. The American Colonies would not have been free but for the intervention of France. Cuba would still be under the domination of Spain but for the intervention of this country, and Greece would still be languishing under the heel of the Turk if it had not been for the assistance of Christendom. So that when Senator WALSH says that by this treaty subject nations are deprived of but one avenue of escape from servitude, the answer is that they are deprived of the only one through which escape can be effected.

There is another question which Senator BRANDEGEE asked that I think ought to be answered. He inquired whether appeals are allowed from decisions by a single official committing Irish men and women to jail for long periods. At this time Ireland is practically under martial law—which means no law at all—or what is virtually its equivalent, "The defense of the realm" act. Everybody understands that martial law is suspension of law, substituting for law which is a regular fixed rule of conduct, the whim or judgment of a single official. In Ireland, under the present system, the people are governed by two whims, either one of which constitutes the rule of conduct for the population. One is the whim of the commanding military officer, and the other is the whim of an official called a resident magistrate, apparently for the reason that he is never a resident of the locality in which he officiates. The expression, "R. M.," officially intended to signify resident magistrate, will describe him much more correctly as "removable magistrate." He is the only magistrate under the whole British system who is

removable at the pleasure of the Crown. I need not remind the chairman of this body that the chief fruit gained by the revolution of 1688 was termination of the system under which judges were removable by the Crown, and under which they were, in the language of Lord Macaulay, not champions of truth and justice, but "greedy and ferocious butchers," eager to satisfy every demand of despotism.

The removable magistrate always dreads removal, and the only way to avoid it is by delivering the judgment which the prosecuting officers desire. The effect is that if a man makes a speech, as Mr. WALSH told you, advocating the Republic—nay, if he utter a word which the police dislike—he is promptly haled before either a drumhead court-martial or one of these resident magistrates and condemned without any chance of appeal to the hideous indignities which have been described so forcibly here to-day. Nothing could illustrate more strikingly the conditions against which Irishmen are in revolt than this deliberate establishment in Ireland by the English Government of a judicial system so fruitful of abuse that Englishmen themselves rose in revolution to drive it from their own country.

When conditions somewhat similar, though I do not think they were quite so onerous, existed in Cuba, the chairman of this committee, and I think many others of its members, were quick to insist that intervention to stop those outrages became a task imposed upon us by our primacy of civilization; that continuance of a government which had become perverted from its natural functions of defending peace and order to perpetrating the very outrages on justice which government is organized to prevent, was an injury to civilization which all the forces of civilization should combine to remove. And we, as chief among those forces, drew the sword and ended that abominable system in Cuba. A worse system exists to-day in Ireland. It can be terminated, as far as we can see now, by no means except the influence of this American Republic, and we are here to protest against any treaty, league of nations, or whatever it may be called, that will exclude consideration of the monstrous conditions that afflict Ireland from the jurisdicton of the conscience of civilization, of which the Senate of the United States has always been the foremost and best exponent.

I pause for a moment to say that if there be any other Senator who wishes to ask me about present conditions in Ireland I will be very glad to answer him. If nobody cares to put a question, I shall proceed to discuss the treaty now before you purely from an American standpoint.

Mr. Chairman, the gentlemen who preceded me have all said, with great force and feeling, that while they are of the Irish race they are of American birth, and that they love above all other things the country in which they were born. I am an Irishman by birth as well as by blood. And the reason I am here is that I do not want the Government whose shelter from my earliest youth I was resolved to seek, whose benefits I have enjoyed, to be emasculated, impaired, or destroyed, as I believe it will be, if this treaty is ratified. And in saying this I speak not alone for myself—my race is well-nigh run—but for my entire generation and the generations that are to follow. The light that inspired me and millions like me to cross the seas I hope the Senate will not suffer to be extinguished, but that through your action now it will be maintained strong and effulgent for all the children of men throughout the world.

Mr. Chairman, whether the right of this country to interfere—at least so far as to exert its moral influence—for deliverance of Ireland from conditions that are a scandal to civilization shall be preserved or whether it is to be renounced and destroyed by ratification of this treaty, is not an Irish question. It is not a question affecting solely England's domestic politics, as some gentlemen have contended. It is an international question, because it is a question affecting the peace, and, therefore, the welfare of the entire world. Judge Cohalan has told you there can be no peace throughout the world until Irish discontent is composed. This is not, as many might say, a mere expression of exaggerated rhetoric. It is the sober, accurate statement of a fact which all history attests.

It is certainly one fact of history which none can dispute that every great war which became general—every one became general by England's entrance into it—and which has scourged the world for the last four centuries—that is to say, since the emergence of modern civilization from the wreck of feudalism—has had its beginning in Ireland—every one, without exception.

This last war which has just closed we all know was caused by the German Emperor's belief that civil commotions in Ireland made 1914 the period when he could strike his long-meditated blow for world dominion with the strongest hope of success. The great wars of the French Revolution, which culminated in the Napoleonic wars, began with representations of the united Irishmen through Wolfe Tone to the revolutionary government in France that the conditions then prevailing in Ireland—brought about by the deliberate recall of Lord Fitzwilliam and the refusal of concessions which had been promised to the Irish people—had made the land ripe for rebellion. The hostile manifestations by the French people and their Government which these representations provoked, were the chief causes that led Pitt reluctantly to join the alliance against France. The attempt of Hoche's expedition to land in Ireland, which was frustrated when his ships were blown by a gale out of Bantry Bay in 1796, marked the real beginning of that desperate struggle between England and France, which after ravaging Europe for a generation ended at Waterloo. At the close of the seventeenth century it was the intervention of Louis XIV in aid of the Irish attempt to maintain James II in possession of his crown which brought about the Grand Alliance against him, that afterwards, as the War of the Spanish Succession, plunged Europe in the disastrous conflict that was settled by the peace of Utrecht. The great war between Elizabeth and Philip II of Spain for control of the seas began with a descent of Spanish and Portugese soldiers on the coast of Kerry, who were all killed to a man after they had surrendered to Sir Walter Raleigh, and whose massacre is the only cloud on the fame of that knightliest figure among Elizabethan warriors.

Why is it that every world war, if not actually caused by Irish discontent, has yet made Ireland the theater of its first beginnings? This can not be due to a mere fortuitous combination of circumstances. My purpose is to show that the condition of Ireland has been a constant invitation to every country with a grievance against England to strike her at that spot where she was believed to be vulnerable, and where she will continue to be vulnerable just so long as the oppressions against which the Irish people have struggled for eight centuries are suffered to exist. So that the Irish question is not a matter that affects England and Ireland alone, and one which therefore can be called domestic. It is one that has affected the peace of the world for four centuries and which will continue to affect it, in the very nature of things, so long as it is permitted to remain an open sore in the side of Christendom. To compose this difficulty and settle it is a task imposed upon the statesmanship of civilization, and, therefore, it rests peculiarly on your shoulders, Senators, charged as you are at this moment with responsibility for the conditions under which peace is to be reestablished throughout the civilized world.

Probably the greatest difficulty in dealing with the Irish question is to understand just what it is. It has been so misrepresented—and by the greatest masters of ingenuity in misrepresentation that the world has ever seen—that many men, ordinarily well informed, are in doubt as to just what it is that causes the Irish complaints. We are told that other countries have been conquered as Ireland has been, and yet they have long since ceased to complain of the conquest or even to think about it. We are told that Irish grievances are fanciful, not real; that they are not caused by injuries which are actual, but by recollection of ancient injuries springing from laws which have long since been repealed. We are told that Ulster is prosperous and contented while the rest of Ireland is discontented and poor because its people are improvident, shiftless, idle; and that this demand for Irish independence merely embodies, while it disguises, the desire of an improvident, shiftless, idle majority to obtain and abuse the power of taxation over a thrifty and prosperous Irish minority.

It is also said that there is a religious question involved; that Ireland's refusal to acknowledge the authority of England is but the intolerance entertained by one religious sect against another—the disposition of Catholics to oppress and drive Protestants from the country. These, I think, are all the grounds on which are based opposition to recognition of the Irish republic. They are set forth in a brief submitted to this committee by certain persons claiming to speak for Irish Unionists, which I have just been permitted to read. Now, if these statements are true, if Ireland has been reduced to its present condition by the faults or vices of her own people, sympathy for them would be useless. They are incapable of improvement. They must inevitably disappear from the earth which they encumber and discredit. But if the evils which afflict the Irish people be the direct result of laws which have produced intolerable conditions, that still exist, although the laws themselves have been repealed, and if it be true that England has shown she is incapable of doing justice in Ireland, even when a majority of the English people are really anxious that it should be done, and the English Parliament solemnly resolved to do it, then there can be but one outcome. Either English rule in Ireland must be ended or the Irish people must be exterminated. That is the alternative. I think it is entirely

capable of demonstration that the Irish people can not be exterminated, and extermination being impossible emancipation is imperative.

Let me explain to you why it is that although these oppressive laws have all been repealed the conditions they produced still continue. All the history of Ireland ever since the first Norman invasion has been an unbroken record of conquests and seizures of lands—first the devastation of land, always followed by confiscation. But neither conquests not confiscation sufficed to keep the country permanently impoverished. From the first landing of Strongbow, in 1172, down to the final overthrow of Irish independence by William III, the Irish people after each invasion and devastation restored prosperity with a celerity and completeness that have been marvels to all historians.

Mountjoy, under Elizabeth, reported to the Queen that everything capable of supporting life in Ireland had been burned to the roots, that the whole Irish population had been exterminated, except a few fugitives who had taken refuge in morasses where they could not be reached, but where, for lack of food, they must inevitably starve. And yet in the very next reign Ireland was blooming like a garden. In the time of Charles I the prosperity of Ireland had already awakened the envy and cupidity of Englishmen; but the Irish, with that peculiar sense of loyalty which is one of their characteristics—often misdirected because carried to excess—having embraced the side of the King, fell under the vengeance of Cromwell. Again the island was devastated with fire and sword. The whole of the land east of the Shannon was confiscated. The entire native population outside of many thousands who were slain, and other thousands sold into captivity, was transported west of the Shannon to a soil which was believed to be so sterile that it could not afford subsistence to human life. Cromwell's brief statement of his policy was that the Irish must go "to hell or to Connaught." Well, they went to Connaught, but they did not go to hell [laughter], because there was always one Irish champion whom, some way or other, the British arms could never overcome, and that was the Irish girl. Any Englishman who received land and settled upon it soon fell under her influence. That was already so clearly apparent in the time of Richard II that he passed the statute of Kilkenny forbidding any Englishman who had received land in Ireland from marrying an Irish woman. But the Irish girl was too strong for statutes. She continued to marry the English settler in the teeth of all prohibitions, and the offspring of those marriages were the strongest Irish patriots.

Although the land had been laid waste with a fury hardly ever paralleled in the annals of mankind by the English Parliamentary forces, first under Cromwell and after him under Ireton and Ludlow, yet when William III in the next generation faced a patriot Irish army, a large part of it was composed of the sons of those Ironsides to whom Cromwell granted land in Ireland. After that dreadful Cromwellian devastation the recovery of her prosperity by Ireland in the reign of Charles II is declared by Macaulay to be the marvel of all history. It is acknowledged even by Froude—who will not be suspected of any partiality toward Ireland—that in the reign of Charles II practically the entire transportation of goods by sea from the Old World to the New was carried on in Irish bottoms. Irish cattle and horses commanded the highest prices in English markets, and Irish woolen products were considered to be the very finest in the world.

Almost immediately after his accession this king for whose father Ireland had incurred the resentment and fury of Cromwell, yielding to representations by merchants of Bristol, excluded Ireland from the operation of the navigation act. The effect of this was a total destruction of the Irish shipping trade, from which it has never recovered. Next, in obedience to a demand of English agricultural interests, exportation of Irish cattle and horses to England was prohibited. That reduced property in live stock to one-tenth of its former value. But the woolen industry remained, and probably from the fact that the energies of the country were now mainly directed to it, and the whole capital of the nation largely absorbed in it, the manufacture of Irish cloth expanded to a degree unapproached in any other country of the world.

But when William III finally established his authority by the victories of Aughrim and the Boyne, and by his treason at Limerick, the surrender of which he accepted on terms that permitted the garrison to march out of the city and the country, while at the same time guaranteeing to the Irish people the right to practice their faith, prosecute their trade, and retain their property—a treaty that was violated the moment the Irish army had departed from Ireland—then the system was adopted which Edmund Burke has described in words probably familiar to every one of you. He said the Irish penal code was "as well fitted for the oppression, impoverishment, and degradation of a feeble people and the debasement in them of human nature as has ever proceeded from the perverted ingenuity of man." That system produced the conditions which to-day afflict and distress the Irish people and which can be ended only by ending the dominion of England over the country.

After all former confiscations and devastations the country recovered rapidly because the people were allowed to resume possession of the land. But the devilishly ingenious system adopted by William III and his immediate successors precluded any possibility of an Irishman being able to obtain any part of the land on which he lived.

A succession of statutes enacted during 50 years resulted in a body of laws under which no Catholic—that is to say, no native Irishman—could hold land. The whole surface of the island had been confiscated. The original owners of the soil were allowed to dwell upon it merely as tenants at will. The confiscated lands were not bestowed, as in former cases, upon English soldiers who settled in Ireland, but upon favorites of the English court in large areas of 5,000, 10,000, 15,000, and even 30,000 acres, who never lived in Ireland, who never intended to live in it, who seldom if ever visited it. Every Catholic was prohibited not merely from holding land but from leasing it for a period longer than five years. He could not own a horse worth over £5. If a Catholic appeared in a public place mounted on a horse any Protestant could take possession of the animal by tendering the rider a £5 note. Beyond impoverishing the Irish people it was sought to accomplish their degradation by forbidding the education of youth. The only element of the community capable at that time of imparting education was the clergy, and the priest who taught a school was declared guilty of a capital offense. The spectacle was common of a priest's dead body hanging in chains, executed for no other offense than that of having undertaken to instruct an Irish boy. Not content with seeking to accomplish the intellectual degradation of the people these statutes sought to corrupt their morals by undermining the foundations of the family. The son who accused the father of being a Catholic and proved it could at once take possession of the estate. The wife who informed on her husband was at once accorded a separate and independent interest in his property. So that wifely loyalty and filial piety—every emotion which in civilized countries is considered necessary to the well-being of a community, and therefore to be encouraged by government—was perverted in Ireland to the injury of morals and the disruption of society.

Under this system the people hardly ever came in contact with the owners of the soil. In almost every instance an agent represented the alien landlord. The value and efficiency of that agent were determined by the amount of rent which he could extort from the unfortunate occupants of the land. If a man by dint of arduous labor improved the soil he occupied and made it more valuable, the agent at once descended upon him and raised the rent. Not merely were all the fruits of his own labor confiscated but all his neighbors were promptly informed that unless they made their soil equally fruitful and raised the same amount of crops, that is to say, paid the same rent, they would be evicted. And eviction was death. Not merely was industry made unprofitable by this hellish system; it was made unpopular. The laborious man did not benefit himself, but he brought disaster upon his whole neighborhood. The unfortunates who were evicted were left to starve on the highways. There was no other occupation in which they could find a livelihood because, by a refinement or cruelty that is almost inconceivable, the only industry that survived the hostile legislation of Charles II—the woolen industry—was entirely destroyed by William III. It was not taxed out of existence. It was not made to bear burdens imposed avowedly for support of the State, which prevented it from being prosperous. It was prohibited absolutely and unconditionally. All existing factories were suppressed and the people were forbidden, under heavy penalties, from attempting to engage in the woolen trade. More than that, the Irish wool, at that time—the Australian wool not yet having become available for the world's necessities—was of a peculiarly valuable character. Not merely was the manufacture of woolen goods prohibited in Ireland, but exportation of Irish wool was prohibited to any place except six English cities, the idea being that the English manufacturers by these restraints would be enabled to obtain Irish wool on his own terms. But there was an extensive woolen industry in the low countries where a great demand arose for Irish wool as soon as its manufacture was suppressed in Ireland.

Wool that would bring 6 pence at Bristol commanded 1 shilling and 7 pence in Ypres and in other Flemish towns. Quite naturally smuggling of Irish wool to the Continent became one of the chief occupations of the Irish people. But the worst feature of this oppressive measure was not the loss of money or of property that it entailed. It was this: Wool being contra-

band, trade in it could not be prosecuted through bills of exchange and other devices of banking which govern commerce. It could only be bartered for some commodity not easily discovered, for everywhere the Irish coast was patrolled by British officers charged with the duty of preventing smuggling where they could and punishing the smugglers where prevention was impossible. Wool was exchanged mainly for Flemish wines. This extensive importation of wines was the cause and the beginning of that intemperance that has been the curse, Senator [turning to Senator PHELAN], of your country and of mine, of your race and mine, for 250 years. Before the beginning of the seventeenth century the Irish were a temperate race. But the example of the well-to-do consuming expensive wines soon caused a demand for coarser and cheaper intoxicants by the less prosperous. To meet this demand the manufacture of illicit whisky became extensive and the people gradually sank into that dreadful intemperance from which they have suffered both at home and abroad ever since. Mr. Chairman, the curse of this intemperance has been Ireland's, the shame of it is England's.

I am not saying this on my own authority. Here again, sir, I am quoting from James Anthony Froude—the apologist of English excesses in Ireland—who, indeed, seems to complain that if these enormities had gone further the race would have been exterminated and the Irish question settled finally and without appeal.

Now it is quite true that these proscriptive laws have all been repealed. They began to disappear in the latter half of the eighteenth century. And it is to the credit and glory of this country that their disappearance began when fugitive Irishmen—Presbyterians who fled from the enforcement of the test acts and settled in Pennsylvania, and Catholics who had fled from other parts of the Island—were found fighting side by side under the banner of Washington for freedom, justice, and right. Up to that time religious proscriptions were not confined to Ireland. They were universal. They were based on the assumption that anything like diversity of religious faith among the people of a State weakened it, and therefore, it should be prevented by the government. The Huguenots were placed under serious disabilities in France, so were the Catholics in England. But in Ireland it was the distinctive feature of these proscriptive measures that they were not intended to discourage Catholicism or encourage Protestantism, but to degrade the whole people by plunging them into ignorance, and by corrupting every avenue through which could be reinforced those virtues and qualities that are considered essential to the well-being of every State. In Ireland the faith professed by the people was proscribed with a violence which nowadays can hardly be understood. And this fact must be borne in mind when you consider the Irish question. It is the only country in the world where the people have remained steadfast to a faith that had been proscribed. In every other country the people adopted in a body the religion that its Government established. England became almost uniformly Protestant, or at least non-Catholic under Henry VIII; almost uniformly Catholic again under Queen Mary; Protestant once more under Queen Elizabeth; and it was ready for another change to Catholicism—according to the historians—if James II had but governed with a little more sense. And so the religious complexion of the French people was decided by the result of the religious wars.

But in Ireland the majority of the people remained immovably attached to the faith that was proscribed and prohibited under drastic penalties, though they had to sacrifice for it not merely every element of property they possessed but every hope of improving their condition. The extraordinary thing about their tenacity in this respect is that it was maintained, without those aids to fervor which the Catholic liturgy affords. Such a thing as a great religious ceremonial had not occurred in the country, at the time of which we are speaking, for 150 years. Their lands confiscated, their faith proscribed, they practiced the rites of their church crouching in garrets and hiding in outhouses. Driven from the towns and villages, they took refuge in some mountain glen, and there, under the broad canopy of heaven, the rains falling on them, oftentimes knee-deep in mud, with sentinels posted at each end of the glen watching for the priest hunter, who was an established feature of these conditions, all cotemporary writers agree in saying they worshipped with a fervor never shown in the statelest cathedral ever raised by the hands of piety to the worship of God. Even after they had regained the right to practice their faith it has been remarked that they showed very little regard for its ceremonials. But nothing could swerve them from attachment to its tenets and teachings. And as they remained immovably attached to their faith, so also have they always been unswervingly steadfast in maintaining their national life. It is a peculiar feature of this determination to maintain their national existence that it does not seem to be based on any hope for the future. This is clearly reflected in their poetry, which is perhaps the most melancholy in the world, as it certainly is among the most beautiful. I am one of those who believe that sorrow has always been the source of exquisite poetry. I have never known a sublime note to be inspired by prosperity. Not merely is there a vein of profound melancholy through all Irish poetry, but it never expresses any hope for the future. Yet there is never a note of despair in it. Every line of it breathes the determination of Irishmen to love the old sod, maintain the old faith, preserve the old race, though they never again should see the light of freedom. Moore describing the Harp of Tara, silent, abandoned, the chord alone that breaks during the night, telling the tale of its ruin, concludes:

Thus Freedom now so seldom speaks,
The only throb she gives,
Is when some heart indignant breaks,
To show that still she lives.

Freedom has indeed lived in the hearts of Irishmen under all circumstances; under the darkest skies, without any hope of deliverance. Even when there was no chance for Irish arms to fight for it, there was always an Irish heart ready to break for it. Freedom, though denied them as a possession, has always remained an aspiration from which they could never be separated. Such a people can not be seduced from their ideals nor diverted from asserting their right to nationhood. Such a people can not be subdued, and, therefore, Senators, I submit to you with all frankness and perfect confidence that the only alternative which the Irish question presents is extermination or emancipation of the Irish people. You Senators, to whom is confided the treaty-making power of this Government, will not suffer the destruction of such a race as this, and if you will not suffer it to be destroyed, then you must insist that it be free. There is no alternative. [Applause.]

Now, with respect to the religious question: It can not be denied that Ireland has been torn by religious antagonism. But the cause of this is perfectly simple. And it should be remembered that whenever the Irish succeeded in establishing control over the government of their own country, as they did at intervals—in 1642 and again in 1688—the first act of the Catholics when they became dominant was to declare absolute religious freedom for all. The reason why religious antagonisms have divided the Irish people is because in that country religion was made the test of political rights and property rights. When a man could be ousted of his property because he was a Catholic (and that by a person bound to him by the closest ties of kinship); when a man could be deprived of the horse he rode by a total stranger on the tender of a 5-pound note because he was a Catholic; when he was excluded from every office under his government and denied the right even to educate his child because he did not profess the faith established by law, it was inevitable that the victims of such oppression and the beneficiaries of it would be influenced by hostility against each other.

I should add here, in order to explain why Ulster was prosperous while the rest of the country sank into misery growing ever deeper, that a totally different system of laws prevailed in the one place from that which governed the other. In Ulster, ever since its "plantation" by James I, there was in force what is called "Ulster tenant right." Under it the occupant of the soil could till it and improve it with a certainty that every improvement he made was his property, to enjoy it while he remained in occupation.

The landlords had no longer any inducement to remain in the country. Again they became absentees, and the remarkable prosperity produced by that short period of independence was changed to a long, unbroken period of progressive decay. Again the rack-renting agent drew from the soil everything which it yielded beyond what sufficed to afford its cultivators the barest subsistence. And for this chance to live there was the fiercest competition among the members of the wretched population, each one eagerly bidding against all others for the privilege of cultivating the land upon any terms whatever. Under this competition conditions of life sank so low that the Irish peasant never tasted meat from one year's end to the other. The potato became the sole support of his existence. And when in the years of '46 and '47 there was a general failure of the potato crops throughout Europe it was a source of loss to the people in other countries, but in Ireland it caused actual starvation. We often hear of the "famine" in Ireland. But strictly speaking there was no famine. While the people were dying by hundreds of thousands for lack of food, there passed before

their eyes along the highways droves of cattle, wagons laden with foodstuffs, all products of their own labor, sent out of the country to be sold and the proceeds paid to alien landlords.

In any other country in the world these abundant supplies would have been seized and the people would have used them to avert hunger. In Ireland an exaggerated sense of property led the people to perish of starvation rather than take what, according to law, belonged to the landlord. But it is said Ireland is governed by exactly the same law as England with respect to land. Quite true, but the conditions established under these laws in the two countries are widely different. The English landlord always lives upon his estate, the Irish landlord seldom, if ever. The English landlord has always held himself to be the chief of an industrial family, the head of a great industrial organization, dividing the whole product of the soil with those who have aided in cultivating it.

I know of nothing more impressive in civilized life than the manner in which these English lords of the soil exercise their ownership over it for the benefit of the people who cultivate it and for the glory of their country. The manor house which to many casual observers is a mere abode of elegant luxury is actually to the great agricultural organization of which its owner is the head, what the countinghouse is to a factory. From it the landlord directs all the energies of his tenants and dependents. This landlord is never "off his job" for a moment. Even in his amusements he is always discharging his duty, fulfilling his task.

We often hear of the claret-drinking, fox-hunting squire, as though his whole life were devoted to the consumption of wine and the hunting of foxes, and he does spend a good part of his time in these agreeable occupations. [Laughter.] But when he is hunting over his own fields and those of his neighbors he is scrutinizing his fences and the condition of his farmers' and laborers' cottages and comparing them with conditions existing on the estates of other landlords. When he is shooting he may be conscious of nothing except a desire to kill patrtridge or snipe, but to reach this game he must walk through the stubble in which the birds are concealed, and there he is necessarily informed of the manner in which the field is cultivated by his tenant. If the fences are broken, cultivation of the field inefficient, cottages dropping into decay, the tenant is required to explain. If that tenant can show that he is not responsible for these conditions and could not avoid them, the landlord himself always feels bound to repar them. If, for instance, the tenant by reason of a large and growing family finds himself unable to continue paying the rent he had previously paid, no English landlord would ever think of evicting him. The opinion of his own order would forbid it. To throw a deserving man out on the highway who for reasons beyond his control was no longer able to pay his rent would be an offense against his obligations as a gentleman, almost worse than cheating at cards. But while public opinion in England makes the landlord a trustee for the benefit of those who under his direction cultivate the soil, the Irish landlord, who seldom lived in the country or saw his property, was under no restraint whatever in dealing with his tenants. His sole object was to obtain and enjoy the uttermost penny that his agent could extort from them. And thus it came to pass that the very same man—and I am speaking now, Mr. Chairman, of matters within my own knowledge—who in England is the very embodiment of paternal care for his tenants, would suffer an estate owned by him in Ireland to be administered with a ruthless cruelty which produced conditions difficult for us to conceive in this country. The absentee Irish landlord, though he was oppressive, was not always consciously cruel in the treatment of his tenants. The system made him a tyrant or at least tempted him to tyranny even when he himself was naturally well disposed.

One man of my own acquaintance who is still living, and who occupies a very prominent position to-day in English public life, the younger son of a great noble, became a naval officer and received from his father when he came of age a property that yielded about £1.000 a year. This property which he had never seen was managed by an agent. He went on the turf and in the course of a few weeks the thousand pounds which constituted his annual income passed from his pockets into those of enterprising bookmakers. As was usual with Irish landlords living out of the country, he wrote a letter to his agent asking if he could not send him some more money. The agent answered that the income from his property might easily be doubled. "Why the mischief then don't you double it," he asked. "I want to be sure," the agent answered, "that I will be sustained." Now this man is quite an extraordinary person, gifted with a mind singularly effective in analysis. Concluding from the agent's statement that there was something about the matter which needed explanation, he resolved to visit the estate and ascertain for himself the real condition. The agent met him and escorted him over the property, showing him various farms for which the rentals paid, he said, were entirely inadequate, and finally reached one which seemed to be particularly well kept and prosperous. "There," said the agent, "is one of the best farms on the estate. It is easily worth 2 guineas an acre, and all that the tenant pays for it is 2 and 6 pence." When the landlord asked why the higher rental was not obtained for it, the agent answered that when rentals had been raised on Irish estates the agents always incurred bitter enmity. This they were prepared to face, but they had not always been sustained by their principals. And this particular agent before he took any steps to increase rentals wanted to be assured that he would be supported by the landlord in any trouble that might ensue.

Now, this particular landlord from his entrance into the naval service, had always made it a rule when anything under his authority went wrong to go and ascertain the cause of it for himself. Even after he rose to be an admiral—I may as well say that the man of whom I speak is Lord Charles Beresford—if an engine on any ship of his fleet was reported out of order he never contented himself with sending an engineer officer to find out what was the matter. He always ordered a boat lowered and went and ascertained it himself. And so when the agent made this statement about the farm renting at what appeared to be such an extraordinarily low rate, Lord Charles concluded that he would go and see the tenant personally and get his side of the matter. The following morning he appeared at the cottage door and was welcomed by the occupant, whose name, I think, was Monahan. To enter a house in Ireland, no introduction is necessary. Anyone who appears on the threshold is sure of a cordial reception. After exchanging a few pleasant words with Mr. Monahan, Lord Charles made some observations on the excellence of the farm. Now, an Irishman who receives congratulations on the farm he occupies always discerns in the compliment a potential, if not probable, rise of rental. And so, when Lord Charles asked him how it happened that he only paid 2 and 6 pence an acre for land easily worth 2 guineas, the tenant said, "And may I ask, sir, why you busy yourself about my farm, or the rent I pay?" Whereupon Lord Charles said, "I am your landlord." And then this man, well-nigh 80 years of age, broke down and wept like a child. The dread stroke, which every Irish tiller of the soil who has made it productive always apprehends, seemed to have fallen. In piteous accents he sobbed, "Oh, my lord, for the love of God, don't take the farm from me. It is true I am paying but 2 and 6 pence an acre for it, but when I came here that land was not worth 6 pence an acre. The value it has to-day is the result of work put into it by me and my boys during the last 50 years." Four sons, the oldest nearly 50, the youngest over 40 years of age, had all spent their lives in helping him to effect this improvement. "My lord," he said, "I will give you half of it, I will pay 1 guinea an acre, but let me keep the rest," and Lord Charles said, "No, Mr. Monahan, I am sorely in need of money, but I would have to be much harder up before I could take away from you the fruits of your life work and of your four sons. Keep your farm at 2 and 6 pence an acre as long as you live."

Now, suppose this particular landlord had not taken the trouble to ascertain for himself just how his agent could have increased the rentals of his property, that tenant and his four sons would have been evicted, turned out on the road to die, unless they could obtain enough money to buy a passage to this country. And in just that way and under just such conditions hundreds of thousands—aye, millions—of Irishmen, victims of this accursed system, have been driven from their own hearthstone to seek asylums in this country and other lands beyond the sea. But their love of Ireland instead of diminishing grew deeper by absence from the soil. That love they have transmitted to their children and to their children's children, many of whom have never seen the country which they love, with an ardor that is unquenchable. It is this greater Ireland beyond the seas which rises now to denounce that accursed system before the bar of public opinion throughout the world. The conscience of Christendom has already decreed that the system must end. And I pray, Senators, that you will not, by ratifying the treaty, prevent the United States from proving itself, through all the years to come, as it has been in the years that are past, the most effective agent in enforcing the decrees of civilization in favor of liberty and justice.

So you see the conditions produced by the abhorrent laws of the eighteenth century have continued down to the present day. The laws themselves have been repealed, but the conditions they produced remain. It is true that in law Irishmen can now purchase property and hold it without any disqualification on the ground of religion. But practically land in Ireland was, until very recent years, absolutely unattainable; first, because the

Irishmen, excluded from all avenues of productive industry for generations, had not the capital wherewith to purchase land, and if by any chance he became possessed of sufficient means to purchase land, it was a point of honor among the landlords not to sell. Thus conditions originally produced by law have been perpetuated through custom. They continued unbroken until the Wyndham Act of 1912 was passed.

The results produced by that measure before the war were amply sufficient to convince the most skeptical that the wonderful industrial efficiency which enabled the Irish, after every devastation of their country, to restore prosperity in an incredibly short space of time so long as they were allowed to regain access to their soil, had not deserted them or diminished in the slightest degree. Just consider for a moment the immediate effects of that legislation. Remember that by this measure the Irish land was not taken from the landlord and given to the tenants without compensation of any kind, as it had been originally taken from its occupiers. It was taken at a high valuation, and after this high valuation had been fixed by mutual consent 12 per cent in addition was given to the sellers as a bonus. That was all charged upon the land, the occupier of which was empowered to take possession and to become the absolute owner on paying the total amount of the purchase price in installments extending over 62 years—I think that was the number of years. Under that law one-half of the land of Ireland passed into ownership of its occupiers. The transfer involved some twelve hundred thousand transactions. And, what absolutely seems to transcend the possibilities of human capacity, there was not a single default, so far as I know, in fulfilling any of these agreements. Never in the history of man have transactions on a scale so stupendous occurred without a single breach of agreement.

Not merely was the letter of every agreement observed by the Irish but they cultivated the soil thus restored to them with such energy and efficiency that by 1914 they had already effected a wonderful revolution in their condition. The cabins—the hideous, noisome cabins which I myself remember, in which we would not suffer a pig to exist now, where human beings, 9 and 10 in number, and animals, if they were lucky enough to have a pig or two, dwelt together promiscuously under a few sods placed against an upright pole, an open space at the top allowing smoke from turf and such articles as they burned to escape—have all disappeared. Decent white-washed cottages have replaced them. Implements of industry are kept in excellent order. I never saw better horses anywhere than in Ireland while I motored through it in 1913. It seemed as if the Irish people were once more on the very threshold of a prosperity such as had blessed the land between 1782 and 1800—the monuments of which are those beautiful buildings that ornament the city of Dublin to the admiration of visitors from every part of the world.

At this time while prosperity was returning apace, and prospects brightening steadily, the British Government undertook to pass a measure of home rule, encouraged doubtless by the excellent use which the Irish people had been making of their land. This measure did not in fact provide for home rule at all. The body it proposed to create was not a parliament but a commission to propose measures for the English Parliament. Certain subjects were relegated to this new body, but the power of the English Parliament over it was supreme—so complete that not merely was the right reserved to set aside any act which the Irish Parliament might pass but where that parliament had acted on a subject entirely within its jurisdiction the British Parliament was free to pass a different act, and this act of the Imperial Body was to prevail as the supreme law of the land. Here surely was a measure which the most radical English opponent of Irish home rule could well have afforded to accept. Though it did not establish an Irish Government in any sense of the word, yet the Irish representatives who then appeared to speak for the majority of the people accepted it. And there was every reason to believe that its enactment might effect a complete settlement of this difficulty which for centuries had disturbed the peace of mankind. But a number of Ulsterites, encouraged by leading politicians of England—openly by all the Tories and secretly by many of the so-called Liberals—resolved to resist by arms the establishment of anything resembling a government in Ireland even though the limitations of its powers reduced it to little more than a shadow or simulacrum of government. These men were among the most prominent of the community. They organized regiments, paraded them in public reviews, and audaciously imported 100,000 stands of arms to be employed against the British Government if it undertook to enforce a home-rule act.

Mr. Carson, who had been a high official of the Crown, organized what he called a provisional government, and one F. E. Smith, who is not an Irishman, who has not a drop of Irish blood in his veins, who had no connection whatever by blood or property with the island, came over to Belfast, visited various places in Ulster and joined in arrangements to resist establishment of home rule. After this rebellion had been proclaimed and its forces actually organized, the Irish nationalists, who, mind you, were maintaining in office, the British Government then in power (it did not command a majority in parliament, except by the votes of Irish members) undertook to organize a volunteer force for the purpose of supporting enforcement of the home-rule measure. And then what happened? This Government, maintained in office by Irish votes, forbade by proclamation admission of arms into Ireland, after the Ulsterites had obtained arms sufficient to equip the regiments they had organized for rebellion but before the nationalists volunteers were able to obtain any military equipment whatever. But even this did not satisfy these audacious rebels. Disregarding the proclamation of the Government and flouting its authority they brought a cargo of arms into an Irish port and were suffered to land them without molestation or interference. Their defiance of authority was in fact treated as an execellent joke and became a subject of laughter. Gun running promised to become the favorite sport of these chartered rebels—chartered by the very Government they were defying. But when the nationalists undertook to bring in a cargo of arms the British soldiery appeared upon the spot and with bayonet and bullet prevented them from landing a single rifle, shooting down women and children who happened to be spectators. And so sedition was preached and practiced with impunity in Ulster while Irish nationalist volunteers when they attempted to sustain the Government were prosecuted and dispersed by order of the very men they kept in office. But even that was not all.

Under a new development of the British constitution a measure may become law notwithstanding its rejection by the House of Lords after it has been enacted three times in the House of Commons. This home-rule bill had been enacted once, and while the second enactment was in progress the military authorities—not the volunteers—but the regularly organized military forces of the Empire encamped at Kildare—were notified that possible violence in Ulster might require intervention by the soldiery to overcome it. And forthwith all the high officers, with the exception of Gen. Paget, resigned their commissions and announced they would not draw their swords to maintain the authority of their Government because it would be drawing them in behalf of a cause which the Irish people supported and against the Ulsterites who were their personal friends and with whose openly proclaimed intention to resist by arms the operation of a law enacted by the British Parliament they were in full sympathy. And these mutinous officers, instead of being court-martialed, degraded, discharged, and shot, were not even questioned. Not merely were they suffered to retain their commissions, but most of them were actually advanced to higher commands.

Can you wonder at what followed? The Great War came on. Mr. Redmond, acting for the nationalists, pledged the Irish people to support the British cause. I think he made a capital mistake when he said that the Irish people would be satisfied to wait for enforcement of the home-rule bill after the war was over. However this may be, certain it is that when the enlistments opened Irishmen went to the colors in great numbers. The nationalist leaders asked that these Irish soldiers be performed separately so that such deeds of valor as they accomplished would redound to the glory of their race. The request was denied. They were drafted into various regiments and companies. But wherever the fortunes of war were desparate and the casualties heaviest there Irishmen were found in numbers far in excess of the proportion they bore to the entire body of the British soldiery. And though they suffered heavier losses than any other men in the English service, their sacrifices were allowed to pass unrewarded and indeed unnoticed.

But worse was to follow. While Irish nationalists were dying by thousands under the British colors, repeating the sacrifices and services of their ancestors at Flanders a century earlier, it was resolved by the British Government to arrest the leaders of the nationalist volunteers and seize such arms as might be found in their possession. That purpose having become known it provoked immediate spontaneous resistance. Without preparation or opportunity to rally even the scanty force they could command these Irishmen arose in revolt. Numbering less than 2,000 they held two entire British divisions at bay for over a week. And when, after a display of gallantry at which the world has wondered, and without having committed any excesses as their bitterest enemies acknowledge they laid down their guns, the leaders (some 17 in number) were shot in cold blood. These men were the very flower of Irish life. The officials who took

the lead in butchering them or in directing their butchery were the very men who had themselves preached rebellion and resistance to the Government. Once more the very best in the land, men of resplendent genius, of virtue personal and civic, absolutely unspotted and untarnished, were slaughtered, and over their dead bodies the basest were rising to conspicuous positions. The same accursed system that raised Emmet to the scaffold and Norbury to the peerage has in these days sent the brightest ornaments of Irish life to stand before a firing squad, and raised to the English woolsack the man who had counseled the course these victims pursued.

Now, this simple narrative of facts which we all remember, demonstrates, it seems to me beyond a question, the absolute incapacity of England to do justice in Ireland. Everywhere else her rule may be beneficent. In her own country she maintains a government certainly better than any other in Europe. Many think it the best in the world. But in Ireland, by the confession of everyone, her own statesmen included, her attempt to govern the country has been the most wretched failure in the whole range of human annals. The reason for it is plain. It arises from a difficulty that is insuperable. For nearly 250 years all legislation in Ireland has proceeded on the assumption that the Ulsterite is a superior being, and that all other Irishmen are his inferiors. This, though fantastically absurd, is not to be wondered at. Because you can not very well rob a man and then admit that he is your equal or that he is possessed of any merit whatever. You must admit and declare him unfit to enjoy either liberty or property at the same time that you despoil him in order to justify the spoliation. English writers and politicians are driven in self-defense to contend that the Irish are a shiftless, worthless, thriftless race, the Ulsterites embodiments of industrial efficiency and frugality. In support of the misrepresentation they quote the prosperity of Ulster, always omitting to point out that it enjoyed the essential conditions of prosperous commerce while the rest of Ireland was excluded from them. The different treatment always extended by British Government (no matter what party controlled it) to the different parts of Ireland, can not be explained upon any other theory. Remember, it was not only English Tories who have discriminated against one set of Irishmen in favor of the other. Liberal Englishmen have done it in even a more marked degree. It was a so-called Liberal Government kept in office by Irish votes that persecuted and suppressed the Irish nationalist volunteers who sought to support the measure of the British Government and encouraged the Ulsterite recalcitrants who proclaimed their intention to rebel against a law which aimed to do a faint measure of justice in Ireland.

All of which shows conclusively that England can not do justice in Ireland. She is absolutely incapable of it. Even when she has tried to do it, she has failed signally and dismally. I believe that the majority of the English people were really anxious to establish home rule in Ireland before the war. They had voted in favor of it. Their representatives in Parliament enacted it, and yet when it came to putting it in operation forces too strong for the Government were able to prevent it.

And all of this, Senators, I believe, leads to one conclusion. Ireland must be released from this incubus. She must be delivered from this body of death, called English rule. She can not continue to exist under it. She will not. She would not deserve to exist if she accepted these conditions of degradation. She will never accept them. Her whole history shows that. There is no way in which her national spirit can be quenched. Efforts the most ruthless, backed by the utmost power of England continued through centuries, have failed to destroy Ireland's nationality. All the leagues of nations which might be formed on this earth could not keep Ireland submissive to this wrong. Thank God for it. In saying that for Ireland, I think I can say as much for America, too. [Applause.] I do not believe all the powers on earth, organized in a league of nations or otherwise, could keep America submissive under a wrong. [Applause.] I do not believe there is any chance that America will be reduced to a position where her people must revolt against her Government in order that justice may remain their birthright. And, therefore, I am as certain as I can be of anything that this treaty will be rejected, root and branch, as an abomination which the American people can not take to their bosoms. There is but one thing necessary now to effect the emancipation of Ireland and the regeneration of the world. It is that we acknowledge and recognize the simplicities of the situation which this war has created, as Senator KNOX described them yesterday, and then govern our course by this infallible guide. What is it that the world needs? Everyone will answer, "Peace." Of course, it is. But what is peace?

Peace is not merely the removal of contending armies from the field of battle. It means deliverance of the nation from the preoccupation and obsession of wasteful preparations for war. For years before the late conflict began the world was practically in a state of war. It was paying the price of war. Notwithstanding a great increase in the production of commodities prices instead of falling were rising. This increase in the cost of living could be accounted for on no basis except the tremendous expense of supporting 5,000,000 of men in the very flower of their productive efficiency idle in barracks and equipping them with the weapons which would make them effective in battle. That was a terrible burden before the war. But now if that burden is to continue it must destroy or at least imperil the solvency of the entire world. And an insolvent world must necessarily be a starving world.

Remember that during the 100 years of peace which followed Waterloo there was an enormous growth of population. That growth was confined almost entirely to the cities; rural populations declined rather than increased. In all those cities there is not a single human being who produces the necessities of his own existence. Five or six millions of people have established themselves on the Hudson River and the East River in what is called the great city of New York. There they live on the contributions of workers from all over the world. Everything that enters into their industry must be contributed from outside the city. Anybody who has ever looked upon those great chimneys and seen the smoke of manufacture rising to the heavens—incense with industry burns before the throne of God—must realize the close interdependence between all human beings in the world to-day. Everything that enters into manufacture, the very stones of the structure in which industry operates, the very beams of the building in which it is sheltered, the raw materials of manufacture, the clothing of the worker, all come from outside. The dweller in the cities depends for his subsistence upon the labor of all the world.

Before the war 4,000,000 of these 5,000,000 people lived literally from hand to mouth. And the same is true of people in every other great city. But now $250,000,000 of the capital by which industry was formerly made effective has perished. Ten million human beings in the flower of their industrial efficiency are dead, maimed, and rendered inefficient. With this loss of capital and of productive energy how are these mighty populations to continue to be fed, clothed, and housed? There is but one way. The waste of war and of preparation for war must be ended. All over the world men must put away weapons of conflict and take into their hands implements of industry. If disarmament can be made universal, then this war will be converted from the greatest scourge ever laid upon the backs of the human race into the greatest blessing which a Merciful Providence has ever extended to them. It is the unbroken lesson of history that sacrifices imposed on one generation are the necessary price of every great advance, material and moral, accomplished by other generations. The French Revolution, which caused wars that devastated the Old World for over 20 years, resulted in uprooting survivals of feudalism which had seriously hampered industry, and it was followed by an improvement in human conditions so remarkable that when we contrast the conditions of the world during the last hundred years with its condition during any previous period, it seems as if we were considering two separate planets peopled by a wholly different species of animated beings.

And after our Civil War, notwithstanding its enormous waste, the substitution of free labor for slave labor opened a fountain of prosperity which more than repaired in five years the terrible destruction of battle. And now if we can absorb all the energies of mankind in production of commodities necessary to human subsistence, the ravages of this war will be repaired in five years, and the human family will reach a plane of prosperity higher than it has ever achieved. The world is at the parting of the ways. Either it must take, through disarmament, the path leading upward to prosperity that will be immeasurable, or else through efforts to maintain huge military establishments it must sink through confusion and disaster to ruin which will be irretrievable. Which path shall be chosen? Your action, Senators, on this treaty will decide. Mr. Chairman, if we follow the path marked out by this attempt through a new covenant to perpetuate the conditions from which we hoped that the war would deliver us, if we increase armaments instead of abolishing them, if, in a word, this proposed treaty is ratified, the league of nations, which it establishes, which is a league not to promote peace but to prohibit peace, as Senator KNOX has well said, it will prove to be the greatest curse that has ever blighted the prospects of humanity. [Applause].

But I have not the slightest apprehension on this score. Thank God, a spirit of genuine Americanism survives in the Senate which will deliver this country from the peril that threatens it and dispel from our horizon the cloud that darkens it. I think

I may say with perfect confidence that since this treaty was laid upon the table of the Senate the discussion which its provisions have evoked has raised the standard of senatorial eloquence and senatorial statesmanship to a plane higher than ever before attained in its history. [Applause.] I can quote speeches delivered by men who sit around me that can not be paralleled by any delivered in the Senate since its organization, and I do not except even that much-lauded reply of Daniel Webster to Senator Haynes, of South Carolina. When we realize the wealth of information those speeches disclose, the high spirit of patriotic devotion they attest, the stern resolution in the teeth of misrepresentations, as ingenious as they are reckless, to maintain the integrity of our institutions, which they establish, nothing in the past history of Congress compares with them. But even if the Senate were indifferent or inefficient, there would remain the unerring judgment, the infallible wisdom, the sensitive conscience of the American people. America has accomplished the greatest things ever achieved in the history of mankind, things which have been so universally recognized as of transcendent value to civilization that even if they could be changed no human being would venture to disturb them. If anybody had the power to disturb them and should attempt it, the whole conscience of Christendom would rally to preserve them as priceless possessions of the whole human family. Yet these great achievements were attained not through politicians or statesmen but largely in spite of them. The people have always done better than the politicians or statesmen had advised.

This war which we can all now see was absolutely essential to preservation of our civilization was not a distinctive policy of the President who conducted it. He went into a campaign and sought reelection—with perfect sincerity, as I believe—upon a proposition that he had kept us out of war. He could not have intended to advise a declaration of war when he called the extra session, because he did that only after failure of a measure recommended by him which did not look toward war but merely to the arming of merchant ships. It was essentially the war of the American people, not of the American President.

The war with Spain was forced upon a reluctant Executive, as I think the chairman of this committee will admit, close as he was to the administration of the very distinguished President who caused its declaration. And the reconstruction of the Southern States after the Civil War was not what anybody had suggested. It is now clear that if either party had had its way the country would not yet have recovered from its ravages. I remember when Mr. Tilden was—as I believed at the time and have not wholly changed my opinion—cheated out of the office to which he had been elected, I thought it was the end of this Government. I thought that the South must remain indefinitely under the cruel heel of oppression, with rival governments in three different States, and that all possibility of reconstruction on the basis of reconciliation had faded away into limitless distance. Looking back now, I can see that it was the providence of God that put the task of withdrawing the Federal troops from South Carolina, Louisiana, and Florida into the hands of a Republican President, thus making it a common policy of the whole country, which Democrats were delighted to welcome and which Republicans were not in a position to criticize.

The War of 1812 was forced on President Madison. Senator KNOX, who has undoubtedly studied closely the archives of the State Department, knows that the purchase of Louisiana as we understand it was never contemplated by Thomas Jefferson. He sought only to acquire the Island of Orleans. The purchase of the great territory north of the present boundary of Louisiana was forced on him. It was accepted as a necessary condition by his supporters, and urged as a reason for rejecting the whole treaty by others, on the ground that these desert wilds could never be of any value to us. But the people builded wiser than the statesmen of those years.

And now, when the greatest emergency that has ever confronted the country is upon us, I believe that the people's conscience, the people's judgment, and the people's wisdom, will reinforce the determination of these Senators who have already checked, and who I believe will succeed in defeating the attempt by this treaty to betray the causes and purposes for which the war was fought. I do not charge deliberate treason against anyone, but I do say that betrayal of the causes for which this war was fought and won will be the net result, if the purposes of those who negotiated this treaty shall be accomplished. We are told that even an amendment of this treaty will lead to its rejection. Well, what of that? Suppose it is defeated, could we conceive anything more auspicious? The league of nations which it undertakes to establish is imperfect by the concession of everybody.

The Shantung provision is an abomination. Yet we are told that we must yield to that abomination and make ourselves parties to it. My God, Mr. Chairman, when did it come to pass that the word "must" can be addressed to the American Nation? [Applause.] When this Nation consisted of little more than a few villages straggling along the Atlantic coast, the suggestion was made that forbearance of the greatest military power in the world at that time could be secured by a substantial advance of money. The answer was given without an instant's hesitation: "Millions for defense; not one cent for tribute." [Applause.]

And, sir, are we now to pay not a tribute of money but a tribute of infamy, by the confession of everybody, in order to establish a league which has not and can not operate for peace, but in the very nature of things, as has been conclusively shown by Mr. KNOX and other Senators, must operate to make war frequent, if not perpetual? Is there in that treaty one single word of which any American should be proud? Does it liberate a single people who seek emancipation, except as an act of vengeance against the countries that were overthrown? Does it hold a word of hope to nations that are languishing in chains and determined to break them? Far from that, it creates new spoliations and makes us a party to them. Without our participation they could not become effective. [Applause.]

But we are told that we can ratify this treaty and pass a resolution declaring that we don't like these infamies at the very time that we are perpetrating them. Now, I can have some respect—at least I can understand the attitude of a man who perpetrates an infamy because he wants to—but I have no patience with a man who, after making himself a party to an infamy seeks to excuse himself by saying that he dislikes it. [Applause.] One man is formidable to justice, the other is contemptible in every sense. But thank God the Government of the United States is not going to be contemptible. [Applause.]

Now, in all this I do not intend the slightest reflection on the President of the United States. I think I ought to say that. [Laughter.] No, no; Senators, let me say this to you: I think the place of the President in history is a high one, and I think it is secure. I think it is so secure that it can not be overthrown by anything except ratification of this treaty, and against that the Senate is, I think, immovable. His definition of the cause which led us into this war has become one of the priceless possessions of humanity. The 14 points are not dead. They are alive; they are here. [Applause.] We are appealing to them now, and the appeal will not be in vain. They can never die.

I was one of those who sincerely deplored his going abroad. I did not believe then, and I do not believe now, that the President of the United States is ever justified in placing his person under the jurisdiction or in the power of a foreign Government, especially when he is engaged in a negotiation affecting the sovereignty of the United States. While his person is under foreign jurisdiction he can be coerced in many ways. I think he was coerced in one way which proved effective, and that was by threatening him covertly or openly with some manifestation of disapproval or by withholding from him the applause which they gave him in overflowing measure when he first appeared on the European Continent. It is impossible otherwise to account for his acceptance of provisions in this treaty which he himself declares to be objectionable. But I want to say this: The world which heard the words he uttered when urging Congress to declare war became that moment a different world from what it had ever been before. I wrote to Mr. Tumulty at that time, and I felt deeply in my soul that this address of the President would pass into history as the most momentous utterance that ever fell from human lips since Pope Eurban II preached the First Crusade at Clermont-Ferrand, over 800 years ago. When he said this war was waged to make the world safe for democracy, and men shed their blood to make his declaration effective, it became impossible for the earth which received that libation ever again to tolerate, in Ireland or anywhere else in the world, conditions those heroes died to overthrow. [Applause.]

After speaking these words it became as impossible for the President to come back and set up such a machinery of force to dominate the world, as is embodied in this treaty, as it would have been for Godfrey, of Bouillon, or any other leader of the Crusades to establish Mohammedanism in his own dominion after his return from attempting to overthrow it in the Holy Land. Even though the President has himself forsaken the 14 points, the principle embodied in them remains to render the dominion of brute force impossible anywhere within the limits of civilization.

How the reign of brute force will be abolished in Ireland I can not tell at this moment any more than anyone at the close of our Civil War could have foretold the splendidly successful reconstruction of the Southern States that followed it. I am

sure the chairman of this committee will recall that the leaders of the dominant party at that time, men like Charles Sumner and Thaddeus M. Stevens and Oliver P. Morton, patriots of the highest type, believed it would be necessary to take the most drastic precautions against a renewal of secession. On the other hand, the leaders of the Democratic Party in the South believed that they were entitled at once to unconditional restoration of their government and freedom to reestablish their social and economic life as they pleased. A golden mean was struck between the two. Their governments were given back to the southern people when it became clear that there would be no attempt to restore slavery or to fasten the Confederate debt on any part of this country. And then those States which had been ravaged as no other land had been ravaged before, whose industrial system had been subverted, whose cities had been burned, whose fields had been devastated, where the last dollar of capital had been expended, rose from the ashes of defeat almost in a night and marched forward to a prosperity greater than that which has blessed any other part of this country.

So I firmly believe that out of all this discussion, contention, and confusion of views the thing will emerge which the world needs. And that is disarmament. When disarmament becomes universal, then peace will be firmly established, for the very simple reason that when all nations are disarmed there will not be any means with which any of them can fight against another. Let us, then, insist that the outcome of this war shall be disarmament of all nations. We have the power to enforce this policy, and we need not lift a finger to do it. As Senator KNOX pointed out yesterday, the whole world is bankrupt. Many nations are still intent on maintaining great armaments, but they can not support them unless we give them the means. It is certainly impossible for any of them to reorganize its industry and at the same time maintain a great military establishment. The hope of each one is that we will advance it the capital essential to its industrial reorganization, and then it will use its own resources to maintain a great armament on land and sea.

I do not believe any American would object to aid the restoration of stricken Europe, but I do think it is our paramount duty to insist that before we extend the benefit of our resources to any other country all its own resources be devoted to restoring its industry. We should not aid it while it diverted one penny of its own possessions to military enterprises. To force universal disarmament, therefore, it is only necessary that this country resume the rôle which it has played since its organization.

For the first time in the history of the world a great war has ended leaving one power able to maintain the greatest armaments on land and sea and that power does not want to establish them. That power possesses the resources to resuscitate society, and it does not want to exercise the power thus given it for any other purpose than to benefit the whole human family. And now, while we are ready to expend our treasure for the welfare of all the world, what is it that by this treaty we are asked to do? As Senator KNOX well said yesterday, we are asked to use our resources for regeneration of the world, not according to our own idea of what would be most effective, but by submitting our judgment to that of other nations whose policies have led them to the pass out of which they are crying to us for deliverance. Now, if there be in all this world any force, country, government, or political system better qualified than America to employ enormous resources for the benefit of mankind by enforcing justice, I am ready, for my part, to see our resources turned over to that superior agency. But where it is? Where can it be found? Where is there in the universe any force comparable to the United States as an agency to use unlimited resources for the improvement of human conditions? Such a power or force can not be found. It does not exist. And yet we are asked to subordinate our control over our own resources to the judgment of nations which I think nobody here will dispute are inferior to us in intelligence and in love of justice. We are asked to give up the greater for the less, to abase ourselves from the lofty position to which Providence has assigned us and deliberately sink to a lower level. But it is said that if we maintain control over our own destiny we are in danger of isolation.

Well, Mr. Chairman, our isolation was decreed by Almighty God when He gave us the first place in civilization. Eminence is always isolation. But the eminence which we have always enjoyed is not an isolation which we want selfishly to retain. No; no; no; America invites all the world to end that isolation by coming up and sharing the eminence which she has occupied since the organization of this Republic. [Applause.] From the spirit that has been displayed in this gathering here to-day I have unbounded confidence that this country will not terminate that eminence by coming down from it and abasing itself to the prejudices and hostilities and cupidities of those European powers that have plunged the world into the welter of blood from which we have just delivered them, and from whose consequences we now hope to shield them.

Senator KNOX has stated, much better than I can state it, the true policy we should pursue. When disarmament is secured the nations can not fight. And then an unarmed world will naturally and inevitably produce a league of nations to adjust disputes. While unarmed nations can not fight without at least three years' preparation, there will be disputes as long as there are human beings on the earth. Now, there are but two things that men or nations can do when they engage in disputes—they can either fight about them or they can talk about them. If they have not the means to fight, then there is nothing left for them to do but talk about them. And when by disarmament they are placed in a position where all they can do is to talk, they will inevitably take measures to make that talk effective, which means they will establish tribunals or bodies of some description before which these disputes can be adjusted, if they are capable of adjustment. Leagues of nations can not produce peace. But peace can and will produce a league of nations—a true league of nations—a league capable of meeting the requirements of civilization. And with all the world disarmed no nation can be held in subjection against the will of its inhabitants to another. Ireland will be free, and every nation now denied the blessings of liberty will obtain them. That, Mr. Chairman, I believe will be the outcome of this situation. It may not come immediately. But come it must and come it will. Anything else spells not merely danger but ruin to civilization. Mr. Chairman, these are the conclusions which I submit respectfully but most hopefully to this committee. Peace—not merely cessation of war, but cessation of preparations for war—is absolutely essential to human existence under the conditions which now govern the world.

Peace must be established in Ireland before it can be made permanent throughout the world. Peace can not be established in Ireland by England. Eight centuries of history prove that. The Irish people who have resisted foreign domination for nine centuries will not submit to it, even though an attempt to force it upon them were made by a thousand leagues of nations. The league of nations here proposed is an abomination, an attempt to use the conscience of Christendom to sanction and perpetuate wrongs which morality and justice condemn. But although judgment and good sense may have departed from quarters where we have a right to expect that they would be found, yet we feel profoundly confident that here in this body the wisdom of the fathers will be vindicated by such a display of patriotism, such an exercise of vigilance, as will insure to this people the rights to which they were born, the rights which some of us who came here from other lands have acquired through the operation of our constitutional system; and by maintaining this Constitution intact you Senators will become the effective instruments ordained by Providence to keep trimmed and shining before the eyes of all men the lamp which will guide their footsteps, to freedom, to justice, and to unending prosperity.

Judge COHALAN. Gentlemen of the committee, we thank you on behalf of those who have come here and on behalf of those who have had the opportunity of addressing you.

BRIEF OF PROTEST.

The brief of protest heretofore referred to, filed in opposition to the arguments submitted at the morning session, is as follows:

The FOREIGN RELATIONS COMMITTEE,
SENATE OF THE UNITED STATES.

GENTLEMEN OF THE COMMITTEE: We beg to present a formal protest to the attempt of representatives of a faction in Ireland, known as the Sinn Fein party, or of kindred organizations favoring this movement in the United States, to have the so-called Irish question thrust into the discussion in the Senate of the peace treaty and the league of nations.

In presenting our brief of protest we do so as American citizens of Irish birth, and not as agents of a foreign Government nor as local political factionists with an ax to grind. We are just plain, hard-working American citizens, engaged in various commercial and professional callings, prompted by a legitimate sentiment for the land of our birth and by a whole-hearted devotion to the land of our adoption.

We are not here, sirs, to argue either for or against the peace treaty and the league of nations, but we are here through your gracious courtesy to declare ourselves opposed to the thrusting of a foreign political issue into the discussion of that great subject.

Our opposition, gentlemen, is based on the following arguments:

I. THE ARGUMENT OF RIGHT.

The league of nations is a proposal to unite the forces of the Allies who fought during the late war to preserve the future peace of the world. This faction in Ireland has no right to be considered in the discussion, for they failed to support the Allies in that war and failed to do their part in the struggle. We present two simple statements in our argument:

A. They failed to support by sentiment. Their propaganda during the war period was hurtful to the allied cause.

B. They failed to support by deed. They gave aid and comfort to the foe by creating strife and turmoil at home. The British Government, in order to quiet this faction, could not and did not enforce conscription in Ireland. Granted they had a real cause to present at the bar of American judgment, they have no more right to be heard at this time, when they failed to support the allied cause, than the foe has to be heard at this juncture.

II. THE ARGUMENT OF FACT.

It is stated by this element that Ireland has not self-government and is therefore entitled to be heard. We are prepared to testify by actual experience that Ireland has self-government on the following basis:

A. Ireland has the franchise—franchise in local as well as national government.

B. Ireland has representative government. It has representatives of the people, by the people, and for the people.

C. Laws are made by the Parliament in the same manner as for England, Scotland, or Wales—the procedure is the same in each case.

It is further stated by this element that Ireland is suppressed by Britain. We reply:

First. It is not suppressed religiously. Freedom of worship is granted to all and is enjoyed by all.

Second. It is not suppressed industrially. Ireland possesses some of the largest plants in various industries to be found in the world, for example, shipbuilding, linen, tobacco, rope, collar and shirt, distilling, etc. The lace industry of Ireland is proverbial. Ireland is enjoying prosperity now to a vast degree.

III. THE ARGUMENT OF HISTORY.

The claim is made that Ireland was and should be a nation. This claim is false, and the assumption is without historical grounds. Ireland neither during the Druidic nor the Christian periods has been one whole, undivided nation. The four Provinces represent the smallest areas of nationhood. Historically, Ireland has had many kings and rulers at the one time, but never one king or supreme chief. Only under British rule has Ireland ever approached unity in these historic divisions. The present political divisions in Ireland are religious and not racial.

IV. THE ARGUMENT OF PRINCIPLE.

We are opposed, gentlemen, to the Irish question being thrust into American politics for the following reasons:

A. It raises a racial question. American citizenship is built not on foreign nationality but by adoption of the principles of the Constitution of the United States of America. The United States exists not for the foreignizing of America but Americanizing the foreign who seeks to live in our land. Whatever arouses racial feeling in America is dangerous to our national consciousness. We are opposed to hyphenated Americanism.

B. It raises a religious question. This is foreign to the principles of American national life. The propaganda of this element is such as to arouse sectarian animosity, denominational bigotry, and injects religious controversy into American politics. We are opposed to the religious hyphenate as well as the racial, whether it be Jewish, Roman Catholic, Protestant, Christian Science, or otherwise. The Irish question at home is a matter largely of religious association, and this is its tendency abroad.

In conclusion, sirs, we feel that the Irish question should not have official recognition at this time, when in the interests of the democracy of the world there should be fostered a friendly feeling between the two great English-speaking democracies of the United States of America and the British Empire.

We desire to thank you in behalf of those who think and feel as we do on this question, not only of Irish birth but also as direct American citizens, as well as an appreciation of ourselves personally for your courteous treatment and patient hearing. With absolute confidence we leave the matter in your care.

DAVID D. IRVINE.
HENRY STEWART.
JOHN KENNEDY.
LT. LEWIS H. SHAW.
ALBERT E. KELLY.
WILLIAM B. CHINNY.
WILLIAM BALFOUR.

The following documents, numbered from 1 to 20, are printed as a part of the hearing by direction of the committee:

No. 1.

STATEMENT OF REV. JAMES GRATTAN MYTHEN, ASSISTANT MINISTER CHRIST CHURCH, NORFOLK, VA., AS MADE TO THE FOREIGN RELATIONS COMMITTEE SATURDAY, AUGUST 30, 1919.

Mr. Chairman and gentlemen of the committee, your committee has served notice that only American citizens shall appear before you in relation to the matters which you are discussing, and it is, therefore, my privilege to appeal to you primarily and, in fact, solely as an American citizen on the question to which you have given a hearing to-day, namely, the freedom of the Irish people in their motherland.

As you note, I am a clergyman of the Protestant Episcopal Church, and as a follower of the Nazarene my training has taught me to be a pacifist. I could in no other way in conscience follow the Prince of Peace, however, when in holy week the President of the United States, in an appeal made to the American people through his address to the Houses of Congress assembled in joint session, promulgated what to me seemed the most forceful Christian utterance since the days of Apostolic inspiration, whatever difficulties had previously been made manifest from the Christian ethical standpoint in regard to war were swept away. As a man, as an American, then Mr. Wilson convinced me as a Christian, it was my absolute and bounden duty to support the great crusade of which he seemed to be the modern Peter the Hermit.

On Easter Day I preached a sermon in favor of the war, and when the young men of my parish enlisted I felt that I, being unattached, economically responsible for no one, that it was unbecoming of me to be content merely to stand in the pulpit and urge other men to give their lives for the principles which I considered worthy of life giving. And so, with countless numbers of young men of the Nation, I enlisted voluntarily, although I was exempt from the draft on account of my clerical profession and also since I was beyond the draft age. I was content to serve in the ranks in the humblest capacity, feeling that the menial tasks which fell to my lot were noble because even in their small way they were aiding in achieving the high purport of the sacred mission to which our country had committed itself.

It was not that Belgium appealed to me so tremendously—I could sympathize with Belgium because I am of Irish extraction—but it was the statements of our President that the crusade which he had inaugurated meant enfranchisement of the world; that all peoples everywhere were to determine for themselves the sovereignty under which they might desire to live. When he specifically told us that it was not against the German people but against the imperial autocracy of Germany that we were to fight, I understood him as a clear, logical, and consequential thinker, and I knew that he did not mean alone the new-born imperialism of Germany, but also the age-long imperialisms of which no student of history could possibly be ignorant, especially the author of The New Freedom.

From the textbooks of Mr. Wilson I had learned much, and so I gladly followed him in the war in which we were to exemplify by the force of militant argument the principles which he had enunciated.

During my career in the Navy I was charged with helping along the work of morale. I addressed countless numbers of enlisted men; I wish to tell you that on one occasion I preached in St. John's Church, Hampton, Va., to a congregation composed almost entirely of men in uniform. I had to say in defense of the President, because he was then being attacked, that he did mean all that he had said, and that imperialism everywhere was to go. I distinctly mentioned Ireland, India, and Egypt in my sermon. A member of the President's wartime Cabinet was an auditor, and he sent for me—I mean Dr. Garfield, the Fuel Administrator—and he told me that I had echoed the thoughts of the President. I was glad to hear him say that, because in my sermon on that day I had said that if the thing that I was preaching were not true, I would gladly be taken out and put up against a wall and shot, because the uniform I was wearing under my priestly vestments would be a disgrace to the world.

Now, gentlemen of this committee, if a treaty of peace, so called, is ratified by you as the coordinate treaty-making power, and the so-called league of nations receives your sanction, I shall feel, first of all, as an American citizen, secondly as a minister of the Gospel, and, thirdly, as an enlisted man in the Navy, that I have been betrayed not only by the executive power who led us to a victorious war and brought us to defeat in peace but also betrayed by your honorable committee.

However, I do not fear such results. The principles enunciated in the 14 points are more than Mr. Wilson's theories. He wrote them first in black and white and we read them, but

since that time they have been written in red by my comrades, your sons, and your brothers in the fields of France, and though Mr. Wilson may wish to erase the things he wrote, he can not erase the indorsement of his principles which has been written in blood by the men who fell in Flanders and France.

The Irish issue might well be called the acid test of our international honesty. It is an acid which, if properly neutralized, will work well for the common weal, but if left in sullen despair will, without doubt, ally itself with every agency which makes for discontent and through which it may find a voice. Is it the will of this honorable committee to throw the twenty millions of our people into the already too large accumulation in the discard of discontent?

It is not necessary for me to attempt to convince your honorable body that there is no question of religion in the Irish situation as it is. The roster of Irish Protestants who might well be called the Protestant saints of Catholic Ireland answers that question for me: Grattan, Wolfe, Tono, Lord Edward Fitzgerald, John Mitchel—grandfather of the late mayor of New York City—Francis McKinley, hanged and quartered uncle of the late President of the United States; Robert Emmet, and Parnell. These Protestant leaders of Catholic Ireland need no apologists.

There is a religious question, however, which is international in scope when, for instance, from the interior of India, mercenary Gurkhas are imported to police Ireland. Those Gurkhas made themselves known in France when, stripped to nothing but a gee-string, with oiled bodies, with a knife in either hand and another in their mouths, disdaining the use of modern weapons, they leaped like tigers at the foe. This, gentlemen, is England's contribution from India to Ireland. And from Ireland the equally mercenary Sir Michael O'Dwyer, a man whom all Irishmen repudiate, was sent to rule over the Punjab, and whose rule has been exemplified in these last few months by suppressing particular demonstrations of unarmed Indians by the use of machine guns and bombs from the airplanes, killing thereby in cold blood hundreds of innocent men, women, and children.

These are the ways of English imperialism which manufacture religious animosities where none exist in reality. Thus, gentlemen, does England attempt to keep her belligerent subjects from realizing the unity of purpose which they should have in common in the destruction of her perfidious empire. She tries to make the Irish hate the Indians and make the Indians hate the Irish. So has she done in Ireland. She has created a fictitious animosity between Protestant and Catholic which exists only as political propaganda. She claims through Sir Edward Carson that the Protestant religion requires for its preservation the maintenance of British rule in Ireland. As a Protestant, sir, and a clergyman of the Protestant religion, I resent the implication that Protestantism requires the sustenance of British imperialism to maintain itself in Ireland or elsewhere. Were I convinced that this were a fact, that only through the power of British arms could my religion maintain itself in Ireland, then I would repudiate my religion at once. So, it is quite true that in this country we have heard the British propaganda that there is a religious difficulty in Ireland.

I want to say to you, sir, and gentlemen, that as a Protestant Irishman, whose family to-day in Ireland are representatives of the Protestant religion, that we would all gladly have Ireland free under any religious leadership rather than remain, as we are, the only white race still in slavery.

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No. 2.

STATEMENT BY FORMER CONGRESSMAN JOSEPH F. O'CONNELL, REPRESENTING A DELEGATION OF THE BENCH AND BAR OF MASSACHUSETTS, BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS.

AUGUST 30, 1919.

MR. CHAIRMAN: I have been authorized on behalf of the delegation of 25 lawyers sent here to-day by the bench and bar of Massachusetts to register our protest against the ratification of the peace treaty now under consideration in its present form, and to say to you that the proposed league of nations is in our judgment un-American, illegal, and contrary to the ideals of the American Republic.

It was my great honor and distinction to sit as a Member of Congress for four years in the great Chamber at the other end of the Capitol, and every time that I have viewed it in person or print my mind has traveled back to its beginning and history.

Sometimes, Senators, I am inclined to believe we forget the history of this very building in which you will assemble in deliberation on this treaty. Can you forget that in 1814 British troops marched from Annapolis on their errand of destruction and captured Washington, at that time an unfortified city! I will not detain you to narrate all the violations of so-called civilized warfare that were committed by the British officers and troops in that campaign, but I do make bold to recall to your attention the infamous conduct and unforgetable incident committed by the British troops in destroying the seat of our Government, because it carries with it the evil omen of what it will do again if it ever secures the chance.

The story of the exploit of Admiral Cockburn should be burned into the memory of this committee and every member of the Senate. Let me refresh your minds on a few of the details. After capturing the city, Cockburn marched with his soldiers into the Capitol building and, assembling them in the House Chamber, addressed them as follows, as we are told by English and American historians:

"We have met to-day in the building dedicated to the liberties of the American people—all in favor of burning this building to the ground, will say 'Aye'."

The vote was unanimous, and the orders were given "Burn it." And the original home of our Government, the emblem of our liberty and the original house of our Government in this city was destroyed by the ruthless devastating torch of the British soldier.

Let me warn you who are inclined to trust England that the same spirit of contempt for the American Republic still persists in the same quarters that inspired the orders to destroy our Capitol. If England ever secures the power of dominating American ideals, such as is contemplated in the proposed league of nations, is there any of you who can guarantee to the American people that England would again not do the same, if not worse, than Cockburn did in 1814?

This incident of American history is not recalled to you in any spirit of hatred against England, but only from the prudence of my American citizenship that can not still the fear that we will be taking a grave chance in entering into this proposed entangling alliance with monarchial powers, and as a lawyer representing a group of practicing lawyers I counsel and advise against taking any chances with our historical and traditional enemy. A small leak can lead to the destruction of the mightiest dam and your care should be to prevent anything that might lead to a leak of American and republican principles, for if the dam that has been built to protect the American people and the principles of liberty ever gives way the best minds of the world must agree that no man can foretell the awful destruction that will follow.

The President may cling to his ideals, but as an American lawyer and on behalf of this delegation of lawyers from New England we deliberately assert that the President has no right to entertain in his official capacity ideals that interfere or modify or control in the slightest degree the accepted and established ideals of American liberty as laid down in our Declaration of Independence and National Constitution. We in this delegation represent the traditions and teachings of James Otis, Samuel and John Adams, and Daniel Webster, and we fervidly and earnestly appeal to you, most of whom are lawyers, in their name not to forget the basic reasons that brought about the establishment of the United States of America as a Republic separate and distinct from all other races and governments.

We urge that if the principles of a Republican form of government were sufficient to justify the establishment of the American Republic in 1776 they are just as sound in 1919 to justify the establishment of an Irish republic in Ireland. This Republic was established on the doctrine of majority rule and all authorities agree that over 80 per cent of the Irish people have followed the course of the American Republic and have established for themselves an Irish republic, and hence we respectfully urge, that, having expressed to the Irish people the sympathy of the American people on the efforts of the Irish people to secure independence by a vote of 60 to 1, the consistent and proper thing to do now is to officially recognize Ireland as a republic. You have heard to-day from the lips of eminent Americans who have been in Ireland enough to justify you in acting immediately and stating to the world that you are satisfied that the Irish people have legally established themselves as a republic.

So much has been called to your attention to-day on this very important matter that I will not tire you by recurring to any of the various points dwelt upon by those who have already addressed you. But it does seem pertinent to lead your thoughts to that old bogey and masterpiece of British propaganda, the Ulster question, and, at the risk of taxing your patience, I ask your indulgence to read an authoritative statement from Ernest A. Boyd, one of the leading Protestant Irishmen of these days and an official of the British consular service: Ulster is a purely geographical term which describes the northern Province of Ireland containing the nine counties of Donegal, Cavan, Monaghan, Tyrone, Armagh, Fermanagh, Down, Antrim, and Derry.

This region is intimately and gloriously associated with the greatest traditions, literary, and historical, of the Irish nation from the earliest time, when it was the scene of the epic masterpiece of Celtic literature, down to the eve of the union, when Wolfe Tone conceived his dream of the United Irishmen in Belfast, and Grattan founded at Dunegannon the volunteers of prophetic significance. Evidently this Irish Ulster is not the "Ulster" which has called forth the rebellious enthusiasm of Sir Edward Carson and his English friends. The one is a national, the other a political phenomenon; yet, strange to say, owing to the absence of inverted commas, it is on behalf of the political "Ulster" that a plea of self-determination is often raised by those who argue that she can not deny to Ulster the right which she claims for herself. In other words, the demand of the Irish people for self-government presents itself as indistinguishable from the claim of "Ulster" to revolt against the laws of national and political unity. If the principle of national be the test to the right of self-determination, then it is important to distinguish between Ulster and "Ulster." The history of the Plantation of Ulster need not be recapitulated to-day. The facts are historical, and, whatever else may be said of them, they are hardly the best foundation to a claim to special consideration at the expense of the native population of the country upon which the settlers were thrust.

The present obstacles in the way of any acceptance of the theory that Ulster is a homogeneous entity are sufficient to dispense with a return to ancient history in the manner of which we Irish are accused of being over fond. In 1911 the total population of our northern Province was 1,581,696, of which 690,816 were Catholic Nationalists. Politically this division was emphasized by the return of 17 Nationalists as against 16 Unionist members of Parliament. Even since the last election, when a redistribution of seats and the split of the Nationalist vote between Nationalists and Sinn Feiners affected these figures to the advantage of the Unionist, there is still a majority in Ulster united with the majority elsewhere in Ireland so far as the demand for an Irish Parliament is concerned. Ulster is neither Unionist nor Protestant. Three counties, Donegal, Cavan, and Monaghan, are almost wholly Catholic. Catholics and Protestants are about equally divided in Armagh, Tyrone, and Fermanagh; and it is only in the three counties of Down, Antrim, and Derry that there is a strong Protestant Unionist majority. Even there Belfast has returned one Nationalist member representing the Home Rule Catholic minority. If the four counties known as Northeast Ulster are grouped together for electoral purposes, it is found that 5 Nationalists are elected as against 14 Unionists. The remaining five counties returned 12 Nationalists and only 2 Unionists. Clearly, it is impossible to consider Ulster as a political and religious unity. If the right of Ireland to self-determination be granted, not only will a minority of the whole country be coerced, but a minority in Ulster itself.

To do Ulster justice, those interested have rarely dared to base their demand for separate treatment on the ground of a majority right to self-determination. Carsonia is frankly antidemocratic and particularist, demanding special concessions for a majority on the sole ground of local advantage, and without any thought for the rights of the majority in Ulster or for the remaining Provinces of Ireland. It is alleged that Ulster has prospered since the union, that it is passionately devoted to England—not the Empire, for colonial home rule is abhorent—that its interests are opposed to those of the rest of Ireland, and that these would suffer at the hands of a legislature representing an agricultural community and dominated by Catholicism. The very arguments cited in favor of Ulster are a proof of the particularism and purely local selfishness of their champions. So far as the prosperity of Ulster is concerned it is limited to a few industries in a restricted area.

The Province shows the second highest total of emigration for all Ireland between 1851 and 1911—namely, 1,236,872—and between 1841 and 1911 the population of Ulster had declined by 805,177 persons. Three Ulster counties are on the list of Irish counties with the greatest number of emigrants, and two of them are in the superprosperous, supercontented "northeast corner"—namely, Antrim, with 297,605, and Down, with 162,571. And as showing that this decline of man power is not a heritage of papel superstition, these figures are higher than those of the third county, Tyrone, whose emigrants over the same period numbered 149,243.

As for the pretense that a poverty stricken agricultural population would victimize the "prosperous" industrial minority, it is worth noting that the taxable revenue per head is lower in Ulster than in Leinster, being £3 9s. 8d. in the former, £4 8s. 9d. in the latter, and that congested districts, with all the misery the words can note, are found in Ulster no less than in Connaught. On per capita valuation the highest northern country ranks only twelfth in Ireland. In fact, what Ulster fears even more than it fears democratic government is democratic taxation. Its claim to self-determination is a claim for capitalist determination alike for Ireland and Ulster.

Every Irishman knows how profound is the indifference of Ulster to English interests or English sentiment whenever these threatened to clash with the interests of Carsonism. The professions of undying affection for England no more corresponds to individual sentiment than do the boastings of economic independence to individual interests. Should northeast Ulster become Carsonshire under separate English administration, nobody would be more seriously disturbed than the Ulster bankers and the thousand and one business men who do not own the few favored industrial independent of Irish support. In other words, these purely selfish manifestations of loyalty to England and independence of Ireland made possible only by exploiting popular religious bigotry do not represent real political and social conditions. They are as remote from the facts of Ulster's life as are the panic fears of Catholicism which haunt the imagination of the Protestants where they are a dominating majority, but are proved groundless by their absence in the scattered Protestant minorities outside of northeast Ulster.

"Ulster" is not, as has been shown, a geographical entity; it is certainly not a national organism; it is not even a homogeneous in religion and politics. It is an integral part of the Province whose name it usurps, and its separatism flourishes solely because a small portion of the community, led by strangers, has not been exposed to the process of incorporation into the national and economic being, such as has everywhere resulted in political unity. We do not anticipate civil war, which has in most cases preceded the welding together of similarily divided communities, for we hold that the work of absorption will be painlessly effected by economic pressure. At the worst, a trial of strength in war, as between the Federal and Confederate States of North America, would lead to the definite establishment of a dominant majority. It is immaterial which side should win, provided one were irrevocably defeated. The consequences of an Irish civil war could not mean one-quarter of the misery, waste, and disruption which a continuance of this unsettled problem has brought upon Ireland. Fortunately, however, there are not even two parties of extremists who believe in the probability of civil war, and one set of extremists in a nation of essentially moderate and well-disposed people will have some difficulty in making Ireland follow the example of other countries faced with the same problem.

Irishmen plead that as the word "Ulster" is misused in this connection, so is the word "coercion." The coercion in question is the same as that to which all minorities have submitted. It does not stand for the forcible oppression of an independent people by an alien government, for, whatever their political origin, Ulstermen are self-confessedly and aggressively Irish. They are asked to rid themselves of their hallucinations fostered by those who exploit them brazenly. It is a peculiar fact that the people of "Ulster" have never yet been allowed to speak for themselves. The Catholic peasantry became articulate in the person of Michael Davitt, the Catholic worker in James Connolly, both notable spokesmen of the ideals of democracy, it is interesting to state. Orangeism relies upon lawyers and capitalists for the expression of its views, and these representatives have a consistent record of opposition to every progressive measure passed by the House of Commons and to every progressive idea which has captured the Irish people. To witness the savage carnivals, the "annual brain storm," as it has been termed, in which "Ulster" renews its barbarous hatred of the phantoms which blind the people to real issues, is to understand the imperative necessity of liberating the victims. They can be freed not by special recognition of their primitive tribalism, but by sharing the common duties and privileges of Irish self-government.

Senators, if there be a free Ireland, there will be a free "Ulster."

No. 3.

STATEMENT SUBMITTED BY DISTRICT ATTORNEY JOSEPH C. PELLETIER, OF BOSTON, FOR THE BENCH AND BAR COMMITTEE OF THE IRISH VICTORY LEAGUE.

After hearing the wonderful presentation of the case against the proposed league of nations set forth in such logical, powerful, and truly American spirit, I feel the thrill of the schoolboy after first learning the story of Washington and the patriot fathers who won our independence and made possible this great Republic.

Every man of Irish blood or descent, every man from the country of oppressed peoples, felt that the 14 points laid down

by President Wilson justified the last sacrifice and the greatest conceivable loss. We entered the World War for humanity, for democracy, that men everywhere might be lifted from oppression and restored to their God-given right of self-determination. Which of all the subject peoples of the world so nearly fell within the limitations prescribed by our President, which of them all so clearly appealed to the American heart and head and hand as the republic of Ireland?

Always a nation, ever protesting foreign oppression, more recently adopting a free government by public vote, to-day as ever held in subjection by the armed forces of the dominant aggressor of 700 years, Ireland claims her right to recognition, her right to the fruits of this great world conflict, and the American people will not deny her rights. The league of nations as presented ignores the declaration of President Wilson, ignores the right of the subject people of Ireland, ignores the government of the republic of Ireland lawfully set up—to adopt it as written is to deny the principles upon which we entered the war and to say to subject peoples, unless the Big Four say so you shall not be recognized, you must invoke bloodshed and war to assert your rights, and we will use our joint united forces to keep you down.

Gentlemen, let there be no league based on fraud, on the rule of might! Unless the republic of Ireland is openly acknowledged, let us refuse to join in a conspiracy to cheat the downtrodden of the world! Let us insist that the 14 points be accepted as declared, not subject to hidden treaties and agreements making them null and void.

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No. 4.

STATEMENT OF REV. F. X. McCABE, C. M., LL. D., PRESIDENT DEPAUL UNIVERSITY, CHICAGO, ILL.

I would like to present before your honorable body this short statement. The war was fought, according to the pledges made to the people of this country by the President of the United States, to put an end to all autocratic forms of government, and thus make the world safe for democracy; to liberate the nations held in bondage by stronger powers and give them the opportunity of selecting their own form of government. On the strength of these pledges American men fought and died, and their sacrifices and valor won the war. The time for making good the pledges has come. As American citizens we have done our part and more than our part. We have a right to demand that the pledges made be kept and can not tolerate post-armistice interpretations made by the Chief Executive for the purpose of evading the fulfillment of those pledges. We can not as American citizens tolerate a league of nations that impairs the sovereignty of these United States. We believe that your committee will stand firm and save our country from the catastrophe of being made the cat's-paw in European politics. We feel that you can see that both the treaty and the league of nations make the two greatest empires of the world stronger than ever, and place our country between them to be crushed by their combined force any time they see it to their interest. The giving of Shantung to Japan and the refusal to recognize the rights of the people of Ireland are crimes against the democratic ideals of our country, branding us before the world as absolutely faithless to the men that died, to the men that fought, to the American people, and to the oppressed nations of the world. In the name of justice and decency repudiate the league of nations and demand the fulfillment of America's word of honor.

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No. 5.

JOINT STATEMENT OF REV. JOHN J. MORAN, OF YOUNGSTOWN, OHIO, AND CHARLES P. MOONEY, OF CLEVELAND, OHIO, REPORTING IN BEHALF OF THE STATE CONVENTION OF THE ANCIENT ORDER OF HIBERNIANS OF OHIO.

GENTLEMEN OF THE FOREIGN RELATIONS COMMITTEE:

Ireland has, by its recent vote at the last parliamentary election held in that country, given expression to its demand for complete independence and voiced its opposition to a union with Great Britain by a vote of 1,516,779 in favor of an Irish republic as against 308,713 votes in favor of the union. As the men who advocated complete separation had been leaders of the revolution of 1916, and most of them had just been released from British prisons because of their part therein, they squarely raised the issue of complete separation in their campaign for election. There can be no question raised that the Irish people misunderstood the issue involved in that election. It was an overwhelming majority of the people of Ireland expressing the right of self-determination and expressing their desire to establish an Irish republic and govern themselves.

Since that election, the executive officers have been elected and are now in a position to take over the government of that country and perform all of the functions of government so that the question of separation of Ireland from England is not one that may become a serious problem in the future. It is the present existing condition—a condition which has resulted in the occupation of Ireland by a large military force with all the paraphernalia of war. Large districts throughout Ireland have been occupied and the free movement of the people has been repressed in the same manner as the movements of the Belgians were repressed during the invasion of that country by Germany; in other words, Ireland to-day is in a condition of insurrection and England is using the same methods that were used by Germany when they occupied Belgium. The right of self-government of Ireland and the expression of the people for separation was supported by the American people as enunciated by our President that small nations desiring self-government and giving expression to that desire would have the protection of this great Republic in establishing a government suitable to their desires and wishes. The effect of article 10 of the covenant of the league of nations is to completely withdraw that promise of protection and to declare instead that we will not permit small nations, excepting such as were in possession of the enemy, to establish and exercise the rights and functions of independent government.

The men who are fighting for the covenant of the league of nations as it now exists with article 10 included therein are as false to the principles under which we were asked to enter the war as a human being can be false to any principle, because in accepting article 10 we are doing the reverse of what we promised to do. You may ask what effect article 10 of the league of nations will have on Ireland? This question involves the present international status of Ireland as distinct from the wishes of the people as expressed in the last election. Under international law, Ireland is recognized as an integral part of the British Empire and I presume in considering article 10 you are bound to recognize her status as such. This being so, in adopting that part of article 10 which reads as follows:

"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. In case of any such aggression, 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."

In other words, you are undertaking to pledge this great Republic to continue Ireland as a part of the British Empire, and under article 11 you are placing in the hands of the countries party to this treaty, namely, the United States, Great Britain, Japan, France, and Italy, and such other countries as may become a party to the league, the power of determining for this body the necessity of entering into a war with any country that should attempt to assist the Irish people in their struggle for independence. This is not a possibility, as it has arisen in the history of Ireland in the last three centuries. In 1601 Spain landed armed officers in Ireland for the purpose of assisting the Irish people in securing its independence. If there had been a league of nations at the time, the league under articles 10 and 11 would be obliged to come to the assistance of England, and we, when we obtained our independence, become a party to such league of nations, we would have been obliged to enter into war with France in 1798 when Napoleon sent Gen. Humbert with 6,000 men and landed in Killala Bay in Ireland for the purpose of assisting the Irish in securing independence. International conditions may bring about a similar situation at any time.

The effect of article 10 is to take out of the hands of the Congress of the United States the power to declare war and to place it in the hands of the high contracting parties to this covenant. In other words, the adoption of the covenant of the league of nations is a surrender or an attempt to surrender the power to declare war, which is vested in the Congress of the United States. To my mind the insuperable obstacle of articles 10 and 11 is that it takes away from Congress the power of making war and places it in the hands of a body other than the Congress of the United States. The granted power to Congress by the States to declare war is a delegated one and is limited to the power expressly granted for such powers as may be necessarily implied from the granted power. The declaration in article 1, section 7, of our Constitution is, "The Congress shall have power, among other things, to declare war."

This section does not say that this body shall have power to delegate the right to declare war to any other body. This can be done only by a constitutional amendment, an amendment transferring the power to declare war from Congress and give it to the high contracting parties in the league of nations.

I am here first as an American citizen to protest against the adoption of the league of nations; as an American citizen, a citi-

zen of the State of Ohio and an accredited representative of the Ancient Order of Hibernians of Ohio, not only on the ground that such action would be unconstitutional, but on the larger ground that it is wholly immoral for this country, the leading Republic in the world, to endeavor to enter into an agreement which has for its object the repression of the rights of a liberty-loving people to decide for themselves the form of government under which they desire to live.

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STATEMENT OF MRS. MARY F. MCWHORTER, NATIONAL PRESIDENT LADIES' AUXILIARY, ANCIENT ORDER OF HIBERNIANS IN AMERICA.

Mr. CHAIRMAN AND GENTLEMEN: When the President of the United States issued the call to American manhood to go to the battle fields of Europe to vindicate American ideals of democracy none answered the call more readily than did American boys of Irish blood.

During the time our country was engaged in winning the war the women of the organization which I represent rendered splendid service to the Nation in every line of war work. In order that the service rendered along this line might be of the very best, it was my duty to visit 33 States of the Union during that time. During these visits I addressed gatherings of the members of this organization in from two to eight towns in each one of those States. In this way I had the privilege of meeting many of the mothers of the American boys of Irish blood who were fighting in the trenches in Flanders. The sacrifices made by these mothers would wring tears from the eyes of the most hard-hearted. Many of them are widows who had worked hard to give their boys the necessary education to fill good positions. A soldier's pay was a very poor substitute for the salary these boys were earning. I know well that in many cases these widowed mothers had to go to work again in order to keep the little home intact. They never uttered a complaint, because they felt that their boys were given to a holy cause—that of freeing the enslaved peoples of the whole world, among which they surely thought were included the people of the land of their origin—Ireland. And so, as I have already said, they bore all their privations cheerfully and uncomplainingly, and, besides earning their daily bread by the sweat of their brow, they also gave splended service to Red Cross and other war-service societies.

During the war, while every member of my organization was actively engaged in war work, you may know very little was accomplished in the way of recruiting new members, hence since the signing of the armistice a period of reconstruction has set in. This, too, has kept me constantly traveling from one State to the other. I find a great change in the spirit of our members, in which keen disappointment is the dominant note. The glowing words of our great President, uttered on our entrance into the World War, have no longer the power to inspire and uplift, for the people have lost all faith in them. I find this feeling of discontent not only among the American people of Irish blood but among other Americans as well. The press of America, with but few exceptions, make it appear that the great mass of the American people favor the league of nations. Gentlemen of the committee, there is a growing spirit of opposition to this proposed league that it would be well for those who sincerely and honestly love America and who wish to safeguard America's real interests to heed. It is my honest opinion that if every American was made familiar with what this league really means to America there would arise such a storm of protest against it that it would be heard around the world. Liberty-loving Americans who have a just pride in our great Nation will never stand to have this Republic made the tail of the British kite.

Speaking for the people of Ireland who have aroused the admiration of all liberty-loving people the world over by their brave fight for their national rights, I have this to say:

The contemplation of what these people are suffering to-day is the cause of great agony of mind to those of their blood on this side of the Atlantic. The sanctity of the Irish home is violated night after night. I ask you, gentlemen of the committee, to picture the condition of the minds of the mothers in Ireland—they never know from one night to another when their homes are to be invaded and the children of their affection dragged out and thrown into prison. Have pity on these mothers and refrain from an act that will continue this suffering indefinitely, for the Irish will never give up their fight for freedom while a remnant of the race remains.

The Irish republic was established according to the expressed sentiments of our great President; "the right of self-determination for all peoples" echoed around the world at the time this now famous slogan was uttered; it even found its way into Ireland, despite the wall of silence England had built around that unhappy island. The young men of Ireland were inspired with a new courage, and when they had an opportunity last December at the general election they "self-determined" for an Irish republic, feeling sure they were carrying out the wishes of the President of the United States. They still have faith in our President, despite unfavorable appearances.

Eamonn de Valera, the President of the Irish republic, is in our midst to make an appeal to the American people. He has already won millions of Americans to his cause. He is a young man who has made untold sacrifices for the ideals which he represents. Life would be very easy and comfortable did he but choose to abandon those ideals, but he has taken up the harder but the nobler cause while his young wife and his six small children languish in Ireland and sigh for the absent husband and father. Eamonn de Valera is typical of the young men of Ireland to-day. Surely to the minds of all liberty-loving Americans their cause is a just cause, and surely this is the time for America to pay her long-standing debt of gratitude to Ireland. The millions of Americans of Irish blood expect this debt to be paid, and they have a right to expect it.

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No. 7.

STATEMENT BY JAMES E. DEERY, INDIANAPOLIS, NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS IN AMERICA.

To the FOREIGN RELATIONS COMMITTEE, UNITED STATES SENATE:

The Ancient Order of Hibernians, at their recent national convention held in San Francisco, Calif., last month, adopted a resolution insisting that in the event that a league of nations covenant was adopted that provision be made therein for the recognition of Ireland as a member thereof. The Hibernians feel that every nation in the world, and particularly America, was inspired to victory in the recent war by the thought that when the terms of peace were drawn up the world would be made safe for democracy and that all small nations would be given the right to determine the form of government under which they desired to live. The Hibernians are interested in this question now before the Senate committee solely as American citizens and lovers of liberty. The Hibernians are proud of the record for 100 per cent Americanism made by the Irish in this country from the days of the revolution to the present time.

When America was looking for outside help prior to the War of the Revolution, they sent Benjamin Franklin to Europe, and in no country did he receive more encouragement and support in behalf of the American cause than from Ireland. They not only held meetings throughout Ireland, but they raised funds with which to help finance the Colonies.

Recently the President of the United States, in asking the United States Senate to ratify a treaty with France regarding her boundaries, urged that we were but repaying our debt of the revolution. History records the fact that the first troops in France to petition permission to come to the assistance of America in the days of the Revolution were the members of the Irish Brigade, a part of the French Army, and the first French troops to land on our shores were 2,300 Irishmen under Count Dillion. Likewise, exiles from Ireland found their way to America and fought throughout the war in the continental forces. It is estimated that 50 per cent of Washington's army was made up of Irishmen. In an investigation made by the English Parliament at the time of the Revolution it was shown that in some parts of the American Army the Gaelic language was spoken more than the English. So that if we have any debts to pay for assistance rendered us in the War of the Revolution, Ireland's claim should come first.

As the league of nations now stands, we feel that article 10 prevents America repaying her debt to Ireland. The Hibernians sincerely trust that before the terms of peace are ratified by the United States Senate the Senate will officially recognize the republic of Ireland as a free and independent nation.

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No. 8.

STATEMENT PRESENTED BY THE ADVISORY COMMITTEE OF THE IRISH VICTORY FUND, BOSTON, MASS.

The delegates to this hearing from Massachusetts, representing an overwhelming majority of the 875,000 persons in the Irish racial group in Massachusetts, wish to add their protest against the approval in any form of the proposed league of nations.

The enactment of this proposed league will accomplish effectually what the British Government has in various ways been trying to bring about for more than a generation, to wit, the creation of a supertreaty body, which will nullify the power of the whole people, as represented in the United States Senate, to pass on and approve treaties with foreign governments.

We protest against this treaty because of its certainty of economic enslavement of the United States, with its inevitable consequence in unemployment and attending train of evils.

Because of its geographical isolation from the sources of raw material and the buying population of the United States, New England has a peculiar interest in the failure of the Paris conference to even mention, provide for, or to regulate the "freedom of the seas," and in thus doing has, as a result of the victory over the Central Powers, substituted the menace of British sea control, based on "navalism" for the "militarism" defeated through American intervention.

From the headquarters of Tory sentiment we appeal to the American spirit, which in the first part of the nineteenth century opposed a similar British attempt to control the seas and gave to the world the Monroe doctrine.

We appeal to the spirit which, in the forties, after the advent of the iron ship, met another English attempt to control the seas by building in 15 years the largest merchant marine up to that time ever produced in the world, and contrast this with this attempt in the proposed league of nations again to enslave the merchant marine of this country.

We appeal to the spirit which built the Panama Canal that our surplus products could have opened to them the market of the Orient, and contrast it with the action which in 1913 removed by law the preferences to American shipping then obtained, and to-day in the Shantung outrage has closed to the trade of the United States a market of a half billion souls.

We protest against British dominance over the cables and mail communications of the world, and refer the committee to the recent report of the United States Foreign Trade Council on this subject.

We refer the Senate committee to the report of the Senate investigation committee of 1913 on the operations of the alien shipping trust, the conditions then complained of and admitted to exist, which remain to-day to menace the commercial future and economic progress of the United States.

We respectfully suggest to your honorable committee that they investigate the stifling of American aspirations for freedom of the seas, through the influence in the various chambers of commerce and business organizations in the largest cities in the United States, of the paid agents of steamship companies, and others representing foreign shipping interests.

We respectfully suggest that before coming to a decision on this question your honorable committee make inquiry into the action during the war of the British Government, which, through "orders in council" not sanctioned by international law or the comity between friendly nations, committed numerous acts obviously designed to cripple our commerce and trade during the war, and especially with relation to the effect of these "orders in council" as obvious preparation for the proposed British league of nations now being considered.

We protest against any situation which permits British vessels to demand and to get free wharves in practically all the cities on the Atlantic seaboard, which represent approximately 5 per cent interest on an American investment of $200,000,000, and which puts it within the power of the alien shipping trust to deny American cities the right to do foreign business through these ports, except at its pleasure.

This we do in the name of justice, of honor, and in the American spirit of independence. While the United States remains on the seas by favor of any foreign Government, this country is in economic slavery.

This is an American question. If America settles this question right and the principles under which we entered the war are insisted on, Ireland, with the rest of the world, will share in the resulting benefits.

We are Americans first, last, and always.

We ask that the present proposal for the league of nations be opposed for the honor of our country.

BOSTON ADVISORY COMMITTEE
IRISH VICTORY FUND.
JOHN MORTON, *Chairman;*
EDWARD F. MCSWEENEY,
JOHN H. H. MCNAMEE,
EDWARD W. QUINN,
DANIEL FOLEY,
DANIEL T. O'CONNELL,
JAMES O'SULLIVAN,
Delegates.

No. 9.

STATEMENT OF MATTHEW CUMMINGS, OF BOSTON, MASS., EX-NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS.

Mr. Chairman and gentlemen of the Senate Foreign Relations Committee, I believe that it is admitted by fair-minded men everywhere that Ireland is entitled to her freedom. The Governments of Australia and Canada have passed resolutions repeatedly in favor of Irish freedom. The labor organizations of England have gone on record demanding that justice be done to Ireland and that she should be allowed to determine her own form of government. The legislatures of a majority of the States in the Union have passed resolutions advocating Irish independence. The House of Representatives of the United States Government and later on the Senate of the United States, by a vote of 67 to 1, advocated freedom for Ireland and asked our representatives in Paris to see to it that Ireland got a hearing at the peace conference. The Irish race convention, representing 20,000,000 in America of Irish blood, sent three commissioners to Paris for the purpose of having President Wilson and the American representatives at the peace conference place the Irish question before that body.

The President on this country entering the war stated repeatedly that all nations must be granted the right to determine their own form of government, and more than a million American boys of Irish blood fought under the Stars and Stripes convinced that American success in the war meant also the freedom of the land of their ancestors. If the pledges made by our Government during the war are not carried out, a stigma will rest upon the splendid traditions of this country. Therefore we appeal to you as the treaty-making power under the Constitution of our country to see to it that the pledges to small nations made by the Chief Executive in the dark hours of the war are fulfilled and that Ireland should be accorded the right of self-determination. We earnestly protest against the covenant of the league of nations and ask that it be rejected as a whole. We believe that it is impossible to amend it so as to protect American rights and sovereignty. We believe that if articles 10 and 11 of the covenant of the league of nations are adopted Ireland would be deprived of her liberty for all time and that the people of that long-suffering country should be given an opportunity to lead their own life in their own way and under their own form of government, at peace with the world and established as an independent nation.

No. 10.

ADDRESS OF MR. SHAEMAS O'SHEEL, REPRESENTING THE WILLIAM PEARSE BRANCH OF THE FRIENDS OF IRISH FREEDOM AND THE WILLIAM ROONEY SOCIETY, BOTH OF NEW YORK.

Mr. Chairman and Senators of the committee, within recent months not only have I been made aware of the sentiments of the two societies which I have the honor to represent here, but, having addressed 46 audiences in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, and New Hampshire, I have felt the pulse of thousands of American citizens, and I am convinced that in the two thoughts which are all I shall try to present to you I correctly represent very widespread and deeply felt convictions.

In the first place, Americans of Irish blood oppose any such league of nations as here proposed far more vehemently from a purely American standpoint than from any thought for Ireland, a fact which is proved by the earnest and thoroughgoing approval which every audience I have addressed has expressed when I said that if Irish Americans were to be offered the bribe of immediate liberation of Ireland, with the repayment to Ireland of every penny ever drained out of her by England, as the price of their support of a league which would infringe American rights, there would not be a man or woman of all the millions of them who would consider the proposition for a minute.

The other thought is this: Two or three Senators have asserted that Ireland's real hope for liberation must be found in paragraph 2 of article 11 of the present league of nations covenant, which reads:

"It is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends."

The idea advanced is that under this paragraph a member of the league might befriend Ireland by bringing its condition under military rule to the attention of the governing bodies of the league. That is undoubtedly true—so true that the English authors of the league covenant have guarded against it by a paragraph which, I think, has not yet been noticed to-day—paragraph 7 of article 15, as follows:

"If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement."

It has been proved here to-day beyond even the attempt to question that the case of Ireland is not a domestic matter, but under all international law an international matter; but that is not the point; the point is that the council shall decide whether they will consider and promulgate it as a domestic

or an international matter. If they decide that it is domestic, that is the end. If the people of Ireland were being slaughtered and the American people were aflame to help them, our Government could not even protest further after the council shall have decided that massacre of the Irish people is an English domestic concern. Surely it will be said the American members of council and assembly would never in such circumstances agree to such an interpretation, but if they did not and all others did, there being no unanimous decision, surely the majority decision would necessarily prevail to the extent of estopping all action by the league or its members.

And the final point to consider is that this paragraph was not in the original draft of the league made public in February, but added entirely anew in the revised draft—purposely, I believe, Mr. Chairman, purposely to further safeguard England against American sympathy for Ireland being expressed through the league. I thank you.

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No. 11.

LETTER OF THOMAS F. COONEY AND OTHERS.

WASHINGTON, D. C., *August 30, 1919.*

To COMMITTEE ON FOREIGN RELATIONS,
United States Senate, Washington, D. C.

SIRS: The Irish race of Rhode Island, through its duly-accredited representatives, in attendance at a meeting of your committee, held on Saturday, August 30, 1919, to consider a proposed league of nations, hereby enters its protest against the adoption of the proposed league in its present form.

The reasons for our protest are: That it is un-American in that it means the abandonment of the traditions and ideals for which this country has always stood; that it creates an alliance with Europen powers and forces us to take part in the embroilments of those powers; that it means the enslavement of millions of people; and that it denies to those people the right to determine for themselves the form of government under which they want to live; and that it means the absolute surrender of the principles for which this country fought.

Further we protest against the ratification of the proposed league and peace treaty, because it fails to recognize the government of the republic of Ireland, a government that is the choice of 80 per cent of the people of Ireland, and which is prevented from functioning in every department because of the military power maintained by England in Ireland—a military that is brutal and savage in its treatment of the Irish people.

Further, it condones and perpetuates a flagrant breach of the promises made by the representatives of England in procuring the entrance of the United States into the war.

The representatives of the Irish race in Rhode Island urge upon your consideration, in support of this protest, the numberless and invaluable contributions of the Irish in establishing and maintaining the American form of government, to which they have looked throughout its history for encouragement and support of the inalienable right of freedom—"That government of the people, by the people, for the people shall not perish from the earth."

The protest herewith presented is submitted by us primarily as American citizens, mindful of the debt of gratitude owed by our country to Ireland, and desirous of preserving the fundamental principles of our Government in their pristine strength and purity.

THE IRISH RACE OF RHODE ISLAND,
By THOMAS F. COONEY.
CORNELIUS C. MOON.
PATRICK J. MURPHY.
DANIEL E. DOHERTY.

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No. 12.

TELEGRAM TO CONGRESSMAN NOLAN REPRESENTING THE UNANIMOUS SENTIMENT OF THE IRISH SOCIETIES OF CALIFORNIA AGAINST SECTION 10 OF THE LEAGUE OF NATIONS.

SAN FRANCISCO, CALIF., *August 29.*

Hon. JOHN I. NOLAN, *Washington, D. C.*

Please represent our San Francisco and northern California societies and Irish freedom fund committee of California at hearing before committee to-morrow morning.

ANDREW J. GALLAGHER.

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No. 13.

STATEMENT OF JUDGE O'NEILL RYAN, OF ST. LOUIS.

Senators, as I understand, you desire to hear our views on the league of nations in so far as we represent public sentiment in our respective communities, and also what is our special viewpoint as to the effect of the league on Ireland's right, which she has determined to be a republican form of government. Together with my colleagues from St. Louis, I represent many thousands of Americans of Irish birth or descent in various organizations; also we believe we speak the sentiments of many more thousands of the race who are not in any organized bodies, but who are profoundly interested in this question and who believe that Ireland should be recognized by this Government as a republic. We may safely say that all for whom we speak are confident that if this league is adopted in its present form and this Government becomes signatory, Ireland will continue as she has been for centuries, a subject country, and under a power that has never hesitated to drain her life's blood physically and economically. Personally, I am absolutely opposed to my country becoming a signatory to this league no matter what amendments or reservations thereto may be made. I believe in its essence it strikes at and is antagonistic to the Constitution of our country and the fundamental principles of human liberty upon which that Constitution is rested. We have guaranteed by our Federal Constitution a republican form of government to every State of the Union. By this instrument we would undertake to guarantee the perpetuation of forms of government which are hostile to our own both in their principles and in their practices. That the United States should undertake to guarantee with its blood and treasure the perpetuation of monarchies and empires should be unthinkable to any sound American mind. I believe this sentiment against any league of nations so far as our country is concerned is rapidly growing, and that the great debates which have been going on in the Senate Chamber are informing and convincing the American people, who have hitherto been kept in ignorance of the facts and have been deluded by the specious pretext that the league meant peace.

So far as its immediate effect upon Ireland is concerned, I recall the question of just this morning, that Senator BRANDEGEE addressed to Mr. Walsh, inquiring if he had read the address of Senator WALSH, and what he believed as to his argument that this league would protect Ireland. Mr. Walsh answered he had not read the speech. I read every word of it, as I have read perhaps every word of all the addresses upon this subject in the Senate, as they have appeared in the CONGRESSIONAL RECORD. The answer is that the argument of Senator WALSH is absolutely fallacious. By article 10, we undertake in substance to respect and guarantee the territorial integrity and political independence of the signatory powers, guaranteeing that territorial integrity against external aggression. No one but knows that Ireland unaided can not throw off by force the yoke of British tyranny. But in one of two ways can the Irish republic become de jure as it is now de facto. One is by its recognition by the United States and the effect of that being to compel its recognition by England, and the other is by a revolution aided by outside power. Ireland to-day is an armed camp. It is under a military despotism like unto that to which Belgium was subjected by Germany, and Egypt is now subjected by England and Korea by Japan. If this league were joined in by this Nation, and Ireland sought to overthrow that power which now dominates her by military force and there was interference on her behalf by any other country so that the words "external aggression" came into effect, if England needed or asked our aid it would become our duty at once to give to her our military power to destroy Ireland's efforts at freedom. In other words, it is absolutely impossible for Ireland unaided to successfully revolt against English power. We would guarantee by this covenant that no foreign power could interfere on her behalf without knowing that this Nation would, with her money and men, take England's side of the conflict. That is the plain reading of the covenant.

However, my own feeling—and, as I said before, I believe the feeling is growing enormously—is that in no circumstances and with no reservations or amendments should we become signatory to the league. Not even if Ireland were independent, if she were a republic, and her territorial integrity and form of government guaranteed by this Nation, would it still be either just or wise for this Nation to become party thereto. That I say in view of what we know to be the gross injustices and flagrant violation of the rights of subject peoples that have been perpetrated by at least two of the great signatory powers and that we would guarantee if we became party, and we know not what other secret arrangements have been made by which other peoples are plundered and their countries divided like the vultures plucked at the vitals of Prometheus, Ireland would not want her liberty at the expense of the liberties of other peoples. The Senate alone stands between the people of this country and the Constitution of our Government and those who would destroy the people and violate the Constitution. Many of you gentlemen have made a magnificent fight against this league, and once again it becomes manifest that the people of this country must turn to the Republicans to save it from desecration and division.

No. 14.

STATEMENT OF HUGH O'NEILL, OF CHICAGO, SPEAKING AS A REPRESENTATIVE OF THE COMMITTEE OF ONE HUNDRED FOR AN IRISH REPUBLIC.

Mr. Chairman and gentlemen of the committee, the Americans of the Irish race in the great Middle West, as in all other parts of America, urge the defeat of the proposed league of nations because it impairs the sovereignty of the United States, violates the principles for which we entered the war, creates an unholy alliance, nullifies the Declaration of Independence, creates a superstate, endangers the Constitution, destroys the Monroe doctrine, recognizes the breakdown of nationalism and the creation of an international power, gives to England the control of the seas, and guarantees to England the possession of Ireland against the wish of the Irish people.

The league of nations impairs the sovereignty of the United States because it places the United States Government under the control of a superstate operating through an assembly and a council, the United States in the assembly having only 1 vote in 45, and England having 6 and the practical control of the majority of the other votes, and in the council only 1 vote in 9 and no vote at all when her interests are at stake. Because it requires us to maintain permanent armies upon foreign soil to police the discontented subjects of bloated monarchies or crush the tumults of peoples indulging in the wild theories of socialism or anarchy.

Because it takes away from the United States Congress the right to declare war or conclude peace. Because it creates a supergovernment that would be an unrestrained and unlimited trust which would dominate our international and domestic affairs. The league of nations violates the principles for which America entered the war, and as the President, the spokesman of America, says, "We entered the war for the ultimate peace of the world and for the liberation of its people; for the rights of nations, great and small, and the privilege of men everywhere to choose their own way of life and obedience; for the reign of law based upon the consent of the governed; for the rights and liberties of small nations; for affording material guaranties of political and territorial independence for great and small nations alike.

"We are fighting for the liberty, the self-government, and vindicated development of all people." (May 26, 1917.) "And that the people of the world shall choose their own masters and govern their own destinies, not as we wish, but as they wish."

The league of nations creates an unholy alliance and violates the doctrine of George Washington as to no entangling alliances. Are we ready to admit that Washington was a dreamer, that nationalism has broken down, and that a Bolsheviki internationalism shall be the form of our new freedom? An alliance would be destructive of American liberty, and an alliance with England in a league of nations would be abhorrent to the great body of the American people.

The league of nations would nullify the Declaration of Independence because it ignores the fundamental truth declared as the basis of good government that all just governments derive their powers from the consent of the governed. It ignores the self-evident truth that all peoples are born free and equal, because it would leave the Irish in political servitude and seal their doom by article 10, which guarantees the territorial integrity of the signatory powers.

The league of nations endangers the Constitution because it suspends the guaranties of the United States and the State constitution. It limits the functions of the Congress, limits the jurisdiction of the Supreme Court of the United States, and dislodges the powers of both the legislative and judicial branches and either assumes them or places them under the control of the President, thereby making him a virtual dictator.

The league of nations destroys the Monroe doctrine, as it takes away from it the character of a national policy and reduces it to the level of a regional understudy.

For these reasons we are unalterably opposed to the league of nations.

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No. 15.

STATEMENT OF JOSEPH P. MAHONEY, CHICAGO, ILL., FORMER STATE SENATOR.

Mr. Chairman, a time has again arrived when the Senate of the United States must exercise the power imposed on it by the Constitution for the preservation of this great Nation. As president of the United Societies of Chicago, I am commissioned to attend the meeting of your committee to-day to inform your honorable body of the views of some 750,000 people of Irish blood who reside in Chicago upon the question of adopting or approving the league of nations pending before your committee. As American citizens we stand unalterably opposed to this measure, and we most earnestly call upon your committee to report it back to the Senate with the recommendation that the Senate refuse to concur in and approve of it. We believe that the country has greater cause to-day, in view of the intrigues, secret treaties, and deception on the part of the great nations who propose to be the signatories with us to this proposed league of nations, to refrain from entering into any entangling alliance with European nations than we did at the date of the warning in Washington's Farewell Address. For more than a hundred years we have prospered in attending to our own affairs; let us stick to the old plan. Gentlemen, in the name of freedom, let us return once more to that honorable and independent position among the nations under which we have made such remarkable progress, that to-day we are the foremost Nation of the world. Let us stand firmly for the struggling young Republics growing out of the recent war, and extend to them our early recognition and support. This is the wish of the people of Irish birth or descent in the United States and of all Americans who love their land.

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No. 16.

STATEMENT OF MR. PATRICK J. LYNCH, OF INDIANAPOLIS, IND., CLERK OF THE SUPREME AND APPELLATE COURTS OF INDIANA.

Mr. Chairman and gentlemen of the committee, citizens of Irish blood are appearing before your committee in the earnest hope that out of the great world conflict recently ended there may come, as a part of the fruits of victory, a fulfillment of the great principle of self-determination for all nations, weak and small, as laid down by President Wilson.

Throughout all the annals of civilization there is no parallel of the steadfast and continuous courage shown by the Irish people for more than 700 years, cherishing without intermission the hope and national aspiration of that freedom for which they have so often fought. Racially the Irish are a separate people; theirs is a national spirit; their country is their own, and has been wrested from them only by the power of might; not upon the great God-given principle of right.

At this time when the hopes and aspirations of all peoples, the world over, especially those long oppressed, is to gain their national freedom, and in the light of the charter enunciated by the President of the United States of the right of all nations, great and small alike, to live under that form of government which they themselves want, and such hopes are being realized by younger nations, surely Ireland may, in truth and justice, ask that the centuries-long struggle in this dawn of the new era of making the world safe for democracy be ended forever.

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No. 17.

STATEMENT OF RICHARD W. WOLFE, OF CHICAGO, FORMER PRESIDENT COOK COUNTY REAL ESTATE BOARD OF CHICAGO, IN BEHALF OF THE COMMITTEE OF 100 FOR AN IRISH REPUBLIC.

Mr. Chairman and gentlemen, I am opposed to the proposed league of nations because its provisions are in opposition to the great principles for which our country fought in the big war, to make the world safe for democracy and to secure the rights of small nations. This denial of the principles for which we fought has filled the hearts of American citizens with disappointment, dissatisfaction, and unrest.

I am further opposed to the proposed league of nations because it would doom Ireland to perpetual servitude to England. To do this would be a grave injustice not only to Ireland but also a grave wrong to America.

You, gentlemen, have red blood in your veins, and you resent an insult. You are human, and you resist and strike back at anybody or anything that robs you of your property, your rights, and opportunities.

It is because of these very human reasons that the Irish question is an American question. We of the Irish race in America resent insult and resist and strike back at the enemy who would rob us and assassinate our character. England, in order to maintain her hold upon Ireland, thinks it desirable to destroy the influence, assassinate the character, and injure in every conceivable way the Irish race in this country. So that it takes 10, 20, or 30 per cent more brain and more energy for a man of the Irish race than for a man of the English or Scotch races or other races to accomplish the same results in this country. Now, there can not be inflicted upon a part of the community or a part of the nation a loss or injury without corresponding loss and injury to the community or the nation as a whole.

The stage Irishman was manufactured in the London music halls and shipped to this country to aid the deadly work of the murderer of the Irish character by that deadliest of weapons, ridicule. Newspapers, books, periodicals, the lecture platform, and more recently the motion picture—every avenue of publicity—has been used to besmirch the Irish race in America. Provost Marshal Crowder has reported that the percentage of Irish who waived exemption was much higher than that of

English or Scotch or other races. But the English propagandists would have us believe differently. England has spent millions for propaganda, and the lies told about the Irish are enough to curse the world. It is, I submit, sound American policy to remove the cause of this friction, of this humiliation, insult, and injury to American citizens of the Irish race. The cause is the enslavement of Ireland by England. A free Ireland would remove the motive for English attack upon American citizens of the Irish race.

Besides, it would, more than anything else, help to bring about that which every good American citizen wants to see, that it is a harmonious American Nation, all of the races coming together in the melting pot, and commingling and uniting for the common good of the Republic. There should be no friction between the English race and the Irish race in this country, and there would be none if Ireland were free, because then the business of the propagandist was at an end. The paid lecturers spreading poison and hate against the Irish race in America would be out of a job. The Irish question is an American question, and we appeal to you to look upon it as such.

We went to war to right the wrongs of small nations, to make democracy safe for the world. Ireland by a plebiscite has declared for a republic. Indeed, Ireland is the only one of the small nations that has had a plebiscite and expressed its self-determination. How can any American consistently deny Ireland's right to a republican form of government? How can any American deny a republic in favor of an empire with a caste system which is mediocre, where the law of primogeniture and entail persists, where a state church takes part in government, where a house of lords rules with all its power of titles, wealth, and prestige?

Ireland's case furnishes the supreme example of merciless profiteering and exploitation. Let us take the figures on Irish population. I quote from a British publication, the Statesman's Year Book. It shows that in the year 1800 the population of Ireland was 6,000,000, while the population of England was 8,000,000. In 1850 the population of Ireland rose to nearly 9,000,000. The population of Ireland to-day is less than 4,500,000. The population of England is 36,000,000. John Stuart Mill, the English economist, has stated that Ireland can support a population of 25,000,000. And everyone who knows anything about it knows that Ireland can support a population of 25,000,000 to 30,000,000. Belgium has a population of 8,000,000 and is less than one-third the size of Ireland. Belgium and Holland combined are not so large as Ireland. The decline in population is an arrow sign as to Ireland's decay in other ways—industrially, socially, educationally. Before the war Ireland was doing less than one-third of 1 per cent of the export business of the United Kingdom.

The ruling class of England is blind, as privileged classes have always been blind. If it was not blind, this English ruling class would realize that Ireland fully populated and prosperous would be a better customer and certainly a better friend to England than Ireland depopulated and disaffected. Ireland would be a profitable customer of this country, far more so than countries far away whose trade we are eager to get. Ireland occupies a very advantageous position in the highway of commerce, a position similar to that of important business corners in the center of city life.

Ireland free would be a country of 25,000,000 to 30,000,000, prosperous and thriving, and of great potential value to America.

The question is asked, Would we go to war with England to free Ireland? That is not a fair or honest question. That question is not now before us. That question was settled when we went into the war for democracy and the rights of small nations, and when England accepted our aid with that declaration sent out to the world. To keep faith with our soldiers dead in France and Flanders and other parts of the world, to keep faith with the crippled and maimed, to keep faith with weeping mothers and sad firesides of America, that is the question now confronting us. We ask you to save American honor. It is not America, but England, that would go to war should you decide to preserve the faith. England will not dare do it.

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No. 18.

STATEMENT OF R. E. O'MALLEY, OF KANSAS CITY, MO.

Gentlemen, I am here as the authorized representative of the Irish-American societies, of Kansas City, Mo., having a membership of more than 5,000 persons. I know of no better method of expressing their opinion on this important question than to file with you a set of resolutions adopted at the thirty-second annual picnic of the Irish-American societies, of Kansas City, Mo., held in Fairmont Park on Sunday, August 17.

The majority of the people I represent are American born of Irish ancestry.

In addition to the sentiments expressed in the resolutions filed herewith, I think I can say without fear of truthful contradiction that a great majority of the people of my community are opposed to the document known as the league of nations and opposed to any document that might involve this Nation in entangling alliances.

The resolutions referred to follow:

Whereas there is now before the Senate of the United States for that body's ratification or rejection an instrument known as the league of nations covenant; and

Whereas article 3 of said covenant gives the British six votes in the league's assembly to America's one, even in passing on America's questions. We, with a hundred million population, are given only the same voting power as the Negro Republic of Liberia in Africa, the nondescript kingdom of Hejaz in Asia, and the semisavage island of Haiti in the Caribbean Sea; and

Whereas under article 8 the representatives of foreign nations advise us what size fleet and army America should have; and, once the size is agreed on, it can never be increased except by the unanimous consent of those foreign nations; and

Whereas article 10 binds us to make war for monarchies against smaller nations seeking freedom from imperialism, militarism and tyranny, should any one of said smaller nations in its struggle for freedom receive help from outside sources such as was given our own beloved country by France in the Revolutionary War, such as we gave the Republic of Cuba in its struggle for freedom from the horrible atrocities inflicted on it by the Spanish Kingdom. Under article 10 we are bound if China should ever attempt to recover Shantung, which is under the peace treaty given to Japan, to wage war against a friendly people, who have patterned their Government after our own, in the interest of a pagan monarchy. Likewise, should the recently formed Irish republic resist further misrule by Britain and outside aid is given her, we as Americans are compelled to send our boys across the seas to fight a people struggling for freedom from oppression, a people that in America's struggle against the same nation that is now the oppressor of the Irish race gave their encouragement, sympathy, men, and a sum of $300,000, a large sum indeed at that time, for the cause of American independence: Therefore, be it

Resolved, That the Irish-American societies of Kansas City, Mo., gathered at their thirty-first annual picnic, held at Fairmont Park, Sunday, August 17, 1919, gratefully acknowledge the patriotic service Senator JAMES A. REED is rendering our country in his able and courageous opposition in the Senate of the United States to this measure, and respectfully urge Senator SELDEN P. SPENCER to join with Senator REED in an unrelenting effort to prevent this shameful abdication of this Nation's sovereignty and this unwarranted attempt to make Great Britain a superstate with six votes, while our great Republic, which is and should remain the leading Nation of the world, is ranked alongside the petty kingdoms and barbaric nations of the world. Be it further

Resolved, That we most heartily approve the Mason resolution appropriating necessary funds for the establishment and maintenance of diplomatic representation to the republic of Ireland and that copies of these resolutions be forwarded by the chairman of this gathering to the distinguished Senators mentioned herein and to the Hon. WILLIAM T. BLAND, Representative in Congress from this district; also to the press of the State.

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No. 19.

UNANIMOUSLY ADOPTED BY THE DELEGATES TO THE CENTRAL LABOR UNION OF PHILADELPHIA, PA., JULY 13, 1919.

[Presented by William J. Boyle, of Philadelphia, Pa.]

Resolved, That this Central Labor Union, representing upward of 300,000 workmen, record its protest against the adoption by the United States of the league of nations as at present constituted. It has ever been the policy of America to encourage democracy everywhere, and it is unthinkable that we should now array ourselves on the side of autocracy by agreeing to article 10 of the covenant of the league of nations, which would compel us to aid in keeping millions of the people of the world in perpetual bondage. We abhor the thought that any group of men other than Americans be empowered to dictate our policies in peace or war. Our slogan is, "America first," and we especially approve that part of the resolution adopted by the delegates to the American Federation of Labor convention held in Atlantic City, N. J., June 9–30, 1919, which declares,

"That nothing in the league of nations can be construed as in any way interfering with the freedom of Ireland as recognized by the vote of this convention."

No. 20.

STATEMENT OF EDWARD F. McSWEENEY, OF BOSTON, MEMBER OF THE ADVISORY COMMITTEE OF THE IRISH VICTORY FUND AND NATIONAL OFFICER FRIENDS OF IRISH FREEDOM.

As I have stated in a series of articles published by the Boston American, the desperate need of civilization to-day is peace—from armed strife; from capitalistic oppression; from industrial terrorism; to get the world back to a semblance of brotherhood between men. Above all, the American people want peace with honor. Only two years ago a presidential election was won on the slogan that "He kept us out of war." At that time Belgium had been occupied for more than three years; the richest parts of France were in the hands of the Germans and the allied enemy was irresistibly pushing forward to control of the channel ports; England was threatened with invasion and starvation. For three years and three months the world was ringing with stories of atrocities, outrages, barbarism; yet the American people were so opposed to war that even with all the facts before them they decided the choice of the greatest officer in the world on the antiwar issue.

At this time the German plans for world control were substantially consummated, the Teutonic dream of centuries was about to come true. From Berlin to the Persian Gulf the Central Powers were practically in mastery, and with the ultimate victory which was admitted unless America intervened, Germany would retain its control over South Africa, which, with Siberia, will in another generation be the source of the world's food supply.

The imminent collapse of Russia assured German control of the wealth of food and minerals of Siberia and the other undeveloped parts of the former dominion of the Romanoffs.

GERMANS FOUGHT WITHOUT PRETENSE.

Moreover, there was no German pretense about the rights of small people, self-determination, freedom, or democracy.

German control was autocracy, based on the power of might over right.

When the presidential campaign was held in 1916 this was the exact situation in Europe, yet a majority of the voters in the United States voted to reelect the President who had asked for their support because "he kept us out of war."

When, in response to the urging of the Allies, the President, in 1917, announced that American intervention was necessary, he laid down, in language which seemed divinely inspired, a declaration of purposes which made participation seem a holy cause—another Crusade to save the world from sin; to repeat in our generation the story of the American Revolution. With purest altruism and without hope of reward, the United States entered the war to insure for the world forever the things for which Washington fought and secured by American independence.

The war was won by the intervention of the United States, and to-day, eight months after the signing of the armistice, the national delirium of joy shown at its ending has not been justified. The great, patient, loyal heart of America is uneasy. The end of the war has brought, not happiness and contentment, but doubt and apprehension.

At the root of the national distress is disappointment at the failure of the United States delegates to the peace conference to fulfill the solemn promises made to the nation when it entered and won the war; to the 4,000,000 young men called into armed service, 75,000 of whom were killed believing that they died for a high idea; and to the 250,000 more or less permanently maimed, each one a living demand for redemption of our pledges.

The altruistic and unselfish spirit which flamed into action with the President's declarations of the purposes for which he made the call for arms has not changed in the slightest. The United States asks for nothing, wants nothing, but it has awakened to the fact that after defeating German military depotism it is now asked to abandon American ideals and repudiate America. Having won the war, the United States is denied the right to dictate any vital part of the peace pledges to accept a monarchical dominance, based on "navalism." It welcomed eagerly the idea of a league of nations which was in line with the declaration which caused us to enter the war, but as the facts became known, the people are determined to repudiate the proposed "league of nations," written by Lord Cecil, which, in its lengthy preamble, does not even mention or hint at "liberty" or "self-determination," while confirming mastery of the world in the great powers. At its best, the proposed league of nations is a provocation to war, and at its worst a buttress of imperialism.

ENGLAND BLAMED FOR GREAT WAR.

The nation, willing to make full allowances for the necessary give and take of conflicting national interests to achieve the main end in view, has been reluctantly forced to believe that if the peace conference had insisted on a peace based on our declaration of purposes made before we entered the war the world would to-day be well on the road to peace, and that the seduction of American ideals and pledges by allied flattery, intrigue, and power of persuasion will, if confirmed by the Senate, establish with crushing force the secret treaty agreements, regarding which, on April 7, 1917, at Leeds, President Jowett, of the independent labor party of England, said: "The world war came as the result of England's secret treaties."

It will perpetuate the diplomatic intrigues and selfish balance-of-power agreements with their inevitable consequences of human, racial, and economic oppression, which it was the hope of the United States the war would remove forever.

The league of nations, in short, will undo the work of the American Revolution. It will make Great Britain supreme in the world. Under the pretense of friendship it is a carefully laid and skillfully worked out plan to retain, hamper, and dwarf the power of the United States to progress to its manifest destiny to be the leading commercial nation of the world, a consummation urgently to be desired in the interest of civilization, because the history of the United States has proved that its progress has ever been accompanied by a willingness to give equal freedom to all, as opposed to the repressive and arrogant overlordship which has been the distinguishing characteristic of British control, which for centuries has made it a definite policy to cripple or remove by whatever means at hand its business rivals.

It was British hatred of colonial progress and hope to destroy a potential commercial rival that caused the American Revolution.

It destroyed the commerce of Holland, Spain, and France.

It has repeatedly tried to control or destroy the commerce of the United States. Every time it has had opportunity it has shown its hatred of this country.

It has now destroyed Germany and would again control this country.

It went to war with China to force it to accept the opium trade, and then took Hongkong and $30,000,000 indemnity.

IRISH OPPOSITION TO PACT.

The Irish stock in America, whose forefathers had bitter experience for centuries of the economic, political, and religious degradation, due to English rule, has found here economic, religious, and political freedom. Their first allegiance is here. They are, above all, Americans.

Will the United States Senate, whose intimate knowledge of the various processes by which Great Britain reaches its goal, permit our best friend among the nations to be wronged; allow the principal commercial district to be stolen from China to be exploited by Britain's partner in the Orient, Japan, which did not send a soldier to Europe to aid the war?

While the nation abhors war, there is a price which is too high to be paid for a shameful peace. This is a strictly American question, yet the commonest defense of the league is that opposition to it is stirred up wholly by Irish hatred of England. That the American Irish are against the league proposed is true, but not for the reason given. The first object of every person of Irish blood in this country is the safety, prosperity, and happiness of the United States.

As they made the largest single racial contribution to the armed forces of the United States during the war, they are to-day the largest single racial force in the present struggle to save America from the consequences of the surrender of American liberty at the Paris conference.

APATHY ABROAD REGARDING LEAGUE.

This much may be said in addition—if the persons of Irish blood in the United States who accepted without reservation the President's promises and in every way met the call in men, money, and war service, not obtruding themselves, keeping quiet under a systematized campaign of falsehood and misrepresentation, would now consent to remain silent under the fact that they are under this proposed league marked to be the only subject white race on earth, they would in justice forfeit the respect of all men—worse than this, they would lose their self-respect, and thus prepare the way for an automatic discrimination against themselves in every field of human activities. As Americans first, however, they put the United States first. When its liberty and future are safeguarded, Ireland will incidentally be benefited, because there is no difference in the principle involved.

The astounding fact is that the United States is the only Nation where the league of nations is taken seriously. The

apathy concerning it among the allied nations is because it is known to be what it actually is: A British plan to get dominance over the United States, which the other nations are satisfied to let happen, while each (with the exception of Italy) shares in the division of loot parceled out in secret treaties made during the war and confirmed in Lord Cecil's league of nations.

As the creditor nation of the world, the only one with no ax to grind, the United States was in a position to command compliance in the peace negotiations with the ideal which forced it into the war. At the beginning every wish was complied with. When President Wilson proposed the ridiculous conference in the Sea of Marmora with the Russian Reds the conference smiled, shrugged its diplomatic shoulders, and consented, whereupon Mr. Wilson appointed as the representative of the United States the Rev. Herron, whose peculiar notions regarding marriage and other long-observed American ideals are, to say the least, liberal. Inasmuch as the Nation has since the war become familiar with the Herron type of internationalists, who have come into prominence and power, it loyally gagged hard and swallowed. The Princes Island conference, as the wise ones who voted for it expected, never was held.

EUROPEAN "GRATITUDE" PATHETIC.

The gratitude of the people of the European nations to the United States as represented in its Chief Executive was pathetic. They believed that he was the magic worker—they wanted and expected him to give to them peace, three meals a day, and a roof over their head, and got a Pandora's box, from which the colony of mischiefs is escaping despite the assurance that it would remain closed. The world, and the United States in particular, is beginning to realize what Wellington meant when he said after Waterloo: "There is only one thing worse than defeat—victory."

France has so little confidence in the league as a power to restrain war that it insisted on and obtained a separate defensive alliance with the United States.

In the Belgian Chamber of Deputies on August 8 the premier said that the league offered Belgium so little guaranty of peace that it forces that nation to look to its own defense. Italy, which alone has been denied its secret-treaty loot, is defiant and resentful.

When the league was presented to the British Parliament its reception, according to the London press, was derisive laughter, the joke being at the expense of the United States. It was naturally not opposed.

The King of England paid unprecedented honor to Lloyd-George on his home-coming from Paris because of his diplomatic victories for Britain, and well he might. While the power of every other monarchy has been lessened, where not abolished, Great Britain is in political control of every third human being on earth, and is absolute on the seas; its only formidable European rival is out of the way; it has only one real business competitor left—the United States, which it obviously proposes to subdue by the arts in which it has no peer—diplomatic finessee, flattery, deception, intrigue.

To accomplish this end a campaign of British misrepresentation has been permitted to be carried on in this country and in South America, in which country it is designed to stifle, obstruct, and control the competition of the United States. In the United States it has largely been directed to isolate the Irish question from the other questions of British imperial policy in their relation to American interests to force it forward as matter peculiar to the Irish and by invoking religious, racial, and personal passions, in the intensity of the controversy, to sidetrack discussion of matters of vital interest.

Decided on merit, there can be no permanent union between the government theories of Britain and the United States. It is the marriage of the serpent and the dove, doomed in advance to disaster.

"MILITARISM" AND "NAVALISM."

There is no difference to the future of liberty between "militarism," as represented by Germany, and "navalism," which is the power behing the Government whose policy is thus explained by Lord Thring:

"The means by which the possessions of Great Britain were acquired have been various as the possessions themselves. What is the link which fastens each of these possessions to the mother country? The inherent and indestructible right to exercise imperial powers; in other words, the supremacy of the Queen and the British Parliament. What, again, is the common bond of union between these vast colonial possessions, differing in laws, in religion, and in the character of the population? The same answer must be given, namely, the sovereignty of Great Britain. The mode in which the materials composing the British Empire have been cemented together is exactly the reverse of the manner of the construction of the American Union. In the case of the American Union independent States voluntarily relinquished a portion of their sovereignty to secure national unity, and intrusted the guardianship of that unity to a representative body chosen by themselves."

While Lord Thring is in error in his conception of the "guardianship" of American sovereignty, which reposes in the people alone, he draws a correct picture of the power of British sovereignty, the exact opposite of the purposes of which the United States entered the war. With "militarism" temporarily defeated, inevitably to grow again if the league of nations is approved by the United States, the present fight is on "navalism," the present and future menace of world peace.

HOW ENGLAND HAS DOMINATED THE WORLD.

With the exception of one decade in the nineteenth century, about the fifties, when the United States awakened and took the control of the seas, only to relinquish it again with the coming of the Civil War, England, by the power of her navy, has absolutely dominated the world.

When the armistice was signed in November, 1918, the United States had a quarter of a million more soldiers in France than Great Britain, the balance of British soldiers necessary to equalize the number of United States forces at the front having been diverted to police duty in Egypt, India, and Ireland.

The British Navy was strengthened constantly during the war. The United States was permitted to build a merchant marine, but without freedom of the seas, which was not even brought up for discussion at Paris. England retains the power over the United States that it has exercised for a generation to control rates, freights, sailings, and ports, which leaves this country in commercial bondage to it. As a result the workingmen of the United States are in imminent danger of being unemployed for four months of each year.

Secretary Lansing made two statements in his testimony before the Senate Committee on Foreign Relations, either of which is sufficient to justify the defeat of the league of nations as being inimical to the future of American commerce.

One was that the "freedom of the seas was not discussed." While it later appeared in President Wilson's belated submission of his draft that a weak and innocuous mention was made of this subject, it did not even skim the surface of "navalism," the real menace of world peace. And the other, that the secret treaty between England and Japan, by which England gave something she did not own to a nation which had no right to receive it, was known before the terms of the peace treaty were decided, and objection was made against it to Mr. Wilson, without effect, by himself and his colleagues.

When the nation contrasts the verbal chastisement which Mr. Wilson gave Italy over the Fiume claims, largely of academic interest to this country, with his concealment and final indorsement, against the advice of his colleagues, of the pro-English-anti-American antihonor and decency Shantung deal, it must be admitted that the American people have shown wonderful patience, although there is little doubt of their resentment and determined opposition, which will be shown in the final action of the United States Senate.

The President has decided, however, that the league must go through, whatever happens, and, with his marvelous skill in phrasing, dragged into his address to Congress on the "cost of living" an appeal to wage earners to come to his assistance. Before doing this workmen and manufacturers should consider the consequences to themselves, their families, and the Nation.

Sir Walter Raleigh said that the control of shipping meant control of world trade, and this meant control of the world.

For more than 20 years the need of a foreign market for the surplus products of the United States has been manifest. To facilitate access to the trade of the Orient and the Far East, which is thrown away by the Shantung steal, President Roosevelt built the Panama Canal to offset the advantages to British shipping of the Suez Canal. When it was completed an advantage to American ships using it was given by law. This displeased Great Britain, which protested without effect until the Democratic administration came into power in 1913, when, in violation of campaign promises, the law was repealed.

Britain was not only mistress of the seas, but could and did control adversely the internal policies of this country designed to encourage and extend our sea power.

Under improved methods of production, tremendously stimulated by the war, the workers of the United States can produce in eight months all that the country can consume in a year. The solution of unemployment and its accompanying evils is in disposing of our surplus products of manufacture in the open markets of the world. The neglect, as admitted by

Secretary Lansing, even to discuss at Paris the matter of the freedom of the seas is unexplainable, when we realize that in a United States Senate investigation held in 1913, recorded in several volumes of testimony, it was conclusively demonstrated, and admitted by the representatives of the Shipping Trust, that under trust methods it was impossible for the United States before the war to build or maintain a merchant marine.

HOW FOREIGNERS HIT BOSTON PORT.

A small body of foreigners sitting in an office in London could, and did, not only determine the price and character of American freight, but could determine and limit the ports in America from which freight and passengers could be sent. Means were provided where competition by independent American transportation companies was made impossible. Baltimore, Boston, and Philadelphia were forced to build and maintain expensive marine terminals, the use of which the Shipping Trust received free, while the alien ships received these favors had to pay for similar facilities in their home ports.

This was possible only because it was within the power of the Shipping Trust to close to foreign trade any one of these ports refusing to comply with its demands.

Neglect of the United States after the Civil War to maintain its sea strength left it at the beginning of the great war with its merchant marine only two-fifths what it was in 1855 and substantially the same tonnage as the United States had in 1810.

Under Shipping Trust control, exports of the United States were restricted largely to the food and raw materials which Europe could not get along without.

As a result of this control, the price of products, such as cotton, copper, potash, food, meat, and grains was in most cases dominated in England, and in some combinations by England and Germany together.

ENGLAND FLOUTS AMERICAN RIGHTS.

During the war England contemptuously disregarded and opposed our business rights. It held up our ships dealing with neutral nations, blacklisted and confiscated our products, and refused to permit our doing business with neutral countries, while it sold the same kind of goods to these neutrals. In its effort to get control of trade formerly done by Germany it shut us out of South Africa. When our progressive manufacturers attempted to build up the dye industry it put embargoes on exports to the United States of logwood and barks from Central America—all this through its control of the seas.

Cotton grown in the Southern States was sold by English middlemen to continental European manufacturers at a lower price than the same cotton could be bought by cotton manufacturers in New England. Of eighteen millions' worth of manufactured cottons imported into Argentina the year before the war, the United States, the greatest producer of raw cotton in the world, sold but $300,000 worth.

One can not read a daily paper without seeing various items which indicate that England has her finger in every business pie in all corners of the world.

Further, nothing in the league of nations prevents—in fact, it encourages—the right of England and Japan to prefer each other in their respective colonies and thus automatically to discriminate against the products of the United States.

Nothing in the league regulates or prevents shipping arrangements to be carried so far as to create lower rates for Japanese and British shipping than for United States commerce.

ANOTHER BLOW TO AMERICAN TRADE.

In June, 1916, there was held at Paris an "economic alliance" of the Entente Powers, which, while the purposes were disguised, was actually designed to substitute a system of trade preferences for the most-favored-nation relation upon which the commercial intercourse of Europe and America rested before the war.

It was openly stated at this Paris conference that this would operate against the competition of the United States, and carry its commerce below normal equity in world commerce.

The feeling of the British shipping interest toward the United States was expressed in the following quotation under date of August 10, 1916, from Fairplay, the leading journal devoted to shipping finance in England:

"America so far has evaded the fight, but she is bound to recognize two things (apart from the fact that we are not out to be beaten): Firstly, that the nations who win this war, whether they be the Allies or the Central Powers, will not be in a temper to stand any nonsense from any neutrals; that the winning combatant countries will represent the main armed forces of the world, and that no one else will be in the running. Secondly, America will appreciate that the Allies, pace Mr. Asquith, do intend, where it pays them to do so, to put up a tariff wall between themselves and neutrals. They mean to restore themselves and to become self-supporting—at some expense it may be while the operation lasts, but certainly not for the benefit of neutrals. And if this be so, then America has perhaps a somewhat awkwardly restricted market. She has already experienced the pleasure of a Chinese boycott, but at the close of the war she will be facing as a competitor a Japan which economically, financially, and by treaty is a vastly different proposition from the Nation which could be openly flouted over California issues a few years back."

WRITTEN AFTER SECRET PACT WITH JAPAN.

The fact that this friendly comment was written shortly after the secret treaty between Japan and England was made is so significant that comment is not necessary.

In January, 1917, at the very time when Balfour and Viviani were in the United States pleading with President Wilson for American intervention, a great convention was being held at Pittsburgh by the United States National Foreign Trade Council, at which 1,000 delegates from the largest business concerns in the United States were protesting against the action of the Paris alliance and devising methods to avert its threatened consequences.

It is believed by many that the growth in United States exports during the war is a healthy indication of progress and that we are on a firm foreign-trade basis. It is, in fact, quite the contrary, because this increase has been brought about almost wholly by the export of war needs, which substantially ceased with the war. Our trade balance during the war on a peace basis went steadily downward. We gained money during the last five years in our foreign trade, but not business.

Nothing practical has been done by the United States Government to stabilize our foreign commerce and the league of nations threatens it with paralysis.

A most important but little considered factor in British plans is its control of the mechanics of news distribution. Through this power it could and did during the war refuse to neutral nations the right to communicate with each other on their strictly neutral business and personal matters. Before the war merchants in the United States complained repeatedly of interference with their mail and cables.

SO-CALLED "LIBERTY" MEANINGLESS.

While the world is compelled to get the consent of any one nation to sail the seas or freely to communicate with each other, the liberty for which the war was won is a meaningless word. Under date of August 8, 1919, the United States Foreign Trade Council announces the appointment of a committee to take up the matter of American systems of cables and wireless. Present conditions are described as "intolerable."

Any nation that, in addition to control of the seas (which Great Britain has under the league) can dominate the world's food supply of the earth, is double master of the world's destiny. In 1912 James J. Hill called attention to the progressive diminution in food production of the United States, and looking ahead not for a year, but a generation, there is no question but that the United States and Canada are fast getting in a position where they will not be much more than able to feed themselves. The same conditions apply in South America and Australia. If the peace treaty and league are approved, England, which can not produce within its own island boundaries food enough to supply it for more than two months in the year, is in control of the future food supply of the world.

When the attempt was made by Cecil Rhodes to reduce the Boer Republic to vassalage to Great Britain, afterwards successful, after one of the most iniquitous wars in the world's history, he openly declared it his ultimate purpose to paint the map of the world red, and as the first step to run a railroad line from Cairo to the cape.

The treaty of peace has actually painted Africa red, and it is important for us in this country to know that in Africa there has been turned over to England one of the largest potential food areas left in the world, and American assistance is also being exerted to place Siberia, the second largest potential unused food-supply area in the world under the control of Great Britain.

WHEN BRITISH ATTITUDE WILL CHANGE.

A Great Britain freed from dependence on the food supply of the United States will be a vastly different nation to deal with than a Great Britain which would starve without us.

Since the war, the United States has become the creditor nation of the world. If we gauge correctly the sentiment of the people of this country we are safe in assuming that the tremendous debts due the United States by the rest of the world will not be used as a source of exploitation, coercion, or oppression, but since we are in the dominant financial position by virtue of our

national resources there is no reason why we shall permit injustice to be done the people of our country by allowing British financial manipulation to neutralize this situation adversely to our national interest.

England has a floating debt of twenty-seven billions, eight and a half of which comes due this year. There is a balance in favor of the United States of more than four billions. On the ordinary basis of business England is to-day bankrupt, with internal, economic conditions making it worse.

There are signs and portents of a secret campaign now beginning, which has for its object the purpose of repudiating not only the interest but the principal of the United States war loans. It may be that something of this nature must be agreed to by the United States to save the world, but whatever action is taken must not be to restore England's lost financial leadership but equally to sustain the credit and economic security of all nations alike. Only a rigid inquiry by the Congress into these questions, and especially as to the process by which the exchange value of the pound sterling is being maintained at what many believe to be an artificial ratio, at the expense of the United States, will enable the people to deal fairly with debtor nations, and in the real spirit of world peace determine the problems and responsibilities of the position of the United States as a creditor for the world.

MAY CLOSE FAR EASTERN "OPEN DOOR."

Aside from the humiliating betrayal of China, our best friend and most powerful potential partner among the nations, in its sacrifice to the commercial ambition of England's ally and secret partner, Japan, the people of the United States are vitally concerned in the control of the "Key to the Orient" by Japan and England. Hongkong, the other important entrance to China, is also in control of Great Britain, whose joint control with Japan of Kiaochow will mean the abandonment of the policy of the "open door" established as a result of American diplomacy. It will give monopoly to the two principal competitors of the United States to a market of a half billion people. While the principal opposition to the Shantung pact is based on our betrayal of a friend, the commercial consequences to America of approving any league which shuts it out of the "open door" to the Orient merits serious consideration.

Other items might be added to this protest. The tremendous expansion during the war of the United States merchant marine on an oil-burning basis frees this country from the dependence on English coaling bases throughout the world, which have been the principal sources of her sea strength. The change of motor power from coal to oil would have given opportunity, under real "freedom of the seas," for the United States to compete on a basis of equality. British control of the oil-fuel fields in Russia, China, and Mexico should be denied and these localities made free for themselves and the world.

These considerations are presented in the belief that they are American issues vitally connected with the discussion regarding the league of nations, which, as proposed, settles every one of them adversely to the United States.

If America is true to herself in this crisis, the decision of the United States Senate will transform and purify the politics, policies, and business practices of the whole world.

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STATEMENT OF DANIEL T. O'CONNELL, DIRECTOR OF THE IRISH NATIONAL BUREAU.

The wave of spontaneous support of the cause of Ireland that has swept America and finds voice at this hearing is convincing proof that the people of the United States demand that Ireland be free.

The teachings of Washington, Jefferson, Patrick Henry, John and Samuel Adams, John Hancock, James Otis, and the patriots who founded the United States have not been forgotten. America is aroused in defense of the liberties the Revolutionary patriots won for the colonists, their descendants, and the millions of immigrants and their descendants who found under the Stars and Stripes protection from oppression and all the privileges of human liberties.

The league of nations treaty now before the Senate must be rejected. It is the product of British scheming. If ratified, it will destroy our most cherished traditions, and Ireland will be more fettered by British chains than ever before.

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STATEMENT OF KATHERINE HUGHES, SECRETARY IRISH NATIONAL BUREAU.

Mr. Chairman and gentlemen of the committee, in 1916 hero hearts in Ireland again rose in armed rebellion and proclaimed, "in the name of God and of the dead generations from which she receives her old traditions of nationhood," that Ireland had a God-given right to freedom.

They fell—Ireland's latest of hero rebels—but in the travail of 1916 the Republic of Ireland was born. This Republic lives to-day, as truly a Republic as that of America in 1778, when its Congress, through its envoy, Franklin, pledged itself to aid in the liberation of Ireland if her oppression by England continued.

This Republic of Ireland has to-day the recognition of but one State—that of Russia—as the American Republic in its infancy had only the recognition of France.

America's recognition to-day would make Ireland an independent nation without a drop of bloodshed and only a passing protest from England, so lately America's ally in a war for democracy.

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JOINT STATEMENT OF MICHAEL L. FAHEY, PAUL F. SPAIN, AND JOSEPH T. BRENNAN IN BEHALF OF THE BENCH AND BAR COMMITTEE OF BOSTON, MASS.

Ireland's claim for independence was given a new birth upon the declaration of President Wilson when our Nation joined in the contest for the defeat of Germany. For centuries her patriots had waged the fight for freedom against a world tyrant, against a people who dominated through force, a people who ruled with an iron hand, whose hands were red with blood, and who were guilty of the most abominable crimes.

What country in all the world has suffered as Ireland in the contest to regain independence? The most outrageous crime, and the one to which little attention has been given, which England perpetrated upon the Irish people occurred during the nineteenth century, when, through its cruel laws the Irish people were scattered throughout the world. But that result, as shown to-day, strengthened her people, and to-day their power will be shown to be sufficiently strong to compel England to grant to Ireland the independence her people have long prayed for.

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THE CASE FOR THE GREEKS.

The CHAIRMAN. We will hear the Greeks at this time, whom we appointed to hear this morning. The hearing was unavoidably postponed and we will give them one hour, which is as much time as we can devote to their hearing, inasmuch as we have to finish this other hearing subsequently.

STATEMENT OF MR. WILLIAM S. FELTON.

The CHAIRMAN. Mr. Felton, you reside in Salem, Mass.?

Mr. FELTON. Yes.

Senator KNOX. Were you at the Paris conference?

Mr. FELTON. I appear as president of the National Congress of the Friends of Greece. Mr. Chairman and gentlemen of the committee, a convention was held last week in Washington comprising 350 delegates from all over the country, representing 75 cities and towns. They gathered in Washington to express their views, and to bring those views upon the question of the disposition of Thrace to the President and to the Senate of the United States. There are approximately 500,000 Americans of Greek origin and descent in this country, of whom 60 per cent are American citizens.

Interested in this convention and represented by what might be called non-Grecian delegates are a very large number of liberty-loving Americans, who sent delegates from their number to join with the Grecian-American delegates. This convention left behind, authorized to represent it upon this occasion, a committee of four gentlemen, of which the chairman is Prof. George M. Bolling, professor Greek language and literature at the State University of Ohio, at Columbus. Prof. Bolling has also been professor of comparative philology and Sanskrit, and has contributed upon these subjects a number of well-known technical articles and works. Mr. N. J. Cassavetes, director of the Pan Epirotic Union, organized by Americans of northern Epirotic origin, its purpose being to bring to the attention of the American people the desire of the Christian northern Epirotic populations for union with Greece. Mr. Cassavetes is the chairman of the advisory committee of the Massachusetts organization on Americanization. The third member of the committee is Mr. Constantine C. Moustakis, of Salem, Mass., chairman of the educational committee for Greek immigration in Massachusetts. The fourth member of the committee is Paul Demos, a lawyer of Chicago, a member of the faculty and board of administration of the Chicago Law School, president of the American Association of the Greek Community of Chicago, and now chairman of the Greek branch of the Americanization committee in Chicago, formerly secretary of the Chicago Liberty loan committee, foreign language division.

Before presenting Prof. Bolling, Mr. Chairman, I desire to read a brief letter, which I think will make its own appeal.

It is from a Greek girl in the city of New York and reads as follows:

AUGUST 24, 1919.

Hon. WILLIAM S. FELTON,
Chairman Delegation of the Committee of the Friends of Greece, Washington, D. C.

HONORABLE SIR: I am a poor little Greek girl, 16 years old. I have given to United States all I had.

My dear brother, Dannis Malfreda, before he volunteered in the Army, he was with me in New York. He went to France and he died there for liberty. He died in France; he never came back to me. He left me in New York all alone. He died for liberty, justice, and democracy.

Please tell the Americans, tell the American women, tell the American girls that lost their brothers like myself to help you, to speak to our President to give Greece her rights. Please tell them to help the Greek girls and women get their freedom from the Bulgarians and Turks.

I wish I was a man to come and speak to the President myself. The Greeks and the Greek women of Thrace they prefer to die but not to go under the Bulgarians.

From a little girl that lost her brother in the war for liberty.

EUGINIA MALFREDA.
New York, N. Y.

Mr. Chairman, I now have the pleasure of presenting Prof. Bolling, who will conduct the hearing from this point.

STATEMENT OF PROF. GEORGE M. BOLLING.

Prof. BOLLING. Mr. Chairman and gentlemen of the committee, Mr. Felton has just read to you a very touching appeal, and he has spoken of the congress that has sent us, and of what it represents directly. I should like to emphasize, first of all, that it represents also, among others, Americans. Their number it is impossible to compute, but I have in mind all those who recognize the indebtedness of the modern world to ancient Greece, who admire and love the heroic spirit of self-sacrifice with which the Greeks have thrown themselves into our great struggle for liberty and who believe that Greece, under the leadership of Eleutherios Venizelos, is pursuing a policy characterized by wisdom and moderation and conducive to the peace and happiness of the world.

But, Mr. Chairman, we are here above all as Americans. Our friendship for Greece has given us knowledge of certain facts, has enabled us to gain certain points of view which are not accessible to all of our fellow citizens. We desire now to serve America by presenting to you this knowledge and these points of view, believing that you will find them of value in the consideration you are about to give to our treaties with the allies of the Central Powers, Bulgaria and Turkey.

The question on which all hinges is the disposition to be made of Thrace, and, with your permission, we shall confine ourselves to that question.

To define sharply the conclusion at which we have arrived, I shall quote the pertinent paragraph in the resolution introduced by Senator KING on August 13 and referred to your committee:

"*Resolved*, That it is the sense of the Senate that in the treaties of peace with Bulgaria and with Turkey western or Bulgarian Thrace, including Adrianople, to the line from Enos, on the Ægean Sea, to Midia, on the Black Sea, should be awarded to Greece, proper facilities for Bulgarian commerce to be reserved at Saloniki, Ravalla, and Deleagatsh."

The solution there proposed is in substantial agreement with the request of Greece as presented by Mr. Venizelos. In the peace conference it is indorsed by the delegates of Great Britain, of France, of Italy, and of Japan. It had the support, we are told, of the first experts attached to our delegation in Paris. But the latest report is that our new experts have reached other conclusions, so that our delegates to the conference are now urging, in opposition to all of our Allies, a very different settlement of the question; and one, too, which is open to the gravest objections.

We ask, Mr. Chairman, that you, your committee, and the Senate use all the powers intrusted to you by the Constitution to secure such treaties with Bulgaria and Turkey as shall conform to the spirit and substance of Senator KING's resolution.

The CHAIRMAN. Do I understand you to say—and I know that you are informed on the subject—that our delegates array themselves as against giving Thrace to Greece?

Prof. BOLLING. That, we understand, is the only hitch to the solution of the question.

Senator KNOX. I think that is correct. That is the way I understood it.

The CHAIRMAN. I want to have it appear clearly in the record.

Senator BRANDEGEE. It was in the newspapers the other day that Assistant Secretary Polk had arrived at a compromise of the question. Do you know whether that is true or not?

Prof. BOLLING. Are you referring to the article published a week ago in the New York Times?

Senator BRANDEGEE. I think it was about that time, yes; in which compromise one-third of Thrace was to be given to Greece.

Prof. BOLLING. We have no direct information on the subject. We have no official connection with anybody. We have only the sources of information that are open to American citizens, but we do not believe that such a plan as outlined by Mr. Polk would ever gain the firm support of Venizelos.

The first question involved is a question of fact—the character of the population of Thrace. While we are not, of course, basing our request upon historical considerations, we nevertheless believe that an understanding of the way in which the present distribution of this population was brought about will help to carry conviction.

A little more than 1,000 years B. C. the inhabitants of the Balkans could have been classified on the basis of language into three well-defined groups. The trunk of the peninsula was divided between the Illyrians on the west and the Thracians on the east, while its southern extension was in the hands of the Greeks. All three were members of the Aryan family of languages and all were, relatively speaking, newcomers in this part of the world. Two of these languages have passed away without leaving any but the most insignificant traces; for of Illyrian and Thracian, practically nothing is left save a few names of persons and localities. The future was in the possession of the third group—of the Greeks. They were distinguished, among many other things, by a genius for colonization—for an ability to go among other peoples and not only govern but assimilate them—that is, make Greeks of them in language, ideals, and feelings. They flowed across the islands of the Ægean, first to the shores of Asia Minor.

Then the tide turned toward the northern coast of the Ægean through the Dardanelles, the Sea of Marmora into the Black Sea, reaching as far as Trebizond and the Crimea. The movement began in the eighth century B. C., lasted through the seventh, and on into the sixth century. The result, as far as it concerns us, is a fringe of Greek cities running around the coast from Saloniki to Constantinople and beyond. These cities were then the outposts of civilization, but by the middle of the fifth century they were equal to any part of Greece in art, science, or general cultivation. How rapidly their influence worked upon the natives of the hinterland is unknown in detail; but prominent Athenian families like those of Miltiades and Thucydides were soon intermarrying with the Thracians and proud of the connection. There is some reason for believing that the frontier of Greek influence reached at this time a line drawn west from Midia. A century later Philip of Macedon founded Philippollis and other cities in the interior of the country and fought his way to the Black Sea at Varna, spreading Greek civilization as he went. A few years later Alexander completed his father's work by carrying the frontier to the Danube. It is very significant that his fighting seems to have begun when he reached the Balkan range—the old boundary between Bulgaria proper and eastern Rumelia. Apparently that was then the limit of the Grecian influence.

Under the Romans, the land remained Greek in language and civilization. Thrace being the last Province (46) in this part of the world to be incorporated in their empire. The Latin language never gained south of the Danube a foothold comparable with that which it won beyond that river. That points to the presence in all Thrace of a more highly civilized people, of a Greek-speaking population.

Coming to the retrogression of Hellenism in this territory, I need not trouble you with the raids of the Celts, of the Goths, of the Huns, and of the Avars. These marauding peoples came and went without permanent results. But there was another great migration which I must mention—the coming of the Slav. Its effect is seen even to-day in the presence of the Slovenes, the Serbo-Croates, and the Bulgarians in the Balkan Peninsula. The movement began from the north bank of the Danube early in the sixth century of our era and lasted to the middle of the seventh century. It affected most of the Balkan Peninsula profoundly, but the remarkable thing is the extent to which Thrace (in the modern sense of the word) escaped. The situation may be seen at a glance on the ethnological map published by L. Niederle (Slovanske Starozitnosti ii, 2, 1910, p. 296), showing the status in the seventh and eighth centuries.

The red circles on this map represent the Bulgars proper. Like the Huns and the Turks, they were a Tartar people from Asia. The modern Bulgarian is a cross between them and the

Slav—a hybrid people with Tartar name, Slavic language, and mixed blood. Into the combination the Bulgar put what the Slav had lacked—initiative and organization. They established a kingdom in the region between the Danube and the Balkan Mountains—the territory that is Bulgarian in the strictest sense of the word and was known as such from 1878 to 1885. It was a State with a checkered career into which I shall not go. It dreamed fitfully of vast dominion. The dreams took shape at times and led the Bulgars to the walls of Constantinople and Saloniki. But these cities were never destined to be theirs. The dreams vanished—the Bulgar could never establish himself upon the shores of the Ægean. His subjection in 1393 to the Turk put an end to such efforts. Bulgars then disappear from history until the year 1877.

Senator BRANDEGEE. What is the title of the red-backed volume containing the map to which you have referred?

Prof. BOLLING. Slovanske Starozitnosci, by Dr. L. Niederle, professor of Ceske at the University of Praze.

I have told this story at some length to lead up to the question: Must we expect to find in Thrace a Bulgarian population or a population that is part Turkish, part Greek? On the answer to that question the whole issue depends. For, as Americans, we believe that the most fundamental of all rights is the right of a people not merely to good government but to self-government. That is something entitled to precedence over considerations of policy and over economic desires.

Who, then, make up the population of Thrace? The most reliable statistics available are those of the Turkish Government for 1912, which have been used both by Venizelos (Greece before the peace conference of 1919, appendix 2) and Prof. Sotariades (an ethnological map illustrating Hellenism in the Balkan Peninsula and Asia Minor, London, 1918). These figures come from an ally of Bulgaria, and yet they show that in the whole of Thrace there are 957,000 Turks, 730,000 Greeks, 112,000 Bulgarians, 183,000 Armenians, 65,000 Jews, and 151,000 inhabitants of other nationalities.

The Turks are thus the most numerous element in the population. But there is one thing on which all parties are agreed. Four and one-half centuries of misrule, tyranny, and oppression on the part of the Turks have rendered it impossible to plan for any continuance of Turkish Government in Europe. The Turks must either leave Thrace or accept the government of some other people. Their destiny is clear. Of the remaining element the Greeks have a large plurality, and in particular they outnumber the Bulgarians—the only others to be considered seriously—in the proportion of 7 to 1.

Now, Mr. Chairman, it is possible to bring an objection to the form of this presentation of the case. I wish to consider it in order to show that the vital issue remains unaffected. It may be said that Mr. Venizelos is asking only for a part of Thrace and that our statistics should refer only to that part. I recognize the force of such an objection and will attempt to present such statistics. They can not be given with absolute exactness, because the figures are based on the old administrative district and the new lines cut across them. The inexactness, however, shall not be permitted to work to our advantage. I subtract, therefore, the villayet of Constantinople and the Sandjaks of Rodosto and Gallipoli, which lie in the main beyond the Enos-Midia line, with a population of 489,000 Greeks and 9,000 Bulgars. I subtract also four northern Sandjaks—Achi-Tchelembi, Kirdjali, Mustapha-Pasha, Tyrnovo—not claimed by Mr. Venizelos, because they contain only 9,000 Greeks to 35,000 Bulgarians.

The result is 232,000 Greeks as against 68,000 Bulgarians, or a proportion of over 3 to 1—certainly a sufficient preponderance on which to base a valid claim. It is to be noted also that the other nationalities (except the Turks, 348,000) have practically disappeared, there being but 5,000 Armenians and 13,000 Jews. In the territory claimed the Greeks are thus much more than double the Bulgars, Armenians, and Jews taken together.

Senator KNOX. Do you mean to say that the Greeks are willing to give up the territory when the population is so disproportionate?

Prof. BOLLING. That is the offer, for the nationalization of everything beyond, and concessions so liberal surely entitle them to favorable consideration when they present other claims.

To attempt a similar calculation for the various divisions said to be proposed by Mr. Polk for the partition of Thrace is impossible. The details of his plan are reported too indefinitely and his lines seem to conflict more seriously with the administrative districts. You can form a better judgment by consulting an ethnological map.

In this connection, I wish to call your attention to the character of the authors of the maps which support our contention. I have already cited the map of Soteriades. He is a professor of history at the University of Athens. His map is based upon these figures and so adds nothing more to our claim. But there is the map published by Herman Hirt (Die Indo-Germanen, Strassburg, 1905-1907, map 2). It is on a small scale, but clearly corroborates our position. Prof. Hirt is the leading authority of the world upon the question of the original home of the Aryans and their dispersion through Europe and Asia. No scholar's opinion is entitled to greater weight. His work has been largely with the Slavic languages—that fact, his German nationality, the date of his book, all combine to free him from any suspicion of prejudice in the case. Then there is the map facing page 20 in the Balkans, Oxford, 1915, written by four English scholars, Nevill Forbes, Arnold T. Toynbee, D. Mitrany, D. G. Hogarth, at a time when it was hoped that Bulgaria could be won to the side of our allies. Of these, Toynbee and Hogarth are eminent names in the field of classical scholarship. Another excellent map is to be found in the Rise of Nationality in the Balkans, by R. W. Seton-Watson, lecturer in East European history, King's College, University London, London, 1917.

The CHAIRMAN. Mr. Toynbee is one of the great classical scholars.

Prof. BOLLING. Yes; and Mr. Hogarth, as you will remember, is the great explorer at Ephesus.

Then we have a book with quite a remarkable map by Amadore-Vergilj, entitled La Questione Rumeliota e la Politica Italiana. The map is ethnological, but it shows the distribution of Greek and Bulgarian schools and churches. I would be glad if the Senators would look at it, because it proves not only the population but it shows also that the Greeks are better educated, more interested in education, as well as more numerous than the Bulgars.

Senator SWANSON, does that answer your question?

Permit me to call the attention of the committee to the character of the maps. We know that there are others that show a different result—a Bulgarian population where a Bulgarian corridor was wanted. Soteriades mentions one such "issued under the auspices of the Daily Telegraph by the firm of Geographia (Ltd.)." I have not been able to consult it. Another was published by Leon Dominian; a third appeared in the National Geographic Magazine for December, 1918. Of the last two, one was by a graduate, the other by a former professor of Roberts College. Is there any significance in this fact?

Senator BRANDEGEE. Can you state briefly what conclusions you draw from the study and consideration of the maps and the volumes upon which you rely, what deductions you draw?

Prof. BOLLING. That the population of the part of Thrace in question is overwhelmingly Greek as compared with Bulgarian.

Senator SWANSON. How is it as compared to the aggregate population?

Prof. BOLLING. The Turks, as I said a few moments ago, have a plurality over the Greeks, a substantial plurality.

Senator SWANSON. What is that substantial plurality?

Prof. BOLLING. In the whole of Thrace there are 957,000 Turks and 730,000 Greeks. In this particular part of Thrace there are 232,000 Greeks. I do not recall at the moment, but I think it is 348,000 Turks.

Senator MOSES. When you say Turks, you mean Mohammedans?

Prof. BOLLING. Very largely. I mean people who feel that their national consciousness is Turkish.

Senator MOSES. Many of them are not of Ottoman blood?

Prof. BOLLING. Many of them are not of Ottoman blood.

I will not trouble you with the citation of authorities, nor with the statement of what we could prove by the testimony of American citizens familiar with Thrace and with the nationality and sentiments of its population. Our opponents seem, indeed, to be inclined to shift their position. Our statistics, they say, are right for 1912, and our maps also. But the Bulgars have held the country since 1913—their troops have been there during the war—and the ethnology of the country, they tell us, has changed. We should, they urge, recognize the changed condition. In plain language, Mr. Chairman, that means we should reward murder and frightfulness. Such an argument needs no answer.

To sum up, Mr. Chairman, our view of the situation is based upon the principle of a people's right to self-determination.

In the part of Thrace asked for by Mr. Venizelos there are more than three Greeks to every Bulgar. They represent a population which has held to this land for over 2,500 years in spite of indescribable cruelty and oppression. They desire ardently to govern themselves by uniting again with the land

from which their fathers came. It seems to us, as Americans, a plain duty to place no obstacle in the way of this desire.

Mr. Cassavetes will now explain to you the plans suggested for the thwarting of this desire, the reasons urged in their support, and our reasons for finding them unsatisfactory.

I thank you most sincerely for your attention.

Senator BRANDEGEE. Before you leave the stand, will you allow me to ask one question? You alluded in one portion of your remarks to the books published by a professor—one by a professor, and the other by a graduate of Roberts College, and made some suggestions about that college. That college comes out in a good many of our hearings on these matters. What is its position there? Does it wield any influence in its vicinity on political questions, or the determination of any such matters as we have been discussing?

Prof. BOLLING. Senator, if you will recall in the article in the New York Times to which you allude, it was claimed there that it was Roberts College that was responsible for this new plan, and at the same time it reminded us that it was Roberts College that kept us out of the war with Bulgaria, and with Turkey. I have no personal information with regard to Roberts College. Some of the members of the committee may be able to inform you more definitely.

Senator BRANDEGEE. I remember at the time the committee was considering the wisdom of the declaration of war against Turkey and Bulgaria, that several clergymen appeared before the committee protesting against it, and that they were interested in Roberts College. That was one of the reasons I asked the question.

Prof. BOLLING. We see statements such as were made in the New York Times, which I have quoted, and I ask you gentlemen whether it is not a strange coincidence that two maps giving a pro-Bulgarian view of the situation should be that connected with Roberts College?

Senator MOSES. Did you at any time in the course of your statement, before I came in, discuss the commercial question to show that the outlets of the Ægean, which the Bulgars desire, are not necessary to their development?

Prof. BOLLING. No; I have left that to the others who will follow.

Senator BRANDEGEE. I do not know that it is germane to the subject, but for my own information, which is meager on this subject, you spoke of the Bulgarians as being a cross between two nations?

Prof. BOLLING. Slavs and Bulgars.

Senator BRANDEGEE. What is the origin of the Slavs?

Prof. BOLLING. The Slavs are one of the Indo-European people.

Senator BRANDEGEE. Are the Slavs Tartars?

Prof. BOLLING. No, sir. The earlier homes of the Slavs would be along the middle and the upper courses of the Dnieper, and going back joining with the Lithuanians, and then closely with the Germans.

Senator BRANDEGEE. Are the Tartars Mongolians?

Prof. BOLLING. That is not an anthropological but a linguistic term, but I believe that is correct.

I thank you for your attention.

STATEMENT OF MR. N. J. CASSAVETES.

Mr. CASSAVETES. Mr. Chairman and gentlemen of the committee, I have the honor, together with my distinguished colleague, Prof. Bolling, to present to you the sentiments of half a million Americans of Greek descent. As an American of Greek descent, I desire to emphasize the fact that we have come before the Senate Foreign Relations Committee only as American citizens to plead the case of an allied and friendly nation which looks for justice at the hands of America. Whatever the decision of our Government in the case of Thrace, we wish to assure you, Mr. Chairman, that it will in no way affect the loyalty of the American citizens of Greek descent to this country, nor in any way interfere with the faithful discharge of their duties to their adopted country.

My distinguished colleague has, I believe, established beyond doubt the fact that the numerical, cultural, and economic superiority of the Greeks in Thrace is in the proportion of 7 to 1 in favor of the Greek element. This fact alone should be sufficient to induce our country to decide in favor of Greece in the question of Thrace. Unfortunately, we understand from the reports which come to us from Paris that our American delegation, while admitting the numerical superiority of the Greek element in Thrace, is not prepared to allow Thrace to be united with the mother country Greece. What imperative reasons are forcing themselves upon our delegates at Paris to disregard the principle of nationality in favor of the ally of our enemies and at the expense of one of our faithful Allies? Mr. Chairman, permit me to trace on the map the latest plan submitted by our American delegation at Paris in connection with the solution of the question of Thrace. According to this plan, the entire Province of Thrace is divided into two parts, eastern and western Thrace, separated by the river Hebrus or Maritza. Eastern Thrace is further divided into two parts by a line running from the Gulf of Saros to the town of Midia on the Black Sea.

That portion lying to the east of this line is to become international with Constantinople; the other part is to be given to Greece. Western Thrace is divided into three parts, as follows: The territory included between the old Greek frontier on the Ægean Sea and the town of Maronia between a line running north of this town to a distance halfway between the sea and the old Bulgarian frontier and between a line from this central point to the old Greek frontier is given to Greece. The portion included between the Maritza River and the Greek portion of Western Thrace is internationalized and the rest of Western Thrace is given to Bulgaria. The most important objection to this plan is, of course, the violation of the principle of nationality and that of the economic unity of the Province of Thrace. No less serious an objection is the fact that the portion of Eastern Thrace given to Greece is absolutely disconnected from Greece proper, remains suspended in the air, without harbors on the Black Sea or on the Ægean, a temptation, inviting Bulgarian aggression, with Greece absolutely incapable of rendering military assistance in case Bulgaria should decide to invade the territory. What are the reasons adduced by the American delegation at Paris in justification of this plan? In the first place, it is contended that Bulgaria needs an economic outlet on the Ægean. Secondly, it is argued that unless Bulgaria has a guaranty of a free access to the Ægean Sea, she will not cease from plotting and preparing for a Balkan war. Thirdly, it is argued that the American delegation is forced to oppose Greek claims to Thrace, in order to discourage the desire of the Great Powers for splitting Bulgaria between Roumania and Serbia. We shall take up these arguments one by one.

Bulgaria has no economic need of an outlet to the Ægean. Bulgaria, a nation of four million and a half, has two excellent ports on the Black Sea—Varna and Bourgas. Roumania, a nation of 15,000,000, has only one port on the same sea—Constanza. With the internationalization of Constantinople and the Dardanelles, Bulgaria can not be said to be barred from an access to the Ægean. The only port included in the international strip of Thrace is the port of the De-de Agach. This port is absolutely unavailable for commercial purposes. The De-de Agach is only an open roadstead, which will take millions of dollars to render available for commercial purposes. Bulgaria has held that port since 1913, and she not only has not seriously attempted to use this port for commercial purposes, but she has not passed any legislation providing for future improvement of this port for commercial purposes. She has, however, provided the De-de Agach with a very small railroad line, which was meant to feed the submarines. Nor is it possible to believe that with the internationalization of this port Bulgaria will avail itself of it. No Bulgarian Government would be willing to make financial appropriations for the improvement of this port, which will not be in the possession of Bulgaria. The eastern portion of Bulgaria, in which the two great ports, Varna and Bourgas, lie, is the commercial and industrial part of Bulgaria, and it so happens that it wields a preponderant influence in the politics of the country. It is impossible to believe that this preponderant influence will permit an appropriation in favor of improving the port of the De-de Agach, which is not Bulgarian and which will mean the death of the ports of Varna and Bourgas and the transference of the commercial and industrial center of Bulgaria from that portion of the country to the internationalized strip of Thrace. It becomes evident, then, that by internationalizing a portion of western Thrace, Bulgaria's economic necessity, if there be any, can not be satisfied.

We now come to the second argument, namely, the fear that unless we give a guaranty to Bulgaria of a free access to the Ægean Sea she will agitate for war in the Balkans. This argument may be considered from two points of view. It is either an American concession to a threat on the part of Bulgaria, or a fear on the part of the American delegates and an attempt to placate Bulgaria. If it is an admission of threat on the part of Bulgaria, the American delegation by yielding to this threat is clearly admitting that there is no moral force behind the forces of the Allies to enforce justice. If it is merely a fear and an attempt to placate the Bulgarians, the American delegation shows that it ignores the lessons of the events which have transpired since 1913, and also, it seems to ignore

the dreams and ambitions of Bulgaria. In 1912 Mr. Venizelos, in the hopes of establishing the Balkan league, and in full realization of the fact that Bulgaria would not consent to become a member of that league without serious concessions on the part of Greece, offered Bulgaria not only the whole of western Thrace and a very large portion of eastern Thrace, but also the largest portion of eastern Macedonia at a small distance from Salonica. Was Bulgaria satisfied? In the summer of 1913 she treacherously attacked both Greece and Serbia, in the hopes of seizing Salonica and Monastir, and in the hopes of reaching the Adriatic Sea. The Bulgarian armies were completely crushed. At the treaty of Bucharest Mr. Venizelos was disillusioned as to the possibility of pacifying Bulgaria with any concessions lesser than the entire Balkan peninsula. This time he refused to repeat the error of 1912, and insisted upon occupying Thrace, but Russia and Austria-Hungary, each vieing with the other for the friendship of Bulgaria as a military power in the Balkans, imposed upon Mr. Venizelos the necessity of yielding Thrace to Bulgaria. Was Bulgaria placated? Immediately upon the occupation of Thrace the Bulgarian authorities initiated the most cruel persecutions against the Greek element, and in 1914 Bulgaria concluded a treaty of alliance with Austria-Hungary, Germany, and Turkey.

In 1915 France and England insisted that Mr. Venizelos should make concessions to Bulgaria in eastern Macedonia, in order that she might be detached from the Central Powers. Mr. Venizelos, while completely convinced that Bulgaria was already determined to throw her weight on the side of the Central Powers in the expectation of annihilating Serbia, of crushing Roumania, and of driving Greece to the old boundaries of 1912, yielded to the demands of the allied powers and offered Bulgaria the port of Kavala. We read in the Echo de Bulgaria of January 1, 1916, the following editorial, republished in the Berlin Tageblatt January 3, 1916:

These three instances in the course of six years show beyond doubt the ambitions of Bulgaria in the Balkans; that infinitely greater concessions have been made to Bulgaria by Mr. Venizelos and have proved futile, and that the thought of the American delegates that Bulgaria would be satisfied and placated with the internationalization of a strip of Thracian territory is undeniably erroneous.

In closing the reply to the second contention of our delegates we should not fail to understand that an international strip of territory, far from succeeding in placating Bulgaria, will only expose the eastern Thracian portion which will be given to Greece to constant dangers from Bulgaria and will encourage Bulgaria to watch for an opportune moment to invade this international strip. The unfortunate events that took place between 1900 and 1906 in Macedonia under the very eyes of the European commission of control will inevitably be repeated in this international strip of Thrace.

The Bulgarians will subsidize immigration into western Thrace, and the Greeks, in order to counteract this movement for the alteration of a national character, will do the same in their turn. Friction will be inevitable; revolutionary and guerilla warfare will take place in the international territory, in which the Greek element will side with the Greek revolutionists and the imported Bulgarians with the Bulgarian comitadgis. War will thus be inevitable. We have so far proved that the plan of internationalizing a part of western Thrace, far from creating conditions which will foster permanent peace, creates the causes for inevitable wars. Bulgaria will not be satisfied, no matter what concessions the peace conference is disposed to make. The only plan which can be a guaranty of a permanent peace in the Balkans is the plan originally suggested by Mr. Venizelos and subscribed to at first by the American delegation at Paris. That plan is, as indicated on this map, that Greece should occupy those portions of Thrace west of the Saros-Midia line to such points in the north as are preponderantly Greek, leaving the district of Moustapha-Pacha and of Tirlove to Bulgaria, because here the Bulgarian element is numerically superior to the Greek. This plan is a guaranty for peace in the Balkans, because, in the first place, it is based on absolute justice. The Greek Nation will be completely satisfied, and the better elements of the Bulgarian Nation, which are not poisoned with imperialistic ideas, will be satisfied with this solution of the Thracian question.

In case Bulgaria should think of disturbing the peace of the Balkans, a strong Greece, with a united Thracian front, allied to Serbia and to Roumania, will be a convincing argument to the practical Bulgarians that it will not pay them to launch again upon the adventures of 1913 and 1915.

Finally, we come to the last argument, that the American delegation is forced to oppose the claims of Greece in order to discourage the desires of the allied powers of Europe for the complete extinction of Bulgaria. We believe that American diplomacy can protect Bulgarian integrity by other means more just and honorable. It is not necessary to do injustice to Greece in order to defend Bulgaria from foreign aggression. But if it is necessary that Greece should give the first example of self-sacrifice and self-denial to the other allied Balkan States, we may respectfully indicate that Mr. Venizelos has already gone to the limit of such sacrifices. The Greek people have dreamed for centuries for the reestablishment of Hellenism in Constantinople. That portion of Thrace which is to be internationalized and is to include Constantinople as its capital is Greek in history, in population, in commerce, and in culture, and yet the Greek people resign themselves to the abandonment of their claims upon the most cherished portion of the Thracian Province in order to satisfy the rivalries of the great powers and to contribute as much as is within their power to the establishment of a permanent peace. But Greece not only has made concessions in Thrace, but also has offered willingly half a million Greeks on the Black Sea to make possible the creation of an Armenian State. In view of such sacrifices we hardly believe justifiable the insistence of our delegates to force upon Greece the necessity of greater sacrifice, which may exasperate the Grecian people and alienate their friendship for America and for the allied powers.

In concluding, we wish to repeat that Bulgaria has no need of economic access to the Aegean; that the internationalization of a strip of Thrace is not only contrary to the principle of nationality, but will also create causes for future wars in the Balkans; it fails to placate Bulgaria and is certain to alienate the friendship of Greece, it encourages Bulgaria to hope for a possibility of invading eastern Thrace and the internationalized strip, and renders Greece absolutely incapable of meeting a Bulgarian aggression. In other words, it strengthens the enemy of yesterday, and the certain enemy of to-morrow by weakening our ally of yesterday, who of necessity must be our ally of to-morrow. Justice and sane policy dictate that Greece should have those portions of Thrace which are claimed by Mr. Venizelos. With Venizelos at the head of a strong Greece, we may be certain that Bulgaria can be persuaded to throw off her imperialistic dreams and to recognize the community of interests between the Bulgarian and the Greek nations, the one being an agricultural country, the other a commercial and industrial one.

Prof. BOLLING. Mr. Cassavetes has finished his argument unless there is some question, which we will try to answer.

We feel that this is a simple matter of justice and have full confidence in the action that the Government will take.

The CHAIRMAN. The committee will stand adjourned until Tuesday morning at 10 o'clock.

(Whereupon, at 5.35 o'clock p. m., the committee adjourned until Tuesday, September 2, 1919, at 10 o'clock a. m.)

ARTICLE BY HON. HANNIS TAYLOR.

Mr. POINDEXTER. I ask unanimous consent to have printed in the RECORD a brief article by Hon. Hannis Taylor on the peace conference and league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE PENDING APPEAL TO THE AMERICAN PEOPLE TO SIGN THEIR OWN DEATH WARRANT.

(Why the Senate of the United States should indignantly reject the "Unholy League and Covenant," which proposes (1) to extinguish the independence of the American Commonwealth; (2) to abolish the existing system of international law; (3) to vest the overlordship of the world in a foreign conclave based on brute force to be applied to every liberty-loving nation, including the Irish, through the vast and rapidly growing sea power of the British Empire, backed by that of her allies, France, Italy, and Japan.)

[Humbly submitted to the American people by Hannis Taylor, author of International Public Law.]

"The modern international system arose out of the peace of Westphalia (1648), whose treaty settlement broke the old Germanic Empire into bits in order to secure to France autocratic domination. In 1815 a second peace was made at Vienna, whose treaty settlement was based on what is generally known as the balance of power. In 1919 a third peace was made at Versailles, whose treaty settlement has broken the German and Austrian Empires into bits in order that their vengeful commercial rival, Great Britain, supported by her allies, France, Italy, and Japan, may become the autocrat not only of Europe but of the world. As this Republic is the only great power, outside of that combination, capable of resisting its selfish and deadly designs, a European conspiracy for our enslavement has been organized, which is now being actively promoted in our midst by a plutocratic foreign propaganda, whose purpose is to threaten and cajole the American people into signing their own death warrant, now generally known as the league of nations.

THE ORIGIN AND REAL PURPOSE OF THE SO-CALLED LEAGUE OF NATIONS.

"The widely scattered and incoherent mass known as the British Empire, made up largely of oppressed peoples ripe for revolt, has for a long time been threatened with disintegration. As the very life of the fabric depends upon the control of foreign trade, the startling inroads made by German competition in that field, prior to the present war, had become more than alarming. In order to meet such conditions, as early as 1911, Dr. Timothy Ricards, a distinguished Englishman, outlined this scheme of a 'league of nations to enforce peace with arms' as follows: 'We are living in the days of anarchy. Unite the 10 leading nations, let all their armaments be united into one to enforce the decrees of a superior court of the world. And since it will then be the refusal of recalcitrant nations to accept arbitration that will make necessary the maintenance of any very large armaments by these united nations, let them protect themselves by levying discriminating tariff duties against the country that would perpetuate present conditions.' On that purely British foundation Viscount Grey, the famous English diplomatist, built the more elaborate plan published on May 11, 1918, in a pamphlet entitled 'The League of Nations,' in which the pending scheme was fully set forth in a tentative form. After that cunning device to hold together the British Empire and to promote its trade, through the agency of other nations, whose tariff systems were to be manipulated in its interest, had received its finishing touches from Lord Robert Cecil, it took its place in the pending peace treaty with a pompous preamble called a 'covenant.'

"The false and absurd declaration in that covenant that this purely British device was constructed 'in order to promote international cooperation and secure international peace and security by the acceptance of obligations not to resort to war' should deceive no one. Col. Watterson expressed the whole truth briefly when he said in substance that the so-called league of nations is simply a 'trap,' designed exclusively by British statesmen and baited with the word 'peace' in order to ensnare the American people. What makes that trap the more dangerous is the fact that some brilliant but illusive rhetorician has covered it all over with a veil into which he has 'intertwined' all kinds of false and fantastic idealisms. So completely has the unsuspecting soul of President Wilson been deceived by that veil that he has gone so far as to say that the making of the trap may be traced to a heavenly source. His recent address in the Senate concluded with this remarkable declaration: 'It has come about by no plan of our conceiving but by the hand of God who led us into this way.'

PRESIDENT WILSON INNOCENT OF ALL CONNECTION WITH THE DRAFTING OF THE LEAGUE.

"One thing we know for certain, and that is that to this British device, constructed by British statesmen exclusively in their own interest, President Wilson made no material contribution whatever. The famous newspaper correspondent, Mr. Frank H. Simons, who watched the entire proceeding at Paris, in declaring that the league is purely a British invention, has said to all the world:

"'It is essential to face the fact that, so far as President Wilson and his European expedition are concerned, the President came here with no definite or clear or coherent program for a league of nations. In a very marked degree the President came empty handed. In point of fact, he had no scheme, and a situation approaching paralysis resulted during a certain period of time.

"'Thus the President's position in course of time developed rather into an inactive attitude. So far from proposing, he remained silent. His real contributions, it would seem, was to veto at various points where suggestions conflicted overnight with his principles as proclaimed in America.

"'After a certain length of time, however, it became clear that if real progress was to be made it would be necessary to cease discussion of abstract principles and get down to actual construction of machinery, and at this point the President was helpless and his associates in the American commission were useless, and it fell to the British, logically and inevitably, to begin the task of constructing some framework, and this is what has been going on for the last three weeks.'

"The British went to Paris with everything ready made. The original draft of a 'League of Nations to Enforce Peace with Arms,' devised by Dr. Timothy Richards in 1911 and elaborated by Viscount Grey in 1918, was completed in the form in which we now have it by Lord Robert Cecil in 1919. How can any man of ordinary insight fail to perceive the real character and purpose of this British design, constructed exclusively by British statesmen to consolidate and perpetuate the world power of the British Empire at the expense of our own? How can anyone believe that such a fabric, in which international law in time of war is to be superseded by brute force, is likely to preserve the peace of the world? What has become of our national pride and patriotism? What would Lincoln, Seward, and Sumner, who braved the power of the British Empire even in the midst of civil war, have thought of such a cowardly and un-American surrender as we are now urged to make?

PRESIDENT WILSON ONLY THE PROMOTER OF THE BRITISH DEVICE KNOWN AS THE LEAGUE OF NATIONS.

"The able and experienced British diplomatists at Paris, who played with President Wilson and his pale associates as if they were children, showed consummate art when they resolved to put him forward as the apparent force moving everything. In that way they undertook to chloroform the American people while their vital interests were being sacrificed by their own chief; in that way they hoped to make it appear to the world that their scheme to hold together their tottering Empire is really an American invention. They did not underestimate President Wilson's inordinate vanity and self-assumption; they did not forget his intense British sympathies and close British connections; they did not forget that when his very able lieutenants, Senator HOKE SMITH, of Georgia, and Senator WALSH, of Montana, were bitterly denouncing his grossly unneutral conduct in permitting the British Navy to seize unlawfully on the high seas southern cotton and Montana copper he treated their protests with contempt. The British made no mistake in their man; President Wilson, while posing at Paris as the Deus ex machina, did just what he was told to do by Mr. Lloyd-George. He did not falter even when he was thus commanded to sacrifice the neutrality laws of the world (really an American creation) in order to make Great Britain the absolute mistress of the seas; he did not falter when he was thus commanded, as he now admits, to cut the very heart out of China and to hand it to Great Britain's indispensable ally, Japan, who will continue to hold it, just as Great Britain has continued to hold Egypt. He never acted on his own initiative but once, and that was when he undertook to insult the sovereignty of Italy, whose indignant protest was applauded by the whole world, including the American people.

WHAT A LOOK BEHIND THE "STAGE SCENERY" AT PARIS WILL SOON DISCLOSE.

"M. Lenôtre has said: 'History as it has too long been written is similar to stage scenery when seen from the body of a theater. Everything is in perfect order, everything is logical and in its place, everything appears to be solid and real, provided you do not go behind the scenes; that is to say, provided you do not study the facts in the heaps of authentic documents stored in the record office. For if you investigate you will discover that the building has only a front and that it is kept upright only by the aid of cords and pegs.' So soon as the historians have time to go behind the scenes at Paris the 'documents in the record office' will more than prove all that has been said as to President Wilson's utter lack of real influence on what actually occurred. He simply put on the 'tragic buskin' and strutted before the audience while the representatives of Great Britain, France, Italy, and Japan carried out their selfish designs behind the scenery 'kept upright only by the aid of cords and pegs.' When all was completed our President was told to 'sign here.'

"So soon as the politicians have time to go behind the scenes at Paris they will find out that the real motive of President Wilson's grossly unlawful removal of the capital of this Nation to that city was purely personal and political and not diplomatic. It could not have been otherwise, because the functions he there performed were not such diplomatic functions as a President has the right to perform. The conduct of President Poincaire, much more deeply interested in the event, puts that fact beyond all question. He sent his diplomatic representatives to act for him, just as President Wilson would have done had he not been obsessed with the idea that the stage at Paris was the preordained place from which he could launch his candidacy for a third time to the greatest advantage. The brilliant and versatile Senator Lewis has let the cat out of the bag at last. During his recent visit to Washington he disclosed it all to the American people on July 13. The edict has gone forth; he says that the President's message 'creates a new alignment of politics in the United States. * * * The dividing line will be the Wilson foreign policy. * * * The people will not regard him as a third-term candidate, but a first-term candidate on the new issue for America.' If the Senator had followed the wise rule of Mr. Chucks in Peter Simple—'Spin your yarn in plain English'—he would have said, 'President Wilson has returned resolved to run for a third term on this platform—European internationalism against your old and obsolete Americanism.' As that mighty issue has been thus precipitated upon us, the American people should understand what European internationalism really means.

INTERNATIONALISM A DEADLY MENACE TO PATRIOTISM AND RELIGION.

"The revolutionists who are now striving to turn the world upside down hope to abolish all existing conceptions of patriotism and religion through the substitution of a new cult whose god is to be humanity and whose creed is to be internationalism, a vague formula that is to wipe from every heart that sacred something we have known heretofore as patriotism. As a typical exponent of the new cult stands M. Viviani, ex-premier of France, who, as minister of labor, gained great control over the laboring masses in that country. He was the leading member of the recent French mission to this country. It is quite probable that he may be the successor of Mr. Clemenceau; it is quite possible that he may be the next President of France. When he was here not long ago a fête was given at Chicago to the mission by a distinguished and very patriotic American statesman who, of course, was not responsible in any way for what his guests said on that occasion. The following account of what occurred is taken from America, one of the leading Catholic journals of the United States:

"'But there was one speech of M. Viviani which was not so blatantly reported; indeed, it was most carefully suppressed, though several thousand people were aware of it and many thousands of soldiers heard of it after they had arrived in France. Mr. MEDILL MCCORMICK, at present a member of the United States Senate and son of Robert McCormick, sometime ambassador to France, gave a fête for the French mission during the progress of which the former premier of the French Republic was asked to address the guests. M. Viviani was moved to reminiscence and his vein of satire led to the masterful way in which France had driven God from the State; how, after a tremendous struggle, she had driven God from the schools, and "Now," he concluded, impressively, "we shall drive God from the churches." To their credit, it can be recorded, many protested to Mr. MCCORMICK that they considered such expressions blasphemous, and they declined to remain and be presented to the representative of Gallic civilization and progress.'

THE GROWING SEA POWER OF THE BRITISH EMPIRE.

"Let us not deceive ourselves as to what is ahead of us. Collier's Weekly says: 'That August day in 1914, when the war broke out, the British Navy had a tonnage of 2,500,000 and a personnel of 145,000 officers and men. To-day it has a tonnage (including the auxiliary fleet) of 8,000,000, and a personnel of almost 500,000. This does not include the mercantile marine or patrol vessels, mine sweepers, etc., in the auxiliary fleet. There are 50,000 men serving in these.' In addition, the British Empire holds in its hands the surrendered German colonies, and the long-coveted Dardanelles, besides the Suez Canal, and a kind of over-lordship over our own Panama Canal, which can be defended only by sea power. When to all that is added the combined sea power of her allies, France, Italy, and Japan, she is not only the mistress of the seas but the empress of the world in a way in which no world power has ever been since the fall of the Roman Empire. The newspapers report that the building of British dreadnaughts is now progressing more rapidly than ever before. With her hated commercial rival prostrated in the dust, with its great warships at the bottom of the sea, Great Britain has now no one in her way but ourselves. Our day will surely come the moment that our growing merchant marine dares to conflict with her commercial interests on the high seas. After the first gun fires, southern cotton, Montana copper, and western food supplies will appeal in vain to neutrality laws which President Wilson has agreed to abolish absolutely. With starvation blockades in full force Britannia will rule the waves, if the league of nations is adopted, entirely unmolested for the first time by neutrality laws. Cicero made no mistake when he said 'that he who gains the command of the sea must obtain supreme power.'

THREE REASONS WHY THE GREAT BRITISH WAR TRUST SHOULD BE REJECTED AS A WHOLE.

"1. Because our sense of 'constitutional morality' demands that we should entirely ignore an unprecedented proceeding carried on by the President of the United States, through the unconstitutional removal of the Capital of this Nation for a long period of time, and without the authority of Congress, to a foreign country to which the great seal could not be removed. If the Senate should suddenly resolve to hold its sessions in Peking during the great debate, only the implied prohibitions of the Constitution would forbid such a course. It is beyond all cavil or question that the same implied prohibitions deprived Mr. Wilson of his constitutional status as President the moment he passed beyond the territorial limits of the United States. The admirable Campbell bill is simply declaratory of existing law. If President Wilson is not to be otherwise punished for his grave breach of the Constitution in removing the Capital of this Nation to Paris, the Senate should administer such a rebuke as will deter his successors from imitating his lawless example.

"2. Because, apart from the foregoing, the Senate should rebuke President Wilson's violation of all the rules of diplomatic propriety by taking his place as a mere delegate in a congress in which every other chief of state, including the President of France, appeared by representatives. No American President should be permitted, through motives of abnormal personal ambition, so to degrade the dignity of the great office confided to him by the American people. The recent announcement by his inspired spokesman that he is to seek a third term in order to ingraft upon American politics schemes and policies formulated in that way only adds to the gravity of his offense. Before he begins a campaign for a third term he should remember that during his absolute sway the annual expenses of this Government have been increased from $1,000,000,000 to $6,000,000,000; that a clean Treasury has been clouded by a debt of approximately $30,000,000,000, a crushing burden 'whose elongated fingers will reach down into the pockets of posterity and rob the babe unborn of his birthright.'

"3. Because the acceptance of the so-called league in any form, no matter how attenuated, will involve the making of such an 'entangling European alliance' as will ipso facto abrogate the Monroe doctrine, whose life depends upon the existence of a single fact—an absolute abstinence from the making of all such alliances. No American statesman should be so stupid as to believe that the unique creation called the Monroe doctrine, which rests upon a single fact, can be perpetuated by contract after the fact has ceased to exist. If we fall into the trap European diplomatists have set for us in this regard, we will lose our primacy in this hemisphere and at the same time become the laughingstock of all the world.

PRESIDENTIAL GIFT-TAKING STERNLY FORBIDDEN BY CONSTITUTION AND STATUTE—FIRST FRUITS OF LEAGUE.

"In the Federal convention of 1787 Mr. Madison said: 'Limited as the powers of the Executive are, it will be an object of great moment with the rival powers of Europe who have American possessions to have at the head of our Government a man attached to their respective politics and interests.' At a later day, 'Mr. Pinckney urged the necessity of preserving foreign ministers and other officers of the United States independent of external influence and moved to insert—after Article VII, section 7, the clause following: "No person holding any office of profit or trust under the United States shall, without the consent of the Legislature, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign State," which passed nem. con.' Such is the genesis of Article II, section 9 of the Constitution. In order to make that prohibition more severe, it was expressly provided by statute (August 18, 1856) that 'No diplomatic or consular officer shall * * * ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such [foreign] government.' If President Wilson sat as a "diplomatic" representative of the United States at Paris, as he said he did, he is amenable of course not only to the Constitution, but also to section 1751 of the Revised Statutes, which does not permit Congress to dispense with any of its provisions. The following appeared as a news item in the Washington Times of April 18, 1919:

"'PRESIDENT'S GIFTS HERE FROM EUROPE.

"'A carload of European gifts to President and Mrs. Wilson has been received at the White House. The shipment is in about 40 large boxes, and will not be unpacked until the Wilsons return.'

"What a princely fortune must be represented by that mountain of gifts, if their value is equal to their bulk. That phase of this astounding and lamentable transaction will be disclosed by the appraisements at the custom house in which the duties were paid. The curtain must be lifted; the people must be fully informed because their dignity and honor are deeply involved. The President can not lift himself above all the laws.

"Certainly the President is entitled to no kind of rewards from the American people. (1) Because he subscribed at Paris to a British device constructing a superstate to which the American Commonwealth is to surrender its sovereignty and independence; (2) because, in order to make the sea power of the British Empire absolute, he agreed to eliminate the neutrality laws of the world largely of our making; (3) because he there subscribed to the mutilation of our friend, helpless China, to the greed of Japan. Senator NORRIS has well said: 'In all the annals of history I do not believe there is recorded an instance of a more disgraceful and dishonorable agreement to carve up the territory, not of an enemy, but of an allied friend'; (4) be-

cause his removal of the capital of this Nation to Paris for nearly seven months, in violation of the Constitution and of all diplomatic propriety and usage, in order to promote his personal ambitions, reduced this Government almost to chaos, to the serious detriment and loss of the American people; (5) because his aggressive intermeddling at Paris with certain European affairs has made for us bitter enemies where we had friends before. Who can doubt that this pitiful episode will prove to be the most disastrous and humiliating in our history."

In an article which appeared on the editorial page of the New York American of August 25, 1919, Mr. Taylor restated his views upon the subject of presidential gift taking as follows:

[By Hannis Taylor.]

THOSE GIFTS TO MR. WILSON.

WASHINGTON, *August 23.*

"In the hope of breaking down and discrediting that band of patriots in the United States Senate, composed in the main of Republicans, who are striving to safeguard the American people against the most deadly menace that has ever threatened them the political managers of the Wilson administration have inaugurated a campaign of personal vilification almost unparalleled in our history. As the most potent and aggressive of the administration organs, the New York Times began the attack with great bitterness in its leader of August 22, entitled 'Unyielding Obstruction,' in which it went so far as to say:

"'The conclusion is irresistible that they are no longer concerned about the treaty; they are apprehensive only about the chances of their party in the next presidential election. They feel that they must defeat the President now, or he may defeat them next year, and to accomplish that purpose they are willing to kill the treaty.'

"On the same day, evidently through a concert of action, Homer S. Cummings, chairman of the Democratic National Committee, delivered himself in this wise at Rye, N. Y.:

"'Referring to the opposition Senators as "Senatorial imbeciles" and "wretched creatures of the Senate," Mr. Cummings declared that some of these men were "so low they would need a stepladder, to climb to the top of it, and then perhaps they could look into the subcellar of President Wilson's mind."'

"Instead of speculating as to what may possibly be found in 'the subcellar of President Wilson's mind,' his campaign manager had better come to Washington at once in order to ascertain what may certainly be found in the subcellar of the White House.

"The following appeared as a news item in the Washington Times of April 18, 1919:

"'PRESIDENT'S GIFTS HERE FROM EUROPE.

"'A carload of European gifts to President and Mrs. Wilson has been received at the White House. The shipment is in about 40 large boxes.'

"The impression here is that this mountain of gifts from kings, princes, potentates, paladins, foreign States, and municipalities must represent hundreds of thousands of dollars in value. The details, however, are shrouded in silence and mystery, as nobody here seems to know through what customhouse these priceless gifts were brought in; whether they have ever been inventoried or appraised anywhere; or what duties, if any, have ever been paid on the same.

"In the Federal convention of 1787 Mr. Madison said:

"'Limited as the powers of the Executive are, it will be an object of great moment with the rival powers of Europe who have American possessions to have at the head of our Government a man attached to their respective politics and interests.'

"At a later day Mr. Pinckney, after urging 'the necessity of preserving foreign ministers and other officers of the United States independent of external influence,' proposed that clause of the Constitution which provides that 'no person, holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.'

"In order to make the taking of presents by Federal officials impossible, even with the consent of Congress, it was provided by statute in 1856 (1751 Revised Statutes) that 'No diplomatic or consular officer shall ask or accept for himself or any other person any present, emolument, pecuniary favor, office, or title of any kind from any such (foreign) Government.'

"If President Wilson sat as a 'diplomatic' representative of the United States at Paris, as he said he did, he is subject to the penalties imposed both by the Constitution and statute, in the event he has received the presents attributed to him without denial by the public press.

"The question of questions which must be answered before the present treaty is ratified is this: Must the President of the United States always receive a carload of European gifts, representing a princely fortune and passed through the customshouse without duty, every time he is called upon to function under the terms of the league of nations? That grave matter must be explained to the entire satisfaction of the American people before they take the final step.

"Mr. Cummings, who knows even what is in the subcellar of President Wilson's mind, should come at once to Washington and inform the 'Senatorial imbeciles,' who are now obstructing the treaty, on this point. If he does not, I can inform him that such a proceeding is soon to be begun in the House of Representatives as will clear up the whole matter in the manner the Constitution provides."

HIGH COST OF LIVING.

Mr. PHELAN. Mr. President, I ask unanimous consent to have printed in the RECORD a communication from the Retail Grocers' Association of San Francisco, Calif., upon the subject of the high cost of living, and also one from the University Branch of the National Association of Letter Carriers of Berkeley, Calif., on the same subject—the high cost of living compared with the low compensation of their services. They request this.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *August 28, 1919.*

Hon. JAS. D. PHELAN,
United States Senate, Washington, D. C.:

Four hundred retail grocers in mass meeting here, Native Sons Hall, Monday night, strongly protested against President Wilson's charge that retailers are largely responsible for exorbitant prices; also statement Attorney General Palmer to Agriculture Committee that retailers are the worst profiteers. United States Food Administration's records prove these statements not justified by facts. Our margins on 40 per cent of sales, the staples, are made at less than our operating expense. We strongly protest against exemption of farmers from new amendment to food-control act, because while retailers are blamed producers are getting the money. We demand full investigation from producers to consumer. California Raisin Growers' Association, controlling 90 per cent of crop, last week fixed this year's price 100 per cent over last year. They exact this extra $20,000,000 from the consumers. California Prune Growers' Association named opening prices three weeks ago 80 per cent higher than last year. Consumers must pay this extra $25,000,000. The Rice Growers' Association here will announce opening prices soon 40 per cent higher than last year. All three crops are greatest in history. Retailers' margins remain the same as the past five years in spite of increased expense. These concrete instances demonstrate the producer is responsible, not the retailer. Request you kindly ask this be printed in the RECORD.

RETAIL GROCERS' ASSOCIATION OF SAN FRANCISCO.
E. BRODERICK, *President.*
FRANK B. CONNELLY, *Secretary.*

UNIVERSITY BRANCH, No. 863,
NATIONAL ASSOCIATION OF LETTER CARRIERS.
Berkeley, Calif., August 23, 1919.

Hon. JAMES D. PHELAN,
Washington, D. C.

DEAR SIR: On behalf of the postal employees of this office I am asking that you use your efforts to secure for us an adequate salary increase at an early date. A joint resolution, Senate joint resolution 84, intended to grant temporary relief until such time as the Joint Postal Commission completes its investigation and submits its report and recommendations to Congress, has been referred to the Committee on Post Offices and Post Roads.

This resolution, if adopted, will grant immediate necessary relief, and living conditions for the families of our men will be made bearable. It is impossible to live decently on the present salary of $125 per month when there are five or six mouths to feed.

It is generally conceded living costs have advanced over 80 per cent in the past four years, but we have been allowed only 25 per cent since 1907, and that is only temporary.

In other lines present costs are recognized and salaries fixed accordingly; we can not keep pace with the progressive prices on our backward salaries.

Hoping you will give to our case favorable consideration, I am,

Respectfully, yours,

E. J. CURRAN,
Recording Secretary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2236) relating to the affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war."

HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Finance:

H. R. 6238. An act to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States; and

H. R. 7705. An act to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, the action of the Committee on Foreign Relations upon the pending peace treaty has been foreshadowed by the progress of that treaty through the committee, so that we may now clearly see what issue it is which is to be presented by that committee to the Senate of the United States. By a vote of 9 to 8 the committee has formally decided to adopt amendments to the treaty which are absolutely destructive of America's participation in it. By this vote the committee has raised the issue squarely if indirectly whether this Nation is to participate in the treaty which has been negotiated after such a long struggle at Paris and Versailles, or whether it is to discard all the provisions in that treaty that are for the benefit of the United States, whether this Government is to desert at this juncture the nations with which we have been associated during the war and stand before the world unwilling to carry to their whole limit the steps necessary to perpetuate the victory which our arms in connection with those of the other nations achieved. The committee does not do this by a direct and specific proposal to reject the treaty. Although a majority of the committee is in favor of that action, they seem to hesitate at taking it. They prefer by indirection to accomplish the same thing; that is, by adopting amendments which make the treaty impossible.

Mr. President, I shall not discuss the merit of any of the amendments. It is utterly unimportant to consider whether they are good, bad, or indifferent. The Senator from Arkansas [Mr. ROBINSON] has discussed the Shantung amendment, which is said to have the strongest sentiment back of it. The Senator from North Dakota [Mr. MCCUMBER] has made an absolutely unanswerable argument to demonstrate that the adoption of the so-called amendment relating to Shantung can not by any possibility benefit China, in whose interest it is assumed to be proposed.

I repeat that I am not going to discuss the nature of the amendments; but I lay down this proposition, and I challenge anybody to meet it, that the adoption of any amendment to this treaty—and the committee proposes many—means its defeat so far as we are concerned.

Fortunately neither this committee nor the Senate possesses the power to defeat the treaty. It will go on; it will go into effect; it will be in effect in a few weeks; for its provisions are that when three of the great powers in addition to Germany have ratified it, it goes into operation. Great Britain as well as Belgium has done so; France will do so within a very short time; Italy and Japan will undoubtedly follow in rapid succession; and the treaty, so far as those nations are concerned, will be in effect.

How about the United States? We shall be in the attitude, if we follow the policy of folly which the committee is pursuing, of proposing amendments which are certain to be rejected. Does anybody suppose that if the Senate adopts the so-called Shantung amendment, and if the President, in the exercise of his power, sends it to Great Britain, France, Italy, and Japan for concurrence, that any one of them will concur in it? Such action is impossible and unthinkable. Great Britain has ratified the treaty, and she will stand by that ratification; France will ratify it, and so will Japan and Italy. Japan certainly would never consent to have herself humiliated in the eyes of the world and be compelled to have the provisions changed as the committee proposes. Great Britain, France, and Italy are under a treaty obligation with Japan to stand by her in the disposition of the German interests in the Shantung. How absurd, then, to suppose that those nations will violate their contract, will repudiate their obligation to Japan, even if Japan's consent could be secured.

But, moreover, be it remembered that France, Great Britain, and Italy have enormous benefits in this treaty. They can not afford to endanger it, even if they would be willing to affront Japan. They know, if the members of the Senate Committee on Foreign Relations do not know, that these nations possess no further power to compel Germany to make any concessions. Gathered in council at Versailles, they said to Germany, "Sign; sign within so many days; sign here; and ratify within such a time." Germany did it. When Germany did that thing she ended compulsion. Any change in the treaty, any new treaty made with Germany, can not be made under compulsion; it can only be made by negotiation. Does anybody suppose that Germany is in any frame of mind at the present time to negotiate?

So I say, Mr. President, that any proposed amendment to this treaty, whether it is the dotting of an "i" or the crossing of a "t," whether it is good, bad, or indifferent, means that the United States retires from the treaty. We might as well meet that issue here and now. It would be a great deal better faith if the Senators who propose to advocate these amendments did so frankly and declared that they were in favor of rejecting the treaty.

Mr. WILLIAMS. As the Senator from Pennsylvania [Mr. KNOX] has done.

Mr. HITCHCOCK. Yes, Mr. President, as the Senator from Mississippi says, the Senator from Pennsylvania [Mr. KNOX] has done so. Much as I condemn the attitude that the Senator from Pennsylvania took here a few days ago, it must be admitted that he is at least entitled to the credit of candor and courage in taking it. He seems to have wearied of voting for amendments to kill the treaty; he seems to have realized that he would ultimately be forced into the open; that he would have to admit that the amendments would kill it, and that a virtue might as well be made of necessity at once.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I will yield for a question, but not for delay.

Mr. POINDEXTER. It is only a question which I desire to ask.

Mr. HITCHCOCK. Make it very short, if the Senator please.

Mr. POINDEXTER. I understand the Senator's attitude to be that——

Mr. HITCHCOCK. If the Senator will permit me, I will state my attitude, but if he will ask any question, I shall be very glad to answer it.

Mr. POINDEXTER. Does the Senator advocate the ratification of this treaty by the United States without the crossing of a "t" or the dotting of an "i," regardless of the character of the treaty or the effect it will have upon the vital interests of the United States?

Mr. HITCHCOCK. I favor the unqualified ratification of this treaty at the earliest possible date, regardless of any arguments that Senators may make as to the interests of the United States. My investigation shows me that if we do not ratify it our material interests will suffer tremendously; and I shall undertake to show that before I get through.

Senators here have denounced and condemned the league of nations as altruistic, as an attempt upon the part of the United States to benefit the whole world, sacrificing somewhat, as they claim, the material interests of the United States. Those same Senators come here now and defend a destruction of the very important material interests and national interests which this treaty, secured from Germany at the point of the cannon, provides for the United States.

Suppose we fail to ratify this treaty. Suppose we adopt an amendment which defeats the treaty. Where will the United States stand? It will stand as a deserter, in the first place, in the great cause in which we enlisted when we entered this war; it will stand as a deserter, leaving the nations associated with us to enforce, as they must, the terms of this treaty against Germany; it will stand as a poltroon amongst the nations of the world, begging Germany for terms of peace.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HITCHCOCK. Very briefly, if it is a question simply, but not for delay.

Mr. FRANCE. Is the Senator aware of the fact that the British Labor Party, representing 20,000,000 of the British workingmen, have condemned this treaty in unequivocal terms?

Mr. HITCHCOCK. No, I am not; and I do not care what they have done.

Mr. President, if the United States takes the position to which I have referred it is then reduced to one of two alternatives: Either it must go hat in hand to Germany and ask Germany to enter into negotiations for a peace settlement, or it must, as some Senators have recommended, pass a resolution in Congress declaring that we have reached an unconditional peace with Germany.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Maryland?

Mr. HITCHCOCK. Under the same conditions, I yield.

Mr. FRANCE. I did not understand the Senator's reply. Does he deny that the great British Labor Party, which will undoubtedly control the destiny of Great Britain after the next election, is unequivocally opposed to the league of nations?

Mr. HITCHCOCK. I deny it because I do not know it, and I do not care if it is so.

Mr. FRANCE. Mr. President——

Mr. HITCHCOCK. I ask the Senator not to interrupt me further; it does not comport with what I am saying, and I do not want to have the continuity of my remarks destroyed.

Unquestionably, Mr. President, the treaty is going to be in operation very soon and the United States will be out in the cold.

I have said that we will be confronted with two alternatives: Either we will have to go to Germany and ask Germany to negotiate a treaty of peace settlement with us, or we will have to adopt a resolution—a concurrent resolution, as the Senator from Pennsylvania and the Senator from New Mexico have advocated—declaring a state of unconditional peace with Germany.

Where, then, are the issues of the war with Germany? We leave Germany angry and resentful toward the United States because we, the great democracy on the Western Hemisphere, threw our weight into the conflict and defeated her. We lose all the benefits and provisions of this treaty, and Germany will be free to assert against the United States enormous claims, which she undoubtedly will make, for indemnity. Germany declared no war against us; she will be in a position to say to us, "You declared war against Germany; we did not want war with the United States. You seized the property of thousands of German nationals in the United States contrary to the treaties of 1799 and 1828; you liquidated that property in violation of international law; your Congress has taken possession of it; we want an indemnity." We would have with Germany on that account alone, for years to come, a controversy which would inevitably in time run into the dangers of war.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HITCHCOCK. I yield.

Mr. PITTMAN. The Senator is referring to the contention that Germany would undoubtedly make. He does not, of course, adopt that contention himself.

Mr. HITCHCOCK. No; I am adopting the contention which Germany would make and which Germany has made since this treaty was signed. Since Germany has realized what we have done in this country—and rightfully done, as I believe—her papers have been aflame with indignation that we have done it. Under the treaty Germany validates the acts of Congress, she validates the acts of the Alien Property Custodian under which we have seized from $750,000,000 to $1,000,000,000 worth of property belonging to German nationals and hold it. Under this treaty we can hold the proceeds of the sale of that property not only to indemnify ourselves for prewar losses, not only to indemnify ourselves for losses similar to those occasioned by the sinking of the *Lusitania*, but also to indemnify and pay the claims of Americans against Germany and against German nationals. What becomes of that? Who is to look out for the payment of claims which German nationals owe to American nationals, if we lose this protection? What is going to become of this $700,000,000 or $800,000,000 of property in the United States which, in the eyes of Germany, if this treaty is not signed, still belong to German nationals? Senators who are so fond of measuring the material interests of the United States and the nationalism of our country against great world benefit had better think before they reject this treaty and throw the United States into a controversy with Germany which may last for years and may lead to war.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. Under the same conditions, yes.

Mr. POINDEXTER. Does the Senator mean to say that he would sacrifice the national interests of the United States of America, one of the Commonwealths of which he, in part, represents here in the Senate, for the sake of what he calls world benefits?

Mr. HITCHCOCK. I mean to say that the Senators who undertake to advise the United States to play the part of a poltroon and deserter and get out of this treaty would not only put themselves in a bad moral attitude but they would sacrifice these enormous material interests as well.

Mr. POINDEXTER. Does the Senator agree with the President of the United States, who denominates this treaty as a supreme sacrifice by the people of the United States?

Mr. HITCHCOCK. Mr. President, it is a great act, an altruistic act, for the United States to throw its strength into the society of nations and propose to steady the world in this hour of danger. Undoubtedly the United States is able to confer upon the world at this time a benefit greater than any other country can confer. The United States is young; the United States is strong; the United States is rich. It alone of all the nations of the world is able at the present moment to confer upon the world, the distressed and despairing world, benefits such as no other nation can confer. It is an act of altruism; but I am pointing out to Senators that what they propose is going to sacrifice some of the precious material interests about which they are talking all the time.

Mr. POINDEXTER. Mr. President, I assume from what the Senator says that he cares nothing whatever, since he speaks of them rather contemptuously, for the material interests of the United States.

Mr. HITCHCOCK. I am attempting to show the Senator that he and his associates are attempting to sacrifice, and propose to sacrifice, the very material interests for which they assume to stand.

Mr. POINDEXTER. I say to the Senator that he is here as a Senator sworn to protect and guard the material interests of the people of the United States.

Mr. HITCHCOCK. I have submitted to all the interruptions I propose to; but I will say to the Senator also that I propose to stand by that oath; and I am standing by it when I insist upon the ratification of this treaty.

Mr. POINDEXTER. I should like to ask the Senator one other question.

Mr. HITCHCOCK. I can not submit to any further questions. I decline to yield further at the present time.

Mr. President, one of the declarations made in this treaty by Germany is that she assumes full responsibility for this war. If we retire from the treaty she will not assume toward us full responsibility for this war. She will seek to hold us to that responsibility, and in German eyes and in German minds she will have considerable warrant for that claim.

In this treaty Germany agrees to pay damages. Now, it is up to Congress when the time comes to decide whether or not we will insist upon what we are entitled to under this treaty; but certainly we should not release Germany from that promise.

The Senator from Pennsylvania [Mr. KNOX] comes boldly before the Senate and before the country and pleads the German cause. He makes very much the same arguments that the German peace commission made in its communications to the peace conference representing the nations of the world. He makes practically the same arguments against indemnities, the same arguments against excesses, which they made and which the peace conference representing the other nations answered. It is only necessary to read those communications to see where the Senator from Pennsylvania derived his thoughts.

Mr. President, there are many other benefits which the United States derives under this treaty, and which the majority of the Committee on Foreign Relations proposes to sacrifice.

The treaty provides that for six months after its ratification Germany will impose no higher customs duties upon imports, as against the nations which sign this treaty, than the customs duties which prevailed for the first six months of 1914. As against the United States, if we failed to join in executing the treaty, she could put in any tariff she pleased.

She promises that she will not prohibit or restrict the importation of goods from any of the countries signing this treaty, but there will be no such promises in regard to the United States.

She promises that there will be no discrimination, direct or indirect, against any of the nations signing this treaty, but she would not make that promise to us if we did not enter into the treaty.

She promises that there shall be no discrimination in shipping, based on the flag of any country signing this treaty, in

any of the German ports. There are no such promises to us if we fail to sign the treaty.

In this treaty Germany agrees that the nations which sign it can revive, in their own discretion, such former treaties as existed with Germany, but that promise will not exist, so far as we are concerned, if we fail to enter this treaty.

In this treaty Germany promises to restore the property of our citizens seized in Germany or to compensate the owners. No such promise would exist if we failed to ratify the treaty. All American property in Germany would be subject to confiscation.

Many other promises of that sort are made. I shall not here catalogue them all. Some of them are less important than those I have cited and some of them are fully as important.

I desire, however, to mention another thing of tremendous value in the United States which is provided for in this treaty, and which we will lose if we amend it, because if we amend it we kill it as far as we are concerned. We lose our membership on the great commission of reparation. Do Senators realize what that commission is to be? Each of the nations—the United States, Great Britain, France, Italy, Japan, the Jugo-Slovene State—is to have membership on that commission. Only five nations, however, are to participate in any of its decisions. The United States will always participate. Sometimes Japan will, sometimes the Jugo-Slovene State will, sometimes Belgium will, but always the United States will participate in every one of its decisions. Do Senators realize the tremendous power of this commission? Do they know that it holds the power over Germany to compel her to use all her economic resources to the very limit for carrying out the promises of this treaty? Do they realize that that commission receives from Germany all of the reparation which Germany pays, and distributes it to the various countries? Do they realize that that commission has the power to say to Germany how much she shall pay out in gold, what she shall pay out in other forms of property, and how the bonds that she is compelled to execute shall be deposited and distributed? Do they realize, moreover, that this commission has the power to say to Germany: "You are importing too much. You have got to economize. You can not pay your debts, you can not comply with the terms of this treaty, unless you cut down your imports"? Do Senators realize what that means? It means that the reparation commission can say to Germany: "Cut down your imports of cotton, cut down your imports of wheat, cut down your imports of copper and other mining products, cut down your imports of agricultural and manufactured goods." Do Senators think that the United States can afford not to have representation on that powerful commission? How else are you going to protect the exports of the United States in cotton, copper, wheat, cattle, and all the other products which we hope to sell to Germany, in common with the rest of the world? How are we to protect ourselves against discrimination, as against the rest of the world, if we have no membership upon that commission?

Mr. President, to my mind it is unthinkable for the United States not to be represented on this great, powerful, international body, holding the control of the economic resources of Germany and having the power, until she makes a final settlement, to dictate to her what shall be done with her products, where they shall be sent, and what she shall import. We can not afford not to be represented on that commission, and we can not be represented on it if we retire from this treaty.

I am talking material things; I am talking national interests now, that Senators have been disposed to bring into the foreground as the only things to be considered. What do they propose? How do they propose to protect American exports—wheat, cotton, cattle, mining products? How do they propose to see that America gets her share?

The commission is going to be in operation, and it is going to be in operation very soon, and it is going to use its powers, and the United States is going to be in competition with Great Britain and France and Japan and other countries; and we can not afford not to be represented on that powerful committee, possessing these enormous powers. The disasters to be contemplated by our retirement from this commission are, to my mind, appalling disasters to our commerce, disasters to our banking interests, disasters to us politically in the larger sense, because it means the isolation of the United States in the world. It means that we affront Japan; it means that we lose our control over the benefits that Germany must pay out in settlement of this war; it means that we leave Great Britain, France, Italy, Japan, and the other twenty-odd nations that sign this treaty in a combination, and we, having secured the hatred of Germany and of Japan, will also earn and merit the contempt of the nations that we desert at this time. Political isolation for the United States—that is what retirement from this treaty means, and it means nothing less.

Mr. President, that is the program of the majority of the Foreign Relations Committee. The majority of the Foreign Relations Committee does not represent the dominant majority of this Chamber. It is a committee organized for the very purpose of seizing this treaty and impounding it, holding it there in cold storage, as it has done now for weeks, since the 10th of July, as I recall, because it went to the Foreign Relations Committee within two weeks after it was signed, and there it remains practically in cold storage. That committee does not represent the dominant element of the Senate. The majority of the Senate wants that treaty ratified. The overwhelming majority of the American people want it ratified. I have shown here by incontrovertible evidence from time to time that almost invariably, when a test of public opinion has been made in Republican or Democratic communities, the overwhelming sentiment has been shown to be in favor of the ratification of this treaty. Yet that committee, formed and stacked for the purpose, has locked up this great treaty while the whole world is on fire. While our industrial and commercial and financial conditions are imperiled, that committee holds the treaty locked up there, conducting useless hearings about impossible features of the treaty.

But finally the Senator from Pennsylvania [Mr. KNOX] comes frankly into the open and, in his speech of Friday last, takes a position which, as I have said, at least possesses the merit of candor. Some time last October the Senator from Pennsylvania [Mr. KNOX], in a speech in this Chamber, stated that the war could only be brought to a conclusion by a treaty, and that the Senate had to participate in the making of the treaty. Now he takes a different position. Now he comes before the Senate and states:

> On the other hand, Congress, while it can not negotiate a peace with the enemy, can nevertheless end hostilities with him by declaring as no longer existant the status of war with him, which the Congress created by its own act.
>
> Thus so soon as the first procès-verbal is drawn under this treaty, Congress may with all propriety, and should to insure full legality to the act of the Executive in negotiating this particular treaty provision, pass a resolution—concurrent, because the Executive having already committed himself to the substance thereof, his approval would be superfluous—which shall declare that the status of war created by its resolution of April 6, 1917, no longer exists, and that a status of peace from that moment obtains. Thus we shall put the country immediately upon a complete peace basis and may at once resume all our normal commercial and other relations with Germany, unhampered by any restrictions. So much for that part of the treaty which ends the war.

The Senator from Pennsylvania takes the preposterous position that because France, Great Britain, Japan, Italy, and the other belligerents in the war have made a peace settlement with Germany therefore we are at peace with Germany. It is an absolutely unthinkable condition. What are the terms of the peace? What have become of our former treaties with Germany? Who is to pay the damages of the war with Germany? What are our rights in German ports? Can our shipping be discriminated against? Can Germany make tariffs adverse to us? All those questions remain unsettled, and they were considered important enough in the peace conference in Paris to take up the time of the negotiators for months. And yet the Senator from Pennsylvania blandly says we can now have an unconditional peace with Germany.

There has been a most tremendous change since October, 1918. What was then the position of the Senator from Pennsylvania? What was then the position of the Senator from Washington [Mr. POINDEXTER], and the Senator from Massachusetts [Mr. LODGE], and the Senator from Connecticut [Mr. BRANDEGEE], and all these other Senators who are now so anxious to make an unconditional peace with Germany? Mr. President, even when the President of the United States had simply answered a diplomatic note from Germany asking for terms of armistice, this Chamber rang with denunciations by Republican Senators, who said nothing but an unconditional surrender of Germany. They shouted until the rafters rang with the statement that we could not possibly have a negotiated peace with Germany. "Unconditional surrender!" And now they come here and blandly propose an unconditional peace. Then they protested that it would be an outrage for the United States to act independently of the nations associated with us in the war, and now they come and denounce the President because in association with those nations he has made a peace with Germany and imposed the terms of unconditional surrender on Germany.

Mr. President, why this change? What has happened? Has the President done anything more or different from what he had been required to do? Did any Senator rise here in his

place before the pace conference met in Paris and insist that the United States should make a separate peace with Germany? I do not remember any. There were none until the present time, when there is a fond hope to discredit the President of the United States now just as they attempted to discredit him then because they thought he might make a separate peace with Germany.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. Under the same condition as before.

Mr. POINDEXTER. The Senator mentioned my name. I do not care to ask a question. I was just going to make a brief statement.

Mr. HITCHCOCK. I will ask the Senator to postpone that brief statement.

I will read first from some things said by the Senator from Pennsylvania [Mr. KNOX]. This was October 28, 1918. He said:

> It was always true and was early recognized by all that the object of this war was and is the permanent removal of the German menace.

Not the temporary, but "the permanent."

> In the formula "restitution, reparation, and guaranties," the word guaranty is not to mean written guaranties, such as we have seen treated as scraps of paper in the cases of Belgium's neutrality, of accepted international law, of Hague conventions, of the rules of civilized warfare on land and seas. We shall have the guaranties we seek only when we know as a fact, irrespective of the solemnities of diplomatic promises, that the German menace is at an end once for all.

How can it be at an end once for all if a treaty does not go into effect? Can it be put into effect by an unconditional deed, by a concurrent resolution of the Senate and House of Representatives that peace has arrived because we have quit fighting?

> Even "restitution and reparation"; even the return of Alsace-Lorraine to France; even just frontiers for Italy and Roumania and the rescue and restoration of Russia and independence for Jugo-Slavs, Czecho-Slovaks, and Poles, and for the nationalities oppressed by Turkey; even the liberation of Africans and others from German colonial oppression—all these matters—however absolute their intrinsic importance—for the prime purpose of the war, which is, I say again, for our guaranty against the German menace—are of chief interest because they subserve that guaranty.

Yet now the Senator from Pennsylvania proposes to scuttle and run and leave the other nations that were associated with us in the war to make good those guarantees.

> We shall require also evidence that the German grip upon Russia, the Balkans, and Turkey has been loosed. We must never allow to be obscured the prime purpose of the war. From that purpose flows as a corollary the purpose to strive to make the menace of unjust war from any quarter as improbable as we can.

What are we going to do with Russia? What is to achieve this purpose if we make an unconditional peace with Germany by a joint or concurrent resolution?

> From that, again, and from the chivalrous spirit of the entente allies flows the demands for restitution and reparation and for all the complicated territorial and racial readjustments, to some of which I have referred.

And now the Senator from Pennsylvania stands upon the floor and denounces the treaty because it gives to the nations of the world reparation and restitution and he proposes that the United States shall waive any claim that it has against Germany, the thing which is provided for in the treaty, and he says with a most naive humor that when the United States waives its claim against Germany it should see to it that the other nations give Germany credit for what we release. How are we going to do that if we are not a party to the treaty? What right have we to say to Great Britain and France and the other nations that get restitution, "You ought not to press Germany so far if we are not a party to the treaty"? Does the Senator from Pennsylvania think that we can desert our associates and leave them to enforce the terms of this treaty alone and then see that they give Germany credit for what we have sacrified?

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. HITCHCOCK. Such a policy of folly and poltroonery was never proposed on the floor of the Senate before.

I yield to the Senator from Illinois for a brief question.

Mr. McCORMICK. I only wish to ask if in that connection it would be consistent for us to interfere with Greece obtaining Thrace or Italy obtaining Fiume?

Mr. HITCHCOCK. The Senator is very desirous on all occasions of bringing in some other subject. I am confining myself to this treaty and the effect which will be produced if we adopt amendments and therefore destroy our participation in the treaty. I do not propose on this occasion to discuss either the labor situation in Great Britain or any of the remote diplomatic questions of the East.

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

Mr. HITCHCOCK. I yield.

Mr. WADSWORTH. The Senator was speaking a moment ago, as I understood him, about claims of the United States exercised under this treaty.

Mr. HITCHCOCK. Yes.

Mr. WADSWORTH. Will the Senator recite what claims the United States is pressing under the treaty? I thought the United States was not to get anything.

Mr. HITCHCOCK. The United States can hardly be said to be in the attitude of pressing claims, but under the terms of the treaty it is entitled to all the claims that any other participant in the treaty is entitled to, equally situated. I do not suppose that the Congress of the United States would care to compel Germany to pay the cost of American intervention. Other nations may do so; I do not know whether they will or not; but whatever the United States shall do is at least reserved for the Government of the United States to decide after the treaty is ratified. Then will be the time if Senators are anxious to sacrifice American claims for the benefit of Germany to do so, but we can not do that unless we are a party to this treaty.

Mr. WADSWORTH. I understand that the President has already stated officially, or in such way as to have it understood, that the United States does not intend to collect anything from Germany.

Mr. HITCHCOCK. There has been no statement of that sort made to Germany.

Mr. WADSWORTH. He made it to the people of the United States.

Mr. HITCHCOCK. The President has perhaps made it in his discussions, and possibly in association with the representatives of other nations in Europe echoed the sentiment, which I believe is general in this country, that this country does not propose to exact a pound of flesh from Germany, that this country is going to hold to a high altrustic position, but that is no reason why we should not sign the treaty. If we want to collect an indemnity from Germany in any form under the terms of the treaty, we can if desired be generous and give it back to her, provided we sign the treaty.

Mr. WILLIAMS. As we did in the Boxer case.

Mr. HITCHCOCK. Yes; as the Senator from Mississippi suggests, as we did in the Boxer case.

Mr. McCUMBER. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from North Dakota.

Mr. McCUMBER. As a matter of fact, whatever right we obtain under the treaty is a right obtained in favor of the United States, and neither the President nor anyone else but Congress can renounce those rights. Is not that correct?

Mr. HITCHCOCK. That is correct; Congress, with the approval of the President. It requires the whole Government of the United States, as I understand it.

Mr. McCUMBER. It is the Government which must renounce and not the President.

Mr. HITCHCOCK. In his speech the other day the Senator from Pennsylvania [Mr. KNOX] made this declaration:

> And this thought brings me to speak again of what I have said heretofore, that this treaty, stripped of its meaningless beatific provisions—

Whatever they are—

> provides merely and simply for an alliance between the five great powers in a coalition against the balance of the world. And again I ask, has history ever answered this save in one way—by destroying the coalition and at times all or some of its constituent members?

Aside from the inaccuracies of this statement, which implies that only five great powers are in the treaty, whereas there are 27 signers, as I recall it, embracing a very wide scope of nations all over the world—aside from the inaccuracies of the statement made by the Senator from Pennsylvania last Friday, contrast it with the statements he made a year ago upon the floor of the Senate on the 28th day of October, when he said:

> The league of nations that now challenges our solicitude is the league of nations of which we are now a member—the glorious present alliance of the many powers with whom we are now fighting as a league to enforce and to maintain peace from disturbance by the German menace.

Not merely to fight the war, but to establish and maintain peace. The Senator from Pennsylvania last October denominated as a glorious league of nations that which he now condemns as an alliance inimical to the world. He called it a "glorious alliance."

He continues:

> If we should allow that league to fall apart or to be pried apart by German machinations, who can say when this world will ever again be so near to having a general league to enforce peace as it is to-day?

And yet the Senator from Pennsylvania and his associates upon the Committee on Foreign Relations now deliberately propose to pry apart this glorious alliance of which he sounded the praises only last October when he thought he could bring by his declaration condemnation upon the President of the United States. I do not assert that it is being pried apart by German machinations, but I heard in the Senator's speech a very distinct appeal to German sentiment, and I would suggest to the Senator from Pennsylvania, if he really desires to plead German sentiment to the logical conclusion, German sentiment in Europe or in America, that he suggest that the United States make reparation to Germany for the damage she suffered by our entry into the war. That would be logical.

The Senator from Pennsylvania then proceeded last October:

Out of the present alliance to-day, and quite irrespective of any discussions with the enemy, it would seem possible to perpetuate the league we have, already embracing the majority of the population of the globe, as a league for one single purpose of enforcing peace.

Perpetuate, he said, the league we have. Now he proposes to disrupt it and break it up when the President of the United States has done the very thing the Senator then declared should be done.

The function of such a league, I take it, would be to examine any controversy that threatened war and then to throw its weight to the side of such controversy where justice and equity lay, and also to suppress with its overwhelming power any war that might break out and to indicate the just solution of the contention. Such a league, like any league, will demand some encroachment upon the conception of complete and independent sovereignty.

But the Senator from Pennsylvania advocated it only last October and now he denounces it and attempts to do the very thing that he then condemned, namely, to pry apart what he then denominated as a "glorious league" or a "glorious alliance."

But enough of the Senator from Pennsylvania, and yet not enough. I forgot one thing concerning the Senator from Pennsylvania which I want to include.

On the 17th of July the Senate had under consideration a resolution presented by the Senator from Pennsylvania, which had for its purpose to tear out of this treaty the league of nations. I am not going to discuss the league of nations. The Senator from Pennsylvania is on both sides of the fence, just as is the Senator from Massachusetts [Mr. LODGE], and many other Senators who now oppose it, but I want to read what the Senator from Pennsylvania said on July 17 of this year. He said:

The resolution before us does not call for a vote for or against the league of nations; it does not call for even an expression of an opinion either for or against the league. On these points this resolution is wholly colorless. This resolution asks merely and solely that the treaty embodying the league shall be in words so framed that the Senate may advise and consent to that part of it—

That is, that part of the treaty—

which shall bring us peace, and that it may reserve for further consideration that part of it by which it is proposed to make us a part of a projected league of nations.

What has come over the spirit of the dreams of the Senator from Pennsylvania that has brought about this change since July 17? Then he wanted to tear the league of nations out of the treaty and ratify the rest of it. Now he proposes that we withdraw from the treaty absolutely. I suspect this has come to his attention, that he could not eliminate the league of nations from the treaty. A majority of the Senate is determined to see the league of nations remain in the treaty. Having reached that conclusion he now takes the position that the only hope is to defeat the whole treaty. I suppose that is the explanation of the otherwise inexplicable change made by the Senator from Pennsylvania.

I said that this Chamber rang last October with declarations of Senators that the United States must be a party to a treaty, that this treaty must be imposed on Germany by force, and that the United States must unite with the allied nations in imposing the treaty, and they must not on any account negotiate a treaty separately with Germany. I will just state haphazard a few statements made by Senators on that subject.

On October 14, 1918, the Senator from Indiana [Mr. NEW] said:

I am against a negotiated peace now, as I have been from the moment the United States entered the war. Nothing short of absolute, complete, and unconditional surrender, carrying with it full reparation for the damage wrought, will be accepted or tolerated, and it is my belief that anything that has even the appearance of willingness to accept anything less will be taken as a failure to carry out the purposes for which we entered this war and will be resented with a unanimity and an emphasis that will permit of no misunderstanding.

We have neither hope or desire to regain the fabulous sums of money we have spent and may yet spend before the end is reached. But, sir, while all this is true, I do not believe that the American people will wittingly or complacently submit to seeing themselves placed at a permanent and irremediable commercial disadvantage through the medium of the terms of peace, whenever or wherever they may be submitted.

And yet the Senator from Indiana now proposes by the action he takes in the Committee on Foreign Relations to commit the United States to a separate peace with Germany, unconditional if need be. He undertakes by his vote to deprive the United States of the great benefits which that treaty secured at the cannon's mouth and leave the United States helpless, burdened with a controversy with Germany, which may last for years and may lead to war. There is a wonderful change there in attitude.

Mr. WALSH of Montana. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Montana.

Mr. WALSH of Montana. I desire to know if the position of the Senator, as to any treaty that shall be hereafter made with Germany, if this is rejected, is that it must be a negotiated and not a dictated treaty? Why could we not dictate another treaty with Germany as this has been dictated? Does the military situation render that impracticable?

Mr. HITCHCOCK. I, perhaps, have not been specific enough on that point, and I thank the Senator from Montana for calling it to my attention.

I have stated that compulsion was exhausted when we laid down in the treaty which our representatives signed the terms with Germany. When Germany signed, and certainly when the German assembly ratified it, Germany accepted the stipulations, and it is too late for us to go to Germany, it is too late to reassemble the council in Paris and have the council undertake to say to Germany, "You must accept this change." Our allies' armies have been demobilized, our Army has been brought home, and, even if that were not the case, diplomatic usage and international law will excuse Germany from further concessions.

Germany would have a right to say if we asked new conditions, "We accepted this treaty; we have signed this treaty; we have ratified the treaty; and any further changes you want in the treaty you have got to secure from us, and we will impose the terms." Germany can take that position; and because Germany can take that position, none of the other nations—Great Britain, France, or Japan—will take any chances in encouraging us to make impossible amendments; they will not risk their hold on Germany by any such act; and I can not think that the Senate of the United States will be guilty of that ridiculous folly.

Mr. WILLIAMS. If the Senator will pardon me one question, even if we could resummon the council that made this treaty, and even if we could make Germany by compulsion accept a virtually new treaty or amended treaty, what reason could there be why the council could not meet once a month or once a week and still compel Germany once a month or once a week to accept a new treaty?

Mr. HITCHCOCK. Certainly.

Mr. WILLIAMS. Would there ever be any finality about it at all?

Mr. HITCHCOCK. There never would be any finality. That shows the preposterous nature of the suggestion, if there be such a suggestion; and I have not heard any deliberate suggestion from Senators who advocate an unconditional peace. They have simply come down from unconditional surrender to unconditional peace, and they give no reasons.

The Senator from Massachusetts [Mr. LODGE], on October 10 of last year, used this language:

Mr. President, in the principles, with many of which I find no fault—in the principles laid down of the 14 points or 4 points I find nothing that is satisfactory to me at least about reparation.

The Senato. from Massachusetts was then criticizing and condemning the President of the United States because he did not demand reparation, but now he is supporting and backing up the Senator from Pennsylvania [Mr. KNOX] who denounces reparation. Later in the same speech the Senator from Massachusetts said:

Though I think we ought to have a large reparation for some of our merchant ships and for our passengers who went down on the *Lusitania*, the world ought to have, must have, large reparation. There is such a thing as retributive justice; there is such a thing as punitive justice.

Now, the Senator from Massachusetts, the chairman of the Committee on Foreign Relations, is cooperating with Senators constituting a majority of that committee who propose that the United States shall back out of and run away from the only possible means by which we can enforce reparation and justice, and he is willing absolutely to deprive us of membership upon the commission which is to make permanent the achievements of this war.

Later on, the Senator from Massachusetts said:

Mr. President, the best diplomatists in Europe at this moment are the armies of France and Italy, of England, and of the United States. The best men to carry on discussion with Germany are Haig and Pershing and Diaz and, over all, the great commander, Marshal Foch. Those are the negotiators with whom I would leave the question of

peace. They will win it. They will win it on German soil. They will bring back the peace which the whole American people desire, for they desire, I believe, unconditional surrender; and unconditional surrenders are not obtained by clever discussion and exchange of notes. They are won by armies in the field.

Now the Senator from Massachusetts and his associates upon the committee propose to repudiate those negotiators, those military forces that negotiated this peace and secured these concessions; they propose to repudiate those negotiators they then glorified and come down to an exchange of notes with Germany. Later on in the same speech the Senator from Massachusetts said:

The way to compel the peace of the world is to break Germany down and make her accept our terms.

He did not want the President of the United States to do anything which would impair that great purpose. He continues:

The Republican—

Here we get a little partisanship—

The Republican—

That is, as distinguished from the Democratic President—

The Republican stands for unconditional surrender and complete victory, just as Grant stood. My own belief is that the American people mean to have an unconditional surrender. They mean to have a dictated peace and not a negotiated peace. That is my own belief here deeper in my heart than any belief I have ever had.

What is the reason for the change? Now that we have secured a dictated peace, do we propose to abandon it at the suggestion of the majority of the Committee on Foreign Relations and enter upon negotiations to secure a peace? It is because the President of the United States has secured the benefits of a dictated peace and they want to discredit him.

Again, on another day in the Senate, October 7, 1918, the Senator from Massachusetts used this language:

Mr. President, the mischief is in any discussion of the principles upon which peace should be debated. When Germany has surrendered, when she holds up her hands and says, "We are beaten; what terms will you impose?" then the Allies and the United States can tell her what terms they will impose. There is, there must be, no other end, no other solution.

And yet the Senator from Massachusetts at the present time is cooperating with the Senators who are attempting to bring about directly the opposite solution of that question.

The Senator from Washington [Mr. POINDEXTER] on October 10 of last year said:

The German chancellor can well answer each one of the inquiries of the President in such way as will be most calculated to accomplish his object. He can say that he represents both the Government and the people of Germany, and who can dispute his statement? In this he undoubtedly would be correct, as, for the purposes of this war, there is no difference between the German people and the German Government.

I read that, Mr. President, lest some one may arise here and say that the attitude of the majority of the Committee on Foreign Relations is based upon the fact that we are now dealing with representatives of the German people instead of representatives of the German Empire.

Again, on the 10th of October, 1918, the Senator from Washington [Mr. POINDEXTER] used this language:

We have just heard the views of the Senator from Massachusetts as to the way the war with Germany should end. He is in favor of an unqualified victory; he is in favor of subduing the military power of Germany and of imposing upon her a peace and a restablishment of conditions after the war to be dictated by the allies.

That is what the Senator from Washington wanted last October. Yet now the Senator is cooperating with those who seek to destroy the dictated peace and relegate the United States to the uncertainties of a negotiated peace.

I could cite the statements of other Senators and will cite something by one of the Senators now determined on destroying this treaty. On October 14 last the Senator from Missouri [Mr. REED] used this language:

An unfortunate impression is, I fear, being made upon the country. Nothing in the Senate does ought to add thereto. It seems to me that the country is getting the notion that the President of the United States intends to enter upon a system of parleying and negotiations with Germany, and that at the end of the negotiations Germany is to come off unscathed.

I tell you, sirs, when the conditions of peace are written the name of Woodrow Wilson will not be, it can not be, subscribed to any treaty that does not compel Germany to tread the wine press of repentance—to pay back, to pay back to the world, as far as she can, in her own suffering for the agonies that she has wrought, for the desolation she has brought upon the earth.

Yet it is now proposed to destroy this treaty—the only one that can be exacted from Germany by force, the only one that can be imposed upon her—and relegate the United States to a negotiated treaty.

I shall close my references to the speeches of Senators by reading some remarks by the Senator from Iowa [Mr. CUMMINS], who, I have no doubt, stands by those remarks to-day. I read them merely because they express what I believe represents the overwhelming sentiment of the majority of the Senate, including Senators on both sides of the Chamber. The Senator from Iowa, on October 14, 1918, said:

My concern relates mainly to our attitude toward Germany after the victory has been won and after her surrender is complete, for it will be just as fatal to impose inadequate terms through negotiation.

There is but one answer that will meet the demands of justice and satisfy the claims of an outraged world. There must be reparation for the past and security for the future.

First. Germany must pay, pay to the last farthing of her capacity to pay, pay until the generations yet to come will remember and curse the insane ambition which well nigh destroyed civilization itself, and so she will repair in some small measure the destruction she has wrought.

Second. Germany is a menace to mankind, because she has a cruel, wicked, malicious intent toward the remainder of the world, and because she has a powerful Army and Navy to execute her murderous designs. We can not change her intent, for it is the result of years and years of training and teaching in a false and selfish philosophy, but we can disarm her and leave her helpless and harmless.

Viewed from the ordinary standpoint, these terms are severe beyond precedent, but the situation itself has no parallel in history. I understand perfectly that these conditions mean the degradation, possibly the disintegration, of a once mighty nation; but if we are to be safe, if the world is to be secure, they must be imposed.

It will be gratifying to see Germany supplant her existing Government with a better and freer one; but that will not suffice, for republics are as strong in their purposes as autocracies. Oftentimes they are as ambitious as the most absolute of monarchies, and we are now witnessing the ease with which they mobilize and the success with which they fight.

Mr. President, that was the situation a year ago; it was the situation last October. The statements made by those Senators represent not only the overwhelming public opinion of the United States, but they represent practically the unanimous opinion of the Senate of the United States. Many of those remarks were made in criticism of the President because it was thought or assumed that he was going to enter into negotiations with Germany and permit her to escape from the decision of a great military victory; but they were statements just the same, and they are binding upon the Senators who made them. I should like to have those Senators rise upon the floor of the Senate and explain what has caused their change of front and why when they condemned the President of the United States because they thought he proposed to make a separate peace with Germany then, they now condemn him because he has united with the Allies in making peace. I should like to have them rise in their places and explain why they have come down from the heights of unconditional surrender to the depths of unconditional peace. I should like to have them explain why they called loudly for reparation to the uttermost farthing last October and now boldly come here and advocate abandoning all American claims for restitution. I should like to have them explain to the people of the United States how they are going to protect the material interests of the United States if they abdicate and give away the protection of the provisions of this treaty to which I have specifically referred. It can not be done.

The Senators who are taking the course of destroying this treaty by amendments are in a position absolutely inconsistent with that which they held a year ago. They dare not go before the American people and advocate a negotiated peace with Germany. They dare not go before the American people and say: "We are going to waive all the benefits the United States secures from Germany under this treaty—the reparations, the repayment of the loss of the *Lusitania* and other horrors, the payment of American nationals who have claims against German nationals, the disposition of the German property in this country which the Congress of the United States declared shall be liquidated and wiped out." They dare not go before the people of the United States and say: "We are not going to provide for the protection of American exports, which are going to be largely under the control of the reparations commission of Europe."

Mr. President, I had expected to say something on the league of nations, but I have talked too long already, and I shall postpone that for a future time. I have sought in this address to meet upon their own ground Senators who glorify nationalism and constantly shout for material interests, when other Senators stand here advocating that the United States shall take its great part in reorganizing the world for peace. I have met them upon their own ground to-day, and I should like to have them answer how they can excuse the poltroonery of the United States if it deserts its associates in this war at the very hour when it is necessary to make permanent the achievements of the war.

On some future occasion I shall hope to discuss the league of nations.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I have sent a page for the Senator from Wisconsin [Mr. LA FOLLETTE], and told him that the Senator from Nebraska was about to conclude his speech. I expect him here in a moment.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, line 25, after the word "cents," strike out "nor more than," and on page 5, line 1, strike out the words "20 cents," so that it will read:

That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 5 cents per ton of 2,000 pounds.

Mr. LA FOLLETTE. Mr. President, I understand that an amendment similar to that, and perhaps almost identical with it in terms, was offered by the Senator from Massachusetts [Mr. WALSH] and voted upon. I recall now that he had such an amendment, and that he sought to get a roll call upon it, and that he failed. I should like to have a roll call upon that amendment, but I am perfectly willing to wait for that until the bill gets into the Senate. We could, of course, at this time move to reconsider; but if the Senator in charge of the bill prefers that we should wait until it gets into the Senate, I shall ask to have that amendment returned to me. I give notice now that I reserve the right to offer this amendment in the Senate, as I understand that an amendment practically the same and perhaps identical in terms with it has been voted upon in Committee of the Whole.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws the amendment which he proposed. The Chair suggests that in his opinion the Senator from Wisconsin would have the right to offer the amendment in the Senate without reserving it at this time.

Mr. LA FOLLETTE. That may be so, but I will make doubly sure by reserving that right.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I do; yes.

Mr. WALSH of Montana. I should like to call attention to an error made in an amendment offered by me, and ask that it be corrected. It was the amendment which went in at the close of section 19; and I ask a reconsideration of the vote by which the amendment was adopted, for the purpose of proposing the amendment in corrected form.

The PRESIDENT pro tempore. The Senator from Montana moves a reconsideration of the vote by which the amendment which will be stated by the Secretary was adopted.

The SECRETARY. In section 19, page 18, line 22, after the word "section," the remainder of the section was stricken out, and a new section was added, to be known as section 20, and to read as follows:

SEC. 20. In the case of lands bona fide entered as agricultural, but not including lands claimed under any railroad grant, and not withdrawn or classified as mineral at the time of entry, the entryman shall be entitled to a preference right to a permit and to a lease as herein provided in case of discovery; and within an area not greater than a township, entrymen may combine their holdings not to exceed 2,560 acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 7½ per cent as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

The PRESIDENT pro tempore. The question is on the motion to reconsider the vote whereby the amendment was agreed to.

The motion to reconsider was agreed to.

Mr. WALSH of Montana. The language in the amendment "and not withdrawn or classified as mineral at the time of entry" was inserted, after the amendment was drawn, after the word "grant." Grammatically and structurally, it should go in after the word "agricultural." I move to strike out that language where it occurs in the amendment, and to insert it after the word "agricultural."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to insert the words "and not withdrawn or classified as mineral at the time of entry" after the word "agricultural" and the comma.

Mr. WALSH of Montana. And to strike it out where it occurs at present.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. In the same connection, the same conditions which exist with reference to entrymen exist in the case of patentees with restricted patents; and I offer the following amendment, to be inserted after the word "entryman":

Or patentee, if the entry has been patented with the mineral right reserved.

The PRESIDING OFFICER. Will the Senator state where he desires to insert it?

Mr. WALSH of Montana. After the word "entryman."

The PRESIDING OFFICER. Where?

Mr. WALSH of Montana. Where it first occurs in the amendment.

The SECRETARY. It reads "the entryman shall be entitled to a preference right."

Mr. WALSH of Montana. After the word "entryman" insert "or patentee, if the entry has been patented with the mineral right reserved."

Mr. SMOOT. Mr. President, as I understand, that proposed amendment means that if an entryman has entered upon agricultural lands with a reservation of minerals to the Government of the United States, and he receives a patent for the land with that reservation in it, then, in case of exploration for oil or coal or these other minerals, he shall have the preference right to a permit or a lease.

Mr. WALSH of Montana. Yes, sir.

Mr. LENROOT. Mr. President, will the Senator yield? I had no understanding that it was to be that broad. In my conversation with the Senator, I understood that he only asked that it be applied where it had been withdrawn subsequent to the entry, and before patent.

Mr. WALSH of Montana. That is the case.

Mr. LENROOT. But, as I read it, this would give the preference right to any patentee upon withdrawn lands where he took a surface entry.

Mr. WALSH of Montana. No.

Mr. SMOOT. Then I misunderstood the amendment, and I will ask the Senator to read it again.

Mr. WALSH of Montana. If the Senator will attend, the patented lands are qualified in exactly the same way as the lands entered but not passed to patent. In each case and in both cases it must be of lands which had not been classified or withdrawn at the time the entry was made. The amendment as thus amended, if it is amended, would read then as follows:

In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right—

And so forth.

Mr. LENROOT. That is all right.

Mr. SMOOT. I have no objection to that.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Montana to the amendment, which will be stated.

The SECRETARY. After the word "entryman," where it first appears, insert the words "or patentee, if the entry has been patented with the mineral right reserved."

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Montana to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Then, in order to complete it, after the word "entrymen" where it next occurs, "and within an area not greater than a township, entrymen may combine their holdings," I ask to amend by inserting "and patentees holding restricted patents," so that it will read:

And within an area not greater than a township, entrymen and patentees holding restricted patents may combine.

Mr. LENROOT. Mr. President, will the Senator yield? To limit it to that class of entrymen, should not the word "such" be inserted before "entrymen"?

Mr. WALSH of Montana. "Such patentees"?

Mr. LENROOT. And "such entrymen."

Mr. WALSH of Montana. I ask, then, to insert, after the word "township" and before the word "entrymen" referred to, the word "such," so that it will read:

And within an area not greater than a township, such entrymen.

And then I move to insert after "entrymen" the words "and patentees holding restricted patents," so that the amendment will read:

And within an area not greater than a township, such entrymen and patentees holding restricted rights may combine.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Montana to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Mr. President, there is one other amendment that I should like to tender at this time, and invite to it the attention of the Senators who have followed the bill. It seems to have been mislaid, however, and I will ask the attention of the Senate to it later on.

Mr. LA FOLLETTE. Mr. President, I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 7, after the word "thereof," insert the following additional proviso:

And provided further, That the Government hereby reserves the right at all times, under rules and regulations to be prescribed by the President, to determine, fix, and control the selling price of all products derived from lands leased hereunder, whether in the crude or natural condition, or in other merchantable form, which shall be a reasonable price both as to the producer and the consumer, and the reservation of such right shall be expressly stated in each lease.

Mr. LA FOLLETTE. Mr. President, I think what I have had to say generally upon the bill presents perhaps the argument that I would make for this amendment if I were taking up the subject originally at this time. Therefore I do not now propose to say anything further than I have already said as to the importance of regulating prices under the provisions of the bill as provided in this amendment, but I do ask for a roll call upon the amendment.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate, and of the Senator from Wisconsin particularly, to the condition that would arise if this proposed amendment were adopted. The Senator must know that the Standard Oil Co. would not to any extent be affected by this provision. It would leave the production of oil of the great combinations, particularly the Standard Oil Co., unhampered in any way as to price fixing, either in the crude oil or oil in merchantable form, whereas anyone who took a lease on Government land under the provisions of the bill would be under control by the provisions of the proposed amendment. I think it would be vary unfair indeed.

I am also of the opinion that if the prices at which the products under this bill are to be sold are to be regulated and prescribed by the President, not only in their natural condition and in their crude form but in their merchantable form, it would be almost impossible of accomplishment, particularly as to the latter. When we take into consideration the coal, oil, phosphate, and sodium that may be mined and produced under the provisions of the bill, and allowing the President to prescribe the rules and prices at which it shall be sold in any merchantable form to be followed through every conceivable step of manufacture from the crude material taken from the earth to the most finished product that could be made, we must see its impracticability. It seems to me if there were some way of regulating the price of the product itself there would be some wisdom in such a movement, but I say to the Senator from Wisconsin, not in a spirit of captious criticism, that to me it seems that it would be impossible to administer it.

The PRESIDENT pro tempore. The Senator from Wisconsin has asked for the yeas and nays on agreeing to the amendment. Is the request seconded?

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, I wish to say just a word upon the amendment before the vote is taken.

This question of regulating the price or reserving the right to regulate the price is a question that has been considered a great many times, and a great many attempts were made by the House Committee on the Public Lands when I was a member of it to provide some measure that would look toward the regulation of the prices of oil by the Government; but every time we have attempted to make such a provision the result has always been and the result in this case would be, if the amendment should be adopted, however good the intention would be, to further perpetuate the control of the Standard Oil Co. That would be true, in my judgment, in this case, because to regulate the price of the crude oil would be merely to say that the Standard Oil Co. can receive the crude oil at a less price than it would otherwise pay, but no regulation shall apply to the consumer of the refined product, because it will be impossible, so far as the Standard Oil Co. is concerned, to follow the refined product into the markets of distribution made by the Standard Oil Co. It would be impossible for the Government to follow that product into the Standard Oil Co., because in not one case in a thousand would it be able to prove that the particular product that it attempted to control came from one of these leased wells.

Provision is made in the bill, and it runs all through the bill, for competition with the Standard Oil Co. One provision in the bill permits combination of producers solely for the purpose of erecting refineries, so that they may market the oil they produce from these leased lands, and as to such a refinery we could regulate the price to the consumer, because as to such a refinery their oil would come from Government land. It is not so with the Standard Oil Co. So the result would be that we would reserve the right, in effect, to fix the price of oil refined by the little fellow attempting to build up competition against the Standard, but we would let the Standard go free, because we could not follow it. That, in my judgment, would be the inevitable result, and no refinery in competition with the Standard Oil Co. is going to be erected if the product of that refinery is to be controlled by the President, or the right reserved to control, while the product of the Standard Oil Co. goes free.

For this reason I am opposed to the amendment.

Mr. LA FOLLETTE. Mr. President, we are now about to turn over by this so-called leasing bill large areas of oil lands to be taken up and operated. I do not know just how largely the Standard Oil will be benefited by the passage of this bill, but I do know, from such examination as I have been able to make, that Standard Oil will get large areas of these very oil lands which are to be disposed of under this leasing bill.

One of the greatest oil fields in this country, as I understand it, is the Salt Creek oil field in Wyoming. It contains the largest producing wells known in the history of oil production. I am informed that the whole area has recently been gathered under the control of two great oil organizations. One of them is the Wyoming Oil Fields Co. Under the terms of the amendment proposed here last evening by the chairman of the committee, that oil company, which is largely owned in France, will secure control of 3,200 acres of that rich field. The other is the Salt Creek Producing Co., which controls practically all the remaining rich oil-producing territory in this field aside from that which is controlled by the French company. They will take another 3,200 acres of the richest oil-producing land. That company is controlled in part, if not wholly, by companies controlled by the Standard Oil Co. The same is true, or would be true, of the rich oil fields elsewhere.

If the amendment which I have offered is adopted, it would apply to oil leases that will be made under the bill that are already in the control of the Standard Oil. Therefore, to a certain extent, the Government regulation of prices would extend to oil derived from lands controlled and operated by the Standard Oil Co.

Now, Mr. President, my colleague, the Senator from Wisconsin [Mr. LENROOT], and the Senator from Utah [Mr. SMOOT] oppose this amendment because, they say, it would regulate the prices of oil of other producing companies and would leave Standard Oil unregulated, as I understand them.

Mr. LENROOT. All of its production, so far as refined oil is concerned, would be unregulated.

Mr. LA FOLLETTE. I do not see how the Senator can say that, because by the terms of the proposed amendment the Government reserves the right to regulate the price of oil in any form which comes from these leased lands. The Senator will not deny, I take it, that some of this oil, and I say a large proportion of it, is already under the control of the Standard Oil Co. My colleague may say that the Government can not control the market price because it will pass into and mingle with other oils which are not regulated. Mr. President, that is begging the whole question. The terms of my amendment provide that, under such rules and regulations as the President shall prescribe, the price of oil in any form extracted from Government land so leased shall be regulated through its various processes until it passes into the hands of the consumer. I undertake to say that it is feasible, through the Internal-Revenue Department, to follow this oil from the well to the consumer or by requiring the oil to be refined separately from other oil of the Standard Oil Co. that would not be subject to regulation under my amendment; it could be regulated through its various processes of refinement and its price to the consumer controlled.

Mr. President, I am sorry to see Senators interpose an objection to the regulation of the price of this product as it goes into the market. There is much talk over the country about regulating the prices of the necessaries of life. The President is offering suggestions, and congressional committees are investigating almost every line of production with a view of endeavoring to protect the consumer against extortionate prices. Here is an opportunity for an entering wedge, but because it does not cover the entire field Senators raise a technical objection to it which, in my opinion, does not represent the public interest.

Mr. President, if we can make this beginning toward effective regulation, it will lead the producers who are regulated to come to Congress and demand that their competitors of like products

be brought under Government control. Then, Mr. President, I venture to predict there will be more than one Senator standing on the floor arguing for protection to the public.

I appeal here—it may be to indifferent ears—but I make my appeal here, and, if I fail, to the country, for support for this contention which I am making for the protection of the public interest.

Why, sir, even if this amendment should fail utterly, when any President seeks to apply its provisions to existing conditions would we not have better served the public in having made an attempt to meet this problem?

Mr. President, in the Salt Creek oil field these big companies have frozen out every single independent operator but one. Standard Oil will have the control in that section ultimately. You talk about competitors, when you know perfectly well that the producer that controls a large share of the total production is able to control the price.

Mr. President, let me suggest that my statement that the Internal Revenue Department would be able to enforce price regulation is just as good as is my colleague's statement that it would not. If you are simply waiting here as servants of the people for an opportunity to find an open door to protect them, then adopt this amendment, hand it on to the President, and let us see if something can not be worked out, instead of standing up here and protesting against an attempt to relieve the public.

Come back a moment now. Assume that I am right about it; assume that it will be possible for the President, through rules and regulations, to control and fix a reasonable price upon the oil produced from the leased lands, a part of which goes, as surely as God is over us, to Standard Oil. Standard Oil has large interests in these fields; it is struggling to secure title, and if this bill passes will secure a priority of right and get title to 1,600 acres of land, entered by dummy entrymen, who thought they were signing some paper with regard to elections. Standard Oil will have large holdings under this bill. I say to you, if it is possible, that you ought in the discharge of a duty to the public to give this proposition a trial. It can do no harm if it fails, and if it succeeds what will be accomplished? We will have under the rules and regulations prescribed by the President a certain quantity of the product of oil going on the market at a reasonable price. I submit, Mr. President, that that would tend to bring down the prices of the balance of Standard Oil products which are not regulated.

There have been two or three experiments made in other countries to protect the public against extortionate prices occasioned by cornered production. There have been Government operations to test the cost of production in order to fix standards of fair prices. Students of economic advancement have looked hopefully upon these experiments trusting that they might serve in time as a means of checking exorbitant and extortionate prices. War interrupted these experiments. Here is an opportunity for a Government experiment in regulating the price of products—not Government operation; not Government production.

Mark that my amendment simply provides that under rules and regulations prescribed by the President the products derived from these leased lands shall be sold at prices that are reasonable to the producer and reasonable to the consumers. It robs nobody; it does justice, or attempts to do justice, to everyone. I say, Mr. President, that the amendment offers an opportunity at least to try the experiment. It is not a radical proposition; it is not a proposition such as has been worked out successfully in some foreign countries in testing the cost of production by Government operation, for I know that many Senators here are sensitive as to Government ownership and operation along any line; they think that it is the wrong road to travel. Let me say to you, fellow Senators, you may go so far in the other direction that you will produce conditions in this country that will force, all unprepared, upon us the consideration of these problems. This is a reasonable, conservative proposition to regulate prices of products which the public owns, and which are to be passed over to private interests to make money out of—"private interests," I repeat, because some Senators have come in here since I said it. These lands have already been gathered into the hands of the great monopolies; and if you pass this bill as it is brought in here by the committee you will open the way to fix the title to all of those lands in just two or three great monster monopolies.

It will not make any difference—and I am going to argue that question a little later—whether there is the taint of fraud on the original entries or not, although there is a provision in section 18 that nobody shall be able to take any benefit under that section who is guilty of any fraud. I propose to show to the Senate, however, and to the country, why the provision, as is shown by what has already transpired, will not be any protection.

So, Mr. President, I say that the amendment which I have offered here should, in my opinion, be accepted. It is a beginning; it is an attempt to solve this problem. If it is found that it is not feasible, as suggested by Senators who opposed it, then, of course, the effort will have been in vain, but if it is effective it will tend to bring prices to a reasonable level.

The argument which has been made against the amendment on the ground that it would regulate the companies which get their product from leased lands and would not regulate other producers or manufacturers who get their product from other lands indicates, I think, a keen interest in the protection of a small number of people who will be producing under regulated prices and not a very great consideration for the public who would get a benefit from the reduction in price. Enter this wedge, Mr. President, and any man who has not become blind must see the possibility. If we make a beginning somewhere there is a possibility that we may save this country from the thing that is threatening all Europe.

Mr. President, I ask for a roll call upon this amendment. I only regret, sir, that I could not have said what I have said here in the presence of a larger body of the Senate. I may be constrained if there is further debate upon this question to repeat and to go more fully into the question, because I believe that here, right now, at this moment we are standing at the parting of the ways, that we are either going to begin to try to do something to relieve the public or that we are going to settle back and let things drift and drift until we find ourselves in the whirlpool and the rapids out of which it may be impossible for any statesmanship to pilot us to safety.

Mr. LENROOT. Mr. President, as I stated before, I do not for a moment question the good faith or the intentions of my colleague in offering this amendment, and I do not doubt that he believes that it would, if adopted, accomplish something for the public good; but I do not think he can understand the situation that does exist with reference to the Standard Oil Co. and independent producers. I do not believe that many Senators, perhaps, are aware that in the case of the California field, for instance, there is not a single refinery, Standard or otherwise, within 200 miles of that field, and the oil is gathered from all of the wells in the case of the Standard pipe line which it owns upon private lands and upon public lands which it purchases from others and goes in a great big pipe line, and there it is mingled together and then it is transported more than 200 miles to a refinery. To attempt to regulate the price of the Standard oil coming from these wells is absolutely humanly impossible, because the Government can not follow that oil, and, when it gets to a tank wagon or a gasoline station, be able to prove that that oil came from one of these leased properties.

But how would it be in the case of a struggling independent refinery? This bill provides that these independent producers may combine for the purpose of erecting refineries themselves to compete with Standard Oil, because Standard Oil is always interested in giving these producers the very lowest sum, and then charging to the public the very highest sum for its refined product. The Senator says, "Well, we can regulate the product of these independent refineries, and that will help so much." But my objection is that there will not be any independent refineries. If the Government is to undertake to reserve to itself the power to regulate the price of the struggling independent refinery, and let the Standard Oil Co. go, there will not be any independent refineries. That is my objection to it.

I want to say that if any Senator upon the floor here will offer an amendment to this bill giving to the President the right to fix the price of all oil, whether produced from public lands or otherwise, I will vote for it, and let the courts settle our constitutional power to do so. This bill, however, is built upon the theory of competition from beginning to end, in the area that it permits, in providing for independent refineries, in providing that if the Government itself does not use the royalty oil it must be sold to the highest bidder. It is built upon the theory of competition; and yet this amendment would strangle the competition that is provided for in the bill. That is the trouble with the amendment. Instead of accomplishing what the Senator hopes to accomplish, it would have directly the opposite effect; and if there is one provision in this bill that, in my judgment, the Standard Oil Co. would welcome, it is this provision.

There is only one way in which we can reach the Standard Oil Co., and that is to put our hands upon it, either in attempting to remedy the crime that was perpetrated—and I call it such—in the reorganization of the Standard Oil Co. after the decision of the United States Supreme Court, or in fixing the prices directly. I have no brief for the Standard Oil Co. I will go as far as any Senator upon this floor in depriving it of its monopoly and bringing down the price of its products; but I am not willing to help build it up by an amendment of this kind.

My colleague and I disagree as to the result of it. He has his opinion. He is entitled to it. I have mine. I am just as conscientious in believing that the result of the adoption of this amendment would be in the interest of the Standard Oil Co. as he is in believing that it would be in the interest of the public.

Mr. LA FOLLETTE. Just a word, Mr. President.

If the Government puts into every lease granted under the provisions of this bill, oil and coal, the conditions which are provided in my amendment, worked out, it can compel those companies, under the leases they take, to segregate the oil. It can impose any conditions it pleases. If need be, it could require the Standard Oil Co. to set up refineries right on the ground and refine this oil. Whoever takes from this Government the rich lands that are proposed to be leased here takes under any conditions which the Government sees fit to put into the law and to write into the leases; and when any Senator on this floor raises the question of the impossibility of making this amendment effective against Standard Oil, it seems to me he is pretty short in his vision.

Why, sir, this oil belongs to whom? It belongs to the public, not to the States, not to some administration, not to some committee of Congress. It belongs to the people. You have here, and have had around the doors of Congress, and thronging the rooms of the committees that deal with these subjects, the representatives of the greatest monopolies in the world, seeking to get this legislation through according to terms agreeable to them; but, sir, when they take under legislation which we pass, we can impose any conditions we please. We can require that the oil taken from these wells, or the coal mined on the Government land leased under the terms of this legislation, shall be prepared for the market on the ground, if need be; and my amendment gives the President the widest authority, and says that he is empowered, under rules and regulations, to determine how the products derived from these leased lands shall be handled, to the end that the price of them, reasonable to the producer and reasonable to the consumer, shall be determined by the Government. I say that there rest within the terms of that amendment the full power and authority of this Government, up to its constitutional limits, to control this product. It can say to Standard Oil, "If you take a barrel of oil out of this land, you shall keep it separated from the oil taken from other lands or assembled by you from other sources," and it can compel that to be done. It can make rules and regulations that will follow this oil out of the natural reservoirs where it rests, the property of the United States, the property of the people of this country, on until it reaches the consumers in every conceivable form at a reasonable price.

I say again that you will then have a standard, a fair price on a portion of Standard Oil production, and that will tend to compel Standard Oil, by the force of public opinion to begin with, and ultimately by legislation, because these regulated producers will demand it, to sell at a fair price.

My colleague urges that my amendment would be very fatal to the independents. Mr. President, the independents are only a vanishing, a rapidly vanishing, name in this business. As I said a moment ago, the richest field in all this country has been gathered together so that just two companies control it. That is affected by this legislation; and an amendment introduced last evening by the chairman of the committee permits holdings by each of these companies that aggregate 3,200 acres. That is something like 5 miles square, I think.

Now, Mr. President, I renew my demand for a roll call on this amendment.

The PRESIDING OFFICER (Mr. NEWBERRY in the chair). The yeas and nays have been ordered. The Secretary will call the roll.

Mr. LA FOLLETTE. I will first ask for a quorum, because when the roll call starts I want to have this amendment read to the Senators who are going to vote upon it, instead of having them come in here as the vote is being taken and be told by Senators how they ought to vote, without knowing anything about the question that is pending. It is not fair to those Senators who are to be called in here to vote; and so, for the first time, I ask for a quorum. The roll call has not started. No one has responded to his name.

The PRESIDING OFFICER. 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	Elkins	Harrison	King
Borah	Fall	Henderson	La Follette
Brandegee	France	Jones, N. Mex.	Lenroot
Chamberlain	Gay	Jones, Wash.	Lodge
Colt	Gronna	Kendrick	McCumber
Cummins	Hale	Kenyon	McKellar
Edge	Harris	Keyes	McNary
Moses	Phelan	Smoot	Warren
Myers	Poindexter	Sterling	Watson
Nelson	Sheppard	Sutherland	Williams
New	Shields	Swanson	Wolcott
Newberry	Smith, Ga.	Thomas	
Norris	Smith, Md.	Wadsworth	
Nugent	Smith, S. C.	Walsh, Mass.	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The Secretary will report the amendment.

The SECRETARY. On page 2, line 7, after the word "thereof," insert the following additional proviso:

And provided further, That the Government hereby reserves the right at all times, under rules and regulations to be prescribed by the President, to determine, fix, and control the selling price of all products derived from lands leased hereunder, whether in the crude or natural condition, or in other merchantable form, which shall be a reasonable price both as to the producer and the consumer, and the reservation of such right shall be expressly stated in each lease.

Mr. LA FOLLETTE. On that, Mr. President, I have asked for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays have been ordered.

Mr. PITTMAN. Mr. President, while I should be very glad to see the President given power to fix the price through proper means on all oil production in the country, I can not vote for an amendment that would grant a bureau power to fix the price of possibly one-tenth of the oil of the country and allow the price of the other nine-tenths to be ungoverned. In other words, in my opinion, if the Government is to fix the price of oil under these leases that must come in competition with the tremendous production of the Standard Oil Co. and other companies which have patents to their lands, there will be no leases taken.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. If permitted to vote, I would vote "nay."

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER]. If I were not paired, I would vote "yea."

Mr. MYERS (when his name was called). Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDENT pro tempore. The Senator from Connecticut has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], and being unable to obtain a transfer at present I will withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] which I transfer to the Senator from Missouri [Mr. REED], and I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my standing pair with the Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JOHNSON of South Dakota. I have a general pair with the Senator from Maine [Mr. FERNALD]. Not knowing how he would vote, I withhold my vote.

Mr. MCKELLAR. The Senator from Nebraska [Mr. HITCHCOCK], the Senator from Alabama [Mr. BANKHEAD], the Senator from South Carolina [Mr. DIAL], the Senator from Oklahoma [Mr. GORE], and the Senator from Arkansas [Mr. KIRBY] are necessarily detained on official business.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kentucky [Mr. STANLEY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

Mr. CHAMBERLAIN. I have a general pair with the Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH] is unavoidably detained on important public business, and if present would vote "nay."

Mr. SMOOT. I desire to announce the absence of the Senator from Kansas [Mr. CURTIS] on official business.

Mr. HARRIS. I transfer my pair with the Senator from New York [Mr. CALDER] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

The result was announced—yeas 10, nays 48, as follows:

YEAS—10.

Cummins	Kenyon	Nugent	Walsh, Mass.
Gronna	La Follette	Sheppard	
Harris	Norris	Trammell	

NAYS—48.

Ashurst	Jones, N. Mex.	Nelson	Smith, S. C.
Borah	Jones, Wash.	New	Smoot
Brandegee	Kendrick	Newberry	Sterling
Chamberlain	Keyes	Overman	Sutherland
Colt	King	Page	Swanson
Elkins	Lenroot	Phelan	Thomas
Fall	Lodge	Pittman	Underwood
France	McCormick	Poindexter	Walsh, Mont.
Gay	McKellar	Pomerene	Warren
Hale	McNary	Ransdell	Watson
Harding	Moses	Shields	Williams
Henderson	Myers	Smith, Ga.	Wolcott

NOT VOTING—38.

Ball	Fernald	Kirby	Sherman
Bankhead	Fletcher	Knox	Simmons
Beckham	Frelinghuysen	McCumber	Smith, Ariz.
Calder	Gerry	McLean	Smith, Md.
Capper	Gore	Martin	Spencer
Culberson	Harrison	Owen	Stanley
Curtis	Hitchcock	Penrose	Townsend
Dial	Johnson, Calif.	Phipps	Wadsworth
Dillingham	Johnson, S. Dak.	Reed	
Edge	Kellogg	Robinson	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. On page 27, line 9, after the word "*Provided*," insert:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner, part owner, or operator of any pipe line operating reasonably accessible to the oil derived from lands under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company operating a lease hereunder and not the owner of, or interested in the operation of, any pipe line.

Mr. SMOOT. Mr. President, I merely wish to say one word. Pipe lines are common carriers, and so declared, I think, by every State in the Union. They are under the regulation of the States. This question was before the committee, and Mr. Swartz, representing the independent oil refiners of Wyoming and other sections of the country, stated that they looked up the question very carefully and that there was no necessity for putting the provision in the bill. I will say to the Senator from Wisconsin that that is what was reported to our committee.

Mr. BORAH and Mr. LA FOLLETTE addressed the Chair.

Mr. BORAH. I ask the Senator to permit the amendment to be read again.

Mr. LA FOLLETTE. If the Senator will permit me, following the statement made by the Senator from Utah, before the amendment is read again, I should like to say that the amendment which I have offered is offered because Mr. Swartz came to my committee room this morning and made the suggestion that there was one independent left in that territory, together with the Government, which needed this protection. I remember now that I received the intimation somewhat in confidence, and I am rather sorry I mentioned his name.

Mr. LENROOT. I suggest that the amendment can do no possible harm.

Mr. LA FOLLETTE. I do not see how the amendment can do any more harm than the other. As we had 10 votes for the other, I think I shall ask for a vote on this amendment, notwithstanding the statement of the Senator from Utah.

Mr. SMOOT. I asked Mr. Swartz if in Wyoming the pipe line was not a common carrier, and whether the regulation was not in the control of the State. He told me that it was, and that is the reason why I referred as I did to Mr. Swartz.

Mr. LA FOLLETTE. Probably that is true. If the Senator states that that intimation was given to him, I have no doubt it is the fact, but it is true that many of the States that have commissions for the regulation of public utilities do not regulate them, that they do not protect the public in the regulation. I know in my own State a new commission has transplanted the old commission, and the public is suffering to-day because the law on the statute books of the State is not administered in the public interest. So, because there is a statute providing for regulation, and the common carriers within the State and the local pipe lines would be under the regulations of one of those commissions, it does not always follow that it would be subject to regulation. It does not always follow that that regulation would protect these interests.

Here, again, I say that we are leasing this land. The Government takes a royalty in oil. It has to get that royalty somewhere after the oil comes out of the ground. It has either got to provide its own means of transportation or be at the mercy of those who have transportation, and so will any independent that may be left in this territory. I have been informed that there is only one independent left in all the Salt Creek country, that all the balance of the oil holdings have passed into the hands of the two great corporations, and that that independent, together with the Government, in any oil that it has to transport out of that territory, will be at the mercy of the owners of private pipe lines, subject to such regulation as the States may impose; but if the State neglects to protect the Government or to protect the lone independent as long as it may survive, they will be at the mercy of the owners of private pipe lines.

I do not see that this amendment can work any very considerable harm, and I ask for a vote upon it.

Mr. SMOOT. If the wording of the amendment will conform to just what the Senator from Wisconsin really has in mind I have not any objection to putting it in. The only reason why it was not put in the bill, as I said before, was because it was thought that there was no necessity for it. It can not do any harm, as the Senator from Wisconsin says, but I should like to have it reported again.

The PRESIDENT pro tempore. The Secretary will read the amendment as requested by the Senator from Idaho [Mr. BORAH] and passed by for the moment.

The Secretary again read Mr. LA FOLLETTE's amendment.

Mr. WALSH of Montana. Mr. President, I rise to say that I do not see how anyone can find any fault with the principle of this amendment, and I am very glad to hear the chairman of the committee say that he has no objection to it; but I submit that the language ought to be changed somewhat. A lease will be denied to one who is a part owner in the adjacent pipe line unless he will agree that the pipe line shall transfer the oil at reasonable charges. Of course, if he is a minority holder he will have no control over the matter whatever. So that the effect would be to deny a lease to one who is a part owner if that part owner is unable to induce his associates, the owners of the majority interest, to establish reasonable rates.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, I should be very glad to broaden the amendment by striking out the qualification to which the Senator calls attention. My only reason for putting it in was to try to enlist votes enough to get it through. If I can get it through in stronger form I shall be very glad indeed. So I will exercise the right which I believe I have to modify the amendment as I offered it by striking out the words in the last line, "or interested in the operation of." I will also strike out—I am encouraged to do that by the attitude of Senators toward the amendment—the word "reasonably," so that the amendment as I have now changed it would read as follows:

Provided, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner, part owner, or operator of any pipe line operating accessible to the oil derived from lands under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company operating a lease hereunder and not the owner of any pipe line operating a lease under the provisions of this act.

Mr. WALSH of Montana. Mr. President, the amendment as now modified by the Senator from Wisconsin does not reach the point to which I had addressed my remarks. I addressed my remarks to that portion of the amendment which denies a lease to a part owner.

Mr. LA FOLLETTE. I neglected to make one other change in the amendment. I will strike out the words "part owner," in order to meet the suggestion of the Senator. I am very thankful to him for his liberality.

Mr. WALSH of Montana. I was going to offer the suggestion to the Senator that he need not strike out that language if he will put in the words "controlling interest."

Mr. LA FOLLETTE. I do not understand the Senator.

Mr. WALSH of Montana. If the Senator will insert the words "controlling interest" or "majority interest" he need not even strike out the language and the amendment would still have my approval; that is to say, if the applicant for the lease has actual control of a pipe line——

Mr. LA FOLLETTE. I think that is covered by the phraseology as it now stands. I will send it to the desk of the Senator for any suggestion he may be pleased to make.

Mr. WALSH of Montana. I offer the following amendment to the amendment tendered by the Senator from Wisconsin: After the word "operator," in the third line of the proposed amendment, I move to insert "or owner of a controlling interest in any pipe line or of any company operating the same which may be," so that the amendment, if amended, will read:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner or operator or the owner of a controlling interest in any pipe line or of any company operating the same which may be operating accessible to the oil derived from lands under such lease—

And so forth.

So that the restriction will extend not only to the owner and operator of the pipe line, but to any person who owns a controlling interest in the pipe line or the operating company.

Mr. LA FOLLETTE. Let me ask the Senator if he has made any change in the remainder of the amendment? I had marked some changes to be made.

Mr. WALSH of Montana. I tender my amendment to the amendment as it has been modified by the Senator from Wisconsin.

Mr. LA FOLLETTE. I accept the amendment proposed by the Senator. I think it makes clearer the purpose I intended to accomplish by the amendment as drafted. I drafted it hurriedly after having my attention called to the need for it.

The PRESIDENT pro tempore. Does the Senator from Montana offer the amendment to the amendment of the Senator from Wisconsin? We must keep the record straight.

Mr. WALSH of Montana. I understood the Senator from Wisconsin accepted the amendment.

Mr. LA FOLLETTE. I accept the amendment of the Senator from Montana and modify my amendment in that respect. I offer the amendment in the form in which it now stands.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Wisconsin as now modified.

Mr. LA FOLLETTE. I should like to have it read to be sure that it contains the other changes which I myself have made in it.

The PRESIDENT pro tempore. The Secretary will read the amendment as now modified.

The SECRETARY. On page 27, line 9, after the word "Provided" it is proposed to insert:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated of any pipe line operating accessible to the oil derived from the land under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line operating a lease under the provisions of this act.

Mr. WALSH of Montana. The Secretary has read the amendment correctly, but it should be accompanied with a suggestion that the words in the amendment as proposed by the Senator from Wisconsin "of any pipe line operating" be stricken out, for they are incorporated in the remainder of the amendment.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. One moment, Mr. President. I am endeavoring to perfect the phraseology of the amendment.

Mr. WALSH of Montana. May I suggest to the Senator from Wisconsin that perhaps it will read better with the change I have suggested?

Mr. LA FOLLETTE. I ask that the amendment may be again read.

The SECRETARY. As modified the amendment now reads:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line operating a lease under the provisions of this act.

Mr. LA FOLLETTE. I think that is all right, and I offer the amendment in that form.

Mr. POINDEXTER. Mr. President, as nearly as I can understand the amendment in its present form it would seem to restrict the obligations of the owner of a pipe line who is one of the lessees under this act to a lesser duty than he owes at present under the general law, making pipe lines common carriers. I do not think that is the purpose of the Senator from Wisconsin, but the amendment provides that the pipe-line company shall be required to accept reasonable rates for the transportation of oil——

Mr. LA FOLLETTE. And without discrimination.

Mr. POINDEXTER. And without discrimination—if oil of the Government or other producers not owning a pipe line. The law as it is at present requires pipe-line companies as common carriers to accept at reasonable rates oil from anybody who offers it in accordance with the regulations governing common carriers.

Mr. LA FOLLETTE. If the Senator desires to offer an amendment to strike out the words "not the owner of any pipe line," very well. I included these words because I thought they would strengthen the amendment a little. That language would not compel pipe lines to receive the products of a competing company having a pipe line, but I should be very glad to have the amendment adopted in its strongest form, and, if the Senator will suggest that amendment, I will not object to letting the vote be taken upon it.

Mr. SMOOT. Mr. President, as I understand the law now, no matter whether a company has a pipe line or not, if it desires its oil carried in any particular pipe line, under the law the oil is required to be carried at a reasonable price.

Mr. LA FOLLETTE. The law is broad and is enforced.

Mr. SMOOT. I am perfectly willing to let the amendment come to a vote.

Mr. LENROOT. Mr. President, certainly it can not be necessary to adopt the amendment suggested by the Senator from Washington, because the proposed reservation can not change the obligations of a common carrier pipe line. It merely adds to it by reservation, if the obligation does not otherwise exist; that is all.

Mr. LA FOLLETTE. If the common carrier pipe line is a lessee, it would change his obligation.

Mr. LENROOT. Not as between the carrier and the citizen.

Mr. LA FOLLETTE. No; but it can as between the carrier and the Government of course.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin as modified.

The amendment as modified was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. LA FOLLETTE. I have another amendment which I will propose.

Mr. WALSH of Montana. If the Senator from Wisconsin is not ready, I will tender the amendment I referred to a while ago.

Mr. LA FOLLETTE. I will be very glad to have the Senator do that.

Mr. WALSH of Montana. Mr. President, it is the purpose of this act to limit the holdings of any one person to 2,560 acres; but under the provisions of section 26 no one can hold more than one lease on land containing coal, phosphate, or sodium, even though that lease be for less than 2,560 acres. Of course it may often happen that in a certain locality the land available would be much less than that, and I think it would be entirely within the spirit of the bill if one were permitted to take any number of leases, but not covering an aggregate of more than 2,560 acres.

Mr. SMOOT. Does the Senator mean of the different minerals?

Mr. WALSH of Montana. No.

Mr. SMOOT. As to the different minerals that is provided for by the bill.

Mr. WALSH of Montana. Oh, yes; but take coal, for instance. A person is unable to get in a certain place more than 640 acres because the remainder is all patented. A mile away, however, there is another tract which is open to entry. I have particularly in mind the case of phosphates. Deposits of phosphates, as Senators who are familiar with certain sections of the country well know, are often cut by erosion, so that, as I recall, in one place in my State the bed crops out on one side of a gulch and then the gulch cuts it, but it is perfectly apparent on the other side of the gulch possibly a mile and a half or two miles away. I presume probably that a man may run his lines, if he applies for 2,560 acres, over patented ground that would be included within his exterior limits, of course

his lease extending only to the unpatented ground within the area as is done in patenting quartz mining claims and placer mining claims; but in any case the area which will be available to him will be reduced. My idea is that he ought to be permitted to take leases of coal lands no matter how many the number up to an aggregate of 2,560 acres.

Mr. LENROOT. Mr. President, I should like to ask the Senator whether he has considered, especially with reference to coal, that if we permit a number of leases up to an aggregate of 2,560 acres it might result, at the entrance of a canyon, for instance, in bottling up the entire field or deposit and prevent any real working of a very large area?

Mr. WALSH of Montana. I do not think there is any very just ground for apprehending such a situation——

Mr. LENROOT. I think there is.

Mr. WALSH of Montana. Because, let me say to the Senator, that a man would have the right if the deposit lies in an entire body even across a canyon to take it up——

Mr. LENROOT. That is true.

Mr. WALSH of Montana. And thus under the bill, as it stands now, the condition to which the Senator refers may arise.

Mr. LENROOT. But 320 acres might lie across one canyon and if one person is permitted to take a number of leases up to 2,560 acres he might tie up a half dozen canyons.

Mr. WALSH of Montana. That could be easily remedied by a provision similar to another one in the bill limiting the area within which the leases could be taken. I think that on reflection Senators will not find any serious objection to that arrangement. That is really the plan we have in mind—to give a man an opportunity to take up 2,560 acres of coal.

Mr. JONES of New Mexico. Mr. President, I should like to call the Senator's attention to the provisions of section 2, on page 2 of the bill, which provides that the Secretary of the Interior is authorized to classify the lands—

into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts.

I think probably that would cover the objections raised by the Senator from Wisconsin. It would, I think, enable the Secretary of the Interior to prevent the condition referred to by the Senator from Wisconsin.

Mr. SMOOT. Section 26 of the bill specifically states, however, that as to coal, phosphate, and sodium there shall be only one lease within the State, and that is the provision the Senator from Montana has reference to; and really, I want to say to the Senator from Montana, I think it is a very wise provision. I do not believe that any corporation or any individual ought to be allowed within a State to have leases covering four sections altogether. I think it would work a great deal more hardship than it would possibly do any good, and I hope, therefore, the Senator will not press his amendment.

Mr. WALSH of Montana. Mr. President, I really can not anticipate any situation in which any possible harm could result. It is not at all unlikely that it will be construed by the department that these tracts must be contiguous; and you can very readily understand that there might be a tract of coal of 160 acres only and then adjacent to that, and, indeed, surrounding it, patented lands, and then at some distance farther, a mile away, there would be other coal lands. Now, it is not impossible that they would all remain entirely idle, because they could not be included in one lease, and the company would be unable to get the two leases, and the result would be that that land which would otherwise be developed would not be developed at all.

Mr. LENROOT. Oh, there are provisions in the bill that would take care of that when one became worked out.

Mr. WALSH of Montana. I did not understand the Senator's statement.

Mr. SMOOT. There is a provision in the bill that wherever there is a lease, and the coal has been worked out, there can be an extension of the lease to other tracts of land.

Mr. WALSH of Montana. That does not help the situation.

Mr. SMOOT. No; that does not meet the situation.

Mr. WALSH of Montana. That does not help the situation at all. That would result in this way: The man would be forced to take the lease on the 160 acres, if he took any lease at all, having no right whatever to the other. By the time he got his 160 acres worked out the other might be appropriated.

Mr. SMOOT. I will say to the Senator that the theory of this bill, as of course he knows, is that it is not profitable to take a smaller tract of coal land than 2,560 acres, and certainly not with phophate and sodium. In other words, if it is a smaller tract than that, particularly with coal, the expense of maintaining and operating it, putting in the necessary tipples, and arranging for the sidetracks and everything connected with it, would hardly justify doing so unless they had that quantity of coal.

Mr. WALSH of Montana. Mr. President, that is just exactly the point that I am endeavoring to impress upon the Senator. Take the case of a man operating a coal property. The vein is exposed upon both sides of a wide gulf, and under this language he can get only what is on either side. We will say there is 640 acres upon either side of this gulf. He could get only the 640 acres.

Mr. LENROOT. Not if that is all public land. If there are private lands about it, has the Senator considered section 6, which expressly provides for the case the Senator now speaks of?—

That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit.

Mr. WALSH of Montana. I am very glad the Senator called my attention to that. It had escaped my notice. What is the section to which the Senator refers?

Mr. SMOOT. Section 6.

Mr. LENROOT. But it must be operated as a single mine or unit.

Mr. WALSH of Montana. Of course. That is what I have in mind.

Mr. SMOOT. That is what the Senator desires, as I understand.

Mr. LENROOT. It is fully taken care of.

Mr. WALSH of Montana. But that applies only to coal lands. The same situation, however, exists with respect to phosphate and sodium, particularly with respect to phosphate. If a provision like section 6 were put in with relation to phosphate it would meet all my desires.

Mr. SMOOT. Then why not amend section 6 by inserting, after the word "coal," on line 14, the words "and phosphate," so that it would read:

That where coal and phosphate lands, aggregating, respectively, 2,560 acres.

Mr. WALSH of Montana. I offer that, Mr. President, as my amendment, leaving it to the Secretary of the Interior under the conditions I have in mind.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Montana.

Mr. SMOOT. It would be better to put in, after the word "coal," the words "or phosphate," on line 14, page 4.

The SECRETARY. On page 4, line 14, in section 6, after the word "coal," it is proposed to insert the words "or phosphate," so that if amended it would read:

That where coal or phosphate lands aggregating 2,560 acres—

And so forth.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Montana.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair suggests to the Senator from Utah that in the case of section 20, the vote upon which was reconsidered and an amendment adopted to it, the section has not yet been agreed to as modified. The Chair is so informed. Without objection, the section as modified or amended is agreed to.

The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. LA FOLLETTE. Mr. President, I move the adoption of the amendment, which I now send to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. On page 15, beginning with line 11, it is proposed to strike out all of section 18, or all down to and including line 24 on page 17.

Mr. LA FOLLETTE. Mr. President, I ask to have the Secretary read that portion of the bill which the amendment proposes to strike out.

The PRESIDENT pro tempore. The Secretary will read the section proposed to be stricken out.

The SECRETARY. The Senator from Wisconsin proposes to strike out all of section 18, which begins on line 11 of page 15, and reads as follows:

SEC. 18. That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this act, of all right, title, and interest claimed and possessed since prior to July 3, 1910, by the claimant or his predecessor in interest under the pre-existing placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced and saved from such land, the claimant, or his successor, if in possession of such land, undisputed by

any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent nor more than 25 per cent of all the oil or gas produced and saved: *Provided*, That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provisions of this section when the area of such geologic oil structure exceeds 640 acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced and saved after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of 660 feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith, and all moneys impounded in such suits or under the act of August 25, 1914 (38 S. L., p. 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant, and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear.

Mr. LA FOLLETTE. Mr. President, I have had printed some amendments that I desire to offer before the bill is reported to the Senate; and before submitting the amendments to the consideration of the Senate I desire to make some general observations upon the bill as a whole and upon the entire subject with which this measure deals.

There are two interests affected by this bill in which I feel a considerable concern. One is the public, the American citizen, the consumer. The second is the interest of the Government and the effect of this legislation upon the destiny of that Government and its place as a sea power.

First, Mr. President, from the standpoint of the public interest. The bill deals with the vital question of fuel, and how vital that question is was very profoundly impressed upon us when the war came and the shortage of coal that resulted from war conditions followed. We had not in the years gone by been so greatly impressed with the advancing price of coal for general consumption over the country. It is true that within a few years we had seen the price of coal advance very rapidly. I am speaking now of the conditions that prevailed before the war came upon us. We had seen the price of coal for warming the homes of the people of the country climbing higher and higher and higher. We have only need to go back a few years in the history of the country to realize what it means to have the coal that goes in the homes of the people of the United States pass under a single control. Mr. President, there was a time when individuals owned the anthracite coal of the United States. There was a time when that coal sold under competitive conditions at $2.50 a ton at the seaboard. The fields that supplied that coal are a very limited area—three little deposits of anthracite coal which if you could bring them together into one body would make only a limited area 8 miles by 60 miles. That is the distinctly anthracite-coal supply of the United States. We will be told that there is anthracite coal in Alaska; that there is a quality of bituminous coal in Colorado and in other places that approaches somewhat the quality of anthracite. I give it to you as a result of my investigation, based upon the report of the Geological Survey, that the purely anthracite coal of the United States is in three small areas.

Now, allow me step by step and rapidly to trace the history of the consolidation of the anthracite coal supply of the United States into the hands of one monopoly. It is a matter that I think we ought specially to consider with regard to this bill—the question of monopoly control—not ownership, because it is a leasing proposition, but it approaches, as I view it, very nearly under its provisions to a monopoly control of title by the provision with respect to perpetuating leases. I will come to that a little later in my discussion.

The three coal fields of which I have been speaking were located in Pennsylvania. Eight railroads ran into those three coal fields. The railroads saw the anthracite supply of coal was limited and that there was an opportunity to secure a monopoly of a product vital to the fuel supply of the people of the United States. I am giving you a history that can not be disputed when I say those railroads entered into a conspiracy to increase the freight rates upon the individual owners of the anthracite coal lands. They carried it to such a point as to compel the owners to part with the title to those coal lands to the railroads, the same railroads that furnished the only means of shipping coal out of these three anthracite coal fields of the United States.

Mr. SHEPPARD. Will the Senator from Wisconsin give us the names of those roads?

Mr. LA FOLLETTE. I am not able to do so offhand.

Mr. SHEPPARD. Will the Senator put them in the RECORD?

Mr. LA FOLLETTE. I will refer the Senator to the data from which he may secure all this information. This has all been developed by congressional investigation. Everything that I say here has back of it the report of a congressional committee or of a legislative committee upon this subject.

The eight railroads advanced the freight rate upon the individual owners of the anthracite coal lands until they could not afford to ship a single pound of coal to market. Mr. President and Senators, that impressed itself as a matter of deep concern upon the people of the State in which those three coal fields were situated—the State of Pennsylvania. What did they do? They called a constitutional convention with a view of prohibiting the railroads from carrying out their plan of securing the ownership of those coal lands. That constitutional convention was held in 1874 in the State of Pennsylvania. It adopted an amendment that wrote into the constitution of the State of Pennsylvania a provision that no railroad company should own a foot of land for mining purposes.

The legislation which now engages the attention of the Senate of the United States is the culmination of a struggle of private interests to control coal and the other natural resources of the country as against the interests of the people of the United States and the United States Government. I am giving you here a little of the preliminary history that may indicate to you the size and the vital importance of the fight you have upon your hands.

Mr. President, after the constitutional provision was adopted the representatives of the people of Pennsylvania went home from the convention with the belief that having written that amendment into the fundamental law of Pennsylvania they had secured emancipation for the individual owners of coal lands from the terrorism, the conspiracy, and the tyranny of the eight railroad lines that entered those coal fields. They were certain that the railroads would thereafter be barred from engaging in coal mining, and therefore there would be taken from them the incentive to increase freight rates upon the individual owners of coal mines and coal lands in order to force them to part with their property to the railroads.

Mark the next step in the history of this business. Do you think the railroad companies that entered these coal fields had any regard for the action of the State of Pennsylvania or for its citizens in writing that provision into their constitution? No. If you entertain such a belief, you do not know the power and the audacity of the interests that set out to control the natural resources of this country. It required an enacting clause by the Pennsylvania Legislature to enforce the constitutional provision. What did these railroad companies do? They went to Harrisburg and they bribed the legislature. Everybody knows it now. They prevented the passage and the adoption of the enforcing statute, and they went on putting up the freight rates on the individual owners of anthracite coal property until one after another they were obliged to take not what the property was worth but just what the agents of the railroad companies chose to pay.

It is a story of tragedy. It would deeply interest any Senator to read the history of that transaction, but it has only been written by a few men who have had the courage to write the history of that event.

I have been a student of this question and of other questions kindred to it. I do not think that it is any wonder that there are people in this country who are disturbed about this legislation. They may not understand its provisions, but I have been in receipt of telegrams here for two or three days from the West. No; they are not from farmers. They do not become active, perhaps, until they begin to pay the advanced prices for the oil. Perhaps the telegrams are from parties interested in some way adversely to the parties who are to be benefited by this legislation. I do not vouch for these telegrams, but I will put them in the RECORD, because it is my belief that every one by petition—and these telegrams are in the nature of petitions—has a right to be heard here. It is a poor right, Mr. President; it does not result in very much to the people who petition us. We receive their petitions, we send them to a committee, and they find their way into a waste-paper basket in a little while; but the

Constitution—so much of it as we have left—says that the right of petition shall not be denied. So, viewing the telegrams that have come to me in that light, I am going to put them into the CONGRESSIONAL RECORD and give to these people an opportunity to have their voice heard here.

[Telegram.]

LOS ANGELES, CALIF., *August 22, 1919.*

Senator ROBERT M. LA FOLLETTE,
United States Senate, Washington:

The entire West is getting aflame with rage against the pending infamous land and mineral leasing bill. Protests are being signed by bankers, manufacturers, merchants, professional men, supreme court and superior court judges, ex-governors, miners, and laborers by the thousands throughout the West, to be submitted to Congress. Mass meetings are being arranged, and every western Senator and Congressman supporting the bill will face this fury. The West has been lied to and betrayed and is now being sold out to England, for whom this bill is intended, to confirm their oil and mineral world monopoly. We beg you to oppose and kill the bill. Read the Husting report to the Senate; also this telegram.

D. J. GRAUMAN,
E. N. ROUTHE,
EDGAR TEMPLE,
GEORGE LEPAGE,
BEN MCLENDON,
Committee on Legislation.

From some of the same people who signed that telegram I received, two days later, the following:

[Telegram.]

LOS ANGELES, CALIF., *August 24, 1919.*

Senator ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Thanks for your distinguished courtesy. We are committee on legislation for thousands organizing in West against damnable leasing measure, making peons and tenants of westerners for English Government, now establishing commercial empire in United States soil. Senate seemingly acquiesces in having English Empire purchase all producing American oil properties in Western States. We demand that publicity be given to all public officials who held or now hold stock in properties recently bought by English Government in California and Mexico. We demand that investigation be made of the $150,000 alleged to have been paid to have Interior Department clear-list for patent millions of dollars of oil land not subject to patent which has recently become the property of the English Government. We demand to know who maintained great lobby in Washington for this leasing bill, $225,000 of which can be shown. We want to be shown why out of 13,000,000 acres of oil land withdrawn by presidential proclamation from entry, excluding American citizens, only 160 acres affected English holdings in California. We want to know why American newspapers refuse to publish any protests by American citizens against this leasing bill. We want to know what relationship this bill bears to the acknowledged world monopoly of the English Government. We want to know why Congressmen and Senators have not read telegrams and letters and memorials on the open floors of the Congress Halls, sent by reputable citizens and organizations, who want to know why congressional committees have only sounded the opinions of oil men who had properties to sell to the English Government when seeking public sentiment on this leasing measure. We want to know why Interior Department drove American locators off potash lands on technicalities and patented 40,000 acres to an English corporation. We want to know what powerful influence is behind this leasing measure, so often repudiated. Great mass meetings being arranged all over West. Gov. Meikeljohn, of Nebraska, and Hon. Ben McLendon, of California, open western campaign this week. Speakers and meetings being arranged in all States. Railway strike impedes this work. A national issue being made. We trust you as a defender of American rights. Long lists of signers to protest will be mailed you.

D. J. GRAUMAN,
EDGAR E. TEMPLE,
P. M. GREENLEE,
E. R. CLARK,
E. N. ROUTHE,
GEORGE LEPAGE,
Committee on Legislation.

Mr. JONES of New Mexico. Mr. President, will the Senator yield for a question?

Mr. LA FOLLETTE. I will.

Mr. JONES of New Mexico. I understood that the telegram which the Senator has just read was signed by certain parties designated as a "committee on legislation."

Mr. LA FOLLETTE. I read just what is in the telegram. The Senate can judge about that itself.

Mr. JONES of New Mexico. I should like to know, if the Senator has the information, as to who has appointed the committee?

Mr. LA FOLLETTE. When I have read these telegrams, the Senate will have the information that I have about them. I want that understood. I do not feel at liberty to suppress them because they came to me. I want the Senate to have the same information with regard to these matters that I have, and so I present them.

[Telegram.]

DENVER, COLO., *August 24, 1919.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate Office Building,
Washington, D. C.:

On behalf of claimants whose rights are attempted to be taken away in the pending oil-leasing bill, and who have not had an opportunity to urge their rights before Congress, as the large oil interests have, I desire to enlist your opposition in Senate to the pending bill. Section 18 of bill is unjust in many ways, and particularly in attempting to adjudicate rights of rival claimants as between themselves by providing that the claimant in possession (even though his possession may not be legal or right) where possession has not been disputed prior to July 1, 1919, should secure lease from Government. This provision thereby attempts to give lease to even those who have no legal or equitable rights. If rival claimants have for any reason been unable to dispute said possession prior to July 1, there should be an amendment changing the date July 1, 1919, to a reasonable time after passage of the bill, so that rival claimants could adjudicate their rights in court, and successful claimant could then, if he desired, surrender his claim to Government, and secure lease. I can not believe majority of the Senate desire to destroy the rights of poor claimants who have been unable to dispute possession of large interests prior to July 1 by court proceedings. If you can secure this amendment you will be protecting hundreds of poor claimants against an attempted destruction of even their legal remedies.

M. A. HERSHEY.

Mr. KING. Mr. President, will my friend yield for one observation? It is not really a question.

In the first telegram which the Senator read, as I remember, the statement was made that it was reputed that the Interior Department had received $150,000 for clear-listing certain claims which it passed to the English Government or to Englishmen. I want to protest against any such slander as that contained in that telegram. I have not agreed with Secretary Lane and with many of the administrative acts of the Interior Department. I think the Interior Department has been arbitrary in many ways in the interpretation of the law and has not been liberal enough in behalf of the claimants for mineral as well as for agricultural lands, but I venture to state that no more honest official than Secretary Lane can be found in this or any other country, and I make the same statement with respect to all of the officials of the Interior Department. They are men of ability and of the highest integrity, and, in my opinion, all the money in the world would not swerve them a hair's breadth from their duty as they conceive it to be.

Mr. LA FOLLETTE. Well, Mr. President, I will proceed. The junior Senator from Utah may have occasion, before I finish, to revert to this subject again. I have in my possession the report made by my late deceased colleague, Senator Husting, of Wisconsin. I purpose to present such portions of that report as are material to the consideration of this legislation. It may raise, if not with respect to the Secretary of the Interior, with respect to some of the employees of the department the question to which the Senator from Utah addressed himself, and I might say to him that if I present all of that report it will interest him, and may call upon him for something more than a personal expression of confidence in the integrity of the whole department.

I read another telegram, Mr. President:

[Telegram.]

DENVER, COLO., *August 24, 1919.*

Senator LA FOLLETTE,
United States Senate, Washington, D. C.:

Oil-leasing bill a Standard Oil measure, and menaces western oil interests. Standard Oil, New Jersey, owns 80 per cent stock Imperial Oil Canada, which controls Midwest Refining, and it controls Merritt Oil Corporation, Grass Creek Petroleum, Western States, Utah Oil & Refining, Mountain & Gulf, Boston, Wyoming, with long contract for entire production of Midwest Oil Co. and its subsidiaries and many others operating in all Wyoming districts. Passage means Standard Oil control of western oil production. Honest investigation under Phipps resolutions will tell story. Time permitting could furnish petition against passage with thousands of signers. Standard Oil legislation as popular in Colorado and West as smallpox.

FRED W. PARKS.

I do not know Mr. Parks.

Mr. THOMAS. Mr. President, Mr. Parks is a member of the Colorado bar.

Mr. WALSH of Montana. Mr. President, is the Senator able to tell us whether Mr. Parks appeared before the Public Lands Committee to express the views shown in the telegram or to explain to the committee how it is that this is a Standard Oil bill?

Mr. LA FOLLETTE. Why, Mr. President, I am not a member of that committee.

Mr. WALSH of Montana. Neither am I. I thought possibly the Senator might know.

Mr. LA FOLLETTE. I do not know whether or not Mr. Parks was advised that he might appear. I am just presenting to the Senate, without explanation or addition or subtraction, telegrams which have come into my hands, in order that the Senate may have as much information about those telegrams and about the senders as I have. I know none of them. They are strangers to me, as I stated a while go. I do not know whether they had an opportunity to appear before the Public Lands Committee or not. I do know that very early in this session a desire was manifested to hurry this legislation along.

Mr. WALSH of Montana. The Senator may recall that I asked several times, at least twice, when we might expect the report of the committee on it.

Mr. LA FOLLETTE. I do not remember that. I may not have heard that.

Mr. WALSH of Montana. I will advise the Senator that I did so; but I was particularly concerned to learn, if the view was not expressed by Mr. Parks, if the view was expressed

before the committee by any other witness in elucidation of the charge that this is a Standard Oil bill.

Mr. LA FOLLETTE. Mr. President, I think the members of the committee would be more competent to answer that question than I. They conducted whatever hearings were had, if any were had. I only know this: I know that this bill came in without any report at all from the committee—quite an unusual proceeding with a measure as important as this—a bill that proposes to dispose by lease, which can be renewed every 10 years, unless legislation can be secured to stop it, for all time to come.

Mr. WALSH of Montana. I did not intend to draw out any argument from the Senator upon the general merits of the bill, but I am particularly concerned, because I have been urging the legislation, to learn from some source how this comes to be a Standard Oil bill.

Mr. LA FOLLETTE. I do not know whether it will be within my power to contribute anything to the discussion here which will tend in the slightest degree to enlighten the Senator from Montana. I just propose, as best I can, with such facts and arguments as my humble ability and means will permit me to lay before the Senate, to discharge my duty as a Senator here upon this floor regarding this legislation.

Mr. WALSH of Montana. Mr. President, I desire to say in this connection that no Senator upon the floor that I know anything about is more competent to do so than the Senator from Wisconsin. I do not find any fault with him at all. I am particularly concerned with the charge made in this telegram—that is all—because it was suggested early in the debate that some people were apprehensive that that was the case; and I have waited with some degree of patience, I think, to learn just how we have been so hoodwinked.

Mr. LA FOLLETTE. Mr. President, I should be glad to have any Senator here stand up on the floor and say whether any of the numerous representatives of Standard Oil who are about the Senate Chamber and in the galleries have solicited the opposition of any Senator to the passage of this bill. I think that might shed a little light on it. They are here. There is not any doubt about that.

Mr. SMOOT. Mr. President, as chairman of the Public Lands Committee, I will say that as far as I know no person interested in the Standard Oil Co. in any way has either asked for the legislation or protested against it. I will say that they have never done it, as far as I personally am concerned.

I do not understand that the Senator from Wisconsin is reading these telegrams because he approves them. I know the Senator from Wisconsin knows there are not 13,000,000 acres of oil lands withdrawn in the United States. I know the Senator from Wisconsin knows there are not more than 6,500,000 acres, and that land, it is understood by the Geological Survey, is only land that perhaps may contain oil. Yet the sender of the telegram makes it appear that there are 13,000,000 acres of oil land withdrawn in the United States.

Mr. LA FOLLETTE. I did not assume to correct anything in the telegrams. I presented the telegrams just as other Senators here present letters and telegrams and memorials every morning from people all over the country, which are noted in the CONGRESSIONAL RECORD.

Mr. PHELAN and Mr. WALSH of Montana addressed the Chair.

Mr. LA FOLLETTE. Just a word more, and then I will yield. In the first place, there can not be any legislation before the Senate of the United States dealing in a broad way with oil interests without the representatives of these big oil companies being present. That I think would be accepted by everyone.

Mr. SMOOT. In all fairness, and I know the Senator from Wisconsin wants to be perfectly fair, it is true there was no report made upon this bill, but as I said in my opening statement the legislation has been before Congress for 10 years. I can take the Senator from Wisconsin or any other Senator over to the committee room of the Committee on Public Lands, where there is not, I will say to the Senator, a ton of hearings, but there are tons of hearings. We have had hearings upon this legislation year after year. The Senator knows, because I think he has read the hearings, that there is repetition after repetition, the same testimony given each time a hearing is had. The Committee on Public Lands thought that it was perfectly useless to have any more hearings upon this line of legislation.

As the Senator from Wisconsin knows, in the past I have been opposed to a leasing system; but the resources of the West have been held up. Nearly 100,000,000 acres, besides the forest withdrawals, in the West are lying undeveloped, and no power on earth can develop those lands until some legislation is passed, because that has been the policy not only of this administration but of former administrations.

So I admit to the Senator that, as far as I am concerned, I decided that I did not want a bill, as was suggested here at the last session, where there was a foot of land taken out of the ownership of the Government of the United States. It ought to be a leasing proposition entirely. I also decided, as far as I was concerned, that I wanted that leasing bill to be the very best bill that could possibly be made. I say now, without fear of contradiction, that if this bill becomes a law neither the Standard Oil Co. nor any combination of men on earth can control the development of the natural resources of the country.

I wanted to say that much to the Senator, because I know he is interested in this class of legislation and has been from the beginning as deeply interested as any man in the United States.

Mr. WALSH of Montana. May I interrupt the Senator from Wisconsin now?

Mr. LA FOLLETTE. I should like to add just a few words further before I yield.

I had started to say in reply to the first interruption of the Senator from Utah [Mr. SMOOT] that the fact that legislation involving the disposition, even though it be by lease, of all the remaining oil lands of the United States could not well be pending before the Senate of the United States or the Congress without the representatives of Standard Oil, and other big concerns that have sought to acquire a monopoly control over that important product to the life of the American people, being present and having an eye upon it. There is not a word or syllable in the bill that they do not know just as well as any Member of the Senate, and it may be a good deal better. They know the scope and purpose and effect of it; they know the effect of the decisions which have been made in cases; they know its relation to the holdings of the Interior Department; they know its relation to the rulings of every authority in the United States that would have anything to do with its administration. In short, they know all about it. The fact that they have been on the ground and have not made any protest against this legislation leads one to wonder. I said a moment ago I would like to have any Senator rise in his place on this floor and say that he had been called upon by a representative of one of the big oil companies protesting against the passage of the bill. If they are here in opposition to the bill, I should like to know it. If it suits them so perfectly that they are not raising any question about any provision in it, I should like to know that fact also.

Mr. JONES of New Mexico. Mr. President, I should like to ask if it would not be a fairer inference for us to assume that such representatives would feel that a petition of that kind would be wholly useless, that they could not expect the Senate to enact legislation which would produce the ill effects of a monopoly such as the Senator has described as having been instituted by the Standard Oil Co., and would not those representatives feel a delicacy in coming to Senators with a proposition looking to that end? Would it not be useless for them to come to Senators with any such proposition and might not that explain their absence?

Mr. LA FOLLETTE. It is possible, Mr. President, that the Standard Oil Co. and its lobbyists have a new view of things and that they are supersensitive about saying anything to anybody about legislation, but that hardly comports with their history down through the years. Standard Oil has been the most brazen, the boldest, the most aggressive violator of the law that legislative bodies in any country ever had to contend with. It has driven people all over this country out of business, crushed competition, and driven competitors to suicide. It has had in its employ the employees of competitors who have sold to it the secrets of those competitors. There is nothing that is reprehensible that the Standard Oil Co. has not done. There is not anything that requires boldness and craft and brazenness that they have not acquired. I do not know why they might not have called out some Senators and said, "This measure is not just fair."

Mr. JONES of New Mexico. I have been connected for about six years with this question, of course not all that time as a Member of this body; and I think I can safely state to the Senator that the only purpose which anybody has ever had in framing this legislation is so to devise a plan that these public resources may be developed and that there shall be no monopoly. That has been the purpose of everybody connected with it, so far as I have been advised, and if we have failed in the bill to so provide it is simply because we have not the intellectual capacity so to do.

Mr. LA FOLLETTE. I am coming to that question a little later in my discussion.

I want to say, and I might as well say it right now, that I realize and sympathize with the views of western Senators who have had such large areas of land withdrawn from development

in their respective States. I know it throws a very heavy burden upon the taxable lands of the States, and I know, too, that they are looking after the interests of their constituents as consumers of these products. They hope to see by the development which will take place under these measures larger production and competition, a lowering of prices, and a supply to consumers on better conditions. I can sympathize with that, because as a younger man than I am now I lived through exactly that sort of condition in the State of Wisconsin. We had vast natural resources——

Mr. WALSH of Montana rose.

Mr. LA FOLLETTE. Will the Senator pardon me if I yield a moment later? Will the Senator interrupt me again?

Mr. WALSH of Montana. Very well.

Mr. LA FOLLETTE. Wisconsin was one of the finest timber States in the United States. We went through a similar struggle in Wisconsin in regard to our vast timber resources. We had the same argument made to us there that you hear day by day from the western Senators here. It is all an old chapter to us. We did with our timber what you propose to do here. They swept it off; they organized their lumber trust; they exploited the people of Wisconsin. We got very little benefit from their "development." They devastated the northern half of the State by leaving conditions there which produced annual fires that swept over it and made a large portion of it a charred and blackened waste year after year.

These great lumber organizations, enriched by the despoliation of our natural resources in Wisconsin, became the dictators of the public policy of the State. They took charge of legislation and exempted themselves from taxation up in their timberlands. They were not content with that. They became interested, of course, in the transportation problem. They went in with the railroads of Wisconsin, and became a great force, a great corrupting force, in that State. I undertake to say that Senators from the West fully realize how the Amalgamated Copper Co., a great mining organization, has gone into your western country and under the name of development acquired control by corporations and by syndicates of your great natural resources, amassed great wealth, dominated your politics, elected your governors, controlled your State legislatures, and entered contests for United States Senatorships.

These high-handed methods finally resulted in the education of the public until out of it there grew a widespread demand for the conservation of these natural resources. It had its beginning along about 1906.

What took place with regard to timber in Wisconsin, Michigan, and Minnesota has taken place with regard to coal and iron and copper and other mineral resources throughout the country. We have looked on quiescently while these great natural products have been absorbed and have passed under the control of the great monopolies, and then we marvel, Mr. President, at the cost of living climbing higher and higher year by year. What idiocy that is! What stupidity! What can be expected if the iron, coal, copper, and timber, which control the cost of everything else, are in the hands of monopolies, with the result that they fix the price?

Mr. President, this bill comes before the Senate as a leasing bill, and, therefore, disarms much criticism that was leveled at the conference report of last session.

Mr. WALSH of Montana rose.

Mr. LA FOLLETTE. I beg pardon; I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I thank the Senator very much, but the matter to which I desired to direct attention was discussed by the Senator some time ago. I was simply concerned in the statement of the telegram that this was a Standard Oil bill, and I felt that the Senator would probably indulge me at this time to say just a word about the genesis of this bill. It is easily traceable, because in every essential respect——

Mr. LA FOLLETTE. I would not like to yield for any lengthy statement by the Senator.

Mr. WALSH of Montana. Oh, no; I shall not take 60 seconds.

Mr. LA FOLLETTE. Very well. I yield, with pleasure.

Mr. WALSH of Montana. The genesis of this bill goes back to a bill which was introduced in 1913 or 1914, it being in all essential particulars like this, although, of course, differing somewhat in details. That bill was introduced by myself, having been prepared by a committee called together by Secretary Lane, consisting of the chairmen of the Committees on Public Lands, the chairmen of the Committees on Mines and Mining, and the chairmen of the Committees on Agriculture, if my recollection is correct, of the Senate and House of Representatives. They, in conjunction with Secretary Lane and his assistants, prepared the bill. That is all I care to say about this being a Standard Oil bill.

As the Senator from Wisconsin has very justly and very fairly stated, it would be impossible to frame a bill dealing with the great subject of oil that would not invoke the interest of the Standard Oil Co., and I dare say, in the absence of any further information about the matter, that that is the entire foundation of the statement in the telegram that this is a Standard Oil bill.

I shall gladly join with the Senator from Wisconsin in any amendment that he may have to proffer to insure, what was the purpose of the framers of the bill originally, that no advantage could be taken of it by the Standard Oil Co. to increase its monopoly upon the American people.

I want to take this occasion to say also, as the Senator said something about the matter, that this bill affects 10,000,000 acres of land in my State, most of it being coal land; some 8,000,000 acres, as my recollection is, being coal lands, the remainder being oil and phosphate lands. I will put into the RECORD the correct amount. That comprises nearly one-eighth of the great State that I have the honor in part to represent here. That land, as the Senator has indicated, has been tied up for years. Now, I should like to ask the Senator from Wisconsin to imagine that one-eighth of the total area of the land in his State were held in one ownership and that the owner of that land declined to convey it at all to anybody or to lease it to anybody for development or use or operation. I undertake to say that it would raise a revolution in the State of Wisconsin. If, in addition to that, that owner, who would be regarded as a public enemy by reason of the holding of the land of that area, had in some way or other secured exemptions from taxation for State, county, or local purposes, it would raise a protest.

I feel like expressing to the junior Senator from Wisconsin [Mr. LENROOT] the appreciation of the people of my State of his interest in this measure and of the help he has afforded toward bringing it to a culmination. I am very glad that the Senator from Wisconsin has tendered a number of amendments, to which my attention has been called and to some of which I can give my hearty concurrence. I trust, however, that he will appreciate that it is easy to stimulate undeserved opposition to this bill by merely characterizing it, even by indirection, as a Standard Oil bill.

Mr. LA FOLLETTE. Well, Mr. President, as I suggested a moment ago, I can understand the attitude of western Senators toward this legislation. I know, in a way, what it means to have large areas of a State segregated and placed apart so that they can not be settled and disposed of. The northern area of Wisconsin, embracing what are known as cut-over lands, which have been subject to annual fires, could not by reservation by public authority have been taken much more effectually out of sale or occupation. That area has been an eyesore in the State for a good many years. Now, we have overcome the prejudice that resulted from that sort of thing. We have at State expense patrolled that area and reduced the damage by fire, so that those lands are now coming into cultivation and are coming to be regarded as a very productive accession to our agricultural lands. That section in time will be one of the best parts of the State. We have, however, suffered in a way in the State, not in all respects as the Senator's State has suffered, but in a way we have had an opportunity to know something of the feeling. For that reason I have had a great deal of sympathy with the western view upon this question. It must be recognized, Mr. President, that the exploitation of the natural resources of our country has made this question a vital matter, a burning question in every home not only to the people of the State who would like to see development, but to the people in every section of the country who have an interest in the coal and the oil and the other natural resources that are in the Government holdings in the respective States. So we have come, Mr. President, to have some estimate of the national value of these products and of the national interest in them.

Our coal supply will last for a long period of time; but the monopoly of that coal supply amounts to almost a denial of its use to the poor people of this country. As to our oil, so far as we know the quantity is limited, and with the present consumption of oil in a few years the known supply will be exhausted. As to phosphates, the situation is somewhat problematical. We are hopeful that we are going to develop large resources in that direction, but we do know that a very large area of our country has become almost totally unproductive for the lack of phosphates and other fertilizer. We know that even in the fertile Middle West the yield of the wheat fields, which have been harvested again and again for the last 20 years, is falling off every year, which makes proper solution of this problem a vital thing to the life of the Nation and the position it will hold among the nations of the world. So, while granting your deep interest in it, your home interest, your local interest, we can not altogether forget that the question of the control of these great

national resources affects most intimately every home, the feeding of every family, and everything that goes to take care of life and makes it possible.

Mr. WALSH of Montana. Mr. President, I am indebted to the Senator for his courtesy in the matter; but, speaking of phosphates, I am reminded that the matter is by no means one of local concern. The Senator is quite right that the productiveness of our wheat fields, as shown by the records, is diminishing; and it is a part of the plan of the utilization of these phosphate deposits in the West, which are of great extent and area, to inaugurate a campaign to educate the people of the Central West and Northwest, who have never been accustomed to use commercial fertilizers at all, to the benefits that would accrue to them by the use of phosphates and nitrogenous fertilizer. Even now our agricultural resources could be vastly increased by the application of such fertilizers. That is a part of the plan that is in mind, but, of course, so long as the insoluble rock lies out there in my State and in the States of Idaho and Wyoming it is not doing anybody any good.

Mr. LA FOLLETTE. Well, Mr. President, all of this general discussion, of cource, bears upon the bill that is before us. It seems to me that any such bill, in view of the experience that we have had in this country, ought to be carefully considered and analyzed. The most important question, from my point of view, is whether this bill makes for the emancipation of the people of this country from monopoly control of these products or whether it will result in a still further extension of the monopoly control of these products.

I think there is a wide difference between the bill that is pending here and the bill that was presented in the conference report at the close of the last session of Congress. I have noted some of the differences, thinking that I would call the attention of the Senate to them.

It will be remembered that the coal and oil bill presented in the form of a conference report failed of passage in the closing hours of the last Congress.

The passage of that bill was urged as the best thought of the committees of both Houses upon the subject with which it dealt.

Its passage in this body was opposed, and it was defeated.

Contrast the conference bill of last session with this bill, which deals with the same subjects.

1. The conference bill, masquerading as a leasing bill, was in fact a patenting measure, and except for its defeat the remaining resources of coal, oil, phosphate, and sodium would have passed from public ownership to private control.

2. The conference bill would have wiped out the Alaska coal-leasing act and would have thrown open to private exploitation the great coal fields of Alaska, over which the Ballinger controversy raged.

3. The conference bill would have allowed collusion in the bidding of any coal or oil lessees who availed themselves of its provisions. Manifestly this would have defeated leasing, and in any event would have given a preference to monopoly interests.

4. The conference bill would have allowed the transcontinental railroads to secure 2,560 acres of coal land for any use under lease for every 200 miles in actual operation.

5. The conference bill would have allowed the Grand Canyon National Park to be despoiled by private interests.

6. The conference bill "hamstrung" municipal operation of coal mines by allowing only 160 acres to be secured.

7. The conference bill allowed through its "competitive-bidding features" small opportunity for an executive official of the Government to protect the public interest.

8. The conference bill allowed claimants upon the naval oil reserves whether cases were pending in courts or were before the department to be compromised by Executive action.

9. The conference bill allowed claimants within the naval oil reserves to secure rights which the courts denied and gave them generous settlement both as to receipts empounded in escrow and a royalty of not less than one-eighth.

10. The conference bill allowed the validation of claims of those who had purchased the same from another who had fraudulently entered the land if such purchaser was without notice of fraud.

11. The conference bill contained all through liberal clauses in favor of "relief claimants" and at the same time allowed them to secure rights which the courts and present law denied to them.

12. The conference bill gave no authority to the Secretary of Agriculture to contest the lands under his jurisdiction which would come within that measure.

I do not like the provisions of this bill as to the railroads, and for that reason I have drawn amendments to it; but I dislike it very much less than the provisions of the bill that was presented in the conference report.

Mr. SMOOT. Mr. President, in that connection I wish to say to the Senator that this bill—not the conference-report bill, for that was defeated—affects only one railroad in the United States, and that is the Milwaukee Railroad. I want to say to the Senator also, and I do not think it is out of place to say, that in this bill as I first reported it the provision as to the railroads was exactly the same as it was in the conference report; but Hon. Gifford Pinchot not only called my attention in person to that provision but I now have his letter in which he asks that that original proposition be amended and that the provision we have in this bill be incorporated. I do not want to take the time of the Senator now to tell Mr. Gifford Pinchot's reasons for it, but I have it right before me; and I thought, and so did your committee think, that the reasons were of a protective nature rather than anything else. There is not any other railroad affected by this provision than the Milwaukee Railroad, and I believe that the Senator really understands the situation of the Milwaukee Railroad as to why this legislation would seem to be absolutely fair and just to that corporation.

Mr. LA FOLLETTE. Under the bill as presented in the conference report in March a very large area of the coal lands of the country would have passed into the control of the railroads and would have been tied up by the provisions of that bill.

Mr. SMOOT. Not only the railroads, but any common carrier.

Mr. LA FOLLETTE. Yes, that is true; it was broader than the railroads.

Mr. SMOOT. Yes.

Mr. LA FOLLETTE. But as I remember it, as it applied to the railroads, something over 125,000 acres would have been controlled in that way by the St. Paul road, and I think nearly a million acres by less than a dozen railroads running west from the Mississippi River. That is a very liberal policy in these times, when anthracite coal is selling at $12 a ton here in Washington, to pass into the control of railroad companies in this country west of the Mississippi River upward of a million acres of coal lands belonging to the people.

Let me refer to another thing that that bill did that was presented here last March; I feel a bit justified in referring to that bill, and referring to it in a spirit of criticism and condemnation. I think it warrants us in scanning this bill with great care.

Mr. SMOOT. I would not even sign the report.

Mr. LA FOLLETTE. I remember that the Senator from Utah refused to sign the conference report; but that bill, I think, was—I am just trying to keep within parliamentary phraseology—I think it was a very bad bill, and a bill that is repudiated by the bill which is presented here by this committee. Yet, Mr. President, as I remember it, all but four members of the Senate Committee on Public Lands who approved this bill were on the committee, except, as I remember, the Senator from Utah, who was on the conference committee and refused to sign the report. I do not remember that the conference-report bill was opposed by the Senate Committee on Public Lands.

Mr. SMOOT. In justice to the members of the committee I wish to say to the Senator that there were other members of the committee who were opposed to it. They were not members of the conference committee, however.

Mr. LA FOLLETTE. Well, I combed this floor for support in opposing that bill, and I had to take the onus and the criticism of beating that conference report by a four or five hour filibuster on this floor; and I am gratified that that legislation stands condemned by the committee in bringing in this bill, which is very different from it and is an improvement upon it.

Mr. President, after all, there is just one big issue involved, and that is to release the people of this country from the monopoly control of their natural resources. I think the experience of this country with regard to its natural resources admonishes us that our first duty is to the American people, and in the light of that experience I believe we ought to scan this bill from its first to its last line. It should contain every safeguard that can be written into law to assure to the people of this country these important essentials of life at a reasonable price. If it does not contain these safeguards, we are remiss in our duty as representatives of the people if we do not amend it so as to insure them that result.

I do not think you can escape from the charge that you are aiding a monopoly control of these natural resources by converting it from a patenting bill into a leasing bill. I have heard Senators on the floor while this bill has been pending say, "Well, I suppose this bill is all right. It does not give title to the land. It is a leasing bill." But I believe this leasing bill is so framed that the renewal of the leases which it provides will result in substantially the same monopoly control

that we would have under a patenting measure. And so I say, Mr. President, that the past experiences of the public with the monopoly control of its natural resources should admonish us to consider this bill line by line, since it involves practically all that remains of our great natural resources.

Mr. President, I believe we should also consider the effect of this legislation upon the position of the Government, and that brings me to say a word about the effect of certain sections of this bill upon the controverted question of naval reserves.

This morning I came across a very interesting dispatch from London, dated August 24, a United News dispatch. It is a quotation from an article that appeared in the Weekly Observer, of London, by Sir Lee Chiozza Money, a prominent financier and economist:

LONDON, *August 24.*

America's lead in world trade has become so great that it will take Great Britain a "long, long" time to overtake the United States, Sir Lee Chiozza Money, prominent financier, economist, and member of Parliament, wrote to-day in the Weekly Observer.

According to Money, who has made a close analysis and comparison of the position occupied by the two countries, it is almost impossible for Great Britain to regain her world supremacy, owing to the vast American natural resources, the unprecedented growth of the American mercantile marine, and the expansion of American industry before her entrance into the war, when Europe was dissipating her strength and vitality in battle.

He calls attention, however, to the possibility of American natural resources being exhausted during the next generation because of unregulated exploitation and tremendous waste. I quote further from Sir Lee:

"Before the war it was German competition that was feared by the British exporters," Money writes. "To-day the talk is all about the American competition. We hear of contracts being lost to America at home and abroad. Pictures are drawn of America becoming the workshop of the entire world. The industrial leadership which she held before the war has become more pronounced. We need not be surprised if these facts fill many observers with alarm. Certainly it is not within the power of Britain to win back the industrial supremacy which departed before the war so long as America's natural resources remain incomparably greater than ours."

Money produces figures to show that in 1912 the United States produced nearly twice as much coal and six times as much iron as Great Britain did.

"But in America the greatest producer is also the greatest waster," he continues. "The virgin fertility of the soil, the timber, coal, iron, and other wealth is wasted with such prodigality that if stern measures are not taken to check this irresponsible exploitation the United States will quickly level herself with many less favored countries."

Mr. JONES of New Mexico. Mr. President, will the Senator yield? Do I infer from this article that the writer of it intends to suggest that the resources of this country should not be used—that we are wasting them because we are using these natural resources—or does he suggest that we are using them in a way which does not derive the greatest benefit from them? I assume that the Senator from Wisconsin knows that these resources are absolutely worthless if they remain unused.

Mr. LA FOLLETTE. If they remain unused, they are not wasted, and they may be exploited in a very wasteful way. I suppose the Senator knows that we are wasting, beyond hope of recovery, fully 40 per cent of the coal that is being mined under existing conditions. That is the report of the geological department of this Government.

Mr. JONES of New Mexico. I realize that we are improving the methods for the use of these commodities right along. Our scientists are doing the best they can to minimize the waste. There is a vast waste in the use of coal by any process which is known at the present time. That is, we do not get out of it the heat units which are in the coal, or, rather, we do not utilize the heat units which are in the coal; but we can not stop the development of the country.

Mr. LA FOLLETTE. The Senator quite misunderstood my statement. I thought I made it plain that I referred to the mining of the coal. We are leaving in the ground under conditions that do not permit of recovery by any possibility, according to the views of the experts of the geological department of the Government, 40 per cent of the coal in the fields that are being operated and mined at the present time, a policy of wastefulness that is little less than criminal. I care not whether the coal lands belong to private individuals. The question of the supply of material to turn the wheels of industry and to warm the homes of the American people is a question that goes beyond the consideration of private ownership and the rights of private owners.

Mr. WALSH of Montana. Will the Senator pardon an interruption in this connection?

Mr. LA FOLLETTE. Certainly.

Mr. WALSH of Montana. I think the estimate the Senator has given of the waste in the ordinary way of mining coal is easily within the facts and the reports. There is an enormous waste. The matter was called very forcibly to my attention some time ago. Both the Geological Survey and the Bureau of Mines have been calling persistently the attention of the country to that fact. It appears, however, that the only remedy for the situation is to drive the workings clear through to the remote end of the bed and commence to mine at the extremity and then allow it to cave as you come forward. If you begin to mine at the face of the tunnel and go in, you are obliged to leave a support of some kind. So it becomes a matter of the very highest economy. One of the largest coal operators in the country, if not the largest, is personally very strongly in favor of legislation which would compel a system of mining that would thus conserve the coal. But I am told that that would be a burden which the small operator could not possibly sustain, and that the result would be to give to the great monopolies of the country a still more certain monopoly over the production. That is an aspect of it which I thought the Senator ought to have in mind.

Mr. LA FOLLETTE. The Senator has simply confirmed my own recollection upon the subject. Some 12 years ago, I think, I made as thorough an investigation as I was able of mining operations in various countries of the world under the most enlightened and advanced regulation that had been applied. I know at that time Great Britain, France, and Germany, by laws and supervision, had the right to enter even mines privately owned and to impose upon the owners certain conditions with a view of preventing waste in mining.

Every bill that I have offered—and I have offered a number of bills on this subject since I have been a Member of the Senate—has provided for Government control of all mining operations, with a view to preventing waste, including a provision in the bill, incorporated in the lease, to terminate the lease whenever it is ascertained that wasteful mining is being prosecuted.

In answer to the suggestion made by the Senator from Montana that the enforcement of a rule which would prevent waste would tend to put some of the small operators out of business, and therefore result in a still larger control of the coal market and the coal production by the large operators, I think, if the Senator will pardon me, that his suggestion overlooked an important consideration in the whole matter, not only with regard to coal but everything else. The price of all the great products that control the cost of maintaining existence in this country to-day lies in the hands of comparatively few. The big operators control the price. The fact that you have a few small operators here and there over the country does not affect the price at all. The production of coal in a large way and the control of the price of coal are in the hands of the great companies, just as the control of the prices of iron is in the hands of the United States Steel Co. I think any concern that can control 40 or 45 per cent at most of a given product can fix the market price of that commodity. I think if the promoters of legislation upon this subject expect by bringing more territory into production to affect the price they are doomed to disappointment. You simply pass more of the oil lands and the coal lands into the hands of the operators, who in turn will either be forced to trail along behind the big companies, who fix the prices, or will by tacit arrangements with them agree upon prices. The price of oil, coal, iron, steel, and copper will continue to be excessive until the Government lays its hands upon the monopolies that control those basic factors in production and destroys them. Committees may be organized to conduct investigations and fill the columns of the newspapers with talk about lowering the cost of living, a few retail dealers may be arrested and punished, but these devious methods will not affect by a sou marquee the burdens imposed upon the people by abnormally high prices of products until the Government brings the great monopolies to the bar of justice.

I will have amendments to present from time to time as we take up the different provisions of the bill, but I want to spend a little time this afternoon on the phase of this question that affects the standing of our Government among the nations of the world.

Mr. KING. Before the Senator leaves the other question may I make one suggestion?

Mr. LA FOLLETTE. Certainly.

Mr. KING. I have been very much interested in the observations made by the Senator and concur in some of the positions which he has taken. I venture to suggest, however, that, generally speaking, I have not discovered that there has been a monopoly in the bituminous coal of our country. I am not sufficiently familiar with anthracite to hazard an opinion, but I have made some investigation in regard to the output of bituminous coal in the United States. I have instituted comparisons between the price of coal at various points in the United States before the war and the price of coal in New Foundland, Canada, Australia, New Zealand, England, and in many other countries of the world. Broadly speaking, I think it may be said that the coal was sold at the mouth of the

tunnels or at the mouth of the pits in the bituminous fields of the United States cheaper than in almost any other place in the world. Coal has been sold as low as 80 cents per ton at the mouth of the tunnel, and the corresponding quality of coal at that time in the English Provinces to which I have alluded, and, as I recall, in England, was considerably higher than that—as much as $2 or 8 shillings and sixpence per ton. From 80 cents to $1.10 or $1.125 were prices frequently charged, and perhaps almost universally obtained for a considerable period of time, at the mouth of the pits in the United States.

Mr. LA FOLLETTE. May I inquire of the Senator if he prosecuted his investigation to the point of a comparison of the prices at which the coal reached the consumer in those several countries?

Mr. KING. I did not make as full an investigation as I should have liked, and I would not undertake now, because my memory fails me, to state the relative prices to the ultimate consumer in the countries to which I have referred.

I crave the Senator's pardon—may I allude to the question of copper? Those of us who have come from the West and have frequently taken fliers, as we say in the West, in mining operations, with a view to discovering mines, are of the opinion—at least, I speak for myself, and I think I express the opinion of others—that the price generally obtained by the miner for his copper has not been too high. By that I mean that he has made very little, and in many instances has lost money. Some of the great copper properties that have been fortunately situated, and by the development of metallurgical processes or new mechanical processes, or after great expenditure in the building of railroads, and so on, have been enabled to cheapen the production and have made considerable money; but I venture the assertion that, high as copper is, two-thirds or three-fourths of the copper properties in my State are closed down and can not make money. Many of them are in the hands of men of comparative means, others are in the hands of corporations that have considerable property, but, high as copper is now, there are many of the copper properties of the United States that can not be worked.

Mr. LA FOLLETTE. I think it is true in almost every industry that unfavorable conditions may make it impossible to operate successfully certain properties. I accumulated data with respect to the profits of the great copper companies and their control of that product and their excessive dividends, which the Senate escaped from having presented to it because the bill was quite summarily passed one evening when I expected it to go over until the next day. I shall be interested in resuming my study of that question and bringing it down to date and, on a proper occasion, presenting them here.

Mr. President, I wish now to invite the attention of the Senate to the provisions of the bill, particularly sections 18 and 19, which have to do with the naval reserves, and the "relief" that those who went upon the naval reserves in violation of the President's order are to have extended to them under the bill.

I knew that there had been a long controversy between the Interior Department and the Department of Justice and also the Navy Department, and therefore, when my attention was first directed to the bill, I called up the Department of Justice and the Navy Department to ascertain if they approved of the bill in its present form in so far as it dealt with the naval reserves. I have a letter from Mr. Roosevelt, Assistant Secretary of the Navy, upon that subject. I will have an opportunity to present it to the Senate.

I think that this phase of the question is of such magnitude and is so vital to the position that the Government will occupy as a sea power of the world that we ought to give special attention to those sections. I am going to ask the Senators present to follow me as I take up the subject.

The bill, as drawn, will, I believe, destroy the naval reserves set aside for the Navy. This is done by provisions contained in the second paragraph of section 18, aided by succeeding paragraphs of that section. Out of the lands originally withdrawn on or before September 27, 1909, certain areas were set apart to furnish a future supply of oil for the Navy. The reports of the naval experts of the highest authority, as well as the experience of our own Navy and of the navies of the foreign powers, had established the fact beyond question that naval efficiency and, therefore, national safety were dependent upon the increasing use of oil-burning ships. It is therefore evident that, after a brief moment of time, as the lives of nations are counted, there will not be a sufficient supply of oil in the ground necessary to insure our safety from attack, if the existing deposits are to be thrown open to private exploitation without maintaining any reserves for our future naval use. This was the purpose for which the naval oil reserves were set aside. The needs of the Navy require that the oil should be kept in reserve in the ground until future naval necessities require its extraction and use.

What are the needs of the Navy? Upon this question there is a difference of opinion between the Department of the Interior and the Navy Department. I submit that the statement of the Navy Department must be accepted as our guide in this matter.

The opinion of the Secretary of the Interior as to the efficiency of the naval reserves for supplying the needs of the Navy is expressed in a letter to the chairman of the Senate Committee on Public Lands dated April 18, 1916, and published at page 498 of the hearings before that committee on House bill 406, Sixty-fourth Congress, first session. I quote from page 498 of those hearings:

The outstanding petroleum reserves in the public-land States contain those lands which the survey believes, from a careful consideration of all factors involved, are valuable for deposits of oil and gas. These areas may be divided into two classes, according as they embrace (1) territory already proved by the drill or territory including geologic formations that elsewhere carry oil or possessing known or inferred geologic structures favorable for the accumulation of oil and gas and (2) unproved territory which because of favorable geologic conditions observed at the surface is prospectively valuable for petroleum deposits. Within the first class fall certain lands in California, Louisiana, Wyoming; within the second class fall the remaining lands in these States and all the reserved lands in other States. It is believed that only gas will be produced from the withdrawn land in North Dakota, while both oil and gas will be produced from reserves in other States.

Of the lands which may be considered proved, though undrilled, two areas deserve especial mention. These areas are (1) the Elk Hills, of California, included in naval petroleum reserve No. 1, embracing approximately 38,000 acres, and the Teapot Dome, Wyo., included in naval petroleum reserve No. 3, covering 9,481 acres. The Elk Hills, in the west-side fields of California, are structurally favorable for the accumulation of oil and gas, and they were considered as prospective oil lands by the survey when it first examined them. Since that time a few wells have been drilled here and have proved that oil is present in considerable quantity. The amount of oil available has been estimated roughly by comparing the area with other productive areas that have similar geologic features, and is placed at approximately 100,000,000 barrels. In Wyoming the Teapot Dome adjoins the productive Salt Creek dome on the south, and is shown, together with this dome, on one of the accompanying maps. On the basis of production obtained in the Salt Creek dome it is possible to estimate with some confidence the prospective production of the Teapot Dome, and this estimated production is placed at about 30,000,000 barrels.

An estimate of the possible production from public lands included in outstanding petroleum reserves involves the use of a number of doubtful factors, and the result obtained must therefore not be regarded as in any wise exact, but merely as representing the best approximation that can now be made.

The opinion of the Secretary of the Navy is expressed in a letter to the Senate Committee on Naval Affairs, dated February 17, 1916. (Senate Public Lands Committee hearings, supplement, on H. R. 406, 64th Cong., 1st sess., pp. 454–458.) That letter reads as follows:

NAVY DEPARTMENT,
Washington, February 17, 1916.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I desire to bring to your attention House of Representatives bill 406, which passed the House on January 15, 1916, and which is now being considered by the Senate Committee on Public Lands.

This bill provides for the disposition of deposits of nonmetallic minerals in the public lands of the United States and, if this were its sole purpose, I would not address you on this subject, but as this bill passed the House it contained on page 1, lines 7 to 9, a provision excluding those deposits "in lands withdrawn or reserved for military or naval uses or purposes," and this provision would probably protect the naval petroleum reserves were it not for the provision of section 12, beginning on line 24, page 12, with the words "*Provided further,*" and for the provision of section 30, beginning on line 15, page 24, with the word "*Provided.*"

I fear that the provision in section 12, pages 12 and 13, will take from the Navy whatever right it possesses to certain lands within the naval petroleum reserves and lease these lands to claimants whose rights thereto are not established by law, but whose sole claim to the land is based on asserted equities arising from the claim that they have, by the expenditure of much labor and money, increased the value of these lands and rendered a public service by discovering oil on the public domain.

If the amendment submitted by Senator PHELAN on February 3, 1916, is adopted, all the productive land in naval petroleum reserve No. 2 will certainly, and all the proven land in naval petroleum reserve No. 1 will probably, pass into private ownership by patents or leases.

Prior to September 27, 1909, any citizen of the United States might enter upon public lands and prospect for oil under the placer-mining laws. He might claim 20 acres, or an association of eight individuals might claim 160 acres, and as long as he prosecuted work looking to a discovery of oil his claim was valid against any other subsequent claimant, but he secured no title as against the United States until he had made a discovery of oil or gas.

The placer-mining laws were a misfit, because they were drawn to cover the exploration, discovery, and production of precious metals which were discovered practically on the surface without the expenditure of much money, whereas to discover oil it was necessary to drill a well which would take many months and probably cost many thousand dollars.

The inapplicability of the placer-mining laws, the fact that much oil land was being claimed illegally by homesteaders, scrippers, and others, and the fact that the needs of the Navy for fuel oil were realized, caused the President, through the Interior Department (acting on the recommendation of the Geological Survey and the Interior Department), to

withdraw from entry, on September 27, 1909, large areas of public land classified as oil land.

This order of withdrawal stated that "all locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination," but did not specifically mention the needs of the Navy, although the correspondence leading up to the withdrawal and the President's statement clearly show that the need of the Navy for oil was considered. The Director of the Geological Survey, in the hearings on the Pickett Act before the House Committee on the Public Lands in May, 1910, stated: "The question has been raised by the chairman and others as to what was the purpose of withdrawing these lands from disposal under the existing law. The first point which is raised is that of the present and future requirements of the American Navy."

On December 6, 1910, the President, in his annual message, made the following statements:

"In September, 1909, I directed that all public oil lands, whether then withdrawn or not, should be withheld from disposition pending congressional action, for the reason that the existing placer-mining law, although made applicable to deposits of this character, is not suitable to such lands, and for the further reason that it seemed desirable to reserve certain fuel-oil deposits for the use of the American Navy. * * * As not only the largest owner of oil lands, but as a prospective large consumer of oil by reason of the increasing use of fuel oil by the Navy, the Federal Government is directly concerned both in encouraging rational development and at the same time insuring the longest possible life to the oil supply."

When this withdrawal order was issued there were many claimants to oil-bearing public lands in all stages of initiating and perfecting their claims, and many others who were planning to occupy the public domain and prospect for oil under the placer mining laws, and nearly all of the withdrawn land was covered by numerous paper locations of no value. The Government did not at that time have notice of all the claims that were in existence and valid, because the placer mining law did not require the claimant to give such notice to the Federal Government until he applied for a patent, which could not be done until a discovery was made.

There was a difference of opinion among lawyers as to whether the President had a right to make this withdrawal. It is asserted by the claimants that the lawyers consulted by them advised that, in their opinion, the President had not the authority to issue the order, and therefore they continued their work, and others who had not actually started drilling occupied the land and began drilling. Some actually ejected the bona fide claimant and began drilling, while some prudent prospectors, believing the order valid, refrained from carrying out their plans to occupy the land.

On June 25, 1910, a law (the Pickett Act) was enacted authorizing the President to make withdrawals of public lands and reserve them for certain specified purposes "or other public purposes." This act did not specifically mention the needs of the Navy, but it did provide that it should affect in no way any asserted right or claim initiated upon oil land after any withdrawal heretofore made, and that the right of any person who was a bona fide occupant or claimant of any oil or gas bearing land in diligent prosecution of work leading to discovery at the date of any withdrawal heretofore or hereafter made should not be affected or impaired by the withdrawal so long as such occupant or claimant continued in diligent prosecution of such work.

On July 2, 1910, the President, by Executive order, under the authority of this act (36 Stat., 847), rewithdrew the lands withdrawn on September 27, 1909.

The Navy Department repeatedly requested the cooperation of the Interior Department in the effort to secure a definite reservation by Executive order of oil-bearing public lands in California, but the Interior Department replied that, "pending other and adverse action by the Executive or legislation by Congress, the existing withdrawals are as effective in preventing the initiation of private claims as any more specific reservation."

Finally, in 1912, the Interior Department did cooperate with the Navy Department, and two naval petroleum reserves were created, by Excutive order, from a portion of the original withdrawal, No. 1 on September 2, 1912, and No. 2 on December 13, 1912.

There are now on the withdrawn oil lands in California, including the naval petroleum reserves, many claimants that may be generally divided into the following classes:

1. The man who went upon the lands prior to September 27, 1909, fully complied with the law, and was in diligent prosecution of work leading to discovery at that date, but who at some time since that date has failed to diligently prosecute work leading to discovery, although he may now have producing wells.

2. The man who went upon the lands prior to September 27, 1909, fully complied with the law, but had not been, and was not at that date, in diligent prosecution of work leading to discovery, but after that date started drilling for oil and effected a discovery either as a result of continuous or intermittent prosecution of work.

3. The man who went upon the land subsequent to September 27, 1909, but prior to July 2, 1910, and complied with the placer-mining laws, and has effected discovery as a result of continuous or intermittent prosecution of work or is still drilling.

In addition to those three classes there are claimants who come under all the above classes except that they or their predecessors in interest did not comply with the placer mining law in that the original location was made by the use of dummies.

The claimants under class 1 who were at work upon the land at the date of the withdrawal and have complied with the law except as to continuous prosecution of work may deserve some consideration, but the men who started work after the withdrawal or went upon the land in defiance of the withdrawal do not deserve any consideration.

But if the Phelan amendment is adopted and the bill enacted the claimants under classes 1 and 2 will secure a patent and those in class 3 will receive a lease to the land claimed.

When this bill, known then as H. R. 16136, was being considered by the last Congress, those same claimants were asking for relief by congressional action and they claimed that their case was strengthened by the fact that the lower courts had decided that the presidential order of withdrawal of September 27, 1909, was "invalid and without effect," but on February 23, 1915, the Supreme Court handed down a decision reversing the decision of the district court.

Last year Congress appropriated $50,000 "to enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands," and many suits affecting these lands are now in progress. If this bill (H. R. 406) is enacted, the defendants in these suits will secure by legislation the lands in suit and it is believed by the Navy Department that Congress, in its efforts to preserve the real equities of claimants who have been unable to secure patents due to some technicality of the law, will have rewarded men who have little or no equities and who have violated a valid order of the President and, by careless operations, done immense damage to the oil-bearing strata; furthermore, practically all of naval petroleum reserve No. 2 will pass into private ownership or be leased to claimants, and the Navy will lose this valuable reserve of oil.

The following table shows the status of the withdrawn oil land and the naval petroleum reserves in California, the reserves being only a part of all the withdrawn lands and the unpatented land being the only land subject to the provisions of House bill 406.

	California.	Naval petroleum reserves.
Total acreage withdrawn	1,507,878	68,242
Patented to railroads	308,075	26,153
Patented on mineral application	38,668	1,601
Patented on agricultural application	708,441	3,252
Total patented	1,055,184	31,006
Total unpatented	452,694	37,236
Unpatented within proven fields	[1] 37,452	7,476
Unpatented outside proven fields	415,242	29,760

[1] Estimated.

The unpatented proven land is subject to disposition under the provisions of section 12 of this bill, and of this land there are 37,452 acres in California, only 7,476 of which is in naval petroleum reserve No. 2, so that if the naval petroleum reserves were excluded from the operations of all the provisions of this act there would remain 29,976 acres in California alone that might be disposed of under the provisions of section 12, and 385,482 acres of withdrawn oil land in California outside of these reserves which might be disposed of under the general provisions of the act.

The plea has been made that the provisions of section 12, page 13, are for the relief of the small operators who have spent millions of dollars upon this land and will be ruined if some relief is not granted, yet these operators have produced from the unpatented land in the naval petroleum reserves 19,646,000 barrels of oil and over 12,000,000,000 cubic feet of gas, and now have 85 producing oil wells and 17 producing gas wells. No statement is available as to the production from the unpatented lands in California outside of the naval petroleum reserves, but attached hereto are certain statements from reliable sources regarding the equities of the claimants.

The following are the companies operating in the naval petroleum reserves who will be benefited by this act:

	Capital stock.
Associated Oil Co	$40,000,000
Boston Pacific Oil Co	1,000,000
California Amalgamated Oil Co	5,000,000
Caribou Oil Co	1,000,000
General Petroleum Co	50,000,000
Honolulu Consolidated Oil Co	5,000,000
North American Consolidated Oil Co	5,000,000
Northern Exploration Co	----------
Record Oil Co	----------
St. Helens Oil Co. (pounds sterling)	597,192
Standard Oil Co	100,000,000
Union Oil Co	50,000,000
United Oil Co	2,800,000

Of this number, only one, the Boston Pacific, is a member of the Independent Oil Producers' Agency, which is supposed to be an association of small companies, and one is an English company, whose capital stock is quoted in pounds sterling.

The Navy Department is vitally interested in protecting these reserves, because they were relied upon when the policy of building oil-burning ships was adopted, and now that we have a large and increasing number of ships that depend solely upon oil for fuel, it is of the utmost importance that the rights and the needs of the Navy be not overlooked in the effort to relieve claimants to oil lands.

It is probable that the cost of fuel oil will steadily increase, for that is the opinion of many men who are intimately acquainted with the petroleum industry in the United States, and that is the opinion of the Department of the Interior, as expressed in the following excerpt of a letter from that department:

"No relief can be expected in the price of fuel oil at Atlantic ports for commercial uses. These prices will probably tend upward hereafter, although, of course, there may be brief periods during which lower prices will rule, as a result of the development of new fields. For example, those of eastern Mexico. Relief to the Navy from increasing commercial prices can probably be secured only by the development of its own reserves, where it should be possible to produce oils at approximately the present cost of production—50 cents or less per barrel, plus transportation to the point of use."

In addition to the certainty of high prices there is the graver danger of an uncertain supply if the Navy is forced to depend entirely upon a commercial supply of fuel oil. This condition was approached in 1913 when the Texas company, the only company making a satisfactory bid on the Navy's fuel-oil requirements for the year 1914, declined to guarantee more than 500,000 barrels.

The consumption of fuel oil by the Navy has been as follows:

Year.	Barrels.
1911	137,587
1912	336,826
1913	361,783
1914	488,539
1915	521,382
1916 (estimated)	600,000

This amount has been used when not one oil-burning battleship was in commission, yet during the present year three oil-burning battleships will be commissioned and six others will be building, in addition to any increase that may be provided for by this Congress.

Every battleship added to the fleet will increase the yearly peace consumption by about 90,000 barrels, and every destroyer will increase

the peace consumption by about 20,000 barrels, so that when the 9 battleships and 17 destroyers now authorized are added to the fleet, the annual peace consumption of fuel will be about 1,750,000 barrels, without counting the oil used by the 37 submarines and 6 auxiliaries authorized.

It is estimated that the consumption in the event of war would be three times this amount, or 5,250,000 barrels.

In order to fully profit by the use of oil for fuel, ships are so constructed that the space which would be utilized for coal in coal burners is used for other purposes, so that when a ship is once built to use oil she can not be converted to use coal, without practically rebuilding her, which would result in a reduction in the speed and the distance she could steam on her full supply of fuel.

The Navy Department does not desire to produce oil from the naval petroleum reserves at the present time and does not want the oil converted into money at any time, but does want the oil conserved underground where it may be stored without cost and free from loss by fire or evaporation until the decreased production and increased market price render its production and use desirable. This was the purpose in creating this reserve and it is still the desire of the department to utilize these deposits as a reserve to be depended upon when an adequate supply of fuel oil is not available at a reasonable cost.

In my hearings before the Senate Committee on Public Lands I requested that the naval petroleum reserves be excepted from the operations of all of the provisions of this bill, and to effect this suggested the following amendments:

1. Page 13, line 20, after the word "Interior," insert "*Provided further*, That the lands and the deposits of oil or gas within the naval petroleum reserves shall be excepted from the operation of all of the provisions of this act."

2. Page 24, lines 7 to 11, strike out all after "direct," line 7.

The Navy Department desires that the naval petroleum reserves be excepted from the provisions of this act because—

1. No part of the program of preparedness is of more importance than the providing of an adequate reserve supply of fuel oil for the Navy.

2. A naval vessel built to burn oil can not be converted to a coal burner without practically rebuilding her.

3. The Navy relied upon this reserve of oil when the policy of oil-burning battleships was adopted.

4. If the Navy is forced to depend entirely upon a commercial supply of oil, the fuel cost of the fleet is certain to be very great, and it is possible that in time of great danger the efficiency of the Navy may be impaired by an inadequate supply of fuel oil.

5. The suits now in progress and contemplated will decide the equities of the claimants and it would appear that where the Navy's interests are concerned it would be better for Congress to base the relief granted upon the result of a judicial investigation of the claimants.

While the pending legislation is not before the Naval Affairs Committee, I deem it my duty to acquaint the Naval Affairs Committee with the consequences to the naval petroleum reserves if it should be enacted into law. This is made the more necessary because the last Congress embodied in the naval appropriation act a provision making an appropriation for "the custody and care of naval petroleum reserves." In accordance with that direction, the Secretary of the Navy has acted in cooperation with the Attorney General and the Secretary of the Interior, and suits are pending which, if won by the Government, will insure a large reserve of fuel oil for the ships that are being constructed and which will be authorized. The passage of the bill and the amendment now before the Public Lands Committee would deprive the Navy of a supply of oil upon which it had depended when the plan of constructing oil-burning ships was adopted.

Sincerely, yours,

JOSEPHUS DANIELS.

Mr. President, I am going into the history of this matter because I think the sections of this bill to which I have referred, known as the relief sections, ought not to be in the bill at all. I do not believe that the great interests that are afforded relief are entitled to so much special consideration at the hands of this Government. I do not see how the Senate is to pass upon the question of bestowing favors upon these trespassers without having a pretty definite and clear recollection of the facts which led up to the controversy which now is summed up in sections 18 and 19 of this bill.

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

Mr. LA FOLLETTE. Yes.

Mr. KING. As I understand the Senator, he would, of course, recognize, confirm, and legalize any entries that were made upon the public domain, subsequently withdrawn, before the President's proclamation of withdrawal, if the locators complied with the terms of the statute; but, as I understand the Senator, he would not give those who made locations upon lands after the Executive proclamation of withdrawal any preferential right, nor recognize, indeed, any rights which they may assert to the claims.

I wish to invite the Senator's attention to this proposition to see whether or not it has sufficient moral strength to modify the views expressed by the Senator. When President Taft issued his proclamation, he said, either then or subsequently, that he doubted whether or not it was constitutional. Many of the leading lawyers of the United States strongly contended that there was no authority in the executive department to withdraw public lands from entry. I know that the leading lawyers not only of the West but of the East took the view that the power to dispose of the public lands rested in Congress and not in the President, and that it was a quasi disposition at least of the public lands when the Executive attempted to withdraw them from entry, though the laws of the United States opened them to entry; and, therefore, there was a practical unanimity of opinion that the Executive proclamation was a nullity.

In know of individuals—I do not know that there were in California—who went upon lands which were withdrawn, acting upon advice of lawyers of recognized standing and ability, and sincerely believing that the Executive proclamation was a nullity. They expended their money in good faith, discovered oil or other minerals, and made the properties of some value. In view of that fact, assuming what I have stated to be the fact, does not the Senator think that some provision ought to be made giving them some special preferential right?

Mr. LA FOLLETTE. Well, if one were to assume the statement of the Senator to be in accordance with the facts, there might be predicated upon it possibly such a position as the Senator indicates. I do not understand those to be the facts at all in this matter, and I believe——

Mr. SMOOT. Does the Senator have reference to President Taft's statement?

Mr. LA FOLLETTE. Oh, I do not care anything about his statement. Taft's opinion upon constitutional matters does not appeal to me and would not have any weight with me and ought not to have any weight with anybody else. I know that under the Roosevelt administration in 1907—not later than 1908, at any rate—Attorney General Moody, as I remember, who afterwards went on the Supreme Bench, advised President Roosevelt that such an order could be issued and would be valid.

I brought the matter, I think, to the attention of President Roosevelt, as I remember now, in 1907 and suggested the issuing of such an order with regard to coal lands particularly. He referred the matter to the Attorney General, and within two or three weeks after that—I think I referred to this once before on the floor of the Senate—I picked up a morning paper on one of the western trains and found that the President had withdrawn a considerable acreage of coal lands in one of the Western States. It was followed by many other withdrawals within the next few months, and I never had any doubt as to the validity of that action. I know that there was precedent for it, which I called to President Roosevelt's attention when I took up the matter with him in 1907, and the decision of the Supreme Court following in the suits that were brought did not surprise me at all. I did not expect any other decision.

I do not want to take time unnecessarily here, but I do want to impress upon the Senate and at least put upon the record here the vital importance of an adequate oil supply to the standing of this Government as a sea power and to the position that our Navy must take among the navies of the world. We are dealing in certain sections of this bill with reservations which have been made, upon the opinion of those who have thoroughly investigated this subject, of the only areas that remain, so far as is known, to supply our Navy. They have estimated that at the present rate of consumption the oil supply can last but a comparatively short time. We surely ought to protect to the very last technical limit the legal rights of this Government to the possession and continued control of these naval reserves. This question involves the source of our power among the great nations of the world, and as trustees of this great interest of our Government we should not be velvet-handed with the great oil companies that went on these reserves in defiance of Executive order, upon the mere assurance of lawyers that they could fight it through and win. They were badly advised, I do not care who the lawyers were. They were trespassers. They knew it. They were taking their chances. They knew that. If they had been small stealers, nobody would have apologized for them or offered any legislation to "relieve" them. It would seem that all that is necessary is that an organization or a group of corporations shall steal extensively enough from the United States that a great power can be brought to bear to obtain for them immunity.

Mr. President, I have here a report, prepared in connection with legislation upon this subject by my deceased colleague, Senator Husting, who was a member of the Committee on Public Lands of the Senate, and who spent much time in investigating this matter. Shortly before a bill was reported which dealt with this question—not in exactly the same way; I do not contend that—he prepared the report which I hold in my hand here. I am not going to take the time of the Senate to put it all into the RECORD, but I am going to quote from it pretty liberally.

This report was prepared, ready for presentation to the Senate, just a few days before Senator Husting left the city of Washington at the close of the session, and probably not more than a week or 10 days before his death this report was finished, and I know that it was in the hands of members of the Cabinet, and I am informed that it was presented to the President. I am advised that it made a very strong impression upon him, and that for the time being, at least, as to the particular matter upon

which I wish to quote it, it was controlling with the President, because he had such confidence in the investigative work and the judgment and the opinion of Senator Husting.

Senator Husting says, with reference to the naval reserves, or the provisions of the bill that he was considering which dealt especially with naval reserves, the following, which is pertinent to the consideration of the bill before us, as I shall show:

The matter of greatest consequence involved in this bill is the sacrifice of naval petroleum reserve No. 2 in California, proposed by section 16.

* * * * * * *

It should be remembered that these lands were withdrawn from private appropriation by order of the President, dated September 27, 1909, upon recommendation of the Geological Survey, which was moved thereto by the necessity of securing oil supplies for the Navy. * * *

Further and more detailed information as to the needs of the Navy and the oil contents of the withdrawn lands resulted in the setting aside out of this large area, of three small areas for the specific use of the Navy. * * * Nos. 1 and 2 are in California, and No. 3 in Wyoming. No. 2 is the only one of proved, substantial, and present value for a naval oil supply. * * *

Lieut. Commander Landis stated to the committee: "This reserve (No. 2) is the only one on which the Navy must depend for its oil reserve." (Hearings on H. R. 406, 64th Cong., 1st sess., p. 227.) On the same occasion, he further said:

"This land constitutes an ideal naval reserve and is the only one known oil field in the United States to-day that does. It is sufficiently far from the coast to be free from the danger of attack. It is a proven field and that is essential, for in time of emergency the Navy would not have time to develop the field and find out whether it had a field or not. Wells can be quickly drilled and in six weeks it is possible to get a well down to the oil sand."

Mr. THOMAS. Does not the Senator know that the Government has lost a very considerable portion of reserve No. 2?

Mr. LA FOLLETTE. The Senator refers to some of the decisions, I presume?

Mr. THOMAS. My information is that many of the locations to which former Senator Husting probably referred have been sustained by the courts, and that as to the disputed titles and a part of the remainder being within the Southern Pacific land grant it has also been decided adverse to the Government. I speak of this because there was a time when earnest proposals were made to the Government, but turned down by the Navy Department, whereby exchanges of these lands could have been effected and the right of the Government in the reserve thus secured; but they were disdained largely because the applicants were assumed to have been fraudulent locators and their locations invalid. As a consequence the reserve has been very greatly depleted by this disposition of the title asserted by the Government. That is my information.

Mr. LA FOLLETTE. I believe it is the fact, is it not, that the decision of the Supreme Court which validated the withdrawal order of the Executive was a reversal of the lower court on that subject, and the decisions to which the Senator from Colorado alludes are not the decisions of the Supreme Court, as I understand it?

Mr. THOMAS. No; I think not.

Mr. LA FOLLETTE. They will meet a like fate when they reach the Supreme Court.

Mr. THOMAS. That is possible, and it is equally possible that they will be sustained.

Mr. LA FOLLETTE. Granting all that the Senator suggests as being disastrous to the Government in this matter, it simply makes more and more for our holding onto everything that we have a technical right to hold onto in naval reserve No. 2, according to my view of it.

Mr. THOMAS. I interrupted the Senator because I assumed that he was reading this report chiefly in connection with his amendment to strike out section 18, thus denying to certain locators or alleged locators any power under this bill to secure leases. If the Government desires, of course, it could withhold all the lands which have not been properly located under the laws and subject to the reservations, but if the Government proposes to pursue the same course which it unfortunately followed in regard to naval reserve No. 2, I am afraid that instead of conserving oil it will at the end of the controversy find itself less protected by its oil reserves than it is at present.

I do not know much about the character of these oil reserves beyond the testimony that was offered before the Committee on Public Lands when I was a member of it. I do recall that the estimate of the probable contents of that reserve was somewhere about 30,000,000 or 40,000,000 barrels. It turns out according to later reports and due to more recent developments that the amount will exceed 100,000,000 barrels.

Mr. LENROOT. The Senator is now referring to reserve No. 1 and not No. 2?

Mr. THOMAS. The Senator from Wisconsin was reading of reserve No. 2, and hence my interruption. I do not question the power of the Government to reserve all these lands it pleases, but I differ from the Senator as to the expediency of that policy. My own judgment is that we will have very much more oil as these lands are opened for development and discovery. Such has been the history of the oil industry. Since the lamented Senator's report was made, the Senator knows that bodies of oil have been discovered in other parts of the country, and most notably in northwestern Texas. My own belief is that other bodies of oil will be discovered, notwithstanding the learned theses and opinions of the Geological Survey, because generally speaking the old Cornwall miner's remark about gold is true of other mineral deposits. He said gold is where you find it; I think oil is where you find it; and we shall in the future find it in larger quantities, provided the enterprise of individuals, backed as it always is by the desire of gain, is given fair opportunity on the public domain as in the past it has been in the field of metalliferous mines.

Mr. LA FOLLETTE. I am trying to get before the Senate from various sources everything that I can that would impress the thought upon the Senate, as I believe it ought to be impressed and emphasized, that the Government should protect itself and insure to itself future ample reserves of oil for its Navy. That is the point I am making just at this moment. I am aware of the fact that new oil fields have been discovered. We hear of that from time to time, but we know, too, that the consumption of oil is rapidly increasing. I was startled to pick up a paper from home the other day and note in a table printed on the front page the number of automobiles that were registered for use in the State of Wisconsin—1 automobile for every 11, as I remember the figures, of our total population—and in the State of Nebraska, as I happen to recall the figures for that State, though a number of States were given, the number of automobiles was increasing so rapidly that they have an automobile for every seven people in the State of Nebraska.

Mr. THOMAS. Notwithstanding the high cost of living, people seem to have plenty of money to invest in automobiles.

Mr. LA FOLLETTE. Yes; and it is true that the automobile is rapidly becoming not a luxury but a necessity and an adjunct to every sort of business.

The consumption of oil is rapidly increasing. All through the Middle West and the far West, as the Senators from that section know better than I do, the great draft horses that were employed to plow and move the big, heavy machinery and to do the heavy work upon the farm are displaced by tractors, which can be operated day and night.

There are sections of the country that, according to geological opinion, offer no promise or hope of containing oil, and there must be a limit to the supply.

Mr. THOMAS. I think there is.

Mr. LA FOLLETTE. Does it not behoove us now to mark out here an area, in so far as we can judge, that will protect the Government in its oil supply for oil burners, for they are to take the place of coal burners in all the improved and advanced navies of the world? We know, if we can believe what we see from day to day in the news dispatches and what we gathered from such information as leaked out from the conference at Versailles, that Great Britain is particularly active in reaching out here and there over the world to secure a large supply of oil for her navy.

Mr. THOMAS. I certainly believe in conserving certain areas for naval reserves, but I do not believe in taking them at the expense of good citizens who have acquired rights under the law to certain parts of them. With reference to the continuing increase of the demand and the consequent increase in consumption I am confident that Yankee genius will sooner or later supply any threatened deficiency by the discovery or the synthetic constitution of some other fuel which may and in all probability will supplant the present use of oil.

Mr. LA FOLLETTE. The Senator would not consider it prudent, however, for the Government to rest for its motive power in naval operations upon the possibilities of such a discovery?

Mr. THOMAS. Not at all. I have never objected to reserves. My criticism of the reserves has been the ruthless manner in which they have been made, with a sheer disregard of rights that have been acquired, not by great corporations but by citizens of the United States, a policy which the courts have not always approved. I would cheerfully cooperate with the Senator in carving out such reserves as men whose judgment is entitled to respect will designate, and to which the titles can be properly safeguarded, as is the case always when individual rights are invaded for governmental purposes.

Mr. SMOOT. I think it is only fair to say in this connection that section 18 of the bill only applies to oil-producing land and nothing else.

Mr. LA FOLLETTE. I understand that. I will deal with that in the course of my discussion.

Mr. SMOOT. I merely wish to call the attention of the Senator at this point to a statement sent to me this morning by

Mr. J. A. Stephens, oil examiner of the United States Shipping Board, Emergency Fleet Corporation. It contains a statement that really I never heard before. It is this:

Not a single oil structure or oil well has been developed on information furnished by the United States Geological Survey.

I was surprised when I received that letter from Mr. Stephens.

Mr. LA FOLLETTE. I will discuss that subject further before the bill is finally disposed of.

Thursday, August 28, (legislative day of Saturday, August 23), 1919.

Mr. LA FOLLETTE. Mr. President, I am quite aware that the Senator's interest in this legislation has assured his attendance most of the time during which the bill has been before the Senate. I think I have also been reasonably attentive to the proceedings of the Senate while this bill has been pending and have absented myself from it not for a single moment except to do work upon the measure itself.

I am not a member of the committee. I saw this bill for the first time when it was presented here. It was not presented as bills of such importance usually are, with a printed report informing Senators of the changes it proposes to make in existing law, and stating the reasons why the various provisions of the bill should be enacted. During its consideration before the committee, as we have heard stated here upon the floor, the bill was not proceeded with in the usual way great measures are in Congress, by giving notice to the public and to interested parties to be present and to be heard upon the measure.

No hearings were had upon it, because, as we have been informed during the discussion, the subject has been before Congress for a good many years; but, Mr. President, this is the first time that a bill has been reported from any committee, so far as I know, which was purely a leasing bill. This bill is not a second cousin to the bill that was reported by the conference committee and attempted to be passed in the closing hours of the last session. That was a bill which would have conferred title by patent to every foot of the public domain covering coal and oil, taking it ultimately out of the control of the Government and depriving the people through their Government of any possible exercise of authority over the products taken out of those lands. This bill is radically different upon its face. It is a leasing bill, and one would think naturally that that raised some question, being a new form of legislation never before reported, according to my recollection, by a committee of either branch of Congress.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I yield to be corrected if I am in error.

Mr. THOMAS. The Senator is, of course, familiar with the provisions of the other bill and of this bill. He knows, therefore, that the leasing provisions of the previous bill are largely duplicated in the provisions of this bill, based upon hearings that were almost interminable in their character, running over a very great portion of the Sixty-fourth and Sixty-fifth Congresses. Of course, the provision of the previous bill permitting patent has been eliminated, I regret to say, from the provisions of this bill; but so far as its leasing features are concerned they are much more than first cousins to the same provisions of the other bill.

Mr. LA FOLLETTE. Well, Mr. President, just in the proportion in which they are more nearly related to the other bill it is more objectionable, for there was never before the Senate a bill that was justly subject to severer condemnation than the bill that was attempted to be passed in the closing hours of the life of the Sixty-fifth Congress.

Mr. THOMAS. Mr. President, it may be that in proportion as it resembles the other bill it is subject to greater criticism, but certainly the hearings upon which the bill was founded have been as exhaustive as the hearings on any bill that has been introduced since I have been a member of this body. Of course the Senator and I radically differ with regard to the policy of the Government.

Mr. LA FOLLETTE. We do, indeed.

Mr. THOMAS. The necessity, however, for further hearings seems to me to be on the face of things nonexistent, because if there is any viewpoint which can be presented for the consideration of the committee about which they have not already been given enormous and copious information I am at a loss to know what it is.

Mr. LA FOLLETTE. Mr. President, the leasing features of this bill are not the same as the leasing features of the bill which was presented in the conference report.

Mr. THOMAS. Not identical; no.

Mr. LA FOLLETTE. Furthermore, a very vital feature of this bill that certain Members of this body from the West have persistently shut their eyes and their minds to is the rights of the Government in the naval reserves. This bill is not identical with the bill that was before the Senate in the conference report in that particular. For that reason it seems to me the Navy Department and the Department of Justice might well have been heard by the committee upon those provisions of the bill.

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

Mr. LA FOLLETTE. I yield.

Mr. THOMAS. My understanding of this bill is that the naval reserves are exempted from its operations. If that is not so, no one will be more greatly surprised than myself. The other bill also exempted the naval reserves from its operations by clauses that were inserted at the request of the then chairman of the Committee on Naval Affairs [Mr. SWANSON], and which were prepared in the interest of the Navy Department. Now, if it be true that this bill is so drawn that it affects the naval reserves, then, of course, under the understanding that existed with regard to the old bill, they should be eliminated from this one. The Senator having charge of the bill is not at this moment present, but the colleague of the Senator from Wisconsin [Mr. LENROOT] is upon the floor and is very familiar with the subject and will correct me if I am mistaken.

Mr. LA FOLLETTE. I will correct the Senator. With the Senator's permission——

Mr. THOMAS. My permission has nothing to do with it; the Senator has the floor. I referred to his colleague because he is very familiar with the subject.

Mr. LA FOLLETTE. The Senator is replying to my observation which instituted a comparison between the conference-report measure, which was attempted to be passed in the closing hours of last session, and the pending bill.

Mr. THOMAS. So far as its leasing features are concerned.

Mr. LA FOLLETTE. So far as it affects naval reserves.

Mr. THOMAS. Yes; and that also.

Mr. LA FOLLETTE. And the Senator, as I understand him, thinks that the bills are practically alike in that respect.

Mr. THOMAS. In the sense that neither of them affected the naval reserves.

Mr. LA FOLLETTE. And that therefore there was no reason for giving the Navy Department or the Department of Justice, which has charge of numerous cases it has brought against trespassers upon those reserves, an opportunity to be heard.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. THOMAS. That is substantially my position. The Department of Justice and the Department of the Navy have been heard upon this question ad nauseam. They have been given every consideration, and the naval features of the bill have been eliminated as they appeared in the original draft because those departments insisted upon it, one of them going so far as to authorize the chairman of the Committee on Naval Affairs, or the acting chairman at that time, to say that if the amendments which he then offered were accepted they would be satisfactory to that department; but instead of being satisfactory the department became more perniciously active than ever, and had much to do with the defeat of that bill.

Mr. LA FOLLETTE. Mr. President, from the statement of the Senator from Colorado itself it becomes perfectly apparent that the Navy Department is not in accord with this proposed legislation. My statement was that the bill which we were considering in the closing days of the last session did not have the approval of the Navy Department; that it was opposed to it.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I beg the Senator's pardon; permit me. And, Mr. President, I understood the Senator from Colorado to say—and I think the RECORD will show that he did say—that the department was satisfied with the provisions of the conference bill as it affected naval reserves, and therefore there was no occasion to give them a hearing on this bill, because this bill in its provisions as it relates to that subject is substantially in accord with the bill which may be described as the conference report.

Mr. SMOOT. Mr. President, will the Senator allow me to interrupt him?

Mr. LA FOLLETTE. No, no; just one at a time. I am stating not what the fact is but what the Senator from Colorado stated.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. Just permit me. I am prepared to show that the Navy Department was not satisfied with the bill as it was presented in the conference report. I hold in my hand, and I took it out of my papers because of the statement of the Senator from Colorado, a letter from the Secretary of the Navy, showing plainly he did not approve of that bill. I do not say that the present bill is identical in all of its terms,

in section 18, with the provisions which affected naval reserves in the conference report of last session, but I do say that it goes a long way in that direction, and it goes away beyond what would meet with the approval of those who are safeguarding the supplies of oil for the Navy of the United States for the future.

Mr. President, I now read the letter of Secretary Daniels.

Mr. THOMAS. Mr. President, may I interrupt the Senator?

Mr. LA FOLLETTE. I should like to read the letter in this connection, if the Senator will pardon me for a moment.

I want to show in connection with the statements that have been made in this colloquy that the Navy Department disapproved emphatically the conference report, which would have passed the Senate excepting for a filibuster that drew upon the Senator who conducted it, the Senator who has the floor now, the criticism of many of the Senators upon this floor, not only then but subsequently, when the temper that is elicited by clashes in debate had an opportunity to cool; not only that, but denunciation that was nation wide, Mr. President. That bill, with features that no man can defend, would have passed the Senate excepting for a filibuster conducted to a large extent by me. I had to take the criticism and the punishment of conducting that filibuster. I say that the CONGRESSIONAL RECORD and the record and history of this legislation will forever justify the course that I pursued at that time. Otherwise you would have had legislation which no committee now dares report favorably. You would have had it enacted into law.

Mr. President, I do not say that section 18 of this bill agrees in toto with the provisions of that bill that affected naval reserves, but I do say, and I think I shall be able to show before the debate concludes, that it is an encroachment upon the only reserves that are left which will safeguard the power of the American Navy in fuel oil for all time to come.

Mr. President, it was stated on this floor in the debate in the closing hours of the last session that the Navy Department and the Department of Justice were satisfied with the bill embodied in the conference report, and that statement was repeated here many times by those who were in charge of that conference report, not only here but like statements were made on the floor of the House of Representatives to advance to successful consideration the conference report in that body. Those statements were repeated so many times that finally they drew from the Department of Justice and the Navy Department denials from the heads of those departments that they approved any such legislation.

Attorney General Gregory said what I am about to read in a telegram which he sent, during the consideration of the conference report late in February of this year, to Mr. Gifford Pinchot. He, I presume, had seen the repeated statements in the reports of congressional debates that the Department of Justice was satisfied with the bill embodied in the conference report, that the Government was properly safeguarded in the oil reserves, and that there was nothing to complain of on the part of the Department of Justice or the Navy Department.

I now read what Attorney General Gregory thought about it, and to give to such Senators as would consider his views of the legislation then in the pending conference report, many features of which are repeated essentially in sections 18 and 19 of this bill:

Mr. GIFFORD PINCHOT,
1218 Real Estate Trust Building, Philadelphia, Pa.:

In reply to your Western Union wire of the 26th of February, 1919, no one can truthfully say that I have favored the conference report on the so-called coal and oil leasing bill. Members of both Houses of Congress are aware of the fact that I have declined to advocate its passage.

THOMAS W. GREGORY.

The controversy raised by the statement upon the floor of the Senate and the statement upon the floor of the House while that conference report was pending, that it was satisfactory to the Department of Justice and satisfactory to the Navy Department, elicited not only that statement from the Department of Justice but elicited a statement from Secretary Daniels, which I will also read:

THE SECRETARY OF THE NAVY,
Washington, February 27, 1919.

MY DEAR MR. CHAIRMAN: I understand that a statement has been made by some Member of Congress that the Attorney General and the Secretary of the Navy favor the land legislation reported by the conference committee on public lands of the two Houses. You know my position all the time has been that while not opposing the leasing bill, which I favor, I have opposed incorporating any provision with reference to the naval reserves in such legislation. I do not favor the bill that has been agreed upon; I do not think it is just to the Government; and while it is better, so far as the naval reserves are concerned, than the original bill, my attitude is that the naval reserves ought not to be touched by legislation, but ought to be settled by the courts.

I did agree with the Attorney General and the Secretary of the Interior upon a provision some time ago that would protect the naval reserves and would confer upon the President power to operate the going wells. I did this because I did not wish to assume to be standing in the way of the passage of legislation of importance which I favored, and I write you because I hope you will correct the impression that I have changed in my attitude. I believe that the naval interests require that whatever in the naval reserves belongs to the Navy by law should go to the Navy, though the final matter should be settled by the courts, unless the provision referred to, which the Attorney General and myself agreed to some time ago, is incorporated. I think it would be a great mistake to go further than that. I will be glad if you will make my position known.

Sincerely, yours, JOSEPHUS DANIELS.

Hon. CLAUDE SWANSON,
United States Senate, Washington, D. C.

Mr. President, I digress to speak of the record made by Secretary Daniels, because it is one of the important considerations in connection with the recommendations of a Cabinet officer, one that Senators, I think, ought to weigh with some care. The Secretary of the Navy, in so far as I have been able to study his career, has devoted himself fearlessly to the public interest.

Mr. President, let it be said to the credit of this man that he has driven straight ahead regardless of the storm of criticism, for when early in his official career he made recommendations to protect the Navy against pillage the interest-controlled press of the country assailed him. Have you forgotten it? Have you forgotten the organized abuse that was levelled against that man? Few men in public life have ever endured the brutal assaults that he suffered at the hands of the great newspapers of the country published in the interest of private greed and at the hands of leading magazines of the country that were equally subservient. Secretary Daniels was under fire. Review the literature of that time, and it will be difficult for you to find nationally anything like it. Yet there was not anything in that man's record to justify it.

I do not hold any brief for Josephus Daniels. I have met him only a few times, but I have followed his public career as an official. He came out of private life; he did not have much training that would have fitted him for this position, and he was charged with the conduct of the Navy Department under the greatest strain and ordeal that it was ever subjected to. Is it not fair to say that?

I undertake to say that when your Democratic administration comes to pass in review in history Secretary Daniels will stand out for ability and integrity.

Mr. THOMAS. Mr. President, may I interrupt the Senator for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. THOMAS. During the period of the Secretary's career to which the Senator is referring I think I was the only man in this body who took up the cudgels for him and defended him upon this floor in a speech, perhaps too long for the comfort of the Senate, but one which reviewed as well as I could Mr. Daniels's services to the country and the motives which were behind the cruel attacks upon him both as a man and as an official.

Mr. LA FOLLETTE. Mr. President, I am glad the Senator interrupted me to make that statement; and perhaps it makes it rather incumbent upon me to explain why I am so late in speaking about the good record of Secretary Daniels.

Mr. THOMAS. Oh, Mr. President, I meant no reflection in making that statement. I did not mean in the slightest degree to charge the Senator with being somewhat tardy in his appreciation—not by any means.

Mr. LA FOLLETTE. No, no; I did not so understand it.

Mr. THOMAS. I merely wanted to call attention to the fact that at that time I was defending him because I had made some criticisms of the Secretary of other matters. It was entirely in explanation of my own attitude and not that of the Senator having the floor.

Mr. LA FOLLETTE. I knew perfectly well that my friend from Colorado did not intend to reflect upon me.

Mr. THOMAS. Not in the slightest.

Mr. LA FOLLETTE. But I thought perhaps anybody reading the RECORD might wonder that it was 1919. But, Mr. President, I have dwelt a little bit upon Secretary Daniels, because, in this connection, I do hope that Senators here will give due weight to his recommendations; that they will give to them that weight which, I think, ought to be given to his recommendations in view of the record that he has made in the public interest; and I repeat this phrase from his letter, because I see a Senator or two in the Chamber who were not here when I read it before:

My attitude is that the naval reserves ought not to be touched by legislation, but ought to be settled by the courts.

So, Mr. President, I come back to put into the possession of the Senate and place upon the RECORD some of the views of my deceased colleague, the late Senator Husting. I had read briefly

from a report which he prepared to submit to the Senate at the close of the session of 1917, the extra session, all of which had been put into typewriting and left ready to be presented at the opening of the regular session in December. It will be remembered that we adjourned in October, and this document which I hold in my hand was prepared just before he left the city of Washington for the brief vacation between October and December. He went to his home, and it was his tragic misfortune to lose his life by accident only a few days after this document was prepared.

I ought to say, I think, that Senator Husting had always taken an exceptional interest in legislation of this character. It was a field in which he especially excelled. It was a subject upon which he had spent a great deal of time, and so I feel a sort of responsibility to let his opinion be known to Senators here who were acquainted with him, but who might not be aware of the fact that he had given practically all of his public life to the question of the preservation of the national resources for the public.

In Wisconsin, as a member of the State senate, he earned a State-wide reputation because of his devotion to the conservation of our State's water powers, especially; and during the time that he was a senator in that State's service, and while the committee of which he was a member was working upon the legislation under the instruction of the legislature, that committee, with Senator Husting at its head, came to Washington to advise with experts here upon that subject of legislation. I mention it to show the ardor and the interest and the faithfulness with which he prosecuted any investigation of any subject of legislation, and especially when it pertained to saving these great elemental and fundamental and natural resources for the public.

I quote further from this report:

We have entered upon the policy of substituting oil-burning for coal-burning ships—

Inevitably there will be some little repetition in what I have tried to put before the Senate, because the views of Senator Husting are so much in accord with the views of Secretary Daniels and of other advocates of that policy; so I do it for emphasis, and to give to the subject that importance which I think it merits—

We have entered upon the policy of substituting oil-burning for coal-burning ships, believing it to be essential for the national safety. Other great naval powers have adopted the same policy. It is probable that it will take about 15 years to work out this policy fully, at which time the Navy's need for oil will reach its maximum. But if we abandon the reserve policy we have only 15 years' supply in sight. The most recent estimates put the total oil reserves of the United States in known fields at 7,629,000,000 barrels, and forecast an increase in consumption of 5 per cent per year. At this rate our total oil resources would be exhausted in 16 years but for importations from abroad.

Of course the situation, since that was written, has undergone modifications. New fields have been discovered, but likewise new uses for oil are devised almost daily, and the demands of consumption keep close step with the increasing supply.

What could be more absurd than to be building oil-burning ships for 15 years with one hand, while with the other we are using up our oil deposits so that at the end of that time there will be no oil for the ships to burn but for importations from foreign countries? Yet that is the precise effect of section 16. Either that section should not be enacted or we should stop building ships to burn oil and go back to the inferior coal-burning type, for a coal-burning ship with full bunkers is better than an oil-burning ship with empty tanks.

That reasoning, while it was applied to section 16 of the bill that was then about to be reported from the Senate committee, applies to any provision in any bill that makes any encroachment upon the naval reserves.

How much oil does the Navy need?

A memorandum prepared in the Navy Department and printed in the hearings of the committee on Senate bill 45, this section stated, at page 229 of the hearings:

"Due to the war, the increase in the number of oil-burning destroyers and the acceleration of the building program, previously made, estimates of the Navy's oil needs must be revised. It is now estimated that the fuel and oil requirements of the Navy will be as follows:

"Fiscal year ending June 30, 1918, 5,000,000 barrels, if at war.
"Fiscal year ending June 30, 1919, 8,635,000 barrels, if at war.
"Fiscal year ending June 30, 1920, 16,635,000 barrels, if at war.
"Fiscal year ending June 30, 1921, 5,854,000 barrels, if at peace.
"Fiscal year ending June 30, 1922, 6,574,000 barrels, if at peace."

In view of the imminent exhaustion of all oil fields in the United States open to commercial exploitation, and in view of the rapid increase in the amount of oil necessary to supply the Navy, it is clear that the public safety requires that naval petroleum reserve No. 2 should not be given over to commercial exploitation but should be devoted to the national defense. It should be noted that in urging this conclusion no account has been taken of the needs of the Army and other auxiliaries in the present war, though a statement of them would greatly strengthen the conclusion that I have reached.

It should also be noted that it is essential that the Navy should have at all times a two-years' supply in the ground and readily accessible. (Proceedings of joint conference, p. 8.)

This alone amounts to 32,000,000 barrels.

The original oil content of reserve No. 2 is estimated by the Interior Department at 330,000,000 barrels, of which 80,000,000 barrels have already been taken out. (Proceedings of the joint conference, p. 69.) What now remains in the ground there is less by 50,000,000 barrels than the estimated total consumption of oil in the United States during this year. (Hearings of S. 45, this session, pp. 32, 75.) The total estimated deposits in known fields in the United States above given are twenty-five times the present contents of this reserve. To open it will not greatly affect the general supply.

Such is the necessity of maintaining this reserve as an essential means of national defense. Who, then, are the claimants that demand its abandonment in their interests?

Mr. E. J. Justice, special assistant to the Attorney General, whose inflexible devotion to the public interests up to the moment of his sudden and lamented death, did so much to protect the rights of the people in the oil lands, said in a memorandum dated April 18, 1916, and addressed to the Attorney General (Senate hearings on H. R. 406, 64th Cong., 1st sess, p. 457):

"The following are the companies operating in the naval petroleum reserves who will be benefited by this act:

And I think it is fair to say that they are the companies who will be benefited by the passage of this bill if it is passed just as it stands before the Senate.

	Capital stock.
Associated Oil Co	$40, 000, 000
Boston Pacific Oil Co	1, 000, 000
California Amalgamated Oil Co	5, 000, 000
Caribou Oil Co	1, 000, 000
General Petroleum Co	50, 000, 000
Honolulu Consolidated Oil Co	5, 000, 000
North American Consolidated Oil Co	5, 000, 000

Northern Exploration Co., the amount for which it is capitalized is not stated in this quotation.

Record Oil Co., amount of capitalization not stated.

St. Helena Oil Co	£597, 192
Standard Oil Co	100, 000, 000
Union Oil Co	50, 000, 000
United Oil Co	2, 800, 000

Senator Husting now proceeds to comment upon that statement quoted from Mr. Justice's report.

The claimants, then, are not poor, weak, or ignorant men. They are entitled to justice from us and nothing more. That they have received under the orders of the President and the legislation heretofore enacted. Their rights before the original withdrawal order have been well stated by the Attorney General in his letter to the Secretary of the Interior, dated April 16, 1916 (hearings before Naval Affairs Committee of the Senate, 64th Cong., 2d sess., on so-called relief provision of the oil-leasing bill, p. 39):

I quote from the Attorney General's letter the following sentence, which is emphasized in Senator Husting's report:

These persons, under the existing law, were entitled to enter upon public lands, to survey and mark the portions desired, to explore for oil and gas, and, upon discovery, to take title, ultimately by patent. So long as they were diligently and in good faith engaged in prosecuting the work of discovery they were entitled by possession and to protection against clandestine and hostile entrance by others.

Senator Husting proceeds to say:

The original withdrawal order of September 27, 1909, excepted then existing valid claims by the following language.

Mr. SHEPPARD. Will the Senator permit a question right there?

Mr. LA FOLLETTE. Certainly.

Mr. SHEPPARD. Were the companies the Senator mentioned awhile ago among those who entered land after this order?

Mr. LA FOLLETTE. Oh, no; that is, not by name. Just the chronology of the appearance of these different companies in the RECORD is not in my mind. Before I get through it will appear from the records of investigators that large numbers of locations were made there upon dummy entries by one individual, and that there have been transfers of lands covered by entries clearly fraudulent to some of the great corporations whose titles I have read here.

I continue the quotation from former Senator Husting's report:

The original withdrawal order of September 27, 1909, excepted then existing valid claims by the following language: "All locations on claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination." Now no claim against the United States can exist or be valid under the mining law before discovery; and those claimants who have been caught by the withdrawal order after the expenditure of large sums of money in exploration work or before discovery came to Congress for relief, which was granted them by the Pickett Withdrawal Act of June 25, 1910, in the following words:

"Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, as a bona fide occupant or claimant of oil or gas-bearing lands and who at such date is in diligent prosecution of work leading to the discovery of oil or gas shall not be affected or impaired by such order as long as such occupant or claimant shall continue in diligent prosecution of such work: *Provided further*, That this act shall not be construed as a recognized abridgment of any asserted rights or claims initiated upon any oil or gas-bearing lands for any withdrawal of such lands made prior to June 25, 1910."

Mr. NUGENT. Will the Senator permit me to ask when was that act passed?

Mr. LA FOLLETTE. It was passed on the 25th of June, 1910.

I think Senator Husting makes it pretty plain that everybody who has any just claim or any possible equity had been already cared for by legislation, and that when you go one step beyond that you are compromising with those who have sought unlawfully and wrongfully to trespass upon and pillage the public domain; and that, too, upon a reserve set apart for the benefit of the Navy, which, if we may believe the judgment and opinion of those who have studied this subject with some care, is quite essential to the rank our Navy shall hold in the future. Senator Husting explains further:

As a matter of fact, all, or nearly all, of the present claimants, seeking to justify their defiance of withdrawals by dating back their claims to an earlier day, rest upon frauds against the mining laws either by way of asserting a claim before discovery—

That is, so-called paper claims—

or by way of using "dummy locators" to expand their claims from 20 to 160 acres and taking assignments from the dummies before the discovery of oil.

Mr. President, I am going to read a part of the testimony of Assistant Attorney General E. J. Justice quoted in Senator Husting's unpublished report.

Before quoting from Mr. Justice I want to say just a word about him. He was a prominent citizen of North Carolina. I met him in 1915 at the home of Chief Justice Clark, of the State of North Carolina, at a little reception that was held there during my visit to Raleigh. I learned that he had been one of the candidates in a contest for United States Senator that had shortly before that time taken place in the State. I beg Senators to remember that this man, standing so well in his State that he had sufficient following to be recognized as a fit man to represent North Carolina in the United States Senate, was thereafter chosen by the Attorney General, and appointed by the President, to conduct one of the most important investigations that could possibly be carried on by the Department of Justice—an investigation in which the title of property running into the hundreds of millions of dollars was involved; an investigation in which were involved great and powerful monopolies reaching out for the remaining oil found in the public lands to complete their control.

When Mr. Justice came into public service here he called upon me, and I had the opportunity from time to time of a somewhat intimate acquaintance with him. All that I had heard about him in his State was confirmed in the favorable impression I then formed. He was a man of the highest qualities of character. He was not an emotional man; he was a man of calm, well-poised judgment. I never knew a man, upon such limited acquaintance, in the results of whose deliberate and ample investigation of any matter I would have more confidence. When I learned that he had died, I felt that one of the best men of our time had been taken away in the very fullness of his power and at a time when it was possible for him to have rendered to the people of this country the highest possible service. The fact that he was selected, through the Department of Justice, for this important service is in itself a commendation of his rare qualities as a man and as an investigator.

I now quote from Mr. Justice's testimony. An example of these frauds against the mining law is the claims located by L. B. McMurty, totaling over 30,000 acres. (Hearings Naval Affairs Committee 64th Cong., 2d sess., p. 43):

Mr. JUSTICE. A man by the name of L. B. McMurty, who lives in San Francisco, prior to the order of withdrawal had been doing what people generally did—posting notices on quarter sections, on the 1st day of January, as the custom was, getting there as near midnight so as to get ahead of anybody else. They had a piece of paper tacked on a board and nailed on a stick and drove the stick into the ground. On the paper there was a statement. The land was located for oil.

* * * * * * * *

Now, this man McMurty in this way "located" lands—"claims"—but of course the mining law was passed to guard against monopoly. This kind of fraud was intended to evade it. The law was at one time that no man could have more than one claim of 20 acres upon one discovery, and he had to make discovery on that claim before he could acquire any vested right.

These lands are taken up under the act of February 11, 1897, which was passed to allow oil land to be located under the placer-mining law. It was provided that the maximum amount that could be embraced in one location by an association of eight people and upon which one discovery would suffice was 160 acres, so that the interest of each of the eight would be equal to 20 acres. I found, in my investigation out there, that in the early days of oil development the trick of using dummies was seldom resorted to, but in later years, when it was known by the use of the drill there was much oil around about there seven of the eight names used on the location were often mere dummies.

I put this into the RECORD and lay it before Senators for their consideration, because it bears upon the bill under consideration here. We have, in sections 18 and 19, recognitions of rights derived from entries as spurious as Mr. Justice is now describing:

This man McMurty went in, as a great many others did in California, on a large scale, posting notices on and claiming these lands. When the developer would come along he would hold him up, but when this order of withdrawal intervened it was water on his wheel, because the developer could not go back and locate because the land had been withdrawn. Therefore they began to buy out men like McMurty, who had prior notices posted.

We were struggling along trying to find out whether McMurty's arrangement with the locators was fraudulent or not. It developed he sent to Chicago and borrowed the names of 32 men employed around the stockyards whom he had never seen before or heard of and secured powers of attorney from them. Eight of them were used by him to get the northeast quarters of many sections, eight of them as northwest quarter locators, eight of them as southwest locators, and eight of them as southeast locators. He divided them up that way so it would be simple for his agents to go into the field and post the notices. He located over 164 quarter-sections with those dummies. He did not get advice from his lawyers he thought he needed, and became doubtful about the sufficiency of this plan. Of course, there was no valid location until there was a discovery.

That is the climax of the thing, as I see it.

So when he thought he might get into trouble about these Chicago locators, for some reason known to him and his attorney, he sent to New York and got some locators—the same number—and "located" them on the same sections, and he made some contracts with purchasers—this man McLeod, under whom the Standard claims, was one of them—under the Chicago locators, and when he dropped them and picked up the New York locators and "located" them he never changed his contract with McLeod, but moved on under the New York locators just as if he had continued under the Chicago crowd.

Now, when we sent to Chicago the men said—at the time the special agents first went to them—they did not remember giving McMurty any power of attorney.

Some of these men who signed these powers of attorney, when we saw them, said, "We did not do it." When reminded of the circumstances, they recalled it and said they thought they were signing some sort of an election petition, or something of that sort.

The matter began to look so fraudulent that we concluded we would just subpœna McMurty and bring him up the next morning before he had time to talk with anyone and put him on the stand as a witness. His testimony is set out in the record. It fairly shows the fraud. It is not full, as many things he did not remember. His answers were mostly in monosyllables, as one might expect in these circumstances.

All these sections I have mentioned here were "located" by McMurty at the same time and in the same township and in the same way as section 28, which has been investigated and tried.

Senator LODGE propounds a question to Mr. Justice:

Senator LODGE. Were those included in the 1,600 acres of the Standard Oil Co.?

Mr. JUSTICE. Every acre of the Standard's 1,600 acres came through that source.

That excited some interest on the part of Senator SWANSON, who was present at this hearing, and he said:

Senator SWANSON. That would be 1,600 acres?

Mr. JUSTICE. Yes.

Senator SWANSON. What would that be worth?

Mr. JUSTICE. I do not know. Mr. Richardson says that a man from the Bureau of Mines said $7,500 an acre.

Senator BRYAN. Every acre you say the Standard Oil Co. got was located by McMurty?

Mr. JUSTICE. Yes, sir; of those 1,600 acres claimed by it in naval reserve No. 2.

Senator BRYAN. Did he locate for anybody except the Standard Oil?

Mr. JUSTICE. Yes, sir; he located for himself.

Senator BRYAN. I understand. The 1,600 acres that the Standard Oil claim were located in the manner as you described by McMurty?

Mr. JUSTICE. Yes, sir.

Senator BRYAN. I ask, furthermore, how much more of these reserves, in addition to the 1,600 acres, were located by him in the same manner?

Mr. JUSTICE. Excuse me a minute until I make a calculation.

Senator BRYAN. How much of the 5,600 acres were located by him?

Mr. JUSTICE. Six hundred and forty multiplied by five—3,200 acres out of the 5,600 acres.

Senator SWANSON. Please explain the contracts and methods by which the Standard Oil got its interest in these lands.

Mr. JUSTICE. McMurty, of course, having these locations—that is, the paper notices posted and this order of withdrawal intervening—he commanded the field to a very large extent, because the men who got in had to have some sort of connection with somebody that antedated the withdrawal order. So McMurty went to the Associated Oil Co. and sold them a part of section 28 for over a half a million dollars, I think it was. I do not remember just how much he received, but a large sum; but he was required to go back and get the New York fellows to ratify his transaction as their attorney in fact. They wanted a little money, and he gave them the equivalent of about 4 per cent. and he kept the other 96 per cent.

On the witness stand he attempted to justify that by saying that he spent years in working on the matter, and they had spent only about 15 minutes.

Senator PITTMAN. But was there any question as to whether or not these men were in conspiracy with McMurty to deliver him their interest?

Mr. JUSTICE. No; I think the conspiracy and fraud of the men consisted in selling their names. The point that you have in mind, I take it, was made in the trial. The defendant said: "Suppose McMurty is in fact the principal for these men, so far as anything was said, and so far as anything in the record shows, why, then, if he has committed a breach of trust in not giving them their eighth, that gives them a cause of action against him for breach of trust."

"Yes," said Judge Bean from the bench, "if he located it for them, but he merely got their names to use for fraud, and used them for frauds, and they did nothing except permit the use of their names, that does not make the location honest and doesn't support that contention."

McMurty went around selling these claims to anybody that would buy them from him at his price. The Standard Oil bought these 1,600 acres through a man named McLeod, who was pretty close to McMurty. The circumstances tend to show that McLeod and McMurty were handling these things together through McLeod's wife's name and through him. McMurty and McLeod turned these claims in to the Standard Oil Co. under a contract that the Standard Oil Co. would go on these lands and develop, and if it discovered oil—then McLeod

would go to the land office and make application for patent, and they would then, if they could get the patent, divide up between them according to the terms of the contract, McLeod getting little and the Standard Oil getting more. That is the way the Standard Oil came in.

The Senators who were present when I read the list of the companies operating in the naval petroleum reserve will remember that in addition to the Standard Oil the Associated Oil Co. was likewise one of them. It is a subsidiary of the Southern Pacific Railway.

Mr. Justice says with respect to this company:

The Associated Oil Co. came in in the same way, except that McLeod did not intervene, and so on, with all these claims, just as if he had a basket of eggs to sell, just peddling them around. Of course, the Standard Oil Co. and the Associated Oil Co. did not take his word for the fact there was oil there. They made up their own minds after a careful investigation of the matter. I say there are some circumstances which lead me to believe that the Standard Oil Co. and the Associated Oil Co. and others knew about these frauds. Now, for instance, one of the things that made me think that was that the Associated Oil Co. when it paid McMurty this money took more care in drawing this contract than seems necessary if there was nothing the matter with the title. In reciting a thing that was not borne out by the papers or the facts. McMurty did not use his own name in making the locations. He only acted as the attorney in fact. When he came to make the contract——

Senator SWANSON. Let me ask you this: Did they know who he was attorney in fact for—did they show all the data on the papers?

Mr. JUSTICE. Yes, sir; he showed all his papers. Then the contract recited that McMurty was personally interested in those locations. His papers did not indicate that he was. We called McMurty to the witness stand. We thought we would surprise him, but it turned out afterwards that they got hold of him the night before, so he says. That is another story, though. When they introduced this contract, under which the Associated Oil Co. claimed, there was this recital that he was personally interested. On the stand we asked him: "You say in this contract you were personally interested—how?" He said that one of the locators died, and there was an administrator's sale. "Is this the only way you got the interest?" "Yes, sir." "But," we said to him, "that man died after you sold." That false recital was put in that contract. He could not explain how it was, but it indicated they were simply fixing up the gaps.

That is the statement of Mr. Justice, appointed by the President, through the Department of Justice, to make a special investigation in this naval-reserve field, and it is quoted by former Senator Husting in the report which I am reading.

I have finished the quotation from Special Attorney General Justice. What I now read is from the pen of Senator Husting. He says, after quoting from Mr. Justice's testimony:

I submit that proceedings of this character are tainted with conscious fraud, and that neither those guilty of the frauds nor those claiming under them have any equities that justify us in jeopardizing our naval security. Yet section 16 of this bill, as recommended by a majority of the committee proposed to give up this naval reserve to all claimants who "asserted a mineral claim"—thus dispensing with the requirement of discovery—and had up to the time of the passage of this bill drilled a producing oil or gas well—thus condoning defiance of the withdrawal order and withdrawal act—if the present holder can show that he purchased the claim in good faith, which means with intent to drill for oil in defiance of the withdrawal order, for a valuable consideration, which means nothing substantial, and without actual knowledge of his predecessor's fraud—thus repealing for the benefit of defiant trespassers who endanger the public safety the wholesome rule of law which puts the purchaser of property upon inquiry as to the validity of the seller's title.

It will be worth while, I think, for Senators to compare the provisions of that section which Senator Husting there quotes with the provisions for relief incorporated within the pending bill.

Senator Husting further said in his report:

The beneficiary of this extraordinary legislation would pay the Government as royalty one-eighth of what the Government owns in full, after deducting the oil used in development and wasted by his own greed and negligence. The majority attempts to justify this proposal by calling it a compromise, but in fact it is not a compromise at all, for no claimant is required to abandon his contests in order to get the benefit of it; on the contrary, he may pursue his contest to final defeat on the chance of getting absolute title, and then, after defeat, take the benefit of this so-called compromise. This proposal, therefore, in substance excludes the Government from the benefit of proceedings in the courts and before the Land Department; insures that benefit to defiant trespassers who rest their rights on fraud and guarantees the wrongdoers against any possible loss in any event.

I find also in Senator Husting's report some quotations from the Attorney General and from the Secretary of the Navy that emphasize the importance of protecting to the very last measure the legal rights which the Government has in the oil lands within the reserved territory.

Secretary Daniels, in one communication presented to the Senate Committee on Public Lands when this legislation was pending at a previous session, which I find quoted in Senator Husting's report, said:

I wish to as earnestly as possible impress upon you our conviction, in which not only the Navy Department joins, but the Department of Justice, that this oil land, having been set apart for the Navy, belongs to the Navy; that this leasing bill would take away from the Government that which in time of peril might change the tide of war; that these gentlemen who have equitable or legal rights should be remanded to the courts or to the regular departments of the Government to have their rights tested.

They would then be tested under circumstances where both sides could be heard, not upon ex parte statements made here and there to the membership of a committee or to the membership of a body of Congress.

Again, the Secretary of the Navy says, as quoted here in Senator Husting's report:

The Navy Department is vitally interested in protecting these reserves, because they were relied upon when the policy of building oil-burning ships was adopted, and now that we have a large and increasing number of ships that depend solely upon oil for fuel it is of the utmost importance that the rights and needs of the Navy be not overlooked in the effort to relieve claimants to oil lands.

As bearing upon the situation with regard to pending litigation at the time this report was prepared, I have, I think, a little later data which I shall present further along in my remarks, but I quote this from Attorney General Gregory:

It (the bill)—

Referring to a pending bill which proposed to confirm the claims of trespassers, as the Government regards them, in the oil reserves and give them priority of right, as this pending bill does, the Attorney General says:

It (the bill) is apparently intended to apply to the oil and gas deposits in the naval petroleum reserves, for there is a proviso in the thirtieth section that any moneys accruing to the United States from lands of those reserves shall be deposited in a specified way. It applies generally to all the withdrawn oil lands. The result will be to destroy the value of those naval reserves as depositories of fuel oil in the ground and convert them into sources of pecuniary income.

I wish Senators would hold that fact in mind. This proposed legislation recognizes the right to continue the operation of certain wells in naval-reserve territory.

The point made in this case, while it is made with reference to another bill, has its direct application here. The only way the naval-reserve area can be preserved, as all other Governments are preserving their naval reserves from encroachment, is to prevent as much as possible the boring or pumping of wells located here and there throughout that territory. If you do not do that, you are sure to have the oil to a certain degree exhausted for a considerable area about every one of the producing wells located. Recognizing, as does the pending measure, what are claimed to be the equitable rights of these trespassers to continue on the reserves, and to operate those wells under leases that shall be executed under the terms of this bill, I submit is to do just exactly what is suggested here, namely—

to destroy the value of those naval reserves as depositories of fuel oil in the ground and convert them into sources of pecuniary income. The Department of Justice is doing its utmost to protect the reserved areas, including the naval reserves. Over 20 suits are pending in California and Wyoming. These include but a few of the cases which have been investigated. Many powerful oil companies are interested in a multitude of claims set up to the withdrawn land. Practically all of the known oil areas in California have been covered by paper locations. Those whom we have sued and contemplate suing are those who appear to have no right or equity either under the mining law or the Pickett Act of June 25, 1910, but who have entered on the withdrawn land in spite of the withdrawal and in spite of the known purpose of the Government to enforce it, and who in many instances have taken enormous quantities of oil and appropriated the proceeds—millions of dollars—without making any provision to indemnify the Government, besides inflicting gross damage to oil deposits through hasty and negligent operation. * * * In some (cases) the claims are now sought to be supported by fraudulent dummy locations and fraudulent locations of gypsum. The recognition of any considerable portion of (these claims) could not fail to have a serious effect upon the oil reserves in general and the naval reserves in particular. Whether such a recognition will result from the proviso I can not undertake to say definitely, but, as now advised, I incline very strongly to the opinion that it would.

Mr. President, with that I conclude for the present presenting further extracts from the report of Senator Husting. I next come to quote just a paragraph from the debate in the Senate on December 17, 1917. When this bill was engaging the attention of the Senate for a brief time, some reference was made to this subject and to the history of these intrusions upon the naval reserves.

The Senator from Virginia [Mr. SWANSON] made on that occasion in the course of the debate a statement referring to the people who were seeking relief and many of whom are to be afforded relief in sections 18 and 19 of the pending bill, as follows:

Mr. SWANSON. * * * These very men in this naval reserve came to Congress and got through what is known as the Pickett Act. They say that all they ask is to be allowed to take care of their cases under existing law. They are not satisfied with existing law, however. They come here and want the law changed so as to give about $100,000,000, the value of this property, to whom? The Standard Oil Co., the Honolulu Co. They want to change existing law. The Navy Department has not asked to have the law changed; the Navy Department has not asked them to do anything but go into the law courts and contend for what is right and just.

I say that is what Congress should do now. It should keep its hands off; it should send these trespassers upon the naval re-

serves into the courts of justice to get their relief. I continue the quotation from Senator SWANSON'S remarks on that occasion:

This bill comes in here and changes the law, and gives these people rights to which they are not entitled under existing law; and they try to connect what they want with the general policy, hoping to put it through by attaching it to a bill for general relief outside of that.

We are not afraid of any discussion of this measure, in Congress or elsewhere. We are willing to have it investigated. It was heard by the Naval Affairs Committee. All we ask is that these people may have the rights to which they are entitled under existing law. Do not change the law. Let them go to the courts and contend for their rights. This bill comes in here and changes the law, and I will tell you how in one case it will change it. It is in evidence here before the Naval Affairs Committee that a prospector or prospectors from San Francisco, Calif., went to the stockyards in Chicago, and got 39 men, I believe, to file claims under the law as it then stood—all fraudulent claims, mere dummies. After that title was obtained it was sold to these people. The title to nearly two or three thousand acres of land under this reserve is in fraudulent dummies, entered by men in the stockyards, who came and testified that they thought they were signing an election petition.

The Senator repeats:

The Navy Department does not ask any relief. It says, "Let these people have what they are entitled to under the law when it was settled years ago." Finding that they can not get what they claim to be their rights under the law they come in here and want the law changed so as to turn over rights worth about $100,000,000 to a few private individuals that we say under the law in justice and equity are not entitled to it.

Much more of that debate respecting the views of Senators who at that time were present and who were in close contact with the Secretary of the Navy, who was then in the city of Washington, might be read as showing the opposition of several Senators here, from one of whom I have quoted and others of whom I may quote later. As a result of that debate the naval reserve provision was struck out of the bill then pending before the Senate.

(At this point Mr. LA FOLLETTE yielded the floor for the day.)

Friday, August 29 (legislative day of Saturday, August 23).

Mr. LA FOLLETTE. Mr. President, yesterday I spoke upon certain phases of the problem raised by the pending legislation, and about the time that I yielded the floor the Senator from Montana [Mr. WALSH] presented a letter signed by one Joseph A. Phelan, oil examiner. The letter is written upon the stationery of the United States Shipping Board, Emergency Fleet Corporation. It raises the question as to whether it is possible for the Navy Department and the Government to save anything from the clutches of the Standard Oil on the naval reserves. It not only raises that point but, if the letter is to be accepted as an authority, it settles it. It seems to be written with a view of impressing the Senator to whom it was addressed, and the Senate, if it happened to come to its attention, with the idea that it is utterly futile to attempt any longer to resist the encroachments of Standard Oil on the naval reserves; because they have already gotten such a hold there that we might as well surrender to them. The writer of this letter expresses his opinion, after making statements with respect to the holdings of the Standard Oil, that he has "no hesitancy in saying that the delay in the passage of a general leasing bill has enriched the Standard Oil Co. millions of dollars, and any continued delay will work to the sole advantage of that company."

I have not had much opportunity since this letter was presented to look up Mr. Phelan, but I called up the Shipping Board to learn about him, and I found out that he is employed there, but has only been employed for the brief space of two or two and a half months; that he had left a memorandum that he was in the "Democratic gallery" of the Senate. He is here watching the progress of legislation either because he is a very patriotic citizen or because he has some underground connection. At any rate, he is very much interested in being on the ground while this legislation is under consideration, and he is not serving the Shipping Board in being here.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Did I understand the Senator from Wisconsin to say "the Democratic gallery"?

Mr. LA FOLLETTE. That is the memorandum he left.

Mr. SHEPPARD. There is really no such gallery.

Mr. LA FOLLETTE. No; there is no such gallery. I suppose he is probably in the gallery on the Democratic side; I do not know just where he is; but I venture the opinion that if you can find out where the Standard Oil lobby is, there you will locate Phelan.

I find that a Phelan of the same initials was formerly a representative of private oil corporations in their efforts to secure leases on Indian oil lands for the Foster and the Doherty interests. I find that he was recently employed by the Empire Gas & Fuel Co., of Bartlesville, Okla.; that he was an employee at one time of the City Service Co. of New York, a subsidiary of the Doherty company, one of the great monopolies of light in the United States. I find that he was at one time an employee of the Indian (T) Illuminating Oil Co. of Oklahoma.

Mr. President, I do not believe that there are many Senators on this floor who will be inclined to follow the suggestions of this gentleman as to whether the United States Government can secure and preserve its naval reserve in the contest against the trespasser. I do not know what assurances concerning the antecedents of this gentleman the Senator from Montana had when he presented his letter upon this floor, carrying with it the positive statement that any delay in the passage of this bill would be hostile to the public interest and would serve the Standard Oil interests. His letter is in the RECORD; it is offered here on the floor, and for the present I let it stand just there, with this addition, that the writer of it does not take the same view of the public interest, the vital interests of the Navy Department in the naval reserves, that Secretary Daniels does.

It is true, Mr. President, that I have one other word from the Secretary of the Navy later and more directly applicable to the specific terms of this bill than what I am now about to present to the Senate. I will lay that before the Senate, or, still better, put it in the RECORD, where it can reach the Senate if they are interested in finding his views.

Mr. OWEN. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator.

Mr. OWEN. I should like to ask the Senator how the bill fails to protect the Government's interests in those naval reserves. I do not clearly understand the point.

Mr. LA FOLLETTE. To answer the Senator's question in just a brief way, it gives trespassers who have gone upon these lands, and against whom suits are pending, priority rights under the terms of this bill against anybody else, even in the naval reserves; and, of course, as to the naval reserves, if the reservation provision were protected, the public would not have any rights outside of these sections in this bill. So that it rewards these trespassers; it relieves them of defending their rights in the courts and taking the judgment of the courts as to whether they have any equity even in this territory; and it gives them out of hand rights in the naval reserves that they would not have except for this legislation. That is what it does. That is one thing it does.

But, now, in opposition to Phelan's views, I want to read something from Secretary Daniels. It is not written at this hour. I will read later a letter that has been written within two or three weeks, and that does apply directly to the very terms of this bill; but what I am going to read now is a general statement that has application to the issue that is involved in this contest.

Mr. President, the supporters of this legislation ought to be able to summon here some better authority than this man Phelan. I make my appeal here, Mr. President, in support of the effort of the Secretary of the Navy and of the Department of Justice, to save to this Government and to our country these oil lands in the naval reserves. I am not a member of this committee. I was blamed yesterday, in a speech made by the Senator from Colorado [Mr. THOMAS] in criticism of my course here, because I had not appeared before the Committee on Public Lands and suggested to that committee my ideas and these amendments which I have offered here. Mr. President, this original bill was introduced only on the 2d day of June, a little over two months ago. It went to the Committee on Public Lands, but that is not the identical bill we are now considering. That was the first bill that was introduced. That is not this bill.

The bill that we are considering, which the Senator from Colorado [Mr. THOMAS] criticizes me because I did not appear before the committee to seek amendments to, such as I have presented here in the Senate, was only introduced on the 15th of August, and it was reported right back to the Senate on the same day. I want to say to the Senator from Colorado that I do not think he had a really good case against me on laches. I do not think I am fairly chargeable with negligence for not appearing before this committee to propose my amendments or the amendments which I have offered here to this bill. It was introduced on the 15th of August and reported to the Senate on the 15th of August.

Mr. LENROOT. Mr. President, will my colleague yield?

Mr. LA FOLLETTE. Surely.

Mr. LENROOT. I am sure my colleague will welcome an explanation of how that came about.

Mr. LA FOLLETTE. Oh, I think I understand how it came about. I was about to make a statement in regard to it.

Mr. LENROOT. The original bill was considered in committee in full and many amendments adopted.

Mr. LA FOLLETTE. Yes.

Mr. LENROOT. Then the committee instructed the chairman of the committee to introduce the amended bill as a new bill.

Mr. LA FOLLETTE. Yes; I so understood. I understood that; and the most important amendments that were adopted were proposed by the conservation association, of which Gifford Pinchot is the head. I happen to be informed that when this Smoot bill was first introduced it was a pretty faithful copy, I think, of the conference bill; am I wrong about that?

Mr. LENROOT. Partly, because the Smoot bill as originally introduced was a straight leasing bill.

Mr. LA FOLLETTE. Yes; but so far as other features of the bill were concerned it was a pretty faithful copy of the conference bill which came in here at the close of the last Congress and which was defeated here by a filibuster. I am going to have a bit to say again about that filibuster, because the Senator from Colorado has arraigned me here on the floor of the Senate as largely responsible for that filibuster.

I come back now, Mr. President, to present to the Senate the views of Secretary Daniels as bearing upon the point covered by the letter offered by the junior Senator from Montana [Mr. WALSH] written by this man Phelan.

On February 15, 1916, Secretary Daniels in a letter to Mr. E. B. Latham, one of the best oil experts in the United States, thoroughly familiar with this field, having been water commissioner and chief geologist for the Oil Protective Association of Kern County and a graduated geologist of Harvard and Columbia, asked him his opinion. I quote from Secretary Daniels:

6. Suitability of naval petroleum reserves Nos. 1 and 2 for reserve sources of fuel oil for the Navy?

In a very long opinion, Mr. Latham replied in part to the above inquiry. Answering inquiry No. 6, "Suitability of naval petroleum reserves Nos. 1 and 2?" as per Secretary Daniels's inquiry—

Now, I quote from this expert authority:

It was contended at the hearing that there are over 3,000,000 acres in the public domain from which the Navy may be provided with petroleum, and that reserve No. 1, Elk Hill, may be kept for the Navy's use; but No. 1 should be subjected to the preferential leases asked for. Based on results and procedures adopted by the best-informed companies, I calculate that the possible depletion from all causes and under the most severe conditions would not exceed 25 per cent. In reserve No. 2 it will probably never reach 20 per cent; and, furthermore, since reserve No. 2 was set aside, a new and deeper oil sand has been discovered underlying it. This second producing measure is now virgin, and may be so maintained. It is as prolific as the original or top sand, its oil content and gas pressure as great. It has been drilled into enough to prove its continuity, but not enough to drain it, and may be preserved unimpaired for a thousand years.

Now, there may be Senators who prefer to accept the opinion of Mr. Phelan, oil expert of the Shipping Board, former employee of various private monopoly oil-lighting and oil-grabbing interests. I assume that the Senator from Montana knew nothing about the antecedents back of the letter.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. Certainly.

Mr. WALSH of Montana. The Senator is quite right. I know nothing about his antecedents nor about the facts he states in the letter. I give the letter for whatever it may be worth.

Mr. LA FOLLETTE. That is what I assumed.

But here is the opinion of Secretary Daniels, whose antecedents are better than this fellow's. Here is the opinion of a man of authority who says that not in a thousand years can this situation change on the oil reserve. It may be we will have some testimony presented before we get through with this argument that these expert opinions are all wrong, but I venture to say that it will be somewhat superficial if it is.

Mr. Latham says—and there is nothing to color his opinion in the way of prejudice or self-interest, there is no taint of Standard Oil on him. He never has been connected with any grabbing proposition. He never sought to pillage upon the great national petroleum reserves of this Government. Here is his opinion, that the drilling indicates very conclusively conditions there that a thousand years will not change or jeopardize the oil reserve that this great Government through Secretary Daniels is seeking to preserve if we will just keep these trespassing thieves out of the territory.

Are you going to follow Mr. Latham, are you going to follow Secretary Daniels and his impartial experts, and are you going to take care of the interests of the Government in the matter of these naval reserves, or are you going to support the Standard and allied oil interests? It is up to you. Make your record and abide by it.

I do not think that this administration in dealing with the situation took the aggressive steps that it ought to have taken. When these naval reserves were made, had there been a man in the White House seeking only to protect the interests of the public a policy would have been inaugurated that the Standard Oil and these other organizations would have been bound to respect. But there has been the same policy pursued here with reference to protecting the reserves covered by Executive orders that there has been in dealing with these great interests out in the general commercial field.

I have said, and I will say again, that we have not had a President in the White House in a quarter of a century who has dared to vigorously oppose the trusts and combinations—not one! There never has been one moment in all that period of time when one strong, resolute, courageous man in the White House could not have broken the strangle hold of these corporate monsters by a strict enforcement of laws already on the statute books.

There never has been a minute in all these years when if the power of the law that was given in one single act had been honestly enforced the Government could not have destroyed the power of these great interests, one of which is so vitally concerned in this legislation.

We are temporizing, we are simply camouflaging and fooling the American people. We know that we are leaving to another generation this problem which will have to be settled.

Mr. President, does any man on this floor dare to say that the statesmanship that produced the Sherman antitrust legislation was of a lower order than the statesmanship of to-day? I think that generation of men marked the high tide of statesmanship, at least for a considerable period, in the United States Senate. They wrote into the statute books, long before it was necessary to apply it, the Sherman antitrust law.

I see men about me at the present moment of the second generation since that statute was written. I see some of the direct lineal descendants of the men who had to do with the writing of that great statute on the floor of the Senate now. It was my privilege to serve in the House of Representatives when that law was written on the statute books. It was my privilege to know as a young lad in the House of Representatives the Nestor among the lawyers of that body, the father of the Senator from Texas [Mr. CULBERSON], one of the ablest lawyers who ever served in either body of the United States Congress. And there were other men, John Randolph Tucker and others of his type; Ezra B. Taylor, of Ohio; and in the Senate were men who had none to excel them in statesmanship or in legal ability in the history of the Government.

At that time, piloted by prophetic statesmen, men who had vision, seeing what might come to this country and what has come to it, they wrote upon the statute books the antitrust law. It gave to the executive department all the power that the Constitution can give to the executive arm of the Government. It said all that was to be said. It was made possible because, even though we had not more than three or four organizations in this country at that time that suggested the possibility of trusts or combinations, those men had vision enough to see that there might come in the future an organized power that would attempt to dominate the commercial and industrial life of the American people in contravention of the fundamental principles of the common law with respect to markets and prices and the products of labor.

Ah, Mr. President, let me say here in this connection that there has, in my opinion, been only one great issue in all the history of the world. That issue has been between labor and those who would control, through slavery in one form or another, the laborers. That is history. Read it. Study it. Nations have gone down in ruin from the first dawn of history that have sought to make slaves of the great masses of men. That is the destiny of nations, for the God of justice and humanity is over all, and when one privileged powerful class of the human race seek to benefit themselves unjustly from the great masses of people, they run counter and bring down upon themselves ultimately the judgment, the justice, of God Almighty. We are on the road, I fear, that other nations have traveled. I do not know that it is possible, sir, to arrest that progress. It may be that it is a disease that must afflict all nations and all peoples. It may be that it is an inexorable law of evolution.

Here in this country we have been led to hope for something better than that. I have inherited, as it were, the belief and the hope that this was the place for the consummation and the working out of the most perfect Government on earth, the most perfect Government attainable.

We had in this country a splendid opportunity, better, I think, than any other nation in the world. If the human race is gradually to be lifted to higher and higher levels, if civilization is to be truly democratic and progressive, and if we are ultimately to come to as high a degree of perfection in government in this world as finite human beings can attain, it ought to be here in America, above all other places in the world, for we had here the best opportunity. We had virgin soil in which to lay our foundations. We had the new material that came from the Old World. Every immigrant wanted more liberty and democ-

racy, wanted freedom, and hoped to realize the ideals to which the human heart aspires. It is the only place, as I see it, for the human race to attain it.

I see forces carrying us in the other direction. The Standard Oil, the Copper Trust, the Beef Trust, and all the great organizations of power and capital that have been builded up here in violation of the law of the land, that have thriven and controlled and defied the Government—these trespassers upon the naval reserves are following exactly the same lines which all the others have.

Why, Senators, are you not able to see? Is there nothing that can arouse the statesmanship of this day from its lethargy? Can you not interpret this wonderful movement that is sweeping over the Middle West and going on to the Pacific and throwing out its feelers even into the New England territory—the movement of the Farmers' National Nonpartisan League? What is its cause? It is organized because there is a belief among the people that there is a power that puts them at a disadvantage by controlling the market price of what they produce and the market price of everything they buy. They have appealed to the Democratic Party and they have appealed to the Republican Party, and they have appealed in vain, for relief, for legislation to break the power that took out of their toil just what tribute it pleased; a power that forced them when they marketed their grain to take a low price, and then took that grain into the great storage elevators and sold it to the consumer at a high price.

The great body of the agriculturists of this country decided that they had stood that thing long enough. They have protested; they have appealed to the various parties; they have gone before the various national committeemen; they have asked for this plank and that plank in the national platforms, but they have obtained no relief. Decade after decade has passed. They sweated to produce the crop; they sent it to market; they have taken out of it not enough to pay for the production and to carry the interest charges upon the capital invested in the farms. They have bought the supplies controlled by the Harvester Trust, the Beef Trust, the Fertilizer Trust, the Woolen Trust, and the Cotton Trust. The price of everything they had to buy has been controlled arbitrarily by selfish interests and no longer controlled by competition.

Do you not understand that from the beginning of organized society down to 20 years ago the price of every manufactured commodity that anybody in organized society bought gradually declined? Why? Because methods of production were improved and there was competition between the producers that kept profits at a reasonable level. About 1897 they began to combine to suppress competition and to control the markets, and from that hour, if you will consult the statistics for 20 years, you will find that the price of everything you have had to buy has increased in this country. Why? Because combinations and trusts were formed to control the prices, to take the benefits of the improvements for those who owned the factories and parasitical middlemen, and to give none to the laborers and to give none to the consumers.

That is what this thing means; that is the meaning of this great struggle. That is the biggest problem that confronts you. It is not Shantung; it is not the league of nations; it is not the treaty made at Versailles; but it is whether you can save democracy in the United States. That is the fundamental problem of the American people. The power that is trying to take the naval reserves is only one of the many that are encroaching upon the rights of the American people and upon their democracy.

Mr. President, I say that it lies with the people of this country to settle this great problem and to settle it under the Constitution without violence. I think they can accomplish its solution. It must be settled, for it is possible to carry this thing too far; they may rob the public and the public's domain once too often.

We have strikes on every hand. Senators have attempted here by resolutions and by speeches on the floor to intimidate and to restrain labor and to restrict free speech in this country not only in time of war but after. The American people are a patient people, but it is possible to push things too far. Is it not worth while for enlightened, conservative statesmanship to stop and consider this situation so that effective steps can be taken to meet these issues? We must curb this mighty monopoly power and give to the people of this country a free, open, competitive market, and free, open, competitive conditions under which they may buy the products of all manufacturing and producing organizations in this country at reasonable prices regulated by competition.

Perhaps this is an old-fashioned view, Mr. President, and yet we hear talk on this floor about price fixing. Price fixing will not give substantial relief. Think of the problem involved in fixing the prices in just one branch of industry—steel, for example, from pig iron to cambric needles! The Government would break down. We have been unable to regulate even railway transportation. It has failed after over 30 years of trial. It has been found so intricate a problem that a commission could not be organized that could take care of its details. Then, in God's name, tell me how can it be hoped to regulate prices in all the branches of industry in this vast country of ours?

Why, price fixing can not begin under the Constitution of the United States until the valuation is made of every plant, of all its holdings of natural resources, of all its raw materials, and of all the processes of production. The history of railroad-rate regulation ought to be a lesson to the statesmen who argue on this floor about protecting under this bill, for instance, the use of coal or the use of oil by price fixing.

We have had a great commission at work ever since 1913 to ascertain the value of the railroads of this country. This is 1919, and they have not reported. You are going to fix the price. A generation will pass before there can be effective price fixing that will save the people from extortionate profits levied by these buccaneers who have been given their opportunity through the cowardice of Presidents and Cabinets and Attorneys General who did not dare to prosecute them for violation of laws. A law might be passed to-morrow in Congress, and have the sanction of a unanimous vote in both Houses, and the approval of the President, fixing the price for everything the American consumer must buy. But it would not bring relief.

The Constitution prevents the taking of property without due process of law, and the packers and all of the combinations affected by such legislation would immediately go into court. They would invoke the power of injunction to restrain the enforcement of that statute until it could be determined whether fixed price would confiscate the property. Senators know that perfectly well.

The course I am pursuing is my duty, according to my view, and I shall follow that course. Every Senator has to do just what he thinks is right, and I am not impeaching any other Senator who pursues another course. I am not questioning the validity of his judgment or the integrity of his thinking; but, for my part, so long as I can, so long as I am in public life, when I meet the issue raised by the encroachment of these organizations upon the free markets of the country, and exaction, through the power of combination, of undue profits from the American people, I shall do everything I can to break their power. I may stand alone. I will not mind that. I have become used to that in the past 25 or 30 years.

Mr. President, it is true that when trust organization began 30 years ago it soon became apparent that it could not accomplish its purpose unless it controlled the press of the country. So by purchase and indirect control, that is, by owning bank and other stock that could be brought to bear upon the advertising, which is the chief source of revenue of the press, it was largely brought under their control.

Great daily after great daily succumbed to these influences. People who are here this afternoon may think that the press of the country can not fool them. They may read what they know is a lie to-night in the papers. They read it repeated to-morrow and the next day and the next day, and they say to their families that there is nothing in it. That thing is repeated time after time, day after day, it may be when they see it in some special article elaborately set up and illustrated, but finally it steals in upon the judgment of the people.

If you will study the editorial pages of newspapers through the years, beginning a little more than 20 years ago, you will find the trail of the serpent that has control of the great newspapers of the country.

Then what happened? Enterprising young men saw that so far as publicity was concerned the great newspapers of the country had become the tools of this new industrial power, this new political power. So these keen, intelligent young men, who had had a training for journalism, realized the control of the trusts over the newspapers and established weekly and monthly magazines to represent the public interest. They assailed these trusts and combinations as unlawful organizations, as undemocratic, un-American, and dangerous not only to the industrial freedom of the people but to their political liberty as well.

The start was made in McClure's. Ida Tarbell, Lincoln Steffens, Ray Stannard Baker, John S. Phillips, and others got control of that magazine, and they pushed out into the field, and what happened then?

The American public, stifled because it had no voice, the press and the great papers being controlled in the country by the trusts, supported that magazine, and its subscriptions mounted by thousands. Then there came magazines one after another, the American, Hampton's, Everybody's. Why, Everybody's employed Lawson to write "Frenzied Finance" to attack the Beef Trust. So we had a long list of magazines. Even the Saturday Evening Post, seeking to ride the wave of popular favor for a time and to increase its circulation, ran articles of a radical nature. They enjoyed great success, grew in circulation, and became a tremendous power. One after another of them reached up to the half million mark in circulation. I knew most of the men who were interested in that class of publications. I saw them week after week, month after month, as they came to Washington to survey the situation here in national legislation. It was an interesting phase in the journalistic history of the American Government. They rendered a most remarkable service.

Then what happened? I spoke over at Philadelphia in 1912, and I warned these magazine publishers that the day was at hand when they, one after another, would be confronted with the necessity of yielding to this mighty power and ceasing the publication of articles of criticism against the great industrial and commercal organizations in this country or they would be denied advertising and forced to the wall.

Mr. President, I stand here this afternoon to say that one after another of those magazines has succumbed to that influence. I stand here to say that it is impossible to secure the publication in those magazines to-day of articles denouncing this violation of law, this encroachment upon the liberties of the people, this overlordship that controls the industrial and commercial life. I say there is not one of those great periodicals, excepting four or five that I could number on one hand, left to-day the control of which has not been acquired by the special interests, the Standard Oil or like organizations. One after another of these magazines, periodicals, and publications has surrendered to that mighty power. There are only a few publications that reach, in all probability, more than 150,000 to 200,000 subscribers—which means probably not more than a million readers in the United States—that absolutely are free to publish criticism. That is the truth, and it is a terrible commentary on our Government. The failure of our Government to grapple with the trust problem and the control of the press causes me to hesitate when I say that we ought to be able to work out peaceably with the ballot all the problems of government.

The man who is now in the White House was elected solely upon the issue that he would free the American people from the domination of this insidious power. The most important pledge in the platform upon which he was elected, the promise made in nearly all the speeches that he delivered in the campaign of 1912, was that he would break the power of monopoly, would free the Government of the United States from the control and dictation of the special interests. If you need any proof of that assertion, I have it right on my desk. He charged that the Republican administration had not prosecuted the officials of these criminal combinations, and that was the truth, sir. They had not. The Republican administrations had not dared to do so; Roosevelt had not dared to do so; Taft had not dared to do so.

Wilson says in his New Freedom, in which are gathered all the essential portions of his speeches delivered in the campaign of 1912, that this Government is controlled by a handful of men; that he will not live under a Government controlled in that way; that if he is elected he will free the Government.

The Democratic platform promised three specific things: To prosecute the officials of the criminal organizations, to free the country from monopoly, and that criminal commercial combinations should be destroyed.

Ah, but some Democrat may arise and say: "Wilson did not have a fair chance; he had this war on his hands." Mr. President, years went by after his election before we were inducted into this war by Wilson, and yet the President never lifted a hand to redeem one of those pledges; he never criminally prosecuted a trust official. Private monopoly is riding upon the necks of the American people, charging what it pleases for the necessaries of life. Every criminal commercial organization that was in the saddle and controlling in its field in 1912 is stronger to-day than ever.

I do not arraign Woodrow Wilson more than I do William Howard Taft or Theodore Roosevelt.

Mr. President and Senators, responsibility rested upon each one of these men. I do not say it was any more binding upon one of them than another, but I do say that conditions had reached a crisis at the time Woodrow Wilson was elected which made that one issue paramount. It was an issue in 1908; it was a more prominent issue in 1910 in the congressional elections, and on that issue, because the Republican Party had failed, we lost the House of Representatives by 40 majority. By 1912 the increased cost of living, due to the control of the trusts and combinations, had become the one issue. He was elected to solve this problem, and I think he intended to do it. I think for the first three months he was in dead earnest, and then he was confronted with the proposition that if he did not let up a panic would sweep over this country, and there would not be any second term. I heard Republicans representing the big interests say that if there was not a let-up the factories would shut down, the banks would pinch on credit, and the American people would be glad to dig up CANNON and Aldrich inside of four years and have them take charge again.

Mr. President, I think I know the time when it was decided by this administration that they had to let up and go easy.

True, they were investigated a little, speeches were delivered now and then against the high cost of living, a few of the retail dealers were prosecuted; but the President kept his hands off the United States Steel Co. and the other big fellows who threatened his administration. I tell you it is an awful situation for any President to confront. I realize that. I think the man who does this service for the people will have to go into the White House contented with one four-year term and then go down to defeat. He will, unless the American people can be enlightened. If the American people could be fully enlightened, they would know that they must pass through a very trying period to get back to the normal, natural conditions of trade and commerce; that they have got to destroy this great monster which has been artificially created in the last 20 years; and that in doing so they must suffer pain and anguish; that they who are not to blame must pay for the sins of their fathers in high places here and at the other end of the Capitol, and particularly in the White House, for Congress, it should be said, has furnished laws under which the industrial life of the American people could have been made free and kept free. No people are ever industrially enslaved who do not shortly thereafter lose their political freedom as well.

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

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I yield.

Mr. KING. I was very much interested in the statement of the Senator. As I understand him—and I do not want to misinterpret him—he believes that the proper natural play of the law of supply and demand and proper competitive forces in the United States would give us that industrial and economic freedom essential to the growth of civilization and the perpetuity of our form of Government. I understood the position of the Senator to be that he is not in favor of turning over to the Government the private business of the people—the farms, the fields, the factories, the sources of production. He did not say it in those words, but that is the impression that I obtained from the Senator's statement. If that is the Senator's position, I think it is a very sound one economically. I was glad to hear the Senator say—and I wish to see if I understand his position in that respect—that the Government can not by attempting to fix prices effectuate the object so many people are seeking now to bring about; that if we would enforce the laws against trusts and monopolies and allow the free play of the law of supply and demand and the economic forces of the country, we should have nothing to fear with respect to the industrial freedom of the American people or the progress and growth and development of our country. Have I interpreted generally the attitude of the Senator?

Mr. LA FOLLETTE. Mr. President, of course, right out of hand on the moment one would hardly be expected, I suppose, to more than suggest remedies to restore to our people their industrial freedom.

I want to see broken, first of all, this artificial power which controls prices and production by agreement and which, in violation of law, is able to dictate the market prices of the raw materials and finished products for practically all of the products of this country. I would break that power.

I would enforce the law firmly and relentlessly as to the wrongdoers.

I would press for the freedom of all business from unlawful control as rapidly as the business of the country could be readjusted to the natural laws of trade.

I do not underestimate the magnitude of the task. The failure of every President to keep faith with the people and enforce the law has aided to intrench lawless monopoly in business throughout the land.

It has so long ruled in business and government that it scoffs at authority.

It has had its way alike with Republican and Democratic administrations.

It has its "rough-neck" daily press to manhandle any troublesome public official. It has its "high-brow" weekly and monthly publications which criticize in choice diction any suggestion of curing existing evils by "putting a few gentlemen in jail" and then vaguely prescribes "a better adjustment of distribution."

But it is high time for us to realize that the public will submit to be no longer juggled with. The Government must soon make its choice. It must destroy private monopoly wherever it exists in this country or monopoly will destroy government.

It will not be possible to restore industrial and commercial freedom at once.

Unrestrained lawless wealth in combination has run amuck for a score of years, until it has so involved our entire industrial and commercial structure that to attempt to effect a radical and immediate cure would endanger the whole structure.

But we must make a beginning. We must make that beginning at once if we would avert disaster.

If I had the power, I would start with the United States Steel Corporation. I would begin there, because iron is the basis of everything in the industrial life of any people on the face of the earth.

It is really staggering to think what iron means. There is not a great architectural structure in the world that would be standing to-morrow morning if iron turned to dust overnight, if iron in all its forms were destroyed between now and sunrise. There would not be a railroad line anywhere, there would not be a wheel turning, there would not be a blacksmith shop standing, there would not be an agricultural implement in existence, if iron in all forms were destroyed. Did you ever stop to think of the extent to which the price of iron and its products controls the price of everything?

So I would begin with iron. I would take the actual valuation of all of the property of the United States Steel Trust. I would ascertain the actual investment in the business. I would not give them credit for a dollar of value which is the result of their monopoly control, but only that which they had actually invested in the business, together with a fair return upon the investment.

Then, Mr. President, taking their actual investment in their manufacturing plant and allowing them a reasonable return on the investment, I would make public a fair and reasonable price list on their manufactures—pig iron, billets, merchantable bars, steel rails, structural shapes—all their manufactures of iron and steel, and would allow a reasonable measure of time for public opinion to enforce an observance of such fair and reasonable price list.

Their failure to adjust the selling prices of their manufactures of steel and iron to the fair-price list published by the Government would invite to more drastic action by the Government in dealing with them.

But, sir, I would proceed in a much more radical way as to their raw material.

I would condemn and take away from them such of their holdings as would be called raw material or natural resources. I would have the Government take back the title to its iron ore and coal and copper and timber and the other natural products. Then I would maintain such an absolute control of the production and the prices of those basic products, either by a strict leasing system or by actual Government operation, or both, that every manufacturer, small as well as large, should have an equal opportunity to get the raw material at the same price. I would do that for the purpose of restoring competitive conditions at the very foundation of all manufactured production.

I would apply the same method to all others who own the great primary products that may be called, in a general way, the resources of nature. I would have the Government hold the title to and maintain the absolute control of all these primary products. I would try, perhaps, operating them under a strong leasing system, under which the Government should control prices.

But I would introduce a limited amount of Government operation in various lines of production, to the end that we might have a measure, a standard, of fair production cost and fair selling price. I would try that as an initial proceeding for the ultimate achievement of industrial freedom.

That may be temporizing, but I would try that to give the old theory of individual initiative its fair chance, and if that experiment failed, then I would go after Government operation of all those basic essentials absolutely; and in the meantime I would not hesitate at all about Government control and ownership of all transportation and all lines of communication—everything of that character.

I expect to stand here and make a fight alone for Government ownership and control of the railroads. I am for Government ownership of railroads and every other public utility—every one—and I propose to show on this floor that where it has ever been given a fair chance in any part of the world it has been successful. I am going to show that the cards were stacked on Government operation here in this country during the war period by those who were interested and that it was not possible for Government operation to make a fair showing.

I do not know whether I have answered the question of the Senator from Utah [Mr. KING] or not, but I have at least tried to do so frankly.

When you go back to talk to the people in your various States about having turned all the remaining coal and oil and all the phosphate lands over to somebody else under leases and under a system of leases that is not for 99 years, but, I think, when you read the bill, practically in perpetuity—of course, there is a provision here that says that it is for 20 years, with a right of renewal at a reasonable price by the Secretary every 10 years. That right of renewal is absolute unless Congress shall pass some law to stop it, if I understand the terms of the bill, is it not?

Mr. SMOOT. No.

Mr. LA FOLLETTE. I should like to be corrected right now if it is not.

Mr. SMOOT. It is entirely in the hands of the Secretary of the Interior as to whether he shall grant the lease or not.

Mr. LA FOLLETTE. I do not think it is. Well, read it; read it, and let us see. Let us get that settled right here.

Mr. LENROOT. It is.

Mr. LA FOLLETTE. It is what?

Mr. LENROOT. It is subject to the right to have renewal upon such terms as the Secretary of the Interior may prescribe or the law may prescribe at that time.

Mr. LA FOLLETTE. That is just as I stated, and the chairman of the committee said it was not.

Mr. SMOOT. I say it is in the hands of the Secretary of the Interior.

Mr. LA FOLLETTE. I say it is not in the hands of the Secretary of the Interior at all. He can prescribe a reasonable rate, and when he prescribes what he says is a reasonable rate—and that is not much protection; the Secretaries of the Interior from the beginning down to the man who is there now have not been overzealous in protecting the public interests against private interests——

Mr. SMOOT. Well, of course, if the Senator takes that ground——

Mr. LA FOLLETTE. I do take that ground, and I take that ground on the history of the matter.

Mr. SMOOT. Then, of course, I have not anything more to say as to the position the Senator takes; but I do say that the Secretary of the Interior has the power under the bill to fix the rates.

Mr. LA FOLLETTE. I said so myself. I said the Secretary of the Interior could fix the rates. That is the only way the Secretary of the Interior can stop the man who has had a lease from getting his lease for all time.

Mr. SMOOT. Well——

Mr. LA FOLLETTE. Well, that is just what I said, and it was not subject to anybody's correction.

Mr. SMOOT. I would not have interrupted the Senator if he had not asked it.

Mr. LA FOLLETTE. I asked the Senator if it was not so, and not if it was not.

Mr. SMOOT. But the Senator did not make the statement the first time as he made it the second time.

Mr. LA FOLLETTE. I did; I made it exactly the same.

Mr. SMOOT. Well, I will show the Senator——

Mr. LA FOLLETTE. I will put it in the RECORD exactly as I said it. I will not change it, but will let it stand. See if I did not.

Now then, I say that this bill that you have before you, while it is called a leasing bill, is a bill that will enable a lessee or his successors or assigns to go on forever leasing that property. The only way it may be prevented is for the Secretary to make the rate prohibitive.

Mr. LENROOT. Mr. President, will my colleague yield?

Mr. LA FOLLETTE. Yes.

Mr. LENROOT. Congress itself may cut it off.

Mr. LA FOLLETTE. Oh, yes; I have stated that before, and I was going to state that now. You could come to Congress and get a bill through to stop this business. Have you ever tried to do it? How successful do you think you would be in anything

of that kind after you once let these people in? You know. The expression on your faces is answer enough, Senators. Let them in once, and it is gone.

As I see it, first, we ought to strike out of the bill the part that applies to the naval reserves and the so-called relief provisions. On that point will the Senate heed the Department of Justice and the Secretary of the Navy or listen to one Phelan, oil examiner, who has heretofore held positions with those who speculate in oil and who build up monopolies to control the prices for oil and light for the American people? This may says that we are lost if we do not pass this bill and confirm all the rights and priorities to the Standard Oil and the other big fellows which these provisions give them.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Will the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. Certainly.

Mr. WALSH of Montana. I do not understand Mr. Phelan's letter in that sense. Mr. Phelan's letter is to the effect, as I understand it, that the Government ought itself to drill wells and extract oil from the reserves or that it will be lost by reason of the openings already existing on the naval reserves. That is as I apprehend the letter. I certainly would not have introduced the letter if it had been to the effect that the Senator now states.

Mr. LA FOLLETTE. That depends a good deal on how we interpret the bill. This gentleman says:

I have no hesitancy in saying that the delay in the passage of a general leasing bill has enriched the Standard Oil Co. millions of dollars, and any continued delay will work to the sole advantage of that company.

And he urges that we pass the bill. The Secretary of the Navy does not think we should pass the bill. I should like to know by whom we had better be advised—by Phelan, of the Doherty Co., or the men who are considering the public interest above all things?

I say again, Mr. President, there are the Standard Oil and the Midwest, which runs into Standard Oil, as I am told, and all the other oil representatives who are here now and have been and have maintained for months elaborate offices in this city, rich and powerful above all calculation, and no man can stand up on this floor and suggest any opposition that has been indicated anywhere at any time by those interests to this legislation. It has been seen heretofore. When anything was pending that did not conform to and adjust itself and accord with the interests of these great oil monopolies, particularly the Standard Oil, everybody knew it; it was manifest. Everywhere in the committee rooms and at every stage along the legislative career of a measure it was to be found. It has not been shown here any place. They seem to be heartily in accord with it, perfectly satisfied.

What is it? I have wondered, Mr. President, whether they have not such great interests in these oil reserves and such paper coverings of all the known oil lands that while this is called an oil-leasing bill and the country is led to believe that it is going to open up and allow an opportunity for capital here and there, small as well as large, to go in, it is going to be fooled on it and it is going to find that provisions in the bill, tucked away in two or three different sections, provide such protection to the people who have these paper coverings that all the known oil fields will be covered by it; that the priority rights will shut out anybody else; that the men who are in there are either dummies or the successors of dummies; and that they all pass by in quick succession, one after another, finally to the Standard Oil or to the great company that Great Britain has here in this country seeking to get control of a part of our oil.

This letter from Phelan, presented by the junior Senator from Montana [Mr. WALSH], warns the Senate that this oil will all be pumped out by the Standard Oil, and that the only way the Government can protect itself is to pass this leasing bill and get in there and do something on its own account. Is that correct?

Mr. WALSH of Montana. No; not quite. I take it that the letter is a suggestion that we ought to amend the bill.

Mr. LA FOLLETTE. He says:

Unless some legislation is enacted giving the Government the right to secure some royalty oil in these reserves, or unless the Navy itself drills in the territory to which it has a clear title, the Standard Oil Co. and the Southern Pacific Railroad Co., by reason of their widely scattered acreage, and the fact that they have the best selections, means that the reserves will, if not entirely depleted of oil, have the available oil reduced to a minimum.

That makes the suggestion that——

Mr. WALSH of Montana. Mr. President——

Mr. LA FOLLETTE. Just a moment, please. That makes the suggestion that there are certain alternatives presented to the Senate, but, of course, there will not anything of that kind be done.

That pushes this particular measure along by suggestion.

I wish to read, in contrast with that, the late letter from the Secretary of the Navy. When this bill came up here, as it did two or three days after it was reported, I called up the Navy Department on the telephone to know if the bill was satisfactory. I had confidence enough to believe that if it was satisfactory, since it was a general leasing bill, probably it was all right; and at least I wanted to know their views upon it. I was informed that Secretary Daniels was in Honolulu on that day, that he would only be there for a day, and that it would not be possible to reach him personally by cable.

But I was informed by Secretary Roosevelt, acting in his place, that he knew the situation, and I was told that he would transmit to me a letter stating the position of the Navy Department upon this legislation; that while the letter had been addressed to the chairman of the committee having charge of this legislation in the House of Representatives, it would be applicable to the bill which had been reported from the Senate Committee on Public Lands, which was then pending before the Senate, and about which I was inquiring at that moment over the telephone. I received this letter from Franklin Roosevelt, Assistant Secretary of the Navy:

AUGUST 22, 1919.

MY DEAR SENATOR: In reply to your telephone inquiry of yesterday relative to the Navy Department's attitude toward the present oil-land leasing bill, I am inclosing a letter that was sent to the chairman of the House Committee on Public Lands outlining the department's view on similar legislation now pending before that committee.

Sincerely, yours,

FRANKLIN D. ROOSEVELT.

The letter which he inclosed is unsigned, but I understood over the telephone that it was a letter from the Secretary of the Navy addressed to Chairman SINNOTT, of the Public Lands Committee of the House of Representatives. It is as follows:

MY DEAR MR. CHAIRMAN: In response to your inquiry with reference to pending bills relating to the leasing of public lands, I have the honor to state that I do not feel warranted in making any comment or recommendation except with reference to lands set aside as naval reserves. I have heretofore expressed to the Committee on Public Lands my conviction that all naval-reserve lands should be omitted from leasing legislation. I still entertain that opinion, and trust that the committee and Congress will except such lands from any legislation enacted.

However, if Congress sees fit to legislate in the leasing measure on the naval reserves, I beg to call your attention to the following, known as the Swanson amendment, which the Navy Department is willing to accept in order not to stand in the way of leasing legislation.

Now, mark you, this is not what the Navy Department thinks is for the best interests of the Navy Department and the Government, but, as a compromise, they offer this suggestion:

That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, and prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas and thereupon commenced discovery work thereon and thereafter prosecuted such work to a discovery of oil or gas—

That is the law—

shall be entitled to lease from the United States any producing oil or gas well resulting from such work at a royalty of not less than one-eighth, with an area of land sufficient for the operation thereof, but without the right to drill any other or additional well: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United Sttaes all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations.

The Secretary of the Navy says in this letter—I read it with emphasis:

I have heretofore expressed to the Committee on Public Lands my conviction that all naval reserves should be omitted from leasing legislation. I still entertain that opinion and trust that the committee and Congress will except such lands from any legislation enacted.

Mr. President, that is what the Secretary of the Navy thinks is for the best interests of this Government; that is what he thinks is just to the Government. Why should we not exact justice for the Government? What will we say to the people who sent us here if we have listened to the appeals of these trespassers as against the needs of the Navy?

I put into the RECORD on yesterday a history of at least 1,600 acres of land obtained by the Standard Oil, which relied for its equities and any right that might possibly be claimed upon fraudulent dummy locators who had been paid a paltry $250 each for the use of their names to enable one McMurty to get in and use people in the stockyards of Chicago and in the city of New York, who never heard of the lands and signed the power of attorney under the impression, as some of them stated

to the investigator, that they were signing petitions relating to elections. Is the Senate prepared, Mr. President, to go on record here to surrender anything which is of value to our Government in the interest of a great organization that derives its title from frauds of that sort? I hope not.

The Senator from Colorado in his remarks of yesterday dwelt upon the controversy between the Navy Department and the Department of Justice on one side and the Interior Department on the other regarding this oil-land leasing legislation. May I venture the assertion in this respect that when the history of this unusual public-land controversy is written the facts will show that public service of a high character has been rendered by Secretary of the Navy Daniels, and Assistant Secretary Roosevelt, Commanders Landis, Richardson, and Wright, Mr. Payne, Mr. Latham, and others in the Navy Department, and Attorney General Gregory, and the late Assistant Attorney General E. J. Justice, former Assistant Attorneys General Ernest Knaebel, Francis J. Kearful, and other officials of the Department of Justice.

I regret to say that in my opinion the facts will warrant no such encomiums as to certain officials of the Interior Department.

FILIBUSTER A CONSTITUTIONAL RIGHT.

Now, Mr. President, the Senator from Colorado [Mr. THOMAS] took me severely to task because I participated in a filibuster for the defeat of this legislation and of other legislation in the closing days of the last Congress. In the course of his comments he said:

I affirm that no filibuster ever carried on within these walls was justified or productive of any beneficial result.

Mr. President, I say in answer that a man is as much within his constitutional rights and it is as incumbent upon him to exercise those rights in the conduct of a filibuster to prevent the passage of measures harmful to the public interest as it is for him to exercise any other right accorded to him under the Constitution, which he is sworn to support when he enters the Senate. The Constitution, I believe, plainly recognized the exercise of the right of the minority to prevent the aggressions of the majority when that majority might work harm to the country. I want to put into the CONGRESSIONAL RECORD in this connection some reflections of mine upon this subject.

What is a congressional filibuster? It is an attempt on the part of a minority to prevent the majority from executing its will. It is resorted to by a minority, sometimes a very small minority, to delay or defeat a majority of the House or Senate from voting upon and passing a bill, or perhaps a number of bills, which the minority can not otherwise defeat at the time should such measure come to final vote. Upon its face it appears to be an unjust and unwarranted interference with the rule of the majority in legislation. It is often denounced as undemocratic and revolutionary and a reprehensible interference with the right of a majority to exercise its constitutional power; but in the view of the framers of the Constitution the majority may at times abuse its power. It may become arrogant, tyrannical, reckless, wantonly extravagant, and wasteful of the public revenues; and a majority may even become corrupt in the conduct of the public business. It was, therefore, deemed wise by the framers of the Constitution to provide in that instrument the means by which the majority might be restrained or defeated in its undertakings, at least for the time being. To that end they made it possible for one man to defeat the action of the majority of Congress.

They gave the President the power of the veto. That seems quite an undemocratic thing to do. That was written into the Constitution as a safeguard against the abuse of majority power.

The makers of the Constitution did not stop with that check upon the will of the majority. They provided that one-fifth of those present could at any time—at any time—and as often as they deemed it necessary demand the calling of the roll upon any pending question. That is a powerful weapon for delaying the action of the majority. It can be so used as to defeat the passage of any measure in the closing hours of a session when the time for final adjournment is fixed and certain. That power is given to the minority, written into the Constitution.

The fathers thus deliberately, by constitutional provision, armed a small minority with the power to filibuster. They gave this power the sanction of constitutional authority. These wise men well understood that majorities are not infallible, that they are sometimes misled, that they are sometimes driven by passion to unreasonable extremes, that under the stress of great excitement the very power which a majority possesses might intoxicate and carry it beyond rational limits.

There are times in legislative proceedings, especially near the final adjournment of a session, when something akin to the mob spirit takes possession of the majority, and bills of all kinds—bad bills and good bills and bills partly bad and partly good—are railroaded through without a semblance of intelligent consideration or legislative deliberation, and whoever dares to interpose to prevent a private steal is certain to be denounced for obstructing the public business.

I want now to say just a few words about the filibuster of last March, concerning which I have been criticized by the Senator from Colorado [Mr. THOMAS]. He says:

I affirm that no filibuster ever carried on within these walls was justified or productive of any beneficial result.

Of course I know that that is his honest opinion. There are people in this country who do not take that view. There are a considerable number of people in this country who have been in favor of what is known as conservation, who have been willing sometimes that legislation that was to dispose of all of the public domain and make it possible for private interests to secure control of it might be defeated even by a filibuster, and a public service rendered thereby. I have had differences of a political nature with Mr. Gifford Pinchot. I have had no communication with him since 1912.

I have publicly and in permanent form denounced certain things that he did that concerned me personally that I thought were reprehensible. But when that 4th of March had passed by I received this communication from him with regard to the very subject which I am now criticized for—that is, defeating the bill that would have made it possible for all the coal and oil lands to have passed by patent into private hands; a bill that opened the Grand Canyon of the Colorado to coal and oil exploiters. Had the bill passed, railroad lines could have been projected through the Grand Canyon, prospectors could have blasted down the cliffs, reared their dumps, and smeared the face of that great natural monument with the sordid greed that goes with speculative development of that sort. I thank the Lord that it was put within my humble means to be able to defeat by filibuster the legislation that carried those provisions; and Mr. Pinchot, who I know is not popular in sections of the West, because he has pushed this question of conservation, reserving public lands, timber, oil, coal, phosphate, and the like, as an idealist possibly further than practicable limits would warrant, has nevertheless rendered great service—he and those associated with him in the time when he took hold of this great subject, checked for some little time at least the grasping and the greed to these great organizations that years ago would have swept all of this great domain belonging to the people into their treasuries for all time.

PHILADELPHIA, *March 12, 1919.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

MY DEAR SENATOR: Your action in defeating in the Senate the coal and oil land bill reported from conference in the last days of the session just closed deserves, and doubtless will receive, the grateful acknowledgment of all friends of conservation.

As president of the National Conservation Association, I desire to assure you of our high appreciation of the service thereby rendered to the whole people of the United States.

In the name of the association, therefore, I take pleasure in thanking you for your courageous and successful fight against this bill when it had progressed so far that to defeat it seemed almost impossible, as well as for your readiness to defeat the water-power bill after the changes made in it, especially by the conference committee, had converted it from a good into an indefensible measure. In this expression of thanks I am sure all those who recognize the magnitude of the public resources at issue, as well as the exceptional difficulty of defending them in this case, will gladly join.

Very respectfully,

GIFFORD PINCHOT.

I want to say just a word about the filibuster that was conducted at that time as it related to other measures. A round billion of dollars was saved to the American people by the filibuster that defeated the appropriation bills at the close of the session that ended March 4 last. That, in a sentence, is what this special session of Congress has developed thus far. That fact alone is ample justification for the course taken by the Senators who would not permit the appropriation bills to be jammed through without proper consideration, debate, and amendment at the session which ended March 4. These men, especially the Senator from Maryland [Mr. FRANCE], the Senator from Illinois [Mr. SHERMAN], and myself, were denounced by friends of the administration as a handful of willful obstructors who, to force the President to call an extra session, would not permit the great majority to railroad the bills through Congress. These men insisted that the Congress should be called in special session and meet immediately after March 4. They said if that were done, there would then be time to properly consider the supply bills and that a great saving would result to the taxpayers of the United States.

Now that the appropriation bills have been passed, these Senators can point to the record as a complete justification of their

course. That record is summarized in the following table, which shows the amount of the bills as it was proposed to rush them through by March 4 as compared with the amount appropriated for the same purposes at the present extra session. Mr. President, I will insert, without reading, in my remarks when printed, a comparative table showing the amount of the appropriations in the bills which were pending and which were defeated by the filibuster that I helped to conduct, and in another column the amount appropriated for the same purposes in the same bills at this session of Congress which were passed in substitution for the bills which were defeated by the filibuster, together with the totals.

The VICE PRESIDENT. Without objection, that will be done.

The table referred to is as follows:

Appropriation bills.	Amount as of March 4.	Amounts as passed in Sixty-sixth Congress.
Third deficiency	$842,096,813	$24,305,929
Deficiency for Federal Railroad Administration		750,000,000
Indian	15,430,000	11,131,397
Agricultural	31,673,022	33,899,761
Naval	824,709,521	616,096,838
Army	1,238,282,000	74,324,877
Sundry civil	850,513,210	605,160,207
District of Columbia	14,446,364	15,364,421
	3,817,151,030	2,824,283,432
	2,824,283,432	
Saving to people	992,867,598	

Mr. LA FOLLETTE. It will be shown by the table that a total saving of $1,000,000,000 in round numbers was made possible by defeating the bills which were presented at that time, which forced them to go over to the extra session and receive careful consideration from the committees, come before the House and the Senate for ample discussion and considered amendments.

The greatest reductions were made in the appropriations for the Army and the Navy. Upon these two items there was a saving of $571,902,521. Also it is worthy of notice that the big Navy program was cut down, and the Army will be 225,000 in round numbers instead of 500,000 that was proposed by the Army bill in March. The sundry civil bill as it became a law carried $245,513,210 less than did the same measure as it was pending when the gavel fell on March 4. This is the bill that carries the supplies for all the great departments of the Government.

Great as have been the reductions made in these bills, there is no doubt that further savings could have been made had the extra session been called immediately after March 4. The responsibility for not doing so rests upon the President, and upon him alone. He alone had the power to call the Congress together.

The Congress was convened to meet May 19. From that time until July 1, the beginning of the fiscal year, the committees having charge of the appropriation bills worked day and night. Those committees within that time examined as best they could the estimates furnished by the departments. It was not possible to make a thorough inquiry into the estimates such as would have been made if the President had called the extra session early in March. However, though it was hasty and incomplete, this investigation convinced the committees that these big supply bills could be cut without injury to the public service and with a great saving to the taxpayers. Because it was necessary to pass the bills before July 1, some reductions were doubtless larger than should have been made in some instances, and other estimates carried in the bills could have been wholly eliminated or the amount appropriated cut far below the sums carried in the bills. However, from the standpoint of saving money to the taxpayers, this special session has served its purpose. If the President had called the Congress to meet earlier, a greater saving could have been made, and made with a wiser and more discriminating judgment. But it was a serviceable and effective filibuster. A billion dollars was saved.

The Senator from Colorado [Mr. THOMAS] said some things in his criticism of me yesterday in connection with the filibuster to which I do not care to pay attention. He said one thing which I might mention in passing. He said it on his feet, and, I suppose, without any reflection, as many things are said by all of us here in debate. He said that not one of the men who had participated in the filibuster and participated in the prevention of the passage of those bills was present, according to his recollection, and participated in the discussion on those bills when they were reconsidered and came before the Senate at the extra session. Of course, even if that were true, it would not be any justification for criticism, because the bills were wholly different. They eliminated a billion dollars. There would have been a lot of time taken up in debate if the debate had been possible in the closing days of the last session, if we had taken up the Army bill or the Navy bill or the big appropriation bills for the purpose of expanding the Navy upon the plan of giving us the biggest Navy in the world and imposing a standing Army of 500,000 men upon the people of this country. There would have been some debate, and justifiedly. There was not the reason for that in the bills as they were presented at the extra session. I know that the other Senators participated in the defeat of those bills because they were brought in here at an hour when they could not be considered justly and fairly. There was no excuse or justification for their being brought in as they were, and it is time for the great Appropriations Committees to understand that they can not report legislation involving billions of dollars, changing in some respects the whole policy of government, and expect to put them through without debate, and to justify driving them because there is no time, and arraigning the patriotism and loyalty of Senators here because they will not sit quietly in their seats and see such legislation passed in a few minutes.

If committees expect to find an easy road for legislation of that great importance in the closing hours of a congressional session or of the life of a Congress, they are liable to meet with discourtesy and they ought to meet with discourtesy. There is no justification for it. It is not democracy. This procedure does not give anybody a chance to be heard or represented. It denies to every State that does not happen to be represented on the conference or on the committee that reports the legislation any chance to speak or to be heard or to be represented.

I for one shall exercise my constitutional rights and demand a hearing as long as I am here.

The VICE PRESIDENT. Is the request seconded?

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, I had not intended to speak at any length upon this bill; but I feel that it is my duty to devote some time to it, in view of some of the things that have been said during the course of the debate.

First, I wish to refer to a statement made in the opening of the debate by the Senator from Arizona [Mr. ASHURST], whom I, with every other Senator, respect and esteem. I was amazed at the statement he made, charging conservationists and Gifford Pinchot and others with tying up the mineral resources of the West, to the very great detriment of the people of the West.

Mr. President, if it had not been for Gifford Pinchot and Theodore Roosevelt, if it had not been for these conservationists, who are sneered at by some of the people of the West, these very lands that are now the subject matter of this bill would have been in private ownership and under the control of monopoly.

If it had not been for these men, Mr. President, the forests of the West would have gone into private ownership and private monopoly as the forests of the East and the Middle West went into private ownership and private monopoly. In time to come, Mr. President, monuments will be erected in the West by future generations to men like Pinchot, when those who are so severely criticizing them will be forgotten. So much for that.

Although I am as anxious as anyone can be to conclude the consideration of this bill as early as possible, I think it entirely proper to go into a little of the history of this bill.

It will be remembered that on September 27, 1909, something over 3,000,000 acres of public land containing oil, or supposed to contain oil, were withdrawn from all forms of entry. It was recognized by every official of the Government that that withdrawal would work a very great hardship upon many innocent people; but, notwithstanding that hardship, the public interest being paramount, they proceeded and did withdraw, under the order of President Taft, this large amount of land.

With reference to that withdrawal I want to quote now from Dr. George Otis Smith. No one will say that he has not at all times been alive to the public interest, and in all legislation that has been proposed he has had in mind only the public welfare.

First, let me call attention to what the withdrawal really was. It was designated—

TEMPORARY PETROLEUM WITHDRAWAL NO. 5.

In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws. All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination.

Speaking of this withdrawal, the Geological Survey states:

That this was a severe measure no one will attempt to deny. Without forewarning and without precedent, it knocked the breath for the moment from the California oil industry. Some of the orders promulgated since have been almost as severe although not so widespread in their effect. These things the officers responsible for them realize. The geologists who recommend or prepare withdrawal orders are not ignorant or careless of the hardships which they may cause. Many of them western men, personally familiar with the field under consideration, knowing its people, knowing the sacrifices they may have made, the risks they may have incurred, the hopes they may entertain of striking oil, these geologists regret keenly that the development of the West may by their action be in some measure retarded. Yet without hesitation or exception they recommend that the interests of the public be made paramount.

The temporary character of the withdrawals can not be too strongly emphasized. There is no thought of tying up permanently the oil deposits on the public domain. As soon as there are satisfactory laws for the development of these deposits the withdrawals should be revoked, but in the meantime it seems certain that withdrawals will continue to be made, not as permanent institutions but as temporary expedients, to meet an abnormal condition, during a period when the needs of the situation have far outrun the adequacy of the law.

Mr. President, following this withdrawal there was, as has been developed in all of the hearings that have been had—and they have been many—consternation upon the part of all who were upon the public domain affected by this withdrawal, and that, too, irrespective of whether or not they had fully complied with the law up to the point of withdawal. Those who had complied in every particular with the placer-mining law on September 27, 1909, were all in doubt as to what their rights were and whether or not the withdrawal order had deprived them of the rights that existed up to that time, that doubt arising over the language of the exception to the withdrawal order, which reads:

All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination.

At that time, Mr. President, the decisions of the courts and the decisions of the Department of the Interior had been that there could be no valid locations or claims unless there had been a discovery; and if that was to be the law applied to this withdrawal order every one of these claimants, although fully complying with the law up to the 27th of September, 1909, was deprived of any rights of any kind if discovery was necessary in order to get the benefit of the exception; and it was very clear that if discovery was necessary there were no benefits to the claimants by the exception, because, under the laws of the United States, if discovery had been made the withdrawal could not affect them, because upon discovery the claimants had secured a vested right.

That, however, was the situation. Many of the claimants, believing that they had not been protected at all, ceased work for a time upon their claims, and finally, in 1910, in the following spring, large delegations came to Washington and asked for protection, which resulted in the passage of what is known as the Pickett Act, expressly authorizing withdrawals and expressly saving the rights of bona fide occupants upon lands at the time of withdrawal who thereafter with due diligence pursued work to the discovery of oil.

It is true that between the time of September 27, 1909, and this legislative withdrawal of June, 1910, put into effect by President Taft on July 2, 1910, there were many eminent lawyers who advised that the withdrawal was invalid, among them Judge Lindsay, one of the leading mining authorities in the country. The district court of California held that the order was invalid, but the Department of Justice and the Interior Department insisted that it was within the province of the President to withdraw these lands; and, as has been stated, a decision was finally rendered by the Supreme Court of the United States sustaining that withdrawal. But, Mr. President, those who were upon the lands on September 27, 1909, diligently prosecuting work under the law and continued upon them, were not fraudulent claimants because they continued after September 27, 1909, because, in 1915, six years after the withdrawal, against the contention of the Department of Justice, the circuit court of appeals held—and I read into the RECORD the other day an excerpt from it—that the exception in the Taft withdrawal of September 27, 1909, fully protected every claimant who was a bona fide occupant on his claim on September 27, 1909, diligently at work seeking discovery of oil, and since that time the Department of Justice has accepted that construction of the Taft withdrawal, and I have their acceptance here upon the table. So that in that instance the Department of Justice, upon a very important feature of the law with respect to this matter, has reversed itself or, rather, has accepted the decision of the circuit court of appeals.

Now, as to the character of many of these men—and I am not speaking now of anyone who went upon these lands fraudulently or dishonestly or attempted in any way to secure a title from the Government through fraud.

What have the courts said about this class of claimants?

I hold in my hand the case of United States against Midway Northern Oil Co. et al., volume 232, Federal Reporter. I read from page 632. The decision was rendered by Judge Bean, sitting in the district court of California. Judge Bean is from Oregon, judge of the district court there, and one of the ablest and most honorable lawyers in the West.

The opinion states:

Now, in four of the cases—

And I will say preliminarily that the parties in this case were upon the land September 27, 1909, but had done nothing other than to make a paper location. They were not on September 27, 1909, diligently prosecuting the work looking to discovery, and of course for that reason the court very properly held that they were not entitled to patent, because at the time of the withdrawal they were not complying with the law.

The opinion goes on to say:

Now, in four of the cases the parties under whom the operating companies entered claimed a right to the possession of the property involved and to extract the oil therefrom because of attempted locations made prior to the withdrawal order or under contracts with such locators.

In case No. A–30 the land in controversy was—

And I will say this is not upon the naval reserves, but entirely outside—

at the date of the first withdrawal order, covered by a homestead entry, but as the adjoining lands were rapidly being developed as mineral the entryman concluded that he could not sustain his title and therefore permitted the operating defendants to enter into possession and prospect for oil. At the time of the withdrawal order, or soon thereafter, the area in the immediate vicinity of the properties in controversy was being rapidly developed as oil-producing property. It was therefore necessary for the claimants, if they were to protect their rights, if they had any, to take immediate steps to develop the property claimed by them in order to prevent its occupation by others or the oil under it from being drawn off and exhausted by wells on adjoining land.

They thereupon, acting as prudent and careful men, consulted counsel learned in the law and were advised that since Congress is vested by the Constitution with power to dispose of the public land (art. 4, sec. 3), and since it had declared by statute that valuable mineral deposits, including petroleum, in land belonging to the United States are free and open to exploration and purchase, and the land in which they are situate to occupation and purchase (R. S., secs. 2319–2329; act Feb. 11, 1897, c. 216, 29 Stat. 526; Comp. St. 1913, sec. 4635), the Executive was without authority to suspend the acts of Congress, or withdraw the lands from the operative effect thereof, and therefore the withdrawal order was invalid, and if they proceeded to a discovery of oil they would acquire a right to the property and its contents.

Remember, Mr. President, here is one of the claimants who would be entitled to a preferential lease under this bill.

Acting on this advice, honestly and in good faith, without any intention of wronging the Government, they developed the properties, expending large sums of money in so doing, the aggregate in the six cases in question amounting to more than $1,000,000. By their labor and expenditures they have demonstrated the mineral character of the lands and increased their market value from $2 or $3 an acre to $2,000 or $2,500 an acre. What was before a barren, arid waste is now demonstrated valuable mining properties, with numerous oil-producing wells thereon, and that through the efforts and expenditures of the defendants. The Government agents and officers charged with the disposition of the public lands knew of the possession and development of the properties and made no objection thereto, and while this does not stop the Government from now asserting title or right to the possession (Pine River Logging Co. *v.* U. S., 186 U. S. 279, 22 Sup. Ct. 920, 46 L. Ed. 1164), it should not be overlooked by a court of equity in considering the character of the defendants' possession, or the damages which they should be required to pay.

It is true the defendants, as laymen, are presumed to have known the law, and that the withdrawal order was valid, although many of the leading members of the California bar and 5 of the 10 Federal judges called upon to consider the question judicially apparently did not, and even the Executive himself was in doubt as to his authority to make the order. The maxim that every man knows the law applies to defendants, but there is a marked difference between those who recklessly, or with actual intent to rob others, trespass upon their property, and those who, acting on the advice of counsel, trespass by mistake, with no evil purpose but with an honest belief that they have a right to do so. "One who acts in good faith, upon the erroneous advice of reputable counsel upon questions of legal right concerning which a layman could hardly have actual knowledge, is not chargeable with bad faith, or with a willful intent to commit a wrongful act because his counsel was mistaken in his view of the law." (U. S. *v.* Homestake Mining Co., 117 Fed. 481, 54 C. C. A. 303; U. S. *v.* St. Anthony R. R. Co., 192 U. S. 524, 24 Sup. Ct. 333, 48 L. Ed. 548; U. S. *v.* Mullan Fuel Co. (D. C.) 118 Fed. 663.) The defendants were not willful looters of the public domain, nor reckless trespassers thereon. They acted on the advice of reputable counsel, expended their money and labor in good faith, relying upon a law of the United States and in the honest belief that they were within their rights.

Mr. NELSON. May I ask from what case the Senator is reading?

Mr. LENROOT. I am reading from the case of United States *v.* Midway Northern Oil Co. (232 Fed., 619).

Mr. NELSON. Will the Senator yield to me?

Mr. LENROOT. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that the question of withdrawal was up before the Committee on Public Lands when I was chairman of that committee. I prepared a report on it, holding that the Government had the right, and had always had it from the inception of our

public-land system, to withdraw lands from sale and entry. The Supreme Court in that very case cited my report and decided it according to the principles laid down in my report. So these men were not in entire ignorance. They may have considered my report as that of a hayseed lawyer, but it was there and it was indorsed by the Supreme Court of the United States.

Mr. LENROOT. I have already stated that was the decision of the Supreme Court of the United States, and this very decision excludes them and denies them any title because of that very contention. I stated that. There is no doubt about it.

I am only quoting what I have read from this decision, so as to get before the Senate the opinion of the court that these men were not fraudulent claimants, but nevertheless, although they had expended $1,000,000 in good faith, as the court said, under the amendment that is now proposed and upon which the Senate is called to vote, the Government will take their wells upon which they have expended $1,000,000 and advertise for sale and sell or lease those wells to the highest bidder. Under the provisions of section 18, which are sought to be stricken out, these men will simply get a preference right to lease this property if they have not been guilty of any fraud or had knowledge of any fraud, and they will be permitted to secure a lease of the property at a royalty of not less than one-eighth nor more than 25 per cent.

Another case I have here—but I am not going to take the time to run through many of them—is that of the Obispo Mining Co., where both the court and the Secretary of the Interior rejected their application for patent. It was a case where Gov. Thorne, of Kentucky, with some associates, expended some $20,000 fruitlessly before the withdrawal upon 40 acres of land that were afterwards included within the withdrawal. They put down one hole 500 feet, and it went crooked and they abandoned it. They put down another, and that went crooked and they abandoned it. By that time their money had run out. They stopped work on August 5, 1909. The withdrawal came in less than 30 days. They had no money. No one was disputing their possession. They had carried on the work in the utmost good faith. Finally they got an opportunity to make an arrangement with another company, I believe upon a leasing proposition, and that company went on to discovery and discovered oil, but there having been a cessation of work between August 5, 1909, and September 27, 1909, the Secretary held, and very properly held, that they were not diligent in the prosecution of seeking discovery on the date of withdrawal and rejected their application for patent. The court confirmed the opinion of the Secretary of the Interior. In that case, on 40 acres of land where they had expended $20,000 before there was any withdrawal, by the amendment, if adopted, we will take the expenditure of those men, made in the utmost good faith, and lease these wells, upon which the Government has not expended a penny, to some one else, while under our section 18 those men will be entitled, if they have not been guilty of any fraud, and there is not a word in any of the opinions suggesting it, to a preferential lease upon that 40 acres of land at a royalty of not less than one-eighth nor more than 25 per cent. That is the class of cases generally that come within section 18 that it is sought to have stricken out.

To go back a little, in 1914, early in the year, a bill was prepared, upon which all subsequent bills have been modeled, for the leasing of withdrawn oil lands. The first bill that was prepared was a leasing bill without reference to any equity that any of these claimants might have. At that time I was a Member of the House and a member of the Committee on the Public Lands of that body. It is true that we were besieged by men from California, and from Wyoming as well, insisting that if we should pass the bill in that form, in view of the doubts concerning the withdrawal order, in view of the uncertain state of the law as to what constituted diligent work seeking discovery, the Government would take all of the property, regardless of any equity, and lease it to some one else. It is true that many of those men asked the House Committee on the Public Lands to so modify the placer-mining law as to give them title to a large portion of those lands; but I wish to say at this point that at that time I, and the then chairman of the committee, Mr. FERRIS, took the position we have ever since maintained, that we would not, if we could prevent, permit any amendment of the mining laws that would give a patent to a single one of those claimants if he was not entitled to it under the law as it then existed; but we said we were perfectly willing, in so far as these claimants have acted honestly and in good faith and without fraud, to give them a preference right to secure a lease for these lands that the bill says shall be leased to somebody anyway. That position I have ever since maintained and I maintain to-day.

It is true that the Senate did, time after time, pass bills denominated "leasing bills," but which did let down the bars for these claimants and permit them to secure patent for many of these claims. The House has consistently and always declined to consider any modification whatever in the present placer-mining law, and has maintained its position that whatever relief is to be given to these claimants shall be given only through preferential leases. I may be permitted to say that I never observed that there was any great contest in the Senate except on the last bill over the passage of these bills.

Mr. President, criticism has been made of this bill. I wish some Senator would take the time at his convenience to compare the bill that is before the Senate now with any other bill that has ever been before the Senate on this subject.

I said that these claimants came before us, and they did, in large numbers. It has been stated that there has never been a hearing upon this bill. There has not. I joined with other members of the committee in the opinion that there was no necessity for additional hearings upon the bill. I have sat for weeks, and it will total into months, hearing testimony in the other body upon this very subject. Those hearings comprise volumes upon volumes of testimony. Last year—only last year—the House Committee on Public Lands held additional hearings. I hold the volume in my hand. It comprises 1,292 pages, and much of that testimony was not upon the question of any relief to claimants to oil land but was upon the charge that the bill then pending was in the interest of the Standard Oil Co.

Senators may remember that in December of 1917 and January of last year whole pages of advertising were to be found in the Washington papers here charging that those leasing bills were in the interest of the Standard Oil Co. When we came to the question of the consideration of that bill, although there were many members of the House committee who felt that there was no occasion for further hearings, I insisted that we should hold hearings and demand that the men who were making those charges should come before the committee and, if they were able, prove that any portion of the bill at that time pending was designedly or otherwise in the interest of the Standard Oil Co.; and if so, that it was our duty as a committee to correct it. We did that. There were two gentlemen—a Mr. Rice and a Mr. Ball—who acknowledged themselves responsible for those advertisements and acknowledged that those advertisements charging that those bills were in the interest of the Standard Oil Co. were paid for with the money of the Roxanna Oil Co., which was a corporation owned by the Royal Dutch Shell Co., the same English and Dutch interests that now own the Shell Co. of California and that are still operating the Roxanna Oil Co.

The chairman of that committee with my assistance prepared a letter to the Secretary of the Interior asking for the most thorough investigation and report on every large company operating in every field in the United States, and, so far as they could secure it, of the affiliations any company might have with the Standard Oil Co. That report was made to us. I shall not take the time to go into it at length. It may be found in the hearings before the Committee on Public Lands in 1918, volume 214.

It was charged that the Midwest Oil Co., concerning which we have heard much here during this debate, was a Standard Oil Co. subsidiary. The committee determined to ascertain the facts to the fullest extent possible concerning that matter. We had before us one of the directors of that company, Mr. Karl C. Schuyler, of Denver, Colo. I want to read what he said, or a portion of it:

> I appear here for the presentation of matters that are of interest in connection with this bill in behalf of the Midwest Oil Co., an Arizona company, of which I am a director but not an attorney; the other directors are Mr. L. L. Aitken, president; Mr. W. F. Schuyler, Mr. T. S. Dines, and Mr. Orville L. Dines. That is a company which under the provisions of section 16 of the Senate bill should be entitled to relief to the extent of 970 acres, approximately, in the Salt Creek oil field, Wyoming. That company has instructed me to read the following telegram, which is signed by its president, Mr. L. L. Aitken, and its secretary, Mr. J. L. Warren:
>
> DENVER, COLO., *February 10, 1918.*
>
> KARL C. SCHUYLER,
> *New Willard Hotel, Washington, D. C.:*
>
> In order to correct any possible misunderstanding as to the Midwest Oil Co. will you please advise the Public Lands Committee of the House that the company is owned by 3,800 shareholders. That so far as officers of the corporation know none of its capital stock is owned by any Standard Oil Co., subsidiary, or officer of any such companies. Midwest Oil Co. was pioneer of oil development in the State of Wyoming, building the first successful pipe line and refinery in that State. The point we would like to have you make clear to the committee is that the Midwest Oil Co. is a publicly owned company that is operating patented lands and is a claimant to other lands now in process of adjudication in Salt Creek field, and that it is not any part of any combination to control production, output, or prices.
>
> L. L. AITKEN,
> *President Midwest Oil Co.*
> J. L. WARREN, *Secretary.*

There was a Midwest Refining Co. as well as a Midwest Oil Co., and the committee went into an investigation of that question. It is all found in the hearings. Finally the committee found that there was a man by the name of William John Hanna, of Toronto, Canada, who had an interest, a small interest, in this company. At that time Hanna was also a director of the Imperial Oil Co. (Ltd.), which we understood was a Standard Oil Co.

This affidavit was finally furnished us:

FEBRUARY 9, 1918.

STATE OF NEW YORK,
County of New York, ss:

I, William John Hanna, of the city of Toronto, in the Province of Ontario, in the Dominion of Canada, barrister at law, being first duly sworn, say:

1. I am a director of and counsel for the Imperial Oil Co. (Ltd.), a company incorporated under the laws of the Dominion of Canada, and am now and for many years past have been thoroughly familiar with its financial affairs and property holdings.

2. That the said company does not now own and never has owned, nor has any person or persons or company owned, acquired, or held, or now own or hold for said company as trustee or otherwise, directly or indirectly, any stock whatever in or of the Midwest Refining Co.

3. That the investment made by certain Canadians in a relatively minor portion of the total capital stock of the said Midwest Refining Co. was to my certain knowledge a strictly personal investment of said gentlemen for their own personal account and not for the benefit of any corporation whatsoever, directly or indirectly.

W. J. HANNA.

Sworn to before me this 9th day of February, 1918.

CHARLES L. FROST,
Notary Public.

We shall find pages and pages of testimony, Mr. President, where the House Committee on Public Lands sought to get all of the facts with reference to the ownership or control upon the part of the Standard Oil Co. regarding these oil fields. In oil fields in the State of California the Secretary of the Interior reported that out of a production of 75,000,000 barrels of oil in 1917 the Sandard Oil Co. produced 18,000,000 of those 75,000,000.

Before concluding the matter, Mr. President, we were anxious to learn what was the motive of this English company in making the charge that the bills were in the interest of the Standard Oil Co., and when we finally got down to bedrock they said that these bills were in the interest of the Standard Oil Co. because the acreage permitted by the bill to a single corporation was so small that no competitor of the Standard Oil Co. could come in and get a sufficient acreage. Their entire objection to the bill was that the leases were all far too small an acreage. They urged our committee to permit the lease of 2,560 acres in proven fields and 4,000 outside. It developed that it was an effort upon the part of this English company to secure control of vast areas of these oil lands. The committee in the other House in every bill that was passed provided for a leasing system with a patent to one-fourth of the prospecting permit as a reward to the prospector. Every one of their bills also contained what was known as a relief section, giving to claimants who were bona fide, in good faith, free from fraud, a preferential right to lease their claims.

The Senate had always been insisting on letting down the bars further than the House was willing to go. So in 1915, 1916, 1917, and 1918 there was no legislation upon this subject, because the House believed and the Committee on Public Lands of the House believed that the public interest was not sufficiently protected by the bills the Senate was willing to accept.

I desire, however, to say right here, Mr. President, that the bill now pending before the Senate, and which is being so much criticized, goes further in the protection of the public interest than has any bill that has ever been proposed upon this subject in either the House or the Senate. I wish now to take just a little time in demonstrating that. In the first place, every bill up to this one permitted two modes of acquiring coal lands—one through purchase and the other through lease. For the first time, this bill repeals the coal-land law permitting purchase. The other bills permitted patents to one-fourth of the area of the prospecting permit for oil; this bill does not. It is a straight leasing bill.

For a long time I have been in favor of a straight leasing bill and of excluding patents, for two reasons: One, whenever the Government parts with title through patent the Government loses all control over the property; the Government's power with reference to monopoly or competition then must be exercised not as a proprietor but through its sovereignty. Under our dual form of government, as we all realize, there are many things we can not do under our sovereign power because of the limitations of the Constitution. We can, however, make conditions in a lease that will bind the lessee, which if he were a patentee we could not control. So this being a leasing bill for all of the oil lands, the provisions we have in the bill against monopoly and looking toward competition remain so long as there is a barrel of oil left in the land.

Then, there is another economic reason why there should be only one system. With a leasing bill the Government can control the operation of the wells; it can provide and will provide that an oil well shall be protected from water. A single well in a field if it is not properly protected against water coming in from the water levels can practically destroy 100 other wells; but by a leasing system the whole field can be protected, where otherwise it could not be.

Then, every one of the other bills which we have had have provided for prospecting permits within producing fields as well as outside of them. For the first time in a leasing bill we do not permit any prospecting permits within a producing field anywhere. We permit prospecting permits only in what is known in the parlance of the oil men as "wildcat territory"; and there, instead of giving the discoverer a patent, we give him, first, a lease under a 5 per cent royalty to one-fourth of the area of his prospecting permit. The remainder, or the three-fourths, we give him a preferential right to lease at a minimum royalty of one-eighth and a maximum of 25 per cent. The moment, however, that a man makes a discovery of oil in new territory no other prospecting permit can be issued in that field or territory; the leases must be put up to the highest bidder. Those are some of the main distinctions and main improvements in this bill over other bills which have been proposed.

Now, a word, again coming back to the subject, with reference to any interest that the Standard Oil Co. might have in the provisions of this bill. It is true that under the relief section the Standard Oil Co. may get a preferential lease for some of its holdings; but it may not. That will depend entirely upon whether the Standard Oil Co. believes that it can sustain its right to a patent. If it does not believe that, and is in good faith, it would have a preferential right to a lease as provided by the bill. But let us see whether this bill in the form in which it is reported is or is not in the interests of the Standard Oil Co.

In the first place, 640 acres is the largest area that is permitted to be leased in a proven field, except under the relief sections, which allow the leasing of 3,200 acres. Under a prospecting permit in wildcat territory the largest area that can be leased is 2,560 acres. Provision is made that no more than one lease can be issued to a claimant within the same geologic structure, and not more than three leases within a single State. Provision is also made that if a man is interested as a stockholder or otherwise in any leases under this proposed act the aggregate of which would exceed the amount permitted in the bill, that interest shall be forfeited to the United States by appropriate action in the Federal courts. If anyone can suggest a provision that will limit holdings any more than the provisions of this bill do in that respect, so as to prevent the Standard Oil Co. or any other corporation from getting large areas, I shall be very glad to vote for it; but I wish to call attention, Mr. President, to the fact that there has been no such amendment proposed thus far, from which I gather that all Senators are convinced that the committee, in its efforts to limit these holdings, has done the very best that can be done.

We next come to the provision allowing producers of oil to combine their interests for the purpose of building refineries. Will anyone maintain that that is a provision in the interest of the Standard Oil Co.? Independent producers of oil appeared before our committee last year and asked for that provision, and stated that if they could make such combinations they could build refineries of their own, and that they would be afforded an opportunity to exist, instead of being at the mercy of the Standard Oil Co.—which is represented by the Ohio Oil Co. in Wyoming—or the Midwest Co., the only two companies that had refineries in Wyoming at that time. They said that if the independent producers were permitted to combine their holdings for the purpose of raising money to build refineries they could enter into competition with those two great corporations, and that they would not be at their mercy in the price paid for crude oil. That was the reason that provision was put in the bill, so that there might be opportunity for competition with the Standard Oil Co. in the refining of oil.

Then, we come to another provision suggested by Mr. Shwartz, who represents the independent producers in Wyoming. I refer to that portion of the bill which provides that unless the Government desires the royalty oil for its own use it shall be sold to the highest bidder. The independent producers say that these two great companies engage in the practice of making contracts depriving the independent refineries of any opportunity to get a supply of oil. This provision was put in in the interest of the independent refineries, so that they have a chance to bid for royalty oil in competition with the Standard Oil Co. and the Midwest Refining Co. So much for the provisions of the bill as favoring the Standard Oil Co.

Mr. President, I wish to hurry on and get through as quickly as possible, but I desire to come to a very brief discussion of the naval reserves. I doubt whether there are many Senators who understand the situation with reference to the naval reserves. There were 30,000 acres withdrawn in naval reserve No. 2. The very natural supposition upon the part of anyone when he hears about a naval reserve is that it is made up of a compact body of Government land constituting a naval reserve. That is not true. Out of this 30,000 acres of land within the outer boundaries of this reserve 15,000 acres have been patented to the Southern Pacific Railroad. The last patent was issued to the Southern Pacific some seven years before the first discovery of oil on naval reserve No. 2.

Actions were commenced against the Southern Pacific to cancel all the patents in all of the oil territory on the ground of fraud, the Government charging that at the time the Southern Pacific made its selection they knew, or should have known, that the land was mineral in character. I may say in passing that their right to the selection came through a land grant under which they were entitled to every odd-numbered section within the primary limits and entitled to make selection within the indemnity limit for all lands that they may have lost in the primary limits. The first case tried had reference to reserve No. 1, where the patents of the Southern Pacific had been issued only a short time before the discovery of oil in the vicinity of the reserve. The lower court held in favor of the Government; it held that in making that selection the agents of the Southern Pacific knew or had reason to know that these lands were of mineral character, and, therefore, were not subject to selection.

The fact was that at that time the Associated Oil Co., which is connected with the Southern Pacific Railroad Co., had drilled one or two wells in naval reserve No. 1, and it was shown upon the trial that discovery of oil had actually been made; but one of the badges of fraud that was relied upon was that they capped those wells and concealed the discovery.

As I said, the lower court held in favor of the Government. The circuit court of appeals reversed the lower court, and confirmed title to these lands in naval reserve No. 1 in the Southern Pacific Co. The Government appealed to the Supreme Court of the United States. The case was argued last winter, and I was very sorry indeed that the court took its summer recess before handing down a decision in that very important case, because upon the result of that case will depend very largely whether we will have an adequate naval reserve in naval reserve No. 1, because it so happens that in naval reserve No. 1 the Standard Oil Co. has under private ownership acquired through State land titles something like a section and a half, and upon one of those sections within the last six months the Standard Oil Co. has drilled wells and discovered oil, and the best estimate upon that one section in the heart of naval reserve No. 1 is that that section alone will produce 20,000,000 barrels of oil; and if the balance of the reserve shall hold out as indicated by this one section, naval reserve No. 1, including the Southern Pacific land, has about 400,000,000 barrels of oil.

I say I am very sorry that we did not have the decision of the Supreme Court in that case, because if the Government should win that case it is my intention to introduce a bill for the condemnation of this section and a half of the Standard Oil Co.'s property, so that the Standard Oil Co. will not be permitted to drain the oil of the Government in that naval reserve by reason of its own wells upon the boundaries of its properties; but according to the last decision the Government has lost that case.

With reference to the Southern Pacific lands in naval reserve No. 2, the chances, as stated to me by officers of the Department of Justice with whom I have discussed it many times, were much less favorable to the Government than in naval reserve No. 1; but last week the district court sitting at Los Angeles rendered a decision against the Government in regard to the Southern Pacific lands in No. 2, and the Government's chances of ever recovering any of the lands in naval reserve No. 2 are very small indeed.

That becomes important in this respect, Mr. President: In the case of these lands in naval reserve No. 2, as in No. 1, the Southern Pacific having every odd-numbered section, the Southern Pacific lands and the unpatented lands form a checkerboard. You might illustrate the Southern Pacific lands with the red on the checkerboard and the unpatented and private lands as the black.

Now, with reference to the possibility of maintaining a naval reserve in No. 2, where there are only about 7,000 acres out of the 30,000 that could in any possible way be affected by this bill, what would be the result if we should attempt to shut down the wells that are now producing on naval reserve No. 2? I will tell you, Mr. President. We will be making a gift to the Southern Pacific Railroad Co. of the oil that is now being produced from many of the wells upon those unpatented lands.

On these lands, very naturally, the Southern Pacific Co. have put down oil wells at the outer boundaries of their lands. The claimant of public lands puts in his wells at the outer boundary of his claim for two reasons—first, to prevent the other fellow from draining his oil; second, if the other fellow is not active, he will get a little of the oil of the other fellow. So that in visiting any of these oil fields you can look down a lane for a long distance and see derricks on either side, with 300 feet between them, upon the boundaries, with the wells of one owner upon the one side and the wells of the other owner upon the other side. Shutting down the wells of either one does not conserve for the owner, whoever it may be, whether it is the Government or the private individual. If you shut down the wells upon one side of a line, you are giving the oil to the man who has the wells upon the other side of the line. The testimony before both committees has been that this oil will drain as much as 500 feet. In 640 acres that would leave conserved in the ground about 420 acres. In 160 acres, with oil draining 500 feet, with wells surrounding the 160 acres, you could save the oil in the ground for about 60 acres and no more.

That is the situation with reference to these naval reserves. I am very frank to say that I do not believe it is possible for the Government, irrespective of any questions which are pending here, ever to maintain naval reserve No. 2 as a naval reserve. If we get these claims, the only way to save the oil for the Government is to take it out of the ground from the wells that are now existing there.

So much for that; but the provisions of the bill, so far as naval reserves are concerned, are very different than are the provisions with reference to claims outside of naval reserves, because, as the Senate is aware, the bill provides that only existing wells can be leased by the Secretary of the Interior within the naval reserves, and provision is made that no other well can be put down within 660 feet of the existing wells. Provision is made, however, that the President may have a right to lease—a very proper and a very necessary provision, as it seems to me, in view of what I have said concerning the situation with reference to conserving the oil in the ground.

Let me say, in passing, that there are over 300 wells upon this reserve. Not one-half of them—no; not one-third of them; I have not the exact number—will be affected by this bill at all, because they are either upon Southern Pacific lands or upon patented lands. But suppose it becomes apparent that the Southern Pacific or some other owner is putting his new wells slam up to the line, draining these lands that are not drained now by existing wells. Is it not necessary that the President shall have the power in such case to lease an offset well, rather than to give this oil to the owner of the other property without giving any royalty to the Government? That is the only purpose of granting to the President the power to lease this additional property, and, if he does lease, the claimants shall have a preferential right to lease.

With reference to that, Mr. President, why should they not have a preferential right to lease? We are going to lease to somebody; and if they have expended money honestly and in good faith, why should they not have a preferential right to lease? Should we punish them if we are going to lease the property in any event? Should we take their money, expended in the utmost good faith, and hand it over to somebody else? Is there any rule of equity that would call for such a line of conduct?

But it is said repeatedly that if these men have any equities the courts can take care of them. Mr. President, that is not true. The courts can take care of no equities in these cases. The courts must follow the law as laid down by Congress and construed by the courts. Why, I read you a decision here in the Midway case where the court gives to the claimants the highest stamp of its approval so far as honesty, good faith, and making valuable discoveries are concerned; but under the law the court very properly held that no relief could be granted to them. If a claimant has suspended work for as much as 60 days, although he may have spent $100,000 before doing so, although he has suspended work through failure to secure money because his capital was gone, and he had to rustle new capital, no court can protect that man, Mr. President. The Government takes his wells, and under this bill if section 18 is stricken out it will lease them to somebody else.

Mr. President, it is not the big corporation that will take the benefits of section 18. It is not the Honolulu Oil Co. that will

avail itself of the benefits of section 18. My colleague has read the decision of the commissioner in that case, and I am not going into the details of the case. The Secretary of the Interior has twice clear listed those cases. The district court had appointed a receiver. Although fraud was charged, they made no findings of fraud; and if the Secretary of the Interior shall confirm the findings of the commissioner in those cases, that ends them, both as to courts and Secretary, because the court has jurisdiction in any of these cases only pending a final determination of the Secretary, and the moment the Secretary renders his final decision the court is without further jurisdiction, except that if a denial of a patent is made by the Secretary these claimants then will still have their day in court in an action to remove them or for trespass. But so far as granting a patent is concerned, when the Secretary acts it is the action of the court of last resort; and so I say, so far as these large corporations are concerned, they are not going to avail themselves of the privilege of this bill. The big corporations that have plenty of capital could comply with the law both as decided by the Secretary of the Interior and as decided by the courts of California.

Let me say in passing that I am informed that there have been four cases in these naval reserves that have gone into the courts, and final decisions have been rendered, and the Government has not won one of those cases. It has won a number of other cases. I have read some of them here this evening, where they won on the law; and yet is there anyone who will say that in the facts of these cases that I have read there are no equities; that upon the facts in those cases, if we are going to lease this property, those men are not entitled to some consideration as long as we are going to lease the property in any event?

With reference to the position of the Department of Justice, let me say that the Department of Justice is acting throughout this matter, as it is its duty to act, as a prosecuting attorney would act. No one should assume for a moment that the views of the Department of Justice upon the various phases of this controversy are necessarily law or justice. The Department of Justice is fighting these cases to win them, just as a prosecuting attorney fights to win a case. The Department of Justice urged before the courts in the Consolidated Mutual case that the exception to President Taft's withdrawal order gave no man any rights unless he had made a discovery on the 27th day of September, 1909. The Department of Justice urged before the circuit court of appeals that although a man had complied with the law in every respect up to the 27th day of September, 1909, although he had spent the last dollar of his fortune in full compliance with law, that man had no rights whatever under the withdrawal order.

The Department of Justice has taken another position, and I want to call the attention of the Senate to Mr. Kearful's idea of fraud. Mr. Kearful before the House committee was examined at great length as to the theory of the Department of Justice and his own theory with reference to what constituted a fraud upon the Government in these cases. This question was asked him among others:

> Now, in any oil territory where, we will say, it costs a minimum of $10,000 to drill a well, under your theory of the law any man who did not have sufficient capital to drill that well would be committing a fraud upon the Government if he made a location. Is that true?
>
> Mr. KEARFUL. The question is not susceptible of answer in the manner in which it is put, because no man could make a location——
>
> Mr. LENROOT. I say initiate a claim.
>
> Mr. KEARFUL. If he did it with the intention of excluding other prospectors, without the intention manifested by the ability to do discovery work, I should say yes.
>
> Mr. LENROOT. Then let me put this other question. If a month afterwards he was successful in finding a man with capital, and he leases that claim to that man, and that man develops it, do you still believe he is guilty of fraud?
>
> Mr. KEARFUL. You are speaking now of the single claim of 20 acres?
>
> Mr. LENROOT. I am taking a group.
>
> Mr. KEARFUL. The group of claims is leased to a single operator?
>
> Mr. LENROOT. A drilling contract, the compensation to be a portion of the proceeds if discovery is made.
>
> Mr. KEARFUL. I think that is fraud under the law.

Let me just analyze that for a moment and see what this representative of the Department of Justice would urge before a court was a fraudulent claim. A man with a pack upon his back goes out into territory unknown to anyone as having the slightest indications of oil. He discovers a gas blowout or oil seepage. He makes a location upon the ground. He goes to the nearest city and tells some one about it and makes a contract with a man to drill that location for a percentage of the proceeds of whatever he finds. Mr. Kearful says that is a fraudulent claimant. Mr. Kearful's position is that no one but rich corporations like the Standard Oil Co., like the Honolulu Co., should be permitted to go upon the public lands at all. As he says in his testimony, it is not a poor man's game, and if a man of moderate means does put his all into an oil well and after he has spent his last dollar and does not find oil stops work for a few weeks in order to find more money, the Department of Justice says that man is guilty of fraud, that he is not entitled to any consideration at the hands of the Government.

In conclusion, Mr. President, because while there is much I should like to say further upon this bill I am not going to occupy the time of the Senate, I wish to call attention to the fact that no man or corporation will secure or is entitled to secure any relief of any kind under this bill if he has been guilty of any fraud himself or has knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith. All such men are excluded entirely from the bill. To say that the bill if enacted into law will give these lands to thieves and to robbers is to indict the integrity of the Secretary of the Interior, Franklin K. Lane. He needs no defense from me. I am willing upon that issue to let the Senate render its verdict without argument, except to add that upon these questions Secretary Lane gives them his personal attention, and if this bill should become a law and if any man secures a leasing permit who has been guilty of fraud, it will be because Secretary Lane knowingly, deliberately violates the laws of Congress and is in collusion with a fraudulent claimant.

Mr. PHELAN. May I ask the Senator a question before he sits down?

Mr. LENROOT. Certainly.

Mr. PHELAN. The Senator has just quoted Mr. Kearful of the Department of Justice. Is he the same Mr. Kearful who made a criticism upon the administration of the Department of the Interior?

Mr. LENROOT. He is.

Mr. PHELAN. I also understood the Senator to say that in all cases brought into court the decision has been against the Government.

Mr. LENROOT. Oh, no. I said it had been my understanding that there had been four decisions rendered on the merits in naval reserve No. 2 and in those four cases the decision had been against the Government, and there have been any number of other cases where the decision was against the claimant and in favor of the Government.

Mr. PHELAN. But in all cases involving naval reserve No. 2 the decision sustained the action of the Department of the Interior.

Mr. LENROOT. Not all the decisions. I wish the Senator would bear in mind this distinction. Receivers have been appointed I think in every claim in naval reserve No. 2, but in all claims in naval reserve No. 2 no temporary permits were granted, so that the court in every case has granted a receivership, not usually for operation, but merely a receiver to take the money and keep it in escrow. However, I understand there have been four decisions, not final decisions by the Supreme Court, but by the district courts, upon the merits and that in those four cases the claimants have been sustained.

Mr. PHELAN. The Senator quoted a decision just handed down by the Federal district court of California—Judge Bledsoe. It is the same decision, I believe, reported in the press August 29. I quote a dispatch dated Los Angeles, August 28, as follows:

> LOS ANGELES, CALIF., *August 28.*
>
> Holding that the evidence of fraud was inconclusive, Judge Benjamin F. Bledsoe, in the United States district court, dismissed to-day six consolidated suits filed by the Government against the Southern Pacific Co. and 221 other companies and individuals.
>
> The Government sought to have set aside patents to valuable oil lands in the San Joaquin Valley.

I have here a statement that in petroleum reserve No. 2, created December 13, 1912, out of 30,080 acres 15,360 had been patented to the Southern Pacific Railway for nearly 25 years. Do I understand that, in the judgment of the Senator, the full decision not having come to hand, one-half of that naval reserve is confirmed to the Southern Pacific Co. by that decision where it speaks of six consolidated cases and 221 other companies? If that be true and the Southern Pacific interest is one-half, what is the interest of the 221 other companies?

Mr. LENROOT. I will say that my best recollection is that there are unpatented lands within the naval reserve of between 7,000 and 8,000 acres. All the balance of the reserve is either in the Southern Pacific or in private hands, and there is some small portion of it that is vacant and has never been entered, as not believed to contain oil.

Mr. SMOOT. In order that the Senator may know just what the decision of Judge Bledsoe was, I have a telegraphic copy of the decision in full. I am not going to take the time of the Senate to read it, but ask that it may be printed in the RECORD. The suits involve 234 defendants, and the litigation directly challenges title to approximately 165,000 acres. That is an answer

to the question asked by the Senator from California. If there is no objection, I should like to have the decision printed in the RECORD.

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

The decision referred to is as follows:

"BLEDSOE, *District Judge.*

"This is final hearing of the litigation considered on motion to dismiss in Two hundred and twenty-fifth Federal, page 197. The actions, six in number, consolidated upon the trial, will be considered together, as the questions presented in their substantial aspect are unitary.

"The suits seek to cancel, as for fraud, certain patents issued by the Government to the Southern Pacific Railroad Co. in pursuance of the act of Congress approved July 27, 1866, 'Granting land to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast' (14 Stat., 292), as modified by the joint resolution of Congress of June 28, 1870 (16 Stat., 382, No. 87). The litigation in its general aspect is the parallel of that considered by the court of appeals for this circuit in United States *v.* Southern Pacific Co. (249 Fed., 785), commonly referred to as the Elk Hills case, in the course of which opinion may be found a recital of some of the general and controlling features of the situation.

"The suits herein name no less than 234 defendants, and it is asserted by defendants that 111 other persons claim interests in the lands involved and are 'necessary parties' in consequence. The litigation directly challenges the title to approximately 165,000 acres of land in the 'oil territory' of the west side of the San Joaquin Valley extending from above Coalinga on the north to below Sunset on the south. The value of the land actually involved is alleged by the Government in its complaints to be in excess of $421,000,000. The patents in issue aggregate 16. The first, No. 20, covering some 4,000 acres, was applied for by the railroad company in 1883, and was finally issued in 1892. Suit was brought upon it in January, 1915. Patent No. 22, covering over 60,000 acres, was applied for in May, 1892, issued July 10, 1894, and suit was brought, the earliest one filed December 20, 1912. The other patents involved were applied for at various times between 1882 and 1900, and were issued at various dates between 1894 and 1902. It might be said, in passing, that the patent applied for in 1900, and the only one herein involved applied for after 1897, was issued in 1902, and covers three sections of land in the Elk Hills region, none of which as yet are shown to be oil bearing.

"During the course of the protracted hearings many hundreds of witnesses were examined in open court, and nearly 15,000 pages of testimony thus taken. The importance and magnitude of the property rights involved have at no time been lost sight of by the court. A careful consideration of the evidence and of the various contentions of the principal parties to the litigation has, of course, been given, due regard for economy both of time and of space, however, demanded that the conclusions of the court be stated with brevity.

"As is set forth in the Elk Hills decision, supra, pursuant to the terms of the railroad grant, and in consequence of certain regulations promulgated by the Department of the Interior having charge of the disposition of public lands, it was required that the railroad company in making application for the issuance of patent to its granted lands should cause its land agent, duly authorized in such behalf, to make affidavit that he had caused the lands applied for 'to be carefully examined by the agents and employees of the company as to their mineral or agricultural character, and that to the best of his knowledge and belief none of the lands returned in the list are mineral lands.' (19 L. D., 21) Jerome Madden during all of the time mentioned herein was the land agent of defendant company, the predecessor of C. W. Eberlein referred to in the Elk Hills decision, supra. It is alleged in the bills of complaint, as set out more fully in the opinion on the motion to dismiss, 225 Fed. 197, supra, that Madden made and transmitted the requisite affidavit, containing the positive statement that the lands applied for were 'no interdicted mineral or reserved lands, and are of the character contemplated by the grant.' It is then averred, at some length, that the lands now are and all times mentioned were mineral lands, without the terms of the grant; that they were so known to be by the railroad company and by Madden in particular 'long prior' to the making of the affidavit referred to; that nevertheless, in ignorance of the truth and in complete reliance upon the false representations sworn to by Madden in his affidavit, etc., the Secretary of the Interior was led to and did cause to be issued the patent, etc. It is also alleged, it may be added, that the fraud thus perpetrated was not only 'naturally self-concealing' but was in fact, through the machinations of the railroad company and its agents, actually concealed from the Government and all of its responsible officers until 1910, when certain suits were brought in this court, etc., referring, inter alia, to Burke *v.* Southern Pacific Company, 234 U. S., 669.

"The defendant railroad company denies with positiveness and unequivocation the intention to commit or the actual commission, or the subsequent concealment, naturally or otherwise, of any fraud in the premises in additional and specially, laches and the bar of statutes of limitations (act of Mar. 3, 1891, 26 Stat., 1093, and act of Mar. 2, 1896, 29 Stat., 42) are set up as defense.

"Stripped to the core, the claim of the Government is that the defendant company, knowing the lands were mineral and that therefore it was not entitled to them, nevertheless deliberately conceived and put into successful operation the fraudulent plan of acquiring such lands to its own use and benefit and in complete disregard of the Government's rights. The case as developed by the Government on the hearing and through the contentions of its counsel is to the effect that the "big four" of the Central and Southern Pacific companies, the original initial owners of that great unified enterprise, Stanford, Crocker, Huntington, and Hopkins, together with several lesser lights, occupying positions of responsibility and prominence, however (Towne, general manager; Madden, land agent; Kruttschnitt, vice president; etc.), were all parties to a deliberate, long-enduring, and wide-embracing scheme to acquire from the Government wrongfully vast areas lying on the west side of the San Joaquin Valley involving some of the richest oil lands that the world has ever known. That this scheme was conceived sometime in the seventies or, possibly, early eighties, and continued to flourish uninterruptedly, but all the time concealed, either naturally or through the artifices of its instigators, until its accidental discovery by the Government through the filing of the Burke suit in 1910. In other words, that, through a period of, say, 30 years, some of the most prominent, most forceful, most far-seeing men that our State has produced, were engaged in the diabolical plan of consummating one of the greatest frauds of the age, and not only that, but that during the course of the perpetration of that fraud and previous to the realization of any appreciable profit or substantial reward from its attempted consummation, practically all the original parties to the gigantic conspiracy had gone to their graves. It seems hardly within the realms of possibility that such could be the case, and I feel sure that the required proof of such an enormity by that class of evidence which commands respect and that amount of it which produces conviction (Diamond Coal & Coke Co. *v.* U. S., 233 U. S., 236, 239) has not been adduced herein. It is to be observed at the outset, for I conceive it to be a matter of primal importance, that the defendant railroad company was in no sense a mere self-seeking applicant for the lands in question. It occupied a status much higher than that of a mere homesteader or preemptioner. Pursuant to acceptance of a definite and far-reaching offer on the part of the Government for the construction of the railroad, it became entitled as a matter of right and not of grace to the ownership, possession, and employment of every odd section, 'not mineral' or not otherwise appropriated, on either side of its line of road, within certain stated primary and indemnity limits (Burke *v.* S. H. Co., 234 U. S., 669, 680). The defendant company is not therefore to be considered an object of suspicion because it applied for these particular lands. In due course it was its duty to apply for them unless they are 'mineral' or appropriated. It could not be deprived of them unless they were mineral or otherwise appropriated. Seemingly, in so far as I can determine from the record, all lands involved herein were returned by the Government surveyed as agricultural, i. e., 'nonmineral,' and in consequence there was a prima facie showing, sufficient at least to cast the burden of proof upon a possible objector, to the effect that the lands were of the sort and kind contemplated by the grant. (Tulare Oil Co. *v.* S. P. Co., 29 L. D., 269.)

"I advert to this situation because I think it distinguishes this case, on the facts, from many other fraud cases, and particularly from the Diamond Coal & Coke case, supra. Presumptively, all the railroad company was intending to do in making application for the lands was to become possessed of its own. No ulterior motive may be inferred from the making application or subsequent claim of the lands. The Government has relied (1) upon certain information said to have been conveyed to the parties mentioned hereinabove, or to others acting for them, to the effect that the lands were mineral lands, and (2) upon the presence of certain natural phenomena (live oil seepages, shale and oil sand outcrops, and the like), the observation of which, it strenuously asserted, could have had no other effect than to cause defendants' agents and officers to be of 'the belief that the land contained mineral de-

posits of such quality and in such quantity as would render their extraction profitable and justify expenditures to that end' (Diamond Coal & Coke Co., supra); that is, that the lands were 'mineral lands' as that term was known to the law.

"With respect to the information said to have been conveyed to various railroad officials regarding the mineral character of the land, without specifying the particular witnesses testifying thereto, it may be said without exception or qualification that every statement relied upon by the Government in that particular behalf is shown to have been made to an individual deceased at the time of the trial. It is as obvious as it is long established that the weakest evidence that can be offered in a court of justice is evidence of an asserted conversation had with one no longer living. The lips of the unreplying dead are unavailable for rebuttal. No skill in cross-examination can adequately serve to dissect out the true from false. The statement must perforce rest upon the bare word of the party testifying to it. And a due regard for the rights of property and value of reputation would seem inexorably to demand that before a judgment should issue upon such skeleton of fact it should be supported in corroborative circumstance by such proof at least as to make its acceptance conscionable. Such corroborative proof is not only wanting in these cases, but, on the other hand, patent and irrefutable facts point to a contrary conclusion. In the first place, circumstantial verity is lacking in some of the narratives themselves. Improbability of some occurrences as asservated confronts even the credulous mind. Inconsistency of utterance and conduct induces a rational disbelief. And on more than one occasion a positive contradiction, coming from unimpeached and apparently unimpeachable sources, serves completely to annihilate the seeming truth of the assertion. When all of the foregoing is said in this behalf, however, there still remains that which, to my mind, constitutes incontrovertible refutation of the claim that the officials and agents of the railroad company knew, at all times involved, that the lands in question were 'mineral lands'; that is, 'more valuable' for their mineral content than for their agricultural possibilities. (Barden *v.* Northern Pacific Railway, 154 U. S., 288, 328; Davis *v.* Weibbold, 139 U. S., 507, 523.) I refer to the conduct of the officials and agents themselves respecting such lands.

"If the officials of the railroad company knew that these lands were more valuable for their mineral than for their agricultural possibilities when they acquired them, as is charged by the Government, and as its evidence undoubtedly tends to show, then they were guilty of a collosal fraud, of course, and they and their successors should now be mulcted of their ill-gotten gains. To hold them possessed of such knowledge, however, and therefore guilty of such fraud, it must be found or inferred that they intended to advantage or benefit themselves. The conception and perpetration of a fraud inevitably involves an intent unlawfully to benefit from the fraud until transaction. The same self-interest which would inspire the fraud would seek material satisfaction in appropriation of its fruits. And if men handle valuable property as if it had no or but little value, it is almost proof positive that they are unacquainted with and have no suspicion of its real value.

"Both prior and subsequent to the actual acquisition of some of the most valuable of the lands patented to the railroad company in the oil belt in suit and otherwise the company in due course, with insistent effort and patient forbearance, made contracts for the sale of, and actually sold, these lands at mere grazing or cheap agricultural prices, from $2.50 in most instances to $10 an acre. One section, 17, situate above Coalinga, and containing probably the then most persuasive geological and physical indications of any lands in that neighborhood, an unusually 'stiff price' was put on the lands because the land grader's 'summer vacation was spoiled' in consequence of his having to appraise the land right after the application to purchase, and it was sold for $3.50 and $5 per acre. The witness Hart testified that he assured C. P. Huntington in New York in 1893 that 'the railroad oil lands were worth more than his entire railroad.' Yet sedulously and persistently, after it is claimed such a startling statement was made to its president, the railroad company continued to offer and sell its lands to whomsoever would buy at a mere grazing and agricultural price. Lands in the Kreyenhagen Hills, Lost Hills, and Kellmans Hills, all promising oil territory according to the geologists, were sold and held for sale without reserve.

"During all these years and to and until the great discoveries of oil in the Kern River field and in the McKittrick field in 1899, and thereafter while the railroad company was indulging in strenuous efforts to provide itself with the necessary futures—engines first with coal and the latter, beginning about 1897, with oil—the fact is that it was either disposing of, or offering to dispose of, at the merest fractional part of their value, lands actually containing the very fuel of which it was then so industriously in search. In addition, the men at the head of the Southern Pacific and its subsidiary corporations at that time, admittedly possessed of unusual business acumen, failed in a single instance, to which the court's attention has been directed, to become individually possessed of a single foot of producing or probable oil territory within the area in suit. Some of them, at least, charged with either participation in or knowledge of the conspiracy, did purchase granted lands; and it is inconceivable that if they had known or even suspected the truth with respect to the oil content of the west side lands they would not have secured some of them for their personal possession.

"Again I repeat, as demonstrative of the unsoundness of the Government's claim in this particular behalf, self-interest alone, thievish self-interest, would have prompted the perpetration of the fraud alleged. The same or a continuing self-interest would have prompted the retention of at least some substantial portion of the real estate of the thing acquired, having sold or offered generally to sell all these lands for a mere pittance, considering their 'mineral value.' It is inconceivable that the same men should have perjured themselves originally in order to accomplish their acquisition. Their conduct is more consistent with honesty of purpose and bona fides of belief than with fraud and chicanery. The whole state of the record, viewed with unprejudiced eye, fails, in my judgment, to induce the conclusion that the proof of the fraud associated is 'clear, convincing, and unambiguous.' (Colorado Coal Co. *v.* United States, 123 U. S., 307.) In the absence of such degree of proof, 'by that class of evidence which commands respect,' the plain and instant duty of the court is to deny the relief requested.

"At this point attention should be called to the fact that it is not the actual presence or subsequent discovery of oil in the lands in question which gives the Government the right to recover herein. Pursuant to apparently due and regular proceedings in accordance with law, the Government has heretofore granted these lands to defendant company. Though company was not entitled to receive 'mineral lands,' yet it is definitely established that a discovery of mineral in the lands after patent will not suffice even protanto to divest the railroad title. It is only when 'fraud' has been perpetrated in the acquisition of the lands that the patent may be set aside. 'When legal title did pass—and it passed unquestionably by the patent—it passed free from the contingency of future discovery of minerals' (Burke *v.* Southern Pacific Co., supra) 'if at that time (time of proceedings taken to secure patent) the land was not thus known to be valuable for mineral subsequent discoveries will not affect the patent.' (Diamond Coal & Coke Co., supra.)

"The Government, however, insists that the fraud complained of may arise from the assertion of that as a fact which the party did not know to be true (Pomeroy Eq. Jur., sec. 885) when he 'ought to have known' of its falsity (Bigelow on Fraud, vol. 1, p. 8) or had 'no reasonable grounds' for believing it to be true. (Southern Development Co. *v.* Silva, 125 U. S., 247.) It then contends that the proper study and investigation of the physical aspects of the lands in question, required in order that the affidavit of 'nonmineral' character might be made and presented, would indubitably (and therefore must) have caused the company, through its agents and investigators, to become apprised of the mineral character—'oil content'—of such lands.

"It is sufficient, with respect to what the railroad actually did learn and believe as to the mineral value of the land, to refer to what has already been said concerning its conduct. From its long-continued handling of these lands it must be held that it did not know their actual or potential value as oil lands, irrespective of the sources from which information is said to have come. But may we assert now that it 'should have known' and that because of its negligence or incredulity in this behalf the lands now may be taken from it in virtue of the established 'mineral value' of at least a part of them?

"The keystone of the entire arch of the Government's syllogistic structure is the holding of the Supreme Court of the United States in the Diamond Coal & Coke Co. case, pages 239–240, supra, to the effect that in a suit to cancel an agricultural patent for fraud it will suffice if it be made to appear 'at the time of the proceedings which resulted in the patent the land was known to be valuable for mineral; that is to say, it must appear that the known conditions at the time of those proceed-

ings were plainly such as to engender the belief that the land contained mineral deposits of such quality and in such quantity as would render their extraction profitable and justify expenditures to that end.' The case concerned the attempt of a coal company, long engaged in the business of coal mining in the particular neighborhood in question, to acquire unlawfully and fraudulently under agricultural entries certain lands known and believed by it to be coal lands. The difference in 'mode of deposition' between coal (especially adverted to in the Diamond Coal case, p. 249, supra) and oil is not only apparent to those learned in the science of geology but has received express consideration in the Elk Hills decision, page 799, supra, in connection with that court's analysis of the Diamond Coal Co. case. In addition to what is quoted therein from the testimony of Dr. Branner, he testified in the present case that: 'We know that coal when it forms stays right where it is placed. But in the case of petroleum, no matter where it originates, it is always trying to get away from there and go somewhere else.'

"Too little attention has been paid to the important word 'plainly,' found in the declaration of the law quoted from the Diamond Coal Co. In my judgment, it is only by giving that word its appropriate emphasis and consideration that the decision does not constitute a radical departure from previous conclusions announced by the same court and referred to and relied upon therein. (Diamond Coal case, supra, p. 240.)

"If, then, we assume the true rule to be that the 'known conditions' must be such as 'plainly' to engender the 'belief' that the land contained mineral deposits of such quality and in such quantity as would render their extraction profitable and 'justify' expenditures to that end, my conclusion is that not only did the railroad officials fail to have the requisite 'belief,' but that the then 'known conditions' were not calculated and did not serve 'plainly' to engender such belief.

"It must be remembered, as already adverted to, that all these lands, except three sections lying on the flank of the Elk Hills, were acquired by patents issued in the period between July 10, 1894, and December 2, 1897. Though there was some oil produced in and about Coalinga in 1896, the real 'boom' in the fields occurred after the Kern River discovery in 1899. That discovery, marvelous in its nature, attracted great numbers of people to all 'possible oil territory,' and every 'indication,' insignificant or otherwise, as well as countless acres of outlying and 'wildcat' territory, became the subject of consideration and 'location'; i. e., the posting thereon of 'mineral location notices,' but with no precedent or concomitant 'discovery.' (See United States *v.* McCutcheon, 238 Fed., 575.) All this, however, it must be remembered, occurred after all the patents, except No. 111, the subject of suit A-24, had been issued by the Government.

"The truth is that, though on the west side of the San Joaquin Valley, even from the sixties, there had been occasional, sporadic, and almost without exception commercially unsuccessful efforts to secure oil, maltha, and asphaltum, yet it remained for the Kern River excitement and the consequent McKittrick discoveries in 1899 and 1900 to put the oil industry of that region upon the solid footing that it possesses to-day. Early oil men, lacking greatly in experience, in initiative, in willingness to assume unwarranted risks, clung to the outcrops and territory more or less immediately adjacent and did not go down into the 'plains,' where most of the lands involved herein and nearly all of the really 'rich oil territory' are situated. Under such circumstances, in my judgment, the action of the railroad company in making application for the legal title to lands which, in a sense at least, it was then equitably entitled to, is not to be considered as violative, consciously or unconsciously, of the law as laid down in the Diamond Coal Co. case.

"It should be observed again, for emphasis, that the railroad company was entitled, in virtue of a 'contractual' obligation (Burke *v.* Southern Pacific Co., supra), wholly performed as to it, to the receipt of the legal title to these lands, except such of them as might be 'mineral' or 'otherwise appropriated.' They had been returned by Government surveyors as 'nonmineral.' All proceedings taken looking to their formal acquisition by the railroad company were had and taken in due course and in accordance with the existing requirements of law as laid down by the Interior Department, and the usual publicity, by publication in newspapers and otherwise, was accorded.

"No objection to the patenting of any of these lands on the score of their mineral content was made by anybody, in so far as I can determine, save a 'blanket objection' made by one Benjamin, and passed upon, in due course, adversely to his contention by the Department of the Interior, and an objection made by the Tulare Land & Oil Co., carefully considered and allowed in part and denied in part (Tulare Oil Co. *v.* A. P. Co., supra). None of the lands covered by the Tulare decision, it may be said, are involved herein. It thus appears that though, with respect to the lands applied for, and awarded to the railroad company, and in suit here, the 'oil people' had notice of what was going on, yet no showing was made at the time by anybody to the effect that the lands were oil lands and not patentable. This, to my mind, is demonstrative that at the time of their acquisition the 'known conditions' were not such as 'plainly' to 'engender' the 'belief' that expenditures in search of oil therein would be 'justified.'

"It must be remembered that the controlling test is not that incautious and irresponsible individuals would be 'willing' to take a chance and explore for oil, but that the conditions 'should be such as would justify a man of ordinary prudence, not necessarily a skilled miner, in the expenditure of his time and money.' (Chrisman *v.* Miller, 197 U. S., 311-322.) If there were such men on the west side of the San Joaquin Valley at the time proceedings for patent were pending, so disposed with respect to lands involved in these suits, why did they not then, as they have been in great numbers since 1899-1900, actually engaged in giving practical expression to their 'belief' engendered by an observance of the 'known conditons' there is a homely proverb to the effect that 'the proof of the pudding is in the eating.' It may lack authoritativeness, but it is surely not without appositeness.

"I am not inadvertent to the fact, of course, that the mere absence either of explorative efforts at the time, or asserted objection before the Interior Department, is not conclusive herein. It is peculiarly persuasive, however; neither do I overlook the Government's repeated contention that such explorative efforts, actually being carried on, within regional or even in some cases contiguous properties, taken in connection with observable physical and geological conditions, should have sufficed to 'engender the belief' required. In the then state of the art of oil seeking, oil drilling, and oil finding, however, I am constrained to conclude that this is a fallacious assumption. We must test men's minds as to being 'justified' in the entertaining of 'beliefs' from 'known conditions' by a reference to the state of the art and the state of knowledge and experience and ability to drill for oil as the same existed prior to patent, previous to 1899, and not as these factors or any of them exist to-day.

"It is very easy, of course, for an eminent and scholarly geologist, like Dr. Branner, of Stanford University, a man of unusual ripeness and maturity in science, to say that if he had been asked in 1892, he would then have said that he felt it 'his professional duty' to his client to include as 'probable oil lands' 'warranting the expenditure of money necessary to develop them with the reasonable expectation of their yielding oil,' all lands, among others, involved herein. It is a very different matter, however, for this court now to say that such expression of opinion, coming even from such an acknowledged scientific authority, would in the then practical state of the art have 'justified'—not merely made 'willing'—men 'of ordinary prudence' in the 'expenditure of their time and money' (Chrisman *v.* Miller, supra) in the drilling of any particular section or tract of this land, or even at all. And yet that is what the court would have to say with respect to each and every individual Government subdivision before it could righteously and justly award the Government a decree covering such subdivision.

"The lands above referred to, lying in the Elk Hills, are subject, in the main, to the observations just indulged in. They were patented after the Kern River and McKittrick discoveries, but lie in such relation to them, and their succeeding history has been such as to justify the general conclusion reached and detailed herein above.

"Many matters of assorted moment looking to the question of the existence of actual fraud but occurring subsequent to the issuance of patent have been introduced in evidence, as, for instance, the testimony in the Elk Hills case, supra, etc. Having concluded that no fraud was committed by the railroad company in its acquisition of these lands originally, it is irrelevant now to enter into a close analysis of the conduct of some of its employees subsequent to that time. It might be suggested that the most serious challenge with respect to its good faith centers about the conduct of its land agent, Eberlein, in 1903 and 1904, and as to that the decision in the Elk Hills case, supra, seems to be opposed to any conscious wrongdoing on his part.

"Judge Van Fleet, now of this circuit and formerly of the Supreme Court of California, when upon the bench, said, in Truett *v.* Onderdonk (120 Calif., 581, 588):

"'The presumption is always against fraud, a presumption approximating in strength to that of innocence of crime.'

"It is my deliberate and carefully formulated opinion that such presumption has in nowise been met or overcome in these cases.

"Counsel for defendants will present and the court will sign appropriate decrees of dismissal."

Mr. PHELAN. The courts will dispose of naval reserve No. 2 and, if that judgment is affirmed by the Supreme Court, there will be no naval reserve to dispute over.

Mr. SMOOT. There are other acreages in No. 2. I have a complete statement of the acreage and how it is held, but I shall not at this time put it in the RECORD.

Mr. WALSH of Montana. Mr. President, the section of the bill to which the motion now pending is directed contains a provision with relation to the naval reserve. It is my recollection that that is the only part of the bill which does refer to it.

Some days ago the Senator from Wisconsin [Mr. LA FOLLETTE], having discussed in a general way that feature of the bill, I submitted a letter which was written to me by Mr. Phelan, the oil expert of the Shipping Board. I ought to say in this connection that a day or two theretofore I had tendered some amendments to the last section of the bill or the last section but one. While the amendments were pending Mr. Phelan called me from the Chamber and expressed some solicitude about the provision for oil for the merchant marine. Upon a suggestion from him I proposed a further amendment, which will authorize the sale of royalty oil to the Shipping Board without first offering it to competitive bids. That was the first time I had ever met Mr. Phelan and, so far as I know, the first time I ever heard of him. I suppose it was because of the brief conversation that we had upon the subject that the next day or the day after he sent me the letter which was transmitted. The Senator from Wisconsin [Mr. LA FOLLETTE] exhibited considerable solicitude about the naval reserve, and I offered it just in the line of the suggestion concerning that matter. In the letter Mr. Phelan advanced the idea that the naval reserve would be depleted to a very large extent and, to a great extent, lost or destroyed to the Government unless leases within the naval reserve were authorized or the Government itself should undertake to drain the oil from the oil reserves, advancing the idea that has now been elaborately presented to the Senate by the junior Senator from Wisconsin [Mr. LENROOT].

I regret that the senior Senator from Wisconsin [Mr. LA FOLLETTE] has left the Chamber. The letter was made the subject of very severe animadversion by the senior Senator from Wisconsin. Apparently he thought that it was not worthy of very serious consideration, if, indeed, it did not suggest that the integrity of the writer of the letter was open to question. His reason for the criticisms indulged in seemed to be that the writer of the letter had in the course of his career, a reasonably young man, been employed by some of the companies which had sought to secure oil lands from the Government. That fact seemed to be sufficient justification for a very severe castigation of Mr. Phelan at the hands of the Senator from Wisconsin.

I do not recall the particular companies by whom he was employed, but however that may be regarded by the Senator from Wisconsin I should dislike to condemn a man as being either wanting in integrity or credibility because he had been employed by the Standard Oil Co. or by the Southern Pacific Railroad Co. The Senator from Wisconsin submitted in that connection a letter written by Mr. Latham, of southern California, and appearing in the record, the letter being written some time in the year 1916, in which Mr. Latham took a view antagonistic to that expressed by Mr. Phelan in his letter. Mr. Latham not only wrote the letter to which the Senator invited our attention, but he testified in the hearings, and I read from his testimony at page 239 of the hearings on H. R. 406 before the Senate committee, taken in the year 1916, as follows:

Senator THOMAS. What is your profession, Mr. Latham?
Mr. LATHAM. I am a petroleum engineer and geologist.
Senator THOMAS. You have followed that profession how long?
Mr. LATHAM. I have been following it off and on for 20 years. The only thing that I can give this committee is my opinion, and you can attach as much weight to that as you wish.
The CHAIRMAN. I merely wanted to define your experience, Mr. Latham.
Senator NORRIS. That is the reason we would like to know what your experience has been.
Mr. LATHAM. I will state in so far as it is germane here that I have been for the last six years interested in these particular oil fields in California in one capacity or another along these lines.
I was originally resident geologist in the Midway Field with the Southern Pacific and the Kern Trading and Oil Co. That was at the inception of the work in this district. I have been consulting geologist for the Santa Fe Railroad for several years and until very recently I have had charge of the geological work for the Kern County Oil Protective Association, a cooperative scheme, which was originated in the oil field for the purpose of preventing damage to the oil measures by the infiltration of water. I have been, practically, in daily contact with these fields for the last six years.

So it will be observed that Mr. Latham, so highly extolled, was at one time, according to his own testimony, in the employ of the Southern Pacific Railroad Co., which from all the testimony is the leviathan among the land grabbers of the West and particularly of the oil lands of the West, as appears from abundant testimony.

So I submit to the Senator from Wisconsin that perhaps he ought to revise his views concerning the reliability of the testimony of Mr. Latham if he finds any cause for doubting the integrity or the credibility of Mr. Phelan by reason of the fact that he was employed by any of these companies. But those of us who have had some experience with mining geologists are sufficiently charitable at least to believe that the bare fact that they were employed by some of the great big mining companies is no particular reason for regarding them as anything but gentlemen. Their credibility is to be determined just as is the credibility of any other witness.

Mr. President, I offered the letter of Mr. Phelan because it came to my hand at the time, particularly to call the attenton of the Senator from Wisconsin and the Senate generally to the important fact to which he alludes, namely, that the State of California, whose title is not subject to question at all, owns school sections within these naval reserves, the title dating, of course, from the time of the admission of California into the Union, or at least from the time the lands were surveyed, so that the title of the State of California is unexceptional and these have passed by conveyance to the Southern Pacific Railroad Co. The letter of Mr. Phelan calls attention to the fact that upon those school sections oil wells are being sunk by the Standard Oil Co. and through them the field is being drained and the gas pressure is being reduced. That is only important as it calls attention to facts that have recently occurred, because, as my recollection is, there was very little testimony, if any, before the committee supporting the view expressed by Mr. Latham, formerly of the Southern Pacific Railroad Co. On the contrary, Mr. Naramore, of the Bureau of Mines, and the expert of the Geological Survey concur in the view taken that the reserve is endangered, to say the least, by these oil wells within it, the operation of which goes on continuously.

But I do not rely entirely, in respect to my judgment of the matter, upon these experts. However it may be regarded by anyone else, I attach very great importance to the testimony of Mr. A. L. Doheny to the same effect. It is well known that Mr. Doheny is one of the most extensive and one of the most successful oil prospectors and operators in the world. It appears that he has no interest whatever in any of the property within the naval reserve or in any of the withdrawal areas, and that he has no interest in any of the lands that would be patented. He does, however, own profitable and producing oil wells throughout the State of California. If he has any interest in the bill at all of an individual or personal character it would be to see the bill killed, because thus the volume of oil would be restricted and limited, if not reduced, and the value of his product would be proportionately increased. I can not believe, however, that he is influenced either one way or the other by that consideration; but he tells us, after his long experience as an oil prospector and an operator in oil, the fact is that the wells which now exist upon the reserves are continually draining the supply of oil and reducing the oil pressure, and he ventured the opinion that in 10 years the gas pressure would be so far reduced as to make it next to impossible to extract any further oil from the reserves.

In that situation of affairs, Mr. President, it occurs to me that the committee have acted wisely in providing that the wells already upon the reserves should be leased and that the President should have the authority to direct the drilling of other wells whenever, in his judgment, it became necessary to subserve the public interest. I do not believe, therefore, that those provisions of the bill are open to any serious objection.

Mr. LA FOLLETTE. Mr. President, just a word with reference to the observations of my colleague [Mr. LENROOT] in criticism of the attitude of Mr. Kearful, the Assistant Attorney General, who has had charge of a large number of the cases which have been brought by the Department of Justice and who is the writer of the brief that I hold in my hand and from which I read when I addressed the Senate during the afternoon—the brief in the Honolulu Oil case. I do not believe, notwithstanding the excerpt from the testimony of Judge Kearful, that his opinion or that of the Department of Justice has ever been that unless oil had been discovered upon an entry the claimant or the entryman had no rights. From all that I have been able to gather as to the attitude of the Department of Justice—and that is assuredly the ground taken in this brief—it is that an entryman or one who claims any oil or mineral rights because he has filed upon a claim, must show due diligence in the prosecution of the

discovery of the mineral product. If he has been able to show due diligence, I do not believe that the Department of Justice or any representative of the Department of Justice can be quoted here in any way that fairly represents their view to any other effect than that if the entryman has diligently prosecuted his investigation for the mineral products covered by his claim, he has complied with the law, whether he has discovered the mineral or not. But, Mr. President, the man who enters land and makes no improvement, conducts no operation with a view of discovering the oil or other mineral products of that land, does not comply with the law; and if he seeks to hold it by any cover of effort, such as placing material upon the land or going in search of capital to develop it, he is resorting to practices to keep others off the land without complying with the requirements the law imposes upon him. To that extent he does commit a violation of the law and is guilty of seeking to mislead others who might desire to file upon the land and diligently prosecute his investigations for oil or other mineral products.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Wisconsin yield to me to ask a question of the Senator from Utah [Mr. SMOOT], in charge of the bill?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. WALSH of Massachusetts. I should like to ask the Senator from Utah if he purposes having the Senate take a recess this evening?

Mr. SMOOT. I will say to the Senator that I have no intention of asking the Senate to take a recess.

Mr. WALSH of Massachusetts. Will the Senator from Wisconsin yield for a motion?

Mr. LA FOLLETTE. Well, I should like first to conclude what I have to say, and I am going to be as brief as possible. I merely want to read from one or two decisions of the courts upon this subject. I believe they sustain the position which I think Judge Kearful has taken, both in his testimony, when it is fairly considered, and in all of the briefs and arguments which he has made in conducting the cases that the Department of Justice has instituted to protect the public rights. The court said, for instance, in the case of the Union Oil Co. against Smith, Two hundred and forty-ninth United States:

> Whatever the nature and extent of a possessory right before discovery, all authorities agree that such possession may be maintained only by continued actual occupancy by a qualified locator or his representatives engaged in persistent and diligent prosecution of work looking to the discovery of mineral.
>
> In the Smith case the court referred to the decisions of the California courts as the most liberal in their recognition of the extent of this inchoate right, and cited McLemore v. Express Oil Co. (158 Calif., 559), where the court said, page 563:
>
> "What the attempting locator has is the right to continue in possession, undisturbed by any form of hostile or clandestine entry, while he is diligently prosecuting his work to a discovery. This diligent prosecution of the work of discovery does not mean the doing of assessment work. It does not mean the pursuit of capital to prosecute the work. It does not mean any attempted holding by cabin, lumber pile, or unused derrick. It means the diligent, continuous prosecution of the work, with the expenditure of whatever money may be necessary to the end in view. Of such work defendant's grantors were not in the prosecution up to April 12, 1907. They were not only not in the actual possession of the land, as the court finds, but the evidence discloses that what they had done was no more than to attempt to hold the land under the theory that assessment work was adequate for that purpose. It is shown by the evidence that they were not only not engaged in the diligent prosecution of the work, but that they were not financially able so to prosecute it, and were either in search of capital to enable them to do so or in search of a purchaser to buy out such interest as it might be thought that they had."

From the limited examination that I could make of the antecedent claimants to these great oil companies that are the real interests given priority of rights under section 18, many of these antecedent claimants have located upon these lands not with any view of actual prosecution for oil; that they had not complied with the requirements of the law and resorted to all manner of subterfuges to keep others off; that, in fact, those entries, handled as they were by those who had filed upon the land, were fraudulent; and that they were simply holding them until they could realize, in a speculative way, out of their possessory rights by turning them over to large corporations.

Mr. President, we have not here, according to all the facts as I have been able to gather them together in the limited time that I have had since this bill has been before the Senate, a case of protecting the poor entrymen who did not have capital. Practically all of the first entrymen have sold out to great corporations. In the Salt Creek field I am informed that there is only one independent operator left; and I am advised that on Reserve No. 2 those who are there and in control at this time, and who are operating the producing wells covered by section 18, are the Standard Oil itself or affiliated with the Standard Oil, or the Dutch Shell Co., or one of the other large companies that represent French capital. These powerful monopolies can not be hidden in this discussion behind honest, worthy prospectors.

The decision which has been referred to here affecting the Southern Pacific lands is a decision of one of the inferior courts. Those cases have not been passed upon by the supreme court. I do not pretend to say what the result will be when they reach that court; but I do say that, as in many of these cases—as, for example, the case cited by my colleague, the Midway case—in connection with which he read from a decision by a lower court, which was especially tender and considerate of the original locators, when that case reached the Supreme Court of the United States the dicision of that judge, who was known in some quarters as very friendly, at least, to the oil companies, was reversed.

Mr. LENROOT. Will my colleague yield?

Mr. LA FOLLETTE. Am I in error about that?

Mr. LENROOT. The decision in the case originally was in favor of the Government, and it has not been appealed, as I understand.

Mr. LA FOLLETTE. I thought the Senator was reading from the Midway case.

Mr. LENROOT. One was the Midway case, but the other was the Mid-West case.

Mr. LA FOLLETTE. Then I was in error.

Mr. President, I am not going to take issue with anybody who claims that this bill is an improvement upon any bill of the same character that has been heretofore presented; but I do say that it is not a just bill to the Government; that it is not a just bill to the public; and while I have not been able to offer amendments to cure it in all respects, according to my standards, I have offered some amendments which would impair the power of the great corporations which are, as I believe, going to receive large benefits under it. I regret to say that when an amendment was pending here that would deprive the Standard Oil and the other companies which will derive large benefits under this bill of their power to charge unreasonable prices for the products derived from these leased lands, I could not secure the support of more than 10 of the Senators upon this floor for such amendment.

I do not expect that the pending amendment offered by me or that any amendment that can be offered here to curtail the rights and powers that will be conferred upon these monopolies under this bill will meet with the approval of the Senate and will be incorporated as a part of the measure; but, nevertheless, I have offered the amendments because I believe it to be the duty of any Senator, according to his convictions, to use his best efforts to perfect the measures pending before the Senate.

I believe that section 18 should be stricken from this bill. I believe that all of the issues that are involved in section 18 should be considered, if they are to be disposed of by Congress at all, in a separate bill. I believe that the legal questions as to the trespass committed upon those public lands should go, first of all, to a court of justice; and if there are any equities to be adjusted after that which can not be reached by a court of justice, then let them come here and present their appeal to Congress for relief in a separate bill, and not seek to have it dragged through by a leasing measure or any other bill which deals with other problems.

I ask, Mr. President, for a roll call upon my amendment.

The VICE PRESIDENT. That has already been ordered. Is the discussion over? If so, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WALSH of Montana (when his name was called). I am paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN], I vote "nay."

Mr. WOLCOTT (when his name was called). I transfer my general pair with the senior Senator from Indiana [Mr. WATSON] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

The roll call was concluded.

Mr. LODGE. I have a general pair with the senior Senator from Georgia [Mr. SMITH], but I am released from that pair on all votes on this bill. I vote "nay."

Mr. HARRIS. I am paired with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Missouri [Mr. SPENCER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kentucky [Mr. STANLEY];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The roll call resulted—yeas 8, nays 30, as follows:

YEAS—8.

Gronna	Kenyon	La Follette	Sheppard
Harris	Kirby	Nugent	Walsh, Mass.

NAYS—30.

Brandegee	Keyes	Norris	Thomas
Chamberlain	King	Overman	Wadsworth
Curtis	Lenroot	Phelan	Walsh, Mont.
Fall	Lodge	Pomerene	Warren
France	McKellar	Shields	Williams
Gay	McNary	Smith, S. C.	Wolcott
Jones, N. Mex.	Moses	Smoot	
Jones, Wash.	Myers	Sterling	

NOT VOTING—58.

Ashurst	Fletcher	McCumber	Sherman
Ball	Frelinghuysen	McLean	Simmons
Bankhead	Gerry	Martin	Smith, Ariz.
Beckham	Gore	Nelson	Smith, Ga.
Borah	Hale	New	Smith, Md.
Calder	Harding	Newberry	Spencer
Capper	Harrison	Owen	Stanley
Colt	Henderson	Page	Sutherland
Culberson	Hitchcock	Penrose	Swanson
Cummins	Johnson, Calif.	Phipps	Townsend
Dial	Johnson, S. Dak.	Pittman	Trammell
Dillingham	Kellogg	Poindexter	Underwood
Edge	Kendrick	Ransdell	Watson
Elkins	Knox	Reed	
Fernald	McCormick	Robinson	

The VICE PRESIDENT. On the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] the yeas are 8 and the nays are 30. The roll call does not develop the presence of a quorum. The Secretary will call the roll.

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

Brandegee	Kenyon	Myers	Sterling
Chamberlain	Keyes	Norris	Sutherland
Curtis	King	Nugent	Thomas
Fall	Kirby	Phelan	Wadsworth
France	La Follette	Pomerene	Walsh, Mass.
Gay	Lenroot	Sheppard	Walsh, Mont.
Harris	Lodge	Shields	Warren
Jones, N. Mex.	McKellar	Smith, S. C.	Williams
Jones, Wash.	McNary	Smoot	Wolcott

Mr. WADSWORTH. I desire to state that my colleague [Mr. CALDER] is detained away from Washington on account of illness. I ask to have this announcement stand for all roll calls and quorum calls for the day.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. MOSES, Mr. OVERMAN, and Mr. SMITH of Georgia answered to their names when called.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

After some delay, Mr. KNOX, Mr. NELSON, Mr. KENDRICK, Mr. HARRISON, Mr. TRAMMELL, and Mr. ELKINS entered the Chamber and answered to their names.

After a little further delay, Mr. WATSON, Mr. PAGE, Mr. CUMMINS, and Mr. GRONNA entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LA FOLLETTE. The roll call that was had upon the pending amendment, which developed the fact that there was no quorum present, lacked, as I remember the numbers voting upon either side, but 2 or 3 votes of a quorum. As I recollect the roll call, it stood 8 for the amendment and 39 against it. Am I right as to the figures?

The PRESIDING OFFICER. The Chair is informed that there were 30 votes against the amendment.

Mr. LA FOLLETTE. I think that shows, Mr. President, that a new roll call would not develop any possibility of my securing the adoption of this amendment, and I think it probably shows the sentiment of the Senate with regard to it; and as it probably would be impossible upon a roll call repeated upon that amendment to develop a quorum at this hour of the day, I will, if permitted to do so under the rules, withdraw my demand for a roll call, and let the vote as made already in the record stand as the sentiment of the Senate.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the demand by which the yeas and nays were ordered be withdrawn. Is there objection? The Chair hears none; the demand is withdrawn, and there will be no roll call.

Mr. HARRIS. Mr. President——

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

Mr. LA FOLLETTE. I yield. I have some further amendments to offer, but I do not expect to demand roll calls upon those amendments.

Mr. SMOOT. Would it not be the proper thing now to have the Senate act upon the Senator's amendment? There has been no final decision. If the Chair will put the question now upon the Senator's amendment, the Senate can vote upon it.

The PRESIDING OFFICER. That will be the regular order, unless the Senator from Wisconsin yields to the Senator from Georgia.

Mr. LA FOLLETTE. I ask for a vote upon the pending amendment, Mr. President.

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin proposes to strike out section 18 of the bill. The question is on agreeing to that amendment.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I have some other amendments which I wish to present and have a viva voce vote upon completing the record, but I have agreed to yield the floor to offer an opportunity for the junior Senator from Georgia [Mr HARRIS] to present one or two amendments which he has to present and upon which he desires a vote at this time.

Mr. HARRIS. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The SECRETARY. On page 33 add the following section:

SEC. 39. That section 7 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is hereby amended by adding thereto the following paragraph:

"No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws."

Any person who shall violate this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months.

Mr. HARRIS. Mr. President, a few years ago, when I was a member of the Federal Trade Commission, complaints were made all over the country about discriminations in the price of gasoline. In the Indiana territory, which is controlled by the Standard Oil Co. of Indiana, they were selling gasoline at 5 cents a gallon less than in other States near by. The reason for this was that there were independents in that territory who were competing with them, and the Standard wanted to destroy them. There are about a dozen Standard Oil companies, and it was found that there was no law to prevent this discrimination. The Standard of Indiana, or any of the other Standard companies,

could lower the price in their territory, and all the other Standard companies in the other sections of the country would raise the price so as to make up the loss. The Federal Trade Commission could do nothing to protect the people, because 70 per cent of the stock of all the dozen Standard companies is owned by the same people. There is no competition among the dozen Standard Oil companies. They all work as one. That is what the investigation disclosed. There is 52 per cent of the stock of all the Standard companies owned by about 16 people.

The purpose of the proposed amendment is to prevent the stockholders who own these different companies from selling their stock to the other stockholders of the Standard companies and to make the 12 companies independent as the present stockholders dispose of their stock.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 33 add the following section:

SEC. 40. That section 2 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is hereby amended by adding thereto the following paragraph:

"It shall be unlawful for any corporation or association engaged in commerce and producing or refining petroleum or any of the by-products thereof, either directly or indirectly, to sell or offer for sale any petroleum or by-product thereof, within the United States or any Territory thereof, or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States, at a different price than that at which the same grade or quality of petroleum or by-product thereof is sold or offered for sale by any other corporation or association so engaged when the stockholders of such corporation or association own or control 25 per cent or more of the stock or share capital of such other corporation or association, nor shall any such corporation or association discriminate in price in the same of different communities: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation: *And provided further*, That nothing herein contained shall prevent corporations or associations engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

Any person who shall violate this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months.

Mr. HARRIS. Mr. President, this amendment is to prevent the Standard Oil Co. from getting around the provisions of the Clayton Act. The Clayton Act, in the way it is drawn, really protects the monopoly, the Standard Oil Co., the way the subsidiary companies are divided. This will require all the companies to sell at the same price, so that if there is an independent in one territory the Standard can not lower the price and put him out of business, and thereby eliminate competition. It is to require all the Standard companies to have the same price all over the country.

Mr. GORE. I should like to ask the Senator if the amendment is confined to petroleum and its products passing in interstate commerce?

Mr. HARRIS. Yes; it is an amendment applying to interstate commerce.

Mr. LENROOT. The language of the amendment is "engaged in commerce."

Mr. HARRIS. But in the Clayton Act the term "commerce" is described and defined to mean interstate commerce.

Mr. GORE. Does it say petroleum of the same grade and quality?

Mr. HARRIS. Yes; and its by-products.

Mr. GORE. It seems to me that petroleum of various qualities could be sold at various prices.

Mr. HARRIS. No; it says that it must be of the same grade and quality; be sold at the same price.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have one amendment to perfect the bill. I send the amendment to the desk. It is to conform to the amendment on page 16, line 4, adopted the other day.

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The SECRETARY. After the word "structure," in line 12, on page 16, the last word in the line, insert "but not more than 3,200 acres."

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 18, beginning with line 1, strike out all of section 19, including lines 1 to 7, inclusive, on page 19.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, in line 16, at the end of the line insert the following proviso:

And provided further, That licensees must at all times furnish their products to the United States and to the public at reasonable prices.

Mr. SMOOT. If the Senator will just change one word in the amendment, I see no reason why it should not be adopted. Instead of "licensees" insert the word "lessees," because there are no licensees.

Mr. LA FOLLETTE. I think that is a misprint. Of course, it should be "lessees."

The VICE PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 29, line 16, at the end of the line insert the following proviso:

And provided further, That lessees must at all times furnish their products to the United States and to the public at reasonable prices.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 19, after the word "reserve," insert the following:

Which claimant would be entitled to a patent except for said withdrawal.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be reported.

The SECRETARY. On page 16, line 17, strike out after the word "however" all of line 17 down to and including line 8, on page 18, and insert:

That none of the provisions of this section or of this act shall be applicable to or affect the lands or minerals included within the limits of any naval petroleum reserve.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 21, after the period strike out the balance of that line down to and including line 24.

The amendment was rejected.

Mr. LA FOLLETTE. I move the adoption of the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, line 3, after the word "saved," strike out all of line 3 and down to and including line 12, inclusive, the balance of the paragraph.

The amendment was rejected.

Mr. LA FOLLETTE. I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, beginning with line 17, strike out all of section 30, including lines 1 and 2, on page 30, and insert in lieu thereof the following section:

SEC. 30. That any breach of the provisions of this act, or of the lawful rules and regulations issued under authority of this act, or of the terms and conditions of the lease, shall, if established and declared by a court decree and if not cured in obedience to such decree, work a forfeiture to the United States as follows:

(a) Such breach of the prohibition hereof that no alien may own any interest in a lease hereunder shall work a forfeiture only of such interest thus owned by an alien.

(b) Such breach of the prohibition of section 26 hereof against holding leases, or interests in leases acquired hereunder, so that the aggregate combined holding of such leases or interests in leases of the respective kinds of mineral shall exceed in the aggregate an amount equivalent to the maximum number of acres allowed to any one lessee under this act shall work a forfeiture only of the interest or interests in leases acquired hereunder thus held in such violation of the conditions of said section 26.

(c) Any other such breach shall, unless cured, work a forfeiture of the lease and leasehold involved and also of the fixed improvements of the lessee thereon and directly connected therewith.

If the Secretary of the Interior shall notify the lessee or the holder of a prohibited interest in any lease that he considers there has been such a breach, and if the lessee or holder of the prohibited interest shall not cure such alleged breach within a reasonable time specified in such notice, not less than 10 days after the service thereof, the Attorney General shall, upon request of the Secretary of the Interior, bring proceedings against the lessee in the name of the United States, by bill in equity, for forfeiture of the forbidden interest or interests, or of the lease and leasehold and fixed improvements of the lessee directly connected therewith, as the case may be, and for such other relief as may be appropriate; and if the court shall find that such breach has been committed and has not been cured, it shall decree (1) the interest thus illegally owned by an alien, or (2) the ownership interest in a lease

acquired hereunder, which, combined with ownership interest in another lease or other leases acquired hereunder, creates for one party an aggregate interest in more than the maximum number of acres allowed hereby, or (3) the lease and the leasehold, together with the fixed improvements thereof (each case as it corresponds, respectively, to cases (a), (b), and (c), identified above in this section), forfeited to the United States, unless on or before a date stated in any such decree the breach be cured by action, payment, and cessation of action, as required by the decree; and failing such action, payment, and cessation of action within the time specified in the decree, the Secretary of the Interior shall forthwith, in cases (1) and (2) provided directly above in this section, take possession in the name of the United States of the interest or interests declared forfeit by the decree and dispose of it or them to a qualified party or parties, and in case (3) enter upon and assume full control of said leasehold and said fixed improvements, and in case (3) he shall lease said forfeited leasehold to another qualified lessee by advertisement and bidding on the basis of a bonus to be paid above the same royalty, rentals, terms, and conditions provided for in the forfeited lease, securing through such new leasing as high a cash bonus representing the value of the leasehold, including the fixed improvements thereof, as practicable: *Provided*, That the Secretary of the Interior, upon disposal, or lease, to a qualified party as above required shall, after deducting the costs of suit and sale, pay over the balance of the sales price in cases (1) and (2) and the balance of the bonus in case (3): *And provided further*, That nothing herein shall be construed to preclude the United States or any lessee or owner of an interest in a lease hereunder from instituting and prosecuting to a conclusion any other court action otherwise lawfully permissible, or taking any other lawful course or steps to enforce and protect their respective interests and rights with respect to any lease issued hereunder.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I have two or three short amendments upon which votes have been had in the Committee of the Whole, I understand, and I shall offer them when the bill is in the Senate.

Mr. KING. Mr. President, I offer the amendment which I send to the desk as a substitute for the pending bill.

The VICE PRESIDENT. The amendment proposed by the junior Senator from Utah will be stated.

The SECRETARY. It is proposed to insert as a substitute for the bill the following:

That the public lands, property of the United States, within the several States, which have not been acquired or reserved for the public or special uses of the Government of the United States, together with all rights, jurisdiction, privileges, and sovereignty appertaining thereto, or heretofore exercised or enjoyed by the Government of the United States with respect thereto, are hereby ceded, granted, and confirmed severally to the particular States within the territorial boundaries of which such unreserved public lands may severally lie and be situated, upon the condition, however, that no State shall grant any of said land to corporations or grant to exceed 2,500 acres to any one person: *Provided*, That if any State shall make any grant prohibited by this act, or if any corporation, association, person, or combination of persons shall come into possession of to exceed 2,500 acres of said lands in contravention of this act, such lands acquired shall revert to the United States.

SEC. 2. That there is excepted from this grant all particular tracts of land which have been entered pursuant to law and for which the rights of entrymen or claimants may have been initiated, vested, or accrued. Upon the relinquishment, however, of the right of the claimant or entryman to any such lands, the same shall be subject to the operation of the grant made by this act.

SEC. 3. That the grant made by this act shall take effect as to the lands within any particular State when the legislature of such State shall by resolution accept the grant made by this act and shall deposit such resolution with the Secretary of the Interior. Resolutions of acceptance shall be made within four years after the date of the approval of this act.

Upon the receipt of a resolution of acceptance from a particular State the Secretary of the Interior shall deliver to such State such maps, records, books, and documents, or certified copies thereof, as may be necessary or convenient for the enjoyment, control, use, administration, or disposition of such lands.

SEC. 4. That the grant hereby made shall be subject to the right of holders of outstanding land script, heretofore issued by the United States, to locate such lands in satisfaction of such script; but such locations shall be made before the lands herein granted shall pass to private proprietors.

SEC. 5. That the provisions of this act shall not apply to Alaska or to the Hawaiian or Philippine Islands.

Mr. KING. Mr. President, I can not bring myself to support the pending measure. I believe the time has come to settle the public-land question and to settle it in an effective and rational manner. The substitute which I have offered will accomplish, if it becomes a law, this greatly to be desired result. The cession by the Federal Government to the States of the land of the public domain within their borders as provided in the substitute which I have offered will settle this question which has proven so vexatious for many years. The lateness of the hour precludes that full and complete discussion of the bill now before us which fastens the leasing system upon the Nation which its importance demands, nor will time permit me to analyze the substitute which I have offered and to point out in detail the benefits which I insist will be derived if it shall be enacted into law.

Senators who have spoken upon the pending measure, as well as those who discussed the bill containing substantially the same provisions at the last session of Congress, have presented widely divergent views. I remember that when this leasing system was under discussion during the preceding session of Congress a number of Senators who announced their purpose to support it expressed their disapproval of any Federal leasing policy. I think a number of Senators who have announced their purpose to support the pending bill are dissatisfied with its provisions but feel impelled to support it because of their inability to secure, as they believe, wiser and saner and better legislation. There has been some opposition to the bill based upon entirely different grounds. It has been contended vigorously by some that this measure is too liberal to the general public and does not reserve sufficient power in the General Government to deal with the lands which are to be leased. It would seem, therefore, that the bill, which has occupied the Senate for some time, suits but few and is unsatisfactory to many. Doubtless it will pass the Senate and possibly receive the approval of the House, and yet I am constrained to believe that it will prove to be imperfect, unwise, and injurious legislation.

Mr. President, the pending measure is the apotheosis of iconoclasm. It exhibits no respect for past legislation or the well-conceived and highly beneficial mining system under which we have operated for more than half a century. It is doubtful whether the American people appreciate the provisions of this bill or the radical departure which it announces from existing policies. It can not be successfully maintained that a hateful landlordism exercised by a government is without precedent; therefore opponents of this bill do not justify their opposition to it upon the ground that legislation of this character is an untried experiment. If time permitted, it could be demonstrated that governmental control not only of mines and mining properties, but of other matters relating to the activities and relations of the people, was common in nations of antiquity as well as in medieval and modern times. But I respectfully submit that such control, whether exercised with strong hand or by an oppressive bureaucracy or in a generous and benevolent way, was productive of evil to the state and was a disadvantage to the people. There has been in all governments and in all ages a struggle between the forces that sought for social justice, individual growth and progress, and emancipation from tyrannous forms of government—whether they found expression in unlimited monarchies, in oligarchies, or in despotic, paternalistic, and bureaucratic systems—and the crystallized and reactionary forms of human creation. Perhaps no forms of government have been more hateful, more oppressive, more benumbing in their effects than those in which bureaus and officialdom and myriads of governmental parasites and functionaries swarmed throughout the land to harass and oppress the people and to eat up their substance. Certainly no more wasteful or costly form of government has ever been devised than one which is dominated by bureaucrats.

The governing forces of the world have often adopted various methods of maintaining authority and subjecting the masses to their selfish and oppressive policies. As indicated, a favorite form of government has involved the ownership or the control of property by the government, and has rested upon the concept that the people were blind instruments to be used and fashioned as rulers and leaders willed. History furnishes examples of governments adopting paternalistic policies and treating the people as tenants. It is an unnatural relation to superimpose upon a people where the government becomes a landlord and the people become tenants. The legitimate functions of government do not lead it into the fields of landlordism. The progressive forces of democracy which have upon a hundred battle fields fought for liberty look with disfavor upon bureaucracy and governmental landlordism in republics as well as in other forms of government. It is an axiom now, as it has been in the past, that that government is best which governs least. There is a fallacious belief in the land to-day that the form of government is determined by the label which it wears, and that the pronouncement that a nation is a democracy—a government of the people—is a sufficient assurance that it performs that sacred task in the world. These generalizations may be deemed irrelevant to the discussion of the pending bill, and yet an analysis of the measure and a consideration of the vital change which it makes in existing law have led me to submit these observations. There is a persistent movement in our country to-day to strengthen the hands of the Federal Government and to vest in it the ownership not only of public utilities but substantially all forms of property, and commit to it the control of economic and industrial forces which, in my opinion, if liberty and progress are to be realized, must be within the hands of the people themselves. It has been paradoxical to me that, with the open pages of the past and the knowledge that liberty and political and economic freedom have been realized only through the development of a strong individualism and a rational competitive system, there should be those who would reverse the ship of progress and turn it back upon a dark and

perilous course. There can be dangers in democracies as well as in monarchies. A tyrannous paternalism, a hateful landlordism, a baneful bureaucracy may lift their heads in a representative democracy and undermine the foundations upon which the most enlightened governments rest.

This Republic suffers from bureaucratic influences. The States themselves are creating thousands of unnecessary offices and taxing the people to support an army of unnecessary employees. The hand of the county, the municipality, the State, and the National Government is encountered everywhere. Conflicts in jurisdictions bring discord and contention. Commissions, agencies, governmental instrumentalities, departments, bureaus, so numerous as to be unnamed, jostle one another in every corner of our land. Ordinances, regulations, statutes, executive proclamations and decrees fill uncounted and almost uncountable volumes. They are as unknown to the people in many instances as the decrees of the Roman Emperor, which were posted so secretly and in such inconspicuous places as to be beyond the power of the people to ascertain. Every local evil or supposed evil calls for regulations and rules and orders and ordinances and statutes and an army of new officials. Bureaus and agencies and departments and commissions and legislative and executive instrumentalities are provided to promulgate more orders and more regulations and to bring confusion and discord to communities and a despotic paternalism to individuals and to States. Many assume that the day has dawned in which functionaries and bureaus and executive flunkies and functionaries rule and govern the land. One of the great Commonwealths of this Nation, as I am advised, has organized more than a hundred and fifty commissions and State agencies for the administration of the laws of the State, and the Federal Government is fast surpassing the record of the State referred to. We are creating Federal organizations and agencies and bureaus and executive instrumentalities not by the scores but, indeed, by the hundreds. We are creating Federal positions, to be filled by people drawn from useful and gainful employment, not by the thousands but by the tens of thousands. And as this vast army of employees is strengthened in its numbers its voice becomes more powerful in making demands upon the Federal Government. This bill which we are now considering augments the authority and power of executive agencies, and will call for the organization of more bureaus or instrumentalities and, of course, demand the creation of hundreds, if not thousands, of additional positions to be filled by the constantly growing army that seeks life positions in the service of the Government. The machinery which this bill, if enacted into law, will require can not fully be apprehended, but I venture the prediction that there will be provided numerous agencies and departmental machinery of immense proportions and additional employees who will be numbered by the thousands.

Let me say, in passing, that there must be retrenchment in the Government and determined efforts made to practice economies in the administration of the forces of the Government. We have become drunken as the result of the war with the expenditures made by our Government. We have, during the past two years, been so occupied in building governmental machinery and creating Federal agencies and providing for the demands of the war that we have not been able as yet to withdraw our eyes from the picture which is passing and to visualize the conditions of the present. There must be economy, and still more economy. The insidious efforts so constantly made to project the Government into fields of activity not within its legitimate sphere of influence should be opposed with vigor and with patriotic service. Frenzied and hysterical pleas are being made and will doubtless be continued for Federal intervention within the States and to secure Federal aid in matters of a purely domestic and private character. Persistent efforts are being made to pervert the functions of the Government and to constitute it an overlord with respect to matters and concerns that have no relation whatever to the functions and powers of the Federal Government. We marshaled our armies to defeat an autocratic power that had been builded upon the ruins of individualism. The German Government had become a militaristic power and a paternalistic government under which the lives and the services of the people contributed to the power of the State. An efficient government undobutedly was developed, but the individual was submerged and his efforts ministered only to the aggrandizement of the power of the State. There are those in our midst who seek the development of an omnipotent bureaucracy and paternalistic government whose eyes would peer into every home and whose powerful hands would clutch each individual.

This bill increases the power of the Federal Government. It constitutes it a landlord in dealing with the public domain. It increases the governmental machinery and, as stated, will add thousands to the numberless employees of the Government. It denies the right of American citizens to ever acquire title to any of the deposits of coal, phosphate, sodium, oil, oil shale, or gas lands found upon the public domain of the United States. It places these mineral deposits in the hands of a department and provides for machinery, agencies, and employees to control such deposits and determine the manner of their development. Discretion, which has no limits, and which may be exercised in an arbitrary and tyrannous way, is given to the Secretary of the Interior—which means, of course, that it is conferred upon the satellites and officials and employees and agents and inspectors who will constitute a part of this vast Federal machine. Not only the lands of the character referred to which have been withdrawn from public entry, but all lands containing deposits of the minerals mentioned, are to be forever withdrawn from entry or sale by the Government. The Federal Government is to retain title to millions and tens of millions of acres of land within a few States of the Union—States lying west of the Mississippi River and known as the public-land States. Fifty to eighty per cent of the lands within these States are still owned by the Federal Government, and the efforts of individuals who in good faith have sought to acquire title have been futile in consequence of Executive orders and the interposition of obstacles by executive branches of the Government. These public-land States have been impoverished and their development retarded by the unjust and indeed tyrannous policy pursued by the Government. A campaign covering years has been prosecuted with the utmost vigor by those who sought to prevent the development of the West and to establish an obnoxious system of landlordism with respect to the public lands of the United States. Falsehoods and misrepresentations of the most glaring character have been resorted to in order to inflame the public mind against the West and to create a sentiment in favor of the indefensible bureaucratic system which it is now sought to impose upon the West.

Under the guise of conservation a most vicious and mendacious propaganda has been carried on. Representations have been made that the remaining public lands within the States referred to contain inexhaustible resources, the conservation of which is indispensable to national progress and the perpetuity of the Government. The press and magazines have been filled with the most lurid and fantastic tales respecting the gold and silver and other precious-metal deposits within the public-land States, as well as deposits of coal, phosphate, sodium, oil, and other nonmetalliferous minerals. The most vivid imaginations have been drawn upon to furnish stories of the manner in which the people of the West have robbed the Government and despoiled it of its enormous treasures.

This propaganda has been highly successful and has resulted in the dissemination of the view that the public lands must no longer be free for development, and that the laws under which title in the past had been obtained must be modified or repealed and a system of leasing undertaken by the Federal Government. Any propaganda calculated to present the truth with respect to economic, industrial, political, or governmental problems should be welcomed by the American people; but efforts made, no matter by whom, which conceal the truth or reveal only a portion of the truth, and particularly where they are directed by mischievous charletans or political demagogues, call for condemnation. But the campaign referred to, it is said by some who formerly opposed the leasing system but who are now constrained to support this bill, has so influenced the public mind that legislation of the character embraced in this bill becomes necessary, because no other is possible. I am not persuaded that this view is correct. I believe that ultimately the American people would see the justice and wisdom of a policy transferring to the States the public lands within their borders and would ask for legislation to accomplish that result; but, of course, if this bill shall pass, the National Government is thrust into the States and becomes and assumes the duties of a landed proprietor. The plan which I insist is a wise one may not be carried into effect for many years and until the folly and injustice of the leasing system has become apparent to the people.

One of the visible manifestations of the propaganda to prevent the development of the West was the withdrawal by Executive order of millions of acres of lands containing deposits of coal, phosphate, sodium, oil, oil shale, and gas. For years these lands have been locked up by Executive orders, and legislation for their repeal has not been enacted. The contention is further made that no legislation is possible that will open to entry the mineral deposits embraced within the Executive withdrawal orders. In my opinion, the Executive orders were improvidently issued; indeed in common with practically all law-

yers I regarded the acts of withdrawal as arbitrary and in contravention of law.

Mr. President, I assert with the utmost confidence that an examination of the legislation enacted by Congress following the discovery of gold in California, and culminating in the act of 1872, furnishes convincing proof that it was the intention of Congress to throw open to private entry the mineral lands belonging to the United States. The debates attending the passage of the act of 1866 and the act of 1872 establish beyond controversy that Congress believed the welfare of the country would be best served by the development of the public lands of the United States and the opening of the same freely to those who in good faith entered thereon. It is equally clear that the best thought of the Nation approved of a liberal and generous policy in dealing with the nonmineral lands the legal title to which was in the United States. The able statesmen who dealt with the public lands of the United States from an early period in our history to the time of the passage of the homestead, preemption, desert, and enlarged homestead acts had before them the records and experiences of governments where illiberal and restrictive policies had been pursued in the granting of title to individuals, and particularly where a system involving leasing and landlordism had been employed.

With the experiences of the past before them they deliberately enacted laws under which American citizens could obtain title to agricultural and grazing lands without difficulty and at a price that the poorest individual could meet. So also laws were enacted which provided an easy method of obtaining title to the mineral lands of the United States. Not only local courts but Federal courts, including the Supreme Court of the United States, have over and over again spoken in the highest terms of praise concerning the wise and liberal legislation enacted by Congress, and have pointed out the beneficent results that have attended the same. There were some statesmen who advocated a policy in disposing of the public lands that would yield a revenue to the Government. Senator Ewing, of Ohio, proposed a system of seigniorage, the product of the mines going to the Government, from which a portion would then be returned to the miner. But as stated, after full examination of the entire subject and with the history of the past before them, a plan was devised dealing with the mineral lands which I submit was wise and has been of the utmost importance and advantage to the entire people.

Senator Benton, as early as the Thirty-first Congress, as I recall, contended that the Government ought not to undertake to make a revenue out of the mines. He further stated—

> That the United States ought to content herself with getting the wealth out of the bowels of the earth itself, which is now lying so useless; that she ought to content herself with receiving what will pay the expenses of the administration of such a system, and that system ought to be just as simple as it can be made and at the same time preserve order among the miners.

He asserted that he did not believe in the Nation working mines and then added:

> I believe in individuals managing things of this kind, but not nations. I believe the true treasure of every government is the affections of the people, and that the true riches of every nation is the people first and the wealth afterwards that flows from that industry. * * * I therefore wholly object to the whole idea of deriving revenue from these mines. I am in favor of getting what revenue we do get from the gold mines through the secretions of commerce, with no superintendence over the man as to what he digs and no accountability of the digger for what he gets; with nobody to stand over him and say how much he gets and no one to call him to account and tell him what he gets.

The Senator then referred to the experience that our Government had passed through in its attempts to lease mines and then added:

> Have we forgotten the lead mines and salt springs we reserved in Missouri and Illinois? And have we forgotten that when we acquired these countries and heard of the salt springs and lead mines there we were inflamed with the idea of the United States deriving revenue from boiling salt water and digging lead mines? Under that excitement these salt springs and these lead mines were reserved to be leased. What was the result of it? It turned out that the Federal Government was never made for the purpose of boiling salt water or digging lead.

Let me add, Mr. President, that the Federal Government has not changed in its functions or powers since then. If it was not its function or its duty to engage in mining operations then, manifestly it is not its duty now; and if paternalism was obnoxious to our form of government then, it is equally obnoxious now.

Senator Benton proceeds and describes his first legislative work as an endeavor to free Missouri from the incumbrance of the "landlordship" of the United States over the lead mines and salt springs which was harassing the people. He further states:

> I was then joined by some of the fathers of the Republic—by such men as Macon—went against the whole idea of the Government working the mines and making money out of it. We succeeded. The system was broken down in Missouri. The salt springs were given to the State. The lead mines, which had been reserved for lease, were thrown into market and sold, as other public lands, at $1.25 per acre.

He then refers to the discovery of lead mines in the upper Mississippi and continues:

> Our imaginations were inflamed again with the belief that we were to make a great deal of money by leasing out these lead mines. This scheme was adopted. I voted against it. * * * I told the Senate then, as it happened to lead mines of the State of Missouri, so it would happen to the lead mines of upper Mississippi; that this system would be harassing to the people and cramping industry would end with bringing the United States in debt. That turned out to be the fact, for one of the last messages sent to us by President Polk was to recommend the breaking of this system. He showed the amounts requisite to keep up the system, which were enormous, and he recommended the abolition of the system.

Senator Seward, during the discussion, stated that he had voted against a former proposition of Senator Ewing which contemplated seigniorage and revenue to the Government from the operation of the mines, and then said, in substance, that in his view in order to bring to the general public the largest possible acquisition of national wealth from the mineral lands of the United States a liberal policy of obtaining title was necessary.

Mr. President, if time permitted, I should like to read from a message of President Polk, in which he reviews the mineral leasing system and points out its failures and the unwisdom of perpetuating it. He strongly recommended its repeal, and Congress responded to his recommendations. I have also before me the message of President Fillmore, in which he treats of the question of leasing certain of the mineral lands of the United States. He states that after investigation he reached the conclusion that such a policy was unwise and improper. I shall not take the time of the Senate to further call its attention to the strong statements made by two of the Executives of our Government. Let me, however, urge that their experiences and their observations and their final recommendations should receive the most serious attention of the Senate when it is called upon to deal with a similar question at this time. If the leasing system proved so unfortunate and its unwisdom was so emphatically established as to call for the condemnation of Presidents who were familiar with the subject, we ought to hesitate to again fasten upon the Nation a policy which was discredited and which they condemned.

Senator Felch, of Michigan, discussed the question with great ability, and I desire to read a few paragraphs from his able address:

> In the first place, we reserved the lands which had been sold by prior governments, but we have since abolished that system, because it was found impossible to manage these mines. We have lead mines in Missouri and Wisconsin and Illinois, and we commenced upon a system * * * first by granting permits to work these mines and then by reserving to the Government the right of mining where the title to the land was sold.

Senators will recall that the present bill provides a system of permits. The mineral lands covered by this bill may be worked only by making application to the Secretary of the Interior and obtaining a permit for such purpose. It is a revival of a system discredited by experience and condemned by publicists and statesmen in many lands. In each of these instances we have found it necessary to abolish this system, because it has been found impracticable to carry it out and unprofitable to the Government.

When the discovery of the copper mines was made on Lake Superior we reserved to ourselves the right of working them, and that right was afterwards abandoned, because it was supposed to be a right held in derogation of the right of the State and also because it was building up a leasing system and placing a tenantry upon these lands and holding them from local taxation, compelling the authorities of the State to preserve order among these tenants, while not an acre of these lands was taxed to pay for the expenses incurred by the State. In the year 1845 the matter underwent an investigation in the Land Office and in Congress.

Senators in recent years have repeatedly denounced the policy under which millions of acres of public domain were withdrawn from entry. It not only prevents settlement and the legitimate and natural growth of the public-land States, but it subjected the States to unnatural and extraordinary burdens. They had to police the public domain and discharge the responsibilities devolving upon them as sovereign States, while denied the benefits of these unoccupied lands. They were forced to assume the burdens resulting from protecting and policing them. And it must not be forgotten that these lands could not be taxed and the burdens resting upon the inhabitants of the States were and still are, of course, greatly augmented. Those were some of the reasons which appealed to the statesmen in the period when Senator Felch was in the Senate, and led to their repudiation of the principle and policy of Federal leasing and Federal landlordism; they deemed such a policy repugnant

to our form of government and in contravention of the rights and the powers of the States.

Senator Felch proceeds:

The agents were all dismissed except one, and a recommendation has been made that he should be dismissed also. In all these cases everything shows that we have never made anything under the mining system and that it is one which must be abandoned.

Senator Felch further contended with great ability for the freedom of entry upon the mineral lands of the Government, and opposed the leasing or any other system which would create additional governmental machinery for the purpose of enforcing the same.

Senator Sherman of Ohio, during the discussion of the mining law of 1866 (Cong. Globe, 39th Cong., p. 3236), stated that it was in the interest of the United States—

to get rid of the mineral lands of the United States, to give them into the hands of private individuals, to give them the title by patents in the ordinary way, so that the United States will be divested of all proprietary right over the mines.

He further declared that Benton, Clay, and many of the most eminent statesmen of America held that the title to mineral lands "is of no benefit to the United States. From time to time the principle of disposing of mineral lands, salt mines, iron mines, etc., has been adopted."

He argued that this policy was best for the Nation and tended to the development of the country and to the establishment of fixed and permanent settlements.

A proposition was submitted to the Senate on July 14, 1866, by which the Secretary of the Interior was to be authorized to lease certain saline lands containing mineral springs. The scheme was promptly condemned by Senators and the evils which would result from a leasing policy clearly pointed out. Senator Grimes in discussing the matter (Cong. Globe, 39th Cong., p. 3805) says:

This Government never has and it never ought to become the landlord of a portion of the people of this country. That is not the relation that is encouraged by any of the laws of our States to any considerable extent, and it should not be encouraged by the Government of the United States.

The true liberty, understand, in a republican government is that, so far as possible, every man shall be the owner of his own soil, the owner of his own tools, the owner of his own labor and his own machinery. * * * But so long as you undertake to maintain the relation of landlord and tenant to the persons who are going to carry on these salting works, so long they will remain in an undeveloped state, and the country will never realize a tenth part of the advantage from the salt springs that we would realize if they were conducted by private enterprise alone. That is the experience of this Government; it has been from its foundation; it is the experience of every Government on the face of the earth. All such enterprises as these should be carried on by private energy and by private means, and so long as you allow the man who conducts it to be the owner of the property, so long he will be willing to invest more and more means in the appliances that may be necessary to conduct his business to a successful result.

Senator Conness in opposing the proposition to lease stated that the leasing system was founded upon the monarchical idea and that the "most valuable things belong to the sovereign." He declared that the highest character of ownership resulted when title was in an American citizen. He further says:

The whole system seems to me to be wrong. You are going to institute in one of your departments a power to lease and let a part of the public property to your own citizens, and no such lease, the bill provides, shall be for a longer period than 25 years, and then during the 25 years the lease is to be subjected to readjustment every 5 years by "disinterested referees."

The Interior Department or the Land Office is to appoint referees every five years. Where shall they go? Shall they act in regard to a piece of property that they know nothing about except as they get information from the Land Office, the information coming through a bureau that perhaps knows nothing about it? It appears to me to be very small business for this Government to engage in. It is especially provided, it will be observed, that this bill shall not apply to the section of the country from which I came. We are not to be made tenants. For one, I am very much obliged to the committee for releasing us from such a vassalage.

I wish the committee would release from the vassalage of this bill the State which I have the honor, in part, to represent.

If the saline lands and the mineral springs belonging to the Government are to be leased, why not lease the gold and silver mines? They are of infinitely greater value; they attract the attention of mankind to a greater extent and concentrate the effort of man and the capital that man can bring to the development of natural resources to a greater extent than these more ordinary classes of property.

Following the settlement of California, as I have indicated, the question of dealing with the mineral lands of the United States again challenged the attention of Congress. However, for a number of years there was no legislation, and those who went upon the public domain, in the main, adopted rules and regulations for their protection, and the local courts recognized their validity. Under these regulations property rights were protected, and a system was developed which became the basis of legislative enactment by Western States and Territories and ultimately by the Congress of the United States. Senator Stewart, speaking of these rules and regulations, states that they "challenge the admiration of all who investigate them." These regulations were thoroughly democratic in their character, guarding against every effort of monopoly, and requiring continued work and occupation in good faith to constitute a valid possession. There were no royalties to be paid the Government, no Federal officials, agents, inspectors, no bureaus and offensive espionage by the Government.

The Supreme Court of the United States in the case of Jennison *v.* Kirk (98 U. S., 456), speaking of this situation, said:

In every district which they occupied they framed certain rules for their government. * * * They all recognized discovery followed by possession as the foundation of the possessor's title, and development by working as the condition of its retention. And they were so framed as to secure to all comers within practicable limits absolute equality of rights and privilege of working the mines. Nothing but such equality would have been tolerated by the miners, who were emphatically the lawmakers as respects mining upon the public lands. * * * During the 18 years from 1848 to 1866 the regulations and customs of miners as enforced and molded by the courts and sanctioned by the legislature of the State, constituted the law governing property in mines and in water on the public mineral lands.

I referred a few moments ago to the law of Congress enacted in 1866. This act provides:

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, subject to such regulations as may be prescribed by law, and subject to the local customs and rules of miners in the several mining districts so far as the same may not be in conflict with the laws of the United States.

The Supreme Court in the case of Atchison *v.* Peterson (20 Wall., 512) refers to the occupation of the public lands, and states that "the Government assented thereto and encouraged their free and unrestricted use."

The court further declares in the case of Erhardt *v.* Boaro (113 U. S., 535) that:

In all the legislation, whether of Congress or of State or Territory, and by all mining regulations and rules, discovery and appropriation are recognized as the sources of title to mining claims, and development by working as the continued ownership until patent is obtained.

Hon. Caleb B. Smith, Secretary of the Interior, in his annual report for 1861, referred to the valuable mineral lands of the United States and combated the view that the occupants thereof should have the free development of their claims. He contended that the lands belonged to the whole people and that the occupants "should pay a reasonable amount as a consideration for the advantages enjoyed."

In 1865, in his report to Congress, the Secretary stated:

Individual proprietorship, it is conceded, would stimulate the development of coal fields, petroleum, deposits of iron, lead, and of other gross metals, and mineral formations. There can therefore be no sufficient reason for withholding such mineral lands from market. Congress has not legislated with a view to securing an income from the product of the precious metals from the public domain. It is estimated that two or three hundred thousand able-bodied men are engaged in such mining operations on the public lands, without authority of law, who pay nothing to the Government for the privilege or for the permanent possession of property worth, in many instances, millions to the claimant.

The existing financial condition of the Nation obviously requires that all our national resources and the product of every industrial pursuit should contribute to the payment of the public debt. The wisdom of Congress must decide whether the public interest would be better promoted by a sale in fee of these mineral lands or by raising a revenue from their annual product.

It will be seen that Secretary Smith desired to obtain revenue from the mineral lands of the United States in order to meet the obligations of the Government incurred as the result of the Civil War, but notwithstanding his appeals as well as the appeals of others that a leasing system or a royalty system should be adopted, Congress refused to depart from the established policy of dealing with the public mineral lands.

The Supreme Court of the United States in the case of Ivanhoe Mining Co. *v.* Consolidated Mining Co. (102 U. S., 167) declared that under the law of 1866 title to mineral lands might be acquired from the Government at nominal prices, and that under such law "the idea of a royalty in the product of the mines was forever relinquished."

The bill now before us for consideration is a repudiation of the utterances of the Supreme Court in the case just referred to.

I have referred to the statements made by Benton and others concerning the leasing measures enacted by Congress at an early day, dealing with the lead deposits and other mineral lands of the United States. The enforcement of these leasing statutes was attended with unsatisfactory results. The people were averse to the supervision provided in the leases and controversies frequently arose, and to execute the laws and the regulations promulgated pursuant thereto a multitude of employees and Federal officials was required. This provoked criticism and of course resulted in great expense. Lessees hesitated to make the improvements that were necessary to properly develop the demised premises. The tenure was insecure and pre-

carious and contingent upon the observance of terms imposed by the Government and enforced by inspectors and officials whose sympathies were with the Government as against the lessees. This situation retarded the development of the lands held by the lessees and culminated in the forfeiture of many leases. It was demonstrated then as it has been wherever a governmental leasing system with respect to mineral lands has been adopted that production entirely ceased or was greatly diminished to the disadvantage of the lessee and the public.

It is possible that a policy looking to the administration of the public lands for the purpose of producing a revenue might be more successful in a highly centralized or despotic government, although, as I have stated, the results from the adoption of a leasing system by the Government or attempts upon the part of the Government to handle its agricultural or mineral lands by means of a tenant system has proven unsuccessful. It has not only failed to return revenues commensurate with the cost but led to conflicts between the Government and its agents and the people directly and indirectly connected with the leases.

Let me submit in passing that such a policy is not suited to our form of government and never can be successful. No State, Mr. President, attempted to assert because of its sovereign powers the doctrine of jura regalia which was a part of the common law. The States entertained the view that the mineral lands should pass into the hands of private individuals under a system that would lead to their development and which did not impose obstacles and impediments thereto. The accepted view was that the products of the mines would make for the benefit of all. The Committee on the Public Lands of the House in January, 1828, pursuant to a resolution calling for an inquiry "into the expedience of repealing such laws of Congress which prohibit the sale of lands in Missouri which contained or are supposed to contain lead mines," reported in effect that the leasing policy or a policy in which the title was retained in the Government had not increased the output, and that veins which had been worked were abandoned by those who were seeking their development. The committee further stated that—

so long as those who work the mines have only a limited and temporary interest in them and are under the necessity of receiving an immediate remuneration from the capital vested in and the labor bestowed upon their mining operations the ore will remain in its natural bed and never be drawn forth to mingle with and increase the aggregate mass of national wealth until subjected to the unimpeded action of exclusive individual interest.

There is another view of the subject which the committee believe is entitled to great consideration. If all these (mining lands) are to be occupied by tenants of the Government, there would be created a numerous band of dependents, who, however they may affect the General Government, can not but be viewed by the local authorities with distrust and jealousy. A population thus dependent upon the Federal Government and its officers for the continuance of their vocations must of necessity be unsettled and fluctuating, and the product of their temporary and irregular labors will afford a limited compensation for the exclusion from so large a portion of the States of a more settled, permanent, and useful class of citizens. Believing that the laws prohibiting the sale of public lands in Missouri which contain lead mines should be repealed, the committee report a bill.

Following the discovery of America, the Spanish monarchs believed that through the administration by the Government of the mineral lands in America the Spanish treasury would be replenished and a golden stream would flow to Spain to compensate her for her expenditures in the New World. Mr. Fremont has stated that with all the machinery of the Spanish monarchy Spain never received in any one year to exceed $60,000 in royalties. Concessions were made containing the minutest reservations, and documents were signed by representatives of the Crown which were the equivalent of leases, containing provisions with respect to the obligations upon the lessee and the supervisory power of the Crown; yet with these clear and definite provisions no benefits came to Spain. It must not be forgotten that Spain, a despotic nation, with her mighty military forces, was in a position to enforce the terms of the concessions and leases given by her.

Gamboa, the Spanish historian, points out the imperfections of the leasing and royalty system as well as the injustices and wrongs which resulted therefrom. So oppressive had become the system that Mexico, when she emancipated herself from Spain, had practically ceased mineral production. In order to revive the industry, Mexico promptly abolished all taxes and royalties provided by the Spanish law, and miners were relieved from personal contributions as well as from military service, and a reward of $25,000 was decreed to be paid to each of the first four operators who would produce a given amount of quicksilver.

The leasing system, in which the Government was the lessor, has always proven odious. We tolerate individuals as landlords but resent governmental landlordism. Let me say in passing that the efforts by the States to lease mineral lands owned by them have not been attended with unqualified success. But it must be conceded that the States could more readily and perhaps in a more satisfactory manner enforce a leasing system. There is a wide difference between a local State landlord and a national authority 3,000 miles distant.

In Senate Document No. 482, published during the Sixty-third Congress, may be found an article by Mr. Thomas P. McDonald on the leasing of coal mines. He concedes that the leasing system is a radical departure from the past policy of our Government. Drawing attention to the leases of school lands in the State of Colorado, he states that during a period of 12 years only 13 coal mines were under lease. That the average production of the leased properties for the year 1912 was 485,971 tons, while the total production of the State for the same year was 10,157,383 tons. In conclusion he says that—

After 12 years' experience in leasing coal lands Colorado has just one coal mine of commercial importance under operation under lease from the State.

He further states that Montana has a law authorizing the leasing of State lands with a royalty of only 10 cents per ton, and that only eight leases have been given, and that in 1912 the total production from these leased properties was 26,668 tons. The same year, however, Montana produced more than 3,000,000 tons of coal.

In the year 1909 there were mined by the owners of coal lands within the United States 334,669,298 tons. The owners also leased adjoining lands from which were produced the same year 42,929,197 tons. During the same year, though there were numerous lessees throughout the United States, the total output from properties operated by them was only 82,943,651 tons. This would seem to indicate that even where there is no supervision by the Government, where the leases are between individuals, the production from leased properties is unsatisfactory. And the reason of this must be obvious to all thinking people. The highest results are found when the mines and genius and enterprise of the individuals find a free field for their activities. The great achievements in our country in every branch of industry and commerce have resulted from the opportunities given for individual initiative and development. The worker of to-day becomes the proprietor of the morrow.

Senators will remember that ingenious and eloquent pleas were made in support of a proposition to lease the coal lands of Alaska. The demands of the Pacific coast as well as of the Orient for coal were well known, and it was earnestly contended that the Executive order of 1906 which locked up the coal and oil lands of Alaska should be modified. As stated, a leasing bill was passed under which those who have insisted that the Government should adopt this system of landlordism promised a demonstration of the wisdom and benefits of the leasing policy. The result has been very disappointing to the advocates of such system. The report of the Secretary of the Interior for the year ending June 30, 1917, establishes the infirmities of the plan as it was administered in Alaska. The part referred to is as follows:

The statement that the people of Alaska have borne more handicaps than any other people who have pioneered new, undeveloped territory, at least on the North American Continent, has been so often made that it has become trite. Nevertheless it is true. If the best portions of the far West had been reserved, if the pioneers had been forbidden to make use of those natural resources which they found at hand, and penalized if they attempted to use them, is it reasonable to suppose that the Middle West and the far West would have produced many great Commonwealths within a comparatively short time?

Conservation, which is defined as the act of preserving, maintaining, supporting, or protecting, is, no doubt, sound in principle; but conservation as applied to Alaska, while it has preserved coal, oil, and timber, has largely estopped development along these lines. The coal lands of Alaska were reserved by Executive order in 1906, and the oil lands some years later, and there has been no general development of either coal or oil resources. Coal is mined to-day only on a small scale and oil development is at a standstill. The need of coal such as is found in Alaska is apparent all over the Pacific coast, yet the production is limited and confined to but one section of the Territory. The same is true of oil. There is no doubt that the coal areas of Alaska are capable of supplying sufficient quantities of coal for all domestic and industrial purposes of the Pacific coast regions were they developed commercially, and if the oil lands of the Territory could be properly developed they would largely add to the supply of gasoline.

This system of landlordism—of bureaucracy—as I have stated, was urged by some at the time the law of 1866 was enacted. As I remember, there was no advocacy of it when the law of May, 1872, was passed. The act last referred to declared "that all mineral deposits in land belonging to the United States are hereby open to exploration and purchase, and the lands in which they are found to occupation and purchase."

I need only point to the West in demonstration of the truth of the statement that the liberal policy adopted by our Government with respect to its agricultural and mineral lands has been of immeasurable advantage to this Nation. The greater portion of the territory acquired under the Louisiana Purchase, and that which was subsequently ceded to the United States

by the treaty of Guadaloupe Hidalgo, was regarded as of but little value. Webster and other great statesmen characterized this great domain as worthless deserts and alkali plains and forbidding mountains. But virile, courageous men and women from the East struck boldly into these deserts and waste places and mountain fastnesses, and with the intrepid spirit which has guided the Anglo-Saxon race they laid the foundations of cities and Commonwealths.

The homestead, desert, and preemption acts enabled them to acquire agricultural lands. They constructed dams and built canals and turned the streams from canyons and mountain sides upon the baked and parched earth and into the sterile and desert valleys. Fruits and all kinds of agricultural crops were produced and towns and cities were builded and community life established. These brave and courageous pioneers carried with them the laws and customs and civilization of the States from which they came; they established law and order and the American system of jurisprudence and prepared peoples for the responsibilities of statehood. They located upon mineral lands and poured into the channels of trade gold and silver, copper and lead, and the other metals and minerals found therein. They opened up coal mines from which their local and domestic needs were supplied. The chapter of our Nation's history devoted to the West and to its achievements is a glorious one and will ever be read with pride and satisfaction by patriotic Americans.

Who can successfully challenge the wisdom of the legislation enacted by the Congress of the United States which dealt with the public lands, agricultural and mineral? And yet there are some who seek to create the impression that the policy was wrong and was dictated by those who sought monopoly and to serve selfish ends. There is no monopoly of land in these great States of which I speak. The people own the lands—the farms, the ranches, and many of the mines.

In later years some copper properties and other mineral grounds have passed into the hands of large corporations. This was brought about principally because of the great cost incident to the development of the properties. Unproductive properties and mines which not only paid no dividends but resulted in enormous losses to their owners became profitable only when millions were expended to construct railroads, to improve mills and other reduction works, and to operate them upon a scale which permitted improved economies. This required large capital and called for the investment of millions. However, there is competition among the various mining properties of the character referred to, and for years lead was sold upon the market for prices that resulted in closing down many mines. The same is true of copper, silver, and many other properties in the West.

I think, generally speaking, it may be said that there is less of monopoly or of great holdings in agricultural and mineral lands in the West than in other parts of our country.

I believe that a repressive policy, a hateful leasing, bureaucratic policy, would have still found the West in solitude and sterility. It is a fallacy to suppose that the products of the mines are monopolized or held or enjoyed only by a few. Like the blood that circulates freely throughout the system, so the mineral wealth that comes from mountain and valley, fructifies the entire Nation and benefits the entire world. The copper and the lead, the iron and the coal, all these minerals dug from the earth, can not be monopolized; they must go out into the world and add to the common stock of the people's possessions.

The Senator from Wisconsin has repeatedly stated in the address which he has just concluded that the coal lands of the United States are controlled by monopolies, and he expressed opposition to the pending measure upon the ground that it will be favorable to a monopoly of the minerals referred to therein. I am inclined to agree with the Senator that there is a monopoly of the anthracite coal mines in the United States. The area in which anthracite coal is found is so restricted that its acquisition by a few individuals or corporations was a comparatively easy task. I am advised, however, that these lands lying in Pennsylvania were acquired many years ago for agricultural purposes, and the anthracite deposits were not known and their value not appreciated when the title to the lands passed to private individuals. The bituminous coal deposits of the United States, however, are very extensive and are found in many States of the Union. A monopoly of this character of coal has been impossible. My opinion is that bituminous coal has been sold at prices much less in the United States than any other country in the world. For instance, in 1911 New Zealand produced 2,066,073 tons of coal. This was sold at the mines for more than $2 per ton. The output of coal in Nova Scotia in 1910 was 6,208,244 tons, and the price at the mines was $2.01 per ton. In Illinois, in 1911, there were mined 53,679,118 tons, which were sold at the mine for $1.11 per ton. The output of coal mined in Indiana for the same year sold at the mine at $1.08 per ton, and Pennsylvania production was sold at $1.01 per ton. The output of the Ohio mines brought $1.03 at the mine; and West Virginia's output was sold for 90 cents at the mine.

Mr. McDonald states that in Australia, New Zealand, and Nova Scotia "the price of coal at the pit mouth during the past 20 years has ranged from $1.75 to $2.25 per ton, while in our great bituminous coal districts the price of coal at pit mouth has ranged from 90 cents to $1.11 per ton." From these figures it is apparent that notwithstanding the higher costs of labor in the United States, coal was sold much cheaper than in any other coal-producing countries of the world. The fact is that there was the most active competition between the coal operators, and the price of coal was such that in many instances but little, if any, profits were made.

Mr. President, monopolies and trusts and conspiracies in restraint of trade are hateful to the American people, and if the statutes of the States and the Federal Government are insufficient to deal with these evils, additional measures should speedily be enacted. Most of the States have broad, comprehensive antitrust statutes, and if enforced would prove effectual against the rapacities of some of the monopolistic corporations operating in this country. Unfortunately, these statutes have not always been invoked against trusts and illegal combinations. A few States have vigorously enforced their laws against monopolies and trusts, and the results have been most salutary. The Sherman antitrust law has proven a powerful weapon against monopolies, and the Federal Trade Commission possesses power to point out monopolistic evils and to correct the same.

Mr. President, it is unfortunately true that there are monopolies and combinations in restraint of trade existing in the United States. Some of them secretly and in devious ways attempt to evade the law, while others defy its provisions. Our economic theory rests upon the proposition that there shall be competition. When manufacturers combine to increase prices or when monopolies are formed to interrupt the natural and normal processes of business and trade and commerce, the criminal statutes of the land should be invoked and the offenders should receive condign punishment.

There is no question but what during the war there were unpatriotic people who sought to make profit out of the situation. They robbed and plundered our Allies and they robbed and plundered their own Government. In my opinion, the high prices in some commodities are in part attributable to the selfish, callous, and wicked course followed by some of the producers and manufacturers and organizations in our country. I believe that there are some corporations and individuals who are profiting now by raising the prices of food products to heights that are wholly unjustifiable. They are taking advantage of conditions and are despoiling the people.

It is to be hoped that those who administer the revenue laws of the States and of the Nation will lay their hands upon these individuals and corporations and see that they pay the taxes demanded by the law. I am convinced that efforts are made by some corporations to escape excess-profits taxes and legitimate burdens placed upon them by the Government. The profiteer and monopolist, the man or the corporation that seeks to impose upon the people, should be haled into the courts and dealt with in a stern and relentless manner.

I have stated that the wise and liberal policy adopted by the Government in dealing with its agricultural and mineral lands has not produced the evils of which complaint is made. The agricultural lands that have been acquired since the homestead and preemption and desert entry acts were enacted are in the hands of the people. Monopolies and trusts do not own them. Farmers and stock growers possess these lands and have their homes thereon. Those who acquired the lands were pioneers or the children of the sturdy and courageous Americans who sought fortune in the wild and unpropitious surroundings of the West. The history of the development of the mineral lands upon the public domain is full of dramatic interest. Thousands of brave adventuresome men went into the mountain ravines and the desert wastes and searched for the mineral wealth hidden from mortal ken. Many of them gave their lives in the quest for wealth, and their bodies sleep in forgotten spots or their bleached bones are found upon the mountain sides or in the parched valleys that know no life. The men of the West believed that the public lands should be free to those who were willing to enter thereon and develop them. A leasing system would have rested upon the West like the hand of death. A leasing system controlled by a bureaucracy 3,000 miles away would have killed the initiative, the fighting, sporting spirit of the American peo-

ple who went into the West, and it would have condemned to solitude the great empire within which are what is known as the public-land States. There are some who oppose this bill because they deem it too favorable to lessees. There are others who under the banner of conservation would have locked up all public lands and over the door placed a legend forbidding entrance therein.

Mr. President, the title to the public lands is held by the Federal Government in trust for the people. The Government's title is that of a trustee only, and the lands should go to the people and should be placed within the reach of the people. It was never the intention of the fathers of this Republic that the Federal Government should be a vast proprietor and that the people should be its servants and tenants.

It was stated in the Supreme Court, in the case of Pollard's Lessee v. Hogan (13 How., 212), that—

> The United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana. * * *
>
> When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative act connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

In the case of Kansas v. Colorado (206 U. S., 46) the court states that—

> the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of powers granted is to be found in the Constitution of the United States and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

I respectfully submit that it was not contemplated by the founders of this Government that the Federal Government should exercise proprietary rights and control over lands within the States except such as were needed for governmental purposes. As stated in the Pollard's lessee case just referred to, the United States never held "municipal sovereignty, jurisdiction, or right of soil except for temporary purposes and to execute a trust." It is true Alabama was organized from territory ceded by the State of Georgia, but the Supreme Court states that even if there had been stipulations in the grant under which the municipal right of sovereignty and eminent domain were conferred upon the United States, such stipulation would have been "void and inoperative."

Under our form of government the United States has no municipal jurisdiction or sovereignty within the limits of a State. It was not designed that the Federal Government should hold lands for an indefinite period or in perpetuity as a proprietor and lease them at will and pleasure to those who were willing to enter thereon as tenants, and such a policy, I submit, is at variance with the spirit and genius of our institutions and of our form of government. There was no attempt when the Constitution was formed to deprive the States of jurisdiction or control over the lands within their borders. It is true that a number of the States by various grants conveyed large areas of territory out of which other States were carved by the revolutionary government, but such was done in trust for the inhabitants of the ceded territory and with the understanding that the States formed should be admitted into the Union on the same footing as the 13 original States. Those who lived within the thirteen original States were unwilling to convey to the Federal Government the territory within the boundaries which they fixed and prescribed for their respective States. They reserved to the States themselves the right to control and dispose of the unoccupied and public lands found therein. They were unwilling that the Federal Government should come into the States and exercise municipal and sovereign authority and power with respect to the public lands or the domestic affairs of the people. They believed that to have two sovereignties operating within the States in the manner proposed by the bill now before us would cause friction and tend to alienate the affections of the people from the parent Government as well as establish a system that would be hostile to the best interests of the States and the welfare and development of the people therein. They appreciated that if the Federal Government owned as a proprietor unoccupied lands within the States it would feel constrained to enact criminal statutes for the purpose of protecting the lands and would set up a system of government which might come in conflict with the government of the States or at least result in controversies and be provocative of ill feeling and resentments. They were unwilling that the United States should have proprietary interest within the States and be empowered to dispose of such lands in any manner that it saw fit. And there is no question but what they understood that the States that were to be constructed from the lands ceded or from lands that might subsequently be acquired should possess the same authority, control, and ownership over the public lands found therein when admitted into the Union. They did not understand that the Federal Government, being a Government of enumerated and limited power, should exercise municipal authority or sovereignty over the lands within the States.

President Jackson, in a message to Congress, December 4, 1833, uses this language:

> By the facts here collected from the early history of our Republic it appears that the subject of the public lands entered into the elements of its institutions. It was only upon condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations.
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> The Constitution did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that "nothing in it shall be so construed as to prejudice any claims of the United States or of any particular State," it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make all needful rules and regulations for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

Section 3, Article IV, of the Constitution of the United States contains this language:

> Nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

I submit that this language means that the obligation rested upon the Federal Government to enforce the conditions contained in the grants made by the various States and that the territory within such grants was to be disposed of in the organization of new States, which should have the same rights and the same sovereignty as the original 13 States. This view is supported by the statement of John Randolph, who said:

> Congress has pledged the public faith to new States that they would be admitted on equal terms. They never would or ought to accede on any other.

The Federal Government's duties are primarily with respect to the external affairs of the Nation. I repeat, it was not contemplated that they should within the States assume the municipal sovereignty of the State or the proprietary interest of a landlord. In the famous Gibbons-Ogden case Chief Justice Marshall expresses this view in the following language:

> The genius and character of the whole Government seems to be that its action is to be applied to all external concerns of the Nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of government.

The same view, I think, is expressed by Mr. Madison in No. 18 of the Federalist. His language is as follows:

> The local or municipal authorities form distinct and independent portions of the supremacy, no more subject within their respective spheres to the general authority than the general authority is subject to them within its own sphere. In this relation, then, the proposed government can not be deemed a national one, since its jurisdiction extends to certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects.

And in his paper No. 45 he states his views as follows:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberties, and properties of the people and the internal order, improvement, and prosperity of the State.

I contend that the Constitution limits the exercise of the power of the Federal Government with respect to lands within the States to those tracts which are used exclusively for governmental purposes.

Justice Brewer in the case of Kansas against Colorado seems to approve this view in the following language:

> While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same, no greater and no less, than those within the limits of the original 13.

If that language means anything it means that when new States were formed, when they were carved out of lands acquired by treaty or otherwise and admitted into the Union, they were to enjoy the same privileges and immunities and rights of sovereignty as were enjoyed by the original 13 States. This bill denies the application of that principle and is a repudiation of a doctrine sanctified by usage and having the approval of the fathers, as well as of the Supreme Court and other judicial tribunals of the United States.

It is conceded that Congress has "power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." Under this grant of power, contained in section 3 of article 4 of the Constitution, the Federal Government has the power to organize Territories and to make all needful rules and regulations respecting the public domain therein. I contend, however, that the language of this grant contemplates a disposition of the property—that is, a grant or sale—so that legal title to the same shall pass from the United States. A proper interpretation of this constitutional provision, I respectfully insist, does not warrant the retention in perpetuity by the Federal Government of the public domain. As the Supreme Court states in the Pollard's lessee case, to which I have referred, that the United States held the naked legal title in trust for the inhabitants of the State of Alabama, so I insist that the United States now holds the legal title to the public domain in trust for the people of the United States. The power to dispose of or make all needful rules and regulations respecting the territory of the United States contemplates that it shall be disposed of to American citizens, in order that they may establish homes thereon or utilize the same for their good and for the welfare of all the people. The Supreme Court in the case of Martin *v.* Waddell (41 U. S., 410) indirectly supports this view: This language is employed by the court:

> For when the revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

It is indicated in the case of Hardin *v.* Jordan (140 U. S., 381) that the Federal Government's authority within the States is limited; that its jurisdiction does not extend to municipal and sovereign control or the control of the domestic and internal affairs of the States. Notwithstanding the power of Congress over interstate commerce, the title to the beds of the streams is in the States, and such lands are subject to State regulation and control, though in the exercise thereof there must not be interference with public navigation and commerce. The title and dominion in tide waters rests in the States, and as stated by the Supreme Court in Shively *v.* Bowlby (152 U. S., 1):

> Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States.

The States have the right to determine, notwithstanding the common law with reference to the rights of the lower riparian proprietors, that a different rule or doctrine shall prevail. Accordingly legislation has been upheld which recognized appropriation as the source of title to waters; and the Supreme Court stated, in the case of Kansas *v.* Colorado (206 U. S., 46), that while—

> Congress has joint legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to repair and improve the navigability of the stream; that the full control over those waters is subject to the exception named, vested in the State.

My contention is that if the Federal Government has no control over the streams except as it relates to their navigability, and holds them, together with the beds of the streams, in trust until States are formed, then when States are formed its power and duties with respect to the lands are limited to making regulations for the disposition of the lands to private persons.

In other words, it must fulfill the trust and pass the naked legal title to American citizens, to be devoted by them to private ends and for the general welfare of the country. And new States upon their admission into the Union are endowed with streams and the control of the same as the older ones. That doctrine has been announced very forcefully by the Supreme Court in the case of Scott *v.* Lattig (227 U. S., 229).

I wish to emphasize the proposition that—

> In interpreting the Constitution it must never be forgotten that the Nation is made up of States, to which are intrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government are reserved. * * * The power of the State to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. (Hammer *v.* Dagenhart, 247 U. S., 251.)

Mr. President, it is purely an internal affair to provide for the control and government of the territory within the boundaries of States. It would seem to be an abridgement of the rights of the States for the Federal Government to hold as a proprietor millions of acres of mineral and agricultural lands and to prevent their alienation. The irregularity and injustice of such a course is more strongly emphasized when the United States announces that such lands shall not be alienated but held by the Government for an indefinite period notwithstanding the needs of the people, and treats the matter as though not only the legal but the equitable title was in the Federal Government, and that its authority should extend to the establishment of a leasing system and to the enactment of administrative laws and criminal regulations and statutes under which the Federal Government would thrust into the States, there to assert municipal and sovereign powers. A policy of this kind, I insist, is repugnant to our theory of government and in contravention of the spirit if not the letter of the Constitution, and will tend to confusion and discord and will increase the irritation and resentment between the officials of the State and the Federal Government and between the residents of the States and the United States. It seems to me that upon the admission of a new State into the Union ipso facto it has such jurisdiction and interest over all territory within its borders as is essential to the exercise of its sovereign powers and its proper governmental functions, upon an equal footing with the original States. As I have indicated, when the Federal Government was formed, the unoccupied public lands within the 13 States were not conveyed to the United States. An examination of the records of that period indicates that the idea prevailed that it was not the function of the Federal Government to become a proprietor or to hold in perpetuity large areas of land which were available for use and occupation by the citizens of the United States.

The view was universally held that the control of the lands within the States was within the functions and powers of the States, that such control was a domestic affair and was within the police powers of the States. Concerning national matters the Federal Government was supreme. In dealing with the internal affairs of the States they were supreme. And so, the 13 original States disposed of the unoccupied lands within their respective boundaries under laws and rules and regulations emanating from the people. Can there be any question as to the wisdom of this policy? Who is bold enough to challenge the policy so adopted? Under it the States grew and prospered. The unoccupied lands were disposed of to the children of the founders of the Republic and to the millions of persons who left the shores of Europe to seek homes and liberty under the flag and the Government of this Nation. Upon the sale of the lands by the States, they passed into the hands of individuals. Homes were built thereon, improvements were made, and taxable property came into existence. The property which the States sold was not lost. Soon the State was receiving in the form of annual revenues more than the property was formerly worth. New communities sprang into life, manufacturing centers were developed, railroads were constructed, and the States grew rich and powerful, and prosperity came to the people and the welfare of all was promoted. It may be true that some of the States did not exercise the highest wisdom in parting with the lands, and yet their policy encouraged the settlement and development of the States, and has been, in my opinion, justified and vindicated. I think it can be said, however, that they exercised greater wisdom and made a more provident disposition of their lands than did the Federal Government.

At various times during the early part of the last century, politicians and statesmen sought to fasten upon the United States a policy in dealing with the public lands under which it was insisted enormous revenues would be realized. During the days when Henry Clay was a powerful figure in the Republic, the platform of a political party contained as its principal pronouncement a declaration that the public lands should be sold and the proceeds divided among the States. For two or more decades there were political controversies as to the manner in which the public lands of the United States should be held and disposed of.

The minds of many were inflamed with the thought that the hundreds of millions of acres of public domain would be a perennial fountain of revenue for the Federal Government and a great source of wealth to the States then constituting the Union. There were some statesmen of note who advocated a course that they conceived would bring profit to the Govern-

ment in the handling of the public lands. There were other statesmen who believed that the wisest policy and the one sanctioned by the letter and spirit of the Constitution consisted in disposing of the lands to the people under the most liberal and generous terms. Doubtless the policy of the National Government was in part influenced by the policy pursued by the various States who owned unoccupied lands within their borders. As stated, the Government claimed no ownership of the lands within the 13 original States, or did it claim any public lands in Vermont, Kentucky, Maine, West Virginia, Tennessee, or Texas. These States disposed of the mineral lands in the main in the same manner as agricultural lands were disposed of. New York and Texas enacted mining codes, under which the mineral lands therein were disposed of, and some of the States enacted police regulations with respect to coal mining. Alabama, Kansas, Michigan, Minnesota, Missouri, and Wisconsin under various acts of Congress were exempted from the operation of Federal mining statutes, and Illinois, Indiana, and Ohio were not subject to the general mineral statutes of the United States, for the reason that substantially all of the lands within their borders owned by the Government had been disposed of before the enactment of the mining laws of the United States.

Mr. President, if this measure shall be enacted into law I am constrained to think that it will inflame the appetites of the school of conservatists who have wrought such incalculable harm to the West, as well as to the country, to demand legislation withdrawing the metalliferous mines from public entry. Indeed, I have heard suggestions made that the Government should hold in perpetuity not only the nonmetalliferous but the metalliferous deposits and repeal all laws permitting the acquisition of title by individuals.

The most extravagant and unfounded statements are made relative to the inexhaustible mineral wealth supposed to exist in the public lands of the Government. I have had letters written by individuals who were brought within the influence of the propaganda of these frenzied conservatists, in which it was demanded that the Federal Government repeal all laws permitting the alienation of the public domain, and that it engage in mining operations and produce sufficient wealth to pay the national debt and to meet the current expenses of the Government. The absurdity of this proposition is apparent to any person who knows the West and has had experience in mining activities. I venture the assertion that if the Government should attempt mining operations, millions of dollars would be required from the Public Treasury to meet the annual deficits. These persons who are making these demands utterly misconceive the functions of the Government and are woefully ignorant of or utterly indifferent to the failures attendant upon governmental operation of undertakings or enterprises which come within the purview of private endeavor. It may be surprising to some of these persons to know that in some of the Western States, notwithstanding millions of dollars have been expended in attempts to discover oil, no producing well has been found. In my own State, for at least 30 years, efforts have been made to find oil fields, but notwithstanding tens of thousands of claims were located and perhaps millions of dollars expended, no producing oil well has been found.

Mineral deposits are found by prospectors, and where one successful mine is developed a thousand prove failures. It has been stated repeatedly that more money has been expended in mining operations upon the public domain or land acquired from the United States than has been taken from all of the mines discovered.

This bill, if it becomes a law, will discourage prospecting, and to that extent discourage the production of the minerals named in the bill. There can be no question but that if the law permitting the exploration of the public domain for metalliferous minerals were repealed and a leasing system substituted it would result in a complete cessation of mining operations except as to those properties already being worked.

I sincerely believe that the best way of dealing with the public lands now remaining is to cede them to the States. I have called attention to the manner in which Texas and other States handled the public lands within their borders. In my opinion, the States are far more competent to control and make disposition of the public domain than is the Federal Government. The various statutes enacted by Congress, liberal as they have been, have not always proved satisfactory either to the Government or to the people. Conditions have arisen in some sections that were not paralleled in other public-land States. The result, therefore, has been that injustices have occurred because of the attempt by uniform legislation to deal with the public lands.

As I recall, the area of continental United States, excluding Alaska, is about 2,000,000,000 acres of land. This vast area has been disposed of except, approximately, 400,000,000 acres. On July 1, 1917, there were, exclusive of Alaska, 225,000,000 acres of remaining unappropriated and unreserved public lands. There were on the same date 151 national forests, embracing 175,951,266 acres. The withdrawals, as nearly as I can ascertain, are as follows:

	Acres.
Oil	6,500,000
Phosphate	2,700,000
Oil shale	3,500,000
Coal	43,700,000

The lands withdrawn by the Government in some States amount to from 50 to 80 per cent of the entire area. The policy of the Government in preventing the sale of these withdrawn lands is disastrous to the States. In those States in which the Federal Government owns no lands, substantially all of the land is subject to taxation. The burden resting upon the taxpayer is therefore made lighter; but where the great bulk of the land within a State is owned by the Federal Government, the burdens resulting from the maintenance of the State government are very onerous. I submit that the policy now being pursued under which these vast areas are withheld from private entry is a selfish and unwise as well as an un-American policy. It is at variance with the history of the past and in contravention of the liberal and enlightened views which have guided the Federal Government in dealing with the public-land question.

The progress and the devolpment of the West are hindered by this unwise and destructive course. I can appreciate the reason why western Senators, as well as many of the people living in the public-land States, have been brought to the support of this bill. It does not meet their views nor appeal to their judgment. They are giving a reluctant assent to its passage because they regard it as preferable to the continuance of this intolerable policy which locks up the West and dooms public-land States to a condition which interferes with material growth and development. They appreciate the evils of a Federal leasing system, and some, I have no doubt, are convinced that the leasing policy will soon demonstrate its unsuitableness, furnish convincing proof that it is not compatible with our form of government. In the report of the Commissioner of the General Land Office to which I have just referred the commissioner refers to the erroneous notions as to the character of the public lands. He states:

> Many people seem to believe that great areas of these lands are virgin prairie grass lands like Kansas, Nebraska, or the Dakotas, all ready for the plow and the immediate production of wheat for our allies and ourselves, or, if situated in the arid regions, that water is readily available for reclamation. The fact is that with some exceptions hereinafter referred to the great bulk of this 225,000,000 acres is essentially a grazing proposition. Speaking generally, the crop lands are gone into private ownership. Increased land values and the constant demand for more lands, coupled with liberal laws, have resulted in the absorption of practically the entire remaining farm lands suitable for crop production. Of course there are exceptions to this. This is a big country; not infrequently we have been restoring limited areas of ceded Indian lands or areas that have been withheld from entry in aid of irrigation projects or something of that sort which are quite desirable. But the general situation is what must be kept in mind. During recent years we have patented from 10,000,000 to 14,000,000 acres a year. As long ago as 1909 Congress recognized that the "dry farming" period had come and provided for 320-acre homestead entries; most of the homestead business since that time has been under that act. It has accomplished wonders in some sections. Great areas in Montana, Wyoming, Colorado, and Idaho, which only a few years ago were open cattle range, now support prosperous farming communities. They are producing much grain, and as a rule more meat than when these sections were open cattle range. This activity has resulted in the taking up of practically all the good crop lands. Congress recognized this when it passed the grazing homestead act allowing 640-acre entries of grazing lands, and the homestead business from now on will be about nine-tenths grazing homesteads.
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> Under the enlarged homestead (320-acre) act, a reduction of area of cultivation is allowable under certain rules and regulations where cultivation is impracticable; the law requires the cultivation of only one-eighth of the area, yet hundreds of such applications have been allowed after careful examination of the lands by special agents so that there could be no question as to the facts. Would these men and women undergo the necessary hardships to secure a home on lands so rough, mountainous, or arid that cultivation of an eighth is impossible or impracticable if there were plenty of level, fertile farm lands available? The question answers itself. The point we desire to make clear, and which the public should understand, is that, generally speaking, the remaining public lands are not farm lands in the ordinary sense of crop production at all. This does not mean that these lands are not useful, for they support a great portion of the meat and wool production of the country and are carrying their full capacity of cattle and sheep. There are large areas of privately owned dry farm lands and considerable areas of irrigable lands in the western States that are not being cultivated up to the limit.

I will not read further from this report, Mr. President. It is very illuminating and is a complete condemnation of the leasing system. The commissioner, however, makes one observation to which I wish to call attention. He says:

> Nevada has more public lands than any other State; yet we venture the statement that one can find more waste land—land not being put to its best use—within 50 miles of Washington than could be found in the whole State of Nevada.

Instead of all these millions of acres of land being of great value, the report of the Commissioner of the General Land Office indicates that a considerable portion of the same has but little value.

Mr. SHEPPARD. Where are the lands we hear so much about as being available for the soldiers? Are they on the public domain?

Mr. KING. Answering the Senator from Texas, I wish to say that within some of the valleys of the West and upon some of the sagebrush plains and in some of the so-called deserts can be found very rich land. It requires irrigation in order to reclaim the land and make it productive. To irrigate the land necessitates the construction of large irrigation systems, some of which cost from $5,000,000 to $25,000,000. But, Mr. President, I wish to say that there are millions of acres of land within the public domain which can be reclaimed and made highly productive. When reclaimed they will sustain hundreds of thousands of people.

Mr. SHEPPARD. Lands that are still part of the public domain?

Mr. KING. Yes, Mr. President; these lands are still a part of the public domain. There is still water available for storage, and if impounded and taken into these lands homes will be found for tens of thousands of families. While the lands are of but little value now, when redeemed and reclaimed they become of great value and produce better agricultural crops than much of the fertile land of the Ohio and Mississippi Valleys.

This report of the commissioner confirms my statements as to the character of the agricultural lands owned by the Government. It will cost the United States very much more to administer these lands and to dispose of them than will ever be realized. The receipts of the General Land Office for the fiscal year 1918 derived from all sources amounted to $5,431,827.66 and the expenditures for the same period aggregated $5,611,611.42. The receipts derived from the national forests for the same fiscal year were $3,574,930.07, and the cost of operating the Forest Service was over $4,000,000.

Notwithstanding the fact that the area of the public domain is diminished, the costs of administering the departments and agencies which have the control of the same are increasing. I have seen some figures indicating it has cost the United States a million and a half dollars per annum since the founding of the Government to meet the expenses incident to handling the public lands of the United States. The proceeds derived from the sale of the public lands have been considerably less than the receipts. Additional agencies and bureaus are being created to deal with the remaining lands owned by the Government. I make the prediction that if this bill shall pass, hundreds and, indeed, thousands of employees will be added to the Government rolls and hundreds of thousands of dollars and perhaps millions will be called for to be met by burdensome taxes laid upon the backs of the people.

I have received numerous complaints as to the increase in the number of employees of the Federal Government and the rapidly increasing expenditures of the various governmental departments. The Bureau of Mines, which was a modest organization a few years ago, spent $1,201,897 during the fiscal year ending June 30, 1918. There is a mania in the executive departments of the Government to multiply positions and to increase the officials and agents of the Government.

I have made a somewhat careful study of the expenses resulting from the normal operations of our Government, and I do not hesitate to state that extravagance even to the extent of profligacy characterizes many of the departments, bureaus, and executive agencies of the Government. Inefficiency exists upon the part of the personnel in some executive agencies and incompetency is found in some of the bureaus and departments. There is not that keen and conscientious regard for the public weal that should exist upon the part of public servants. There is too much of a disposition to regard the Government as a generous and careless father whose duty it is to give employment to all and to secure but little, if any, returns for the compensation paid. There should be an awakening in the departments and governmental agencies and a higher regard for the duties and obligations resting upon those holding public positions.

Mr. President, there is the same misapprehension as to the value of the mineral lands of the United States as exists with respect to the nonmineral lands within the public domain. Millions of acres of nonmineral lands in the State of Nevada are practically valueless. The same can be said of tens of millions of acres of nonmineral lands in other States of the West. It is true there are coal lands containing billions of tons of bituminous coal. There are limited fields in which oil may be found. The phosphate and sodium lands are not extensive. The public would reap far greater results from the development of these lands than would the locators. Notwithstanding the extensive coal measures there has been no coal monopoly in the West, and the opening of the coal lands to private entry under the prices fixed for their sale would result in the purchase of but a limited number of acres and would in no wise conduce to the creation of a monopoly.

Mr. President, in my opinion the best interests of the West as well as the entire Nation would be served by a cession of the 400,000,000 acres of land now owned by the Government within the public-land States to the States in which they are found. Many statesmen have favored this view. Mr. Calhoun not only favored but prepared a plan for the cession of all public lands to the States.

The States are in a condition to administer this trust, and they can do so, in my opinion, in a far more satisfactory manner than can the Federal Government. A Federal landlordism is obnoxious in the extreme. The States, being nearer the people, can lease lands, if the leasing system is found imperative, with far less expense and with more satisfactory results than can the Federal Government under a bureaucracy that is situated 3,000 miles away. The States understand the problems therein better than officials in Washington can possibly understand them. They can meet local conditions in a manner far more satisfactory to the people than can bureaus and officials who occupy the "seats of the mighty" in Washington. They can administer the public lands at an expense far less than will be incurred in this work by the Federal Government, and the expenses that will result will be met by the people of the States and not become a charge upon the Treasury of the United States. Mr. President, we should now deal with the public lands of the United States in a rational and in a final effective manner.

When I had the honor to serve in the House of Representatives a number of years ago, I introduced a bill providing for a cession of the public lands to the States. I had much encouragement and leaders of both political parties expressed themselves in hearty sympathy with the measure. I offered a similar bill during the last Congress and introduced it again at the beginning of the present session of Congress. With a few modifications I am proposing it as a substitute for the pending bill. Mr. President, under my substitute all of the public lands which have not been acquired or reserved for the public or special uses of the Government of the United States are granted to the particular States within the territorial boundaries of which they are situated. It leaves to the States to whom the cession is made the power and authority to make disposition of the same. I have, however, in deference to the opinions of some who favor the general principle of granting the public lands to the States, added a condition to the grant. This condition is to the effect that the States shall not dispose of the lands so granted to corporations, nor shall they grant to any one person more than 2,500 acres. A violation of these conditions results in a reversion of the land so granted by the States to the individual or the corporation to the Federal Government. Personally I would be willing to leave the entire matter of disposing of the lands ceded to the States. I have confidence in the people, and in their honesty, and in their ability to handle all property owned by the States.

As I have heretofore observed, the States have handled the public lands owned by them in as provident and wise a manner as has the Federal Government. The people within the States will be interested in the public lands owned by the States. They will regard such lands as a part of their own inheritance and patrimony and will exercise a supervisory care over their officials to the end that the land may be properly protected and the interests of the public guarded. The States can control the mineral lands, if the leasing system shall be deemed proper, far better than can the Federal Government. If grants or sales of lands so granted to them are made, the legislatures of the various States and the people thereof can provide such safeguards as may be regarded for the interest of all. This plan, Mr. President, is not an experiment—it is not a new policy, and many of the States have owned all of the lands within their borders and then disposed of them, and their administration of the public lands has in the main been satisfactory. It has the approval of the people of the West and in my opinion will find support among the thinking people throughout the land. On the 19th of last month there was a conference of the governors of the States held in Salt Lake City, Utah. The question of ceding the public lands to the States was there discussed and considered at great length. At the conclusion of the discussion the following resolution was unanimously adopted:

Whereas the Government records show that the public-land States contain 225,000,000 acres of unreserved and unappropriated public lands; and

Whereas the reservations and exemptions from taxation of such large bodies of land in the respective States by the Federal Government severely cripples the said States in their efforts toward such development of the natural resources and internal improvements; and

Whereas the public-land States are now facing more important reconstruction and development than ever in their history, and believing that the individual States can more economically handle the public lands within their respective boundaries to the greater beneficial advantage to the people: We, therefore,

Resolve, That it is the sense of this convention that Congress be respectfully urged and requested to cede all unsurveyed public lands without any mineral or other reservation to the States wherein the same are, respectively, situated.

Let us make this cession to the States. It will relieve the Federal Government of burdens and cares and responsibilities. It will make for the development and progress of the West and promote the general welfare of all the people of our land. Mr. President, it would be a gracious act and at the same time a wise and statesmanlike policy if the General Government should now withdraw its proprietary interests in the public domain and execute the trust which has devolved upon it and transfer the legal title to the public lands to the States within which the same are situate.

The PRESIDENT pro tempore. The question is upon the amendment, in the nature of a substitute, offered by the junior Senator from Utah [Mr. KING].

The amendment, in the nature of a substitute, was rejected.

Mr. SMOOT. Mr. President, on account of certain changes made in section 17, I desire to offer several amendments to conform to the changes made in that section.

On page 31, line 2, after the word "sales," I move to insert the word "bonuses."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 31, line 2, after the word "sales," it is proposed to insert the word "bonuses" with a comma.

The amendment was agreed to.

Mr. SMOOT. On line 6 of the same page, before the word "royalties," I move to insert "bonuses."

The amendment was agreed to.

Mr. SMOOT. On line 10, after the word "such," I move to insert the word "bonuses."

The amendment was agreed to.

Mr. JOHNSON of South Dakota. Mr. President, I do not expect to take up more than a moment. I move to amend the bill by striking out the word "twenty," in line 23 of page 14, and substituting therefor the word "ten."

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from South Dakota.

The SECRETARY. On page 4, line 23, it is proposed to strike out the word "twenty," before the word "years," and to insert in lieu thereof the word "ten," so as to read:

Leases shall be for a period of 10 years—

And so forth.

The amendment was rejected.

Mr. JOHNSON of South Dakota. I move to strike out, then, all of lines 24 and 25 on page 14, and lines 1, 2, and 3 on page 15.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from South Dakota.

The SECRETARY. In section 17, after the word "years" at the end of line 23, it is proposed to strike out the remainder of the section, in the following words, "with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods."

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, before the bill is reported to the Senate, I desire to submit for the RECORD a statement furnished by the Geological Survey showing the acreage of lands subject to disposition under the bill, so far as they have been withdrawn. The table shows the aggregate acreage withdrawn and which will be subject to disposition under the bill to be about 50,000,000. Of that 50,000,000 acres, about 40,426,000 are coal lands, 6,758,000 oil lands, and 2,724,000 phosphate lands. Of these, there are in the State of Montana 10,610,126 acres of coal lands, 1,351,891 acres of oil lands, and 287,883 acres of phosphate lands.

These facts, considering that these lands have been withdrawn from all sorts of entry for years, will in a measure explain the interest which I have exhibited in this bill.

I ask that this statement be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Summary of outstanding withdrawals.

State.	Coal.	Oil.	Oil shale.	Phosphate.	Potash.	Mineral.	Water power.	Reservoirs.	Public water.	Total.[1]
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama							120			120
Alaska							81,015			81,015
Arizona	141,945	230,400				8,507	295,848		13,826	690,526
Arkansas							22,354	23,040		45,394
California	17,643	1,257,229			90,607		288,894		57,629	1,712,002
Colorado	4,500,511	222,977	41,560				270,091	1,728	1,900	5,038,767
Florida				119,737						119,737
Louisiana		467,030								467,030
Idaho	4,761			1,015,717			258,794		7,415	1,286,687
Michigan							1,240			1,240
Minnesota							12,309			12,309
Montana	10,610,126	1,351,891		287,883			155,972	9,030	7,284	12,422,235
Nebraska							761			761
Nevada	83,833		123		39,422		27,543		4,833	155,754
New Mexico	5,585,208						62,602		5,881	5,653,691
North Dakota	10,902,615	84,894						1,569		10,989,078
Oregon	4,361						422,704	10,619	11,744	449,428
Utah	5,313,836	1,962,787	86,584	302,465			448,698	35,943	34,867	8,185,189
Washington	824,074						113,248		800	938,122
Wyoming	2,437,723	1,181,626		998,592			88,311		83,752	4,790,004
South Dakota									240	240
Total	40,426,636	6,758,834	128,267	2,724,394	130,029	8,507	2,550,504	81,979	230,171	53,039,321

[1] The same land may be included in more than one type of withdrawal, so that some of these totals are greater than the area in fact withdrawn from entry.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, line 25, after the word "cents," it is proposed to strike out the words "nor more than"; and on page 5, line 1, it is proposed to strike out the first two words, "20 cents," or to strike out the words "nor more than 20 cents."

Mr. LA FOLLETTE. Mr. President, I do not desire at this time to discuss the amendment. It has been somewhat debated while the bill was in Committee of the Whole, but I desire to have a vote on it in the Senate.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the further amendment which I now send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 25, after the word "lease," it is proposed to strike out the word "thereon"; and on the same page, line 25, after the word "States," it is proposed to

insert "of one-fourth thereof, to be selected by legal subdivisions."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer another amendment and move its adoption. I send a copy of it to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 2, after the words "per centum," it is proposed to strike out "nor more than 25 per centum."

The amendment was rejected.

Mr. LA FOLLETTE. I now offer another amendment and move its adoption. I send a copy of it to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 20, lines 4 and 5, after the words "per centum," it is proposed to strike out the words "nor more than 25 per centum."

The amendment was rejected.

Mr. PHELAN. Mr. President, I have an amendment on the desk which I ask to have stated.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from California.

The SECRETARY. On page 2, at the end of line 7, it is proposed to insert:

The President is hereby authorized, in his discretion, to place an embargo against the exportation of oil, whether produced under the provisions of this act or otherwise.

Mr. PHELAN. Mr. President, the condition which suggests the necessity of an amendment of that kind grows out of the fact that the United States is consuming more oil than it produces. I have here a letter from an authoritative source, Mr. E. L. Doheny, who writes on another subject, but includes this information in his letter:

We now produce nearly 70 per cent of the world's production of petroleum and consume more than 75 per cent. Our oil fields are nearly all discovered, those discovered are practically all well developed, and many of them are nearly exhausted. A study of the oil geology of the world brings the conviction that the United States will depend, within 10 years, upon foreign-produced petroleum for more than 50 per cent of its consumption; also a study of the increase of petroleum consumption, through the development of its use for motor engines and in other ways, also causes the belief that the United States will double its requirements within the same period and that it will require more than 50 per cent of its supply from foreign sources.

The other day the Senator from Oklahoma [Mr. OWEN] introduced in the RECORD—August 25—a statement by Mr. E. Mackay Edgar, of a distinguished London mercantile house, and among other things he says, after visiting this country and with the trained mind of a business man making careful observations:

Again, America is reaching the end of some of her most valuable raw materials and natural resources. Already she is importing oil for her own consumption; she will soon be importing copper—perhaps even wheat. Her "magnates" are rightly and shrewdly looking ahead and scouring the world for reserves of basic metals and minerals that will make good their own dwindling supplies; but wherever they turn they find that British enterprise has been before them. We hold many of these essential key positions in our own hands. Even if they do not lie inside the British Empire, they are controlled by British capital. America one of these days—and not very distant days, either—will have to come to us for the oil, copper, and, perhaps, the iron ore she needs, just as she has come to us for wool. That is why I, for one, am not greatly disturbed by America's competition.

That is the opinion of a keen observer, but it is borne out by the report of the Bureau of Mines of the Government of the United States that there is a drain already upon our natural resources, and we have already consumed 40 per cent of all our oil, whereas we have consumed only 1 per cent of our coal. Under the existing law, which is the act of May 10, 1872, no foreigner, nor anyone except a citizen of the United States, or one who has declared his intention to become a citizen, has a right to locate on a mineral claim upon the public domain. When the pending bill was reported from the committee it contained substantially the same provision which is now in the existing law, namely, that no foreigner could under this act own any stock under any lease or participate in the location of any claim upon the public domain, but in Committee of the Whole that was amended to permit a foreigner, under this act, to go upon the public domain just like a citizen and acquire certain rights to our mineral resources, with this addition, which was added in Committee of the Whole, that it was subject to the power of the President to take over the plant, and of the Secretary of the Interior to take over the oil, in the discretion of the President or the Secretary of the Interior, as the case might be. But it is a departure from the established law and should have some justification. The established and existing law to-day does not permit a foreigner to go upon the public domain, whereas the law which has just come out of the Committee of the Whole into the Senate permits him, conditional, however, upon the President and Secretary of the Interior having the right in one case to take the plant and in the other to take the oil.

Mr. LENROOT. Will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PHELAN. Certainly.

Mr. LENROOT. I do not think the Senator stated that quite correctly. An alien can not acquire a lease under the law. The provision the Senator refers to relates only to stock ownership, but the lessee must be a citizen of the United States.

Mr. PHELAN. The exact language of the amendment as it stands now in the perfected bill is that:

No alien shall by stock ownership or otherwise own any interest in a lease acquired under the provisions of this act except with the specific provision in such lease authorizing the President—

And so forth. That is correct.

Mr. LENROOT. But the lessee can not be an alien.

Mr. PHELAN. I do not understand the distinction.

Mr. PITTMAN. I call attention to the fact that section 1 contains this provision:

Except as herein provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States.

That is in the first section of the bill.

Mr. PHELAN. The Senator contends that foreigners are barred under the perfected bill from acquiring any interest in any lease.

Mr. PITTMAN. I interpret it that way.

Mr. PHELAN. I do not think that is the interpretation of the Senator from Wisconsin [Mr. LENROOT].

Mr. LENROOT. No; no alien can become a lessee, but an alien may own stock in a corporation that is a citizen of the United States under the provisions the Senator refers to.

Mr. PHELAN. It is substantially the same thing. The foreigner in his proper person can not become the owner of a lease, but he can incorporate himself and become the owner of the lease. That is tweedledum and tweedledee, and it is the same vice that exists in many States. In the State of California no alien ineligible to citizenship can own agricultural land, but he organizes a corporation and enjoys full possession of the land, which, of course, is an error on the part of the lawmakers. They should have barred them also from participating as owner through the medium of a corporation.

I am not commenting upon what has already been done in perfecting that particular section giving the President power to take over the property and the Secretary to take over the oil in their discretion, but I want it to apply to the oil wells owned now in the United States of America in order to deter foreigners from seeking to acquire oil property. My proposed amendment, which has just been read by the Secretary, provides in this language:

The President is hereby authorized, in his discretion, to place an embargo against the exportation of oil, whether produced under the provisions of this act or otherwise.

What would be the effect of that? It would have the effect of deterring foreigners, or, as the case may be, provided the State laws are effective, foreign corporations from acquiring existing wells.

I have shown you that we have consumed 40 per cent of our oil resources, and that we are consuming more now than we produce, and I will show you, from the record if necessary, that particularly a British corporation, the Royal Dutch Shell, is acquiring existing wells throughout the country in Oklahoma and Texas, and I have more particular knowledge of California; and there is nothing to prevent them, except a lack of money, from acquiring all our oil properties; and the matter of money is of small importance to Great Britain at this time.

Mr. THOMAS. Mr. President, is not that what prevents all of us from getting them—lack of money?

Mr. PHELAN. But the Senator is not in the unique and unusual position in which I find Great Britain. Great Britain now owes the United States, at the last report which I observed, something like $4,000,000,000, and I think we are generously extending credit from time to time. I find in the RECORD of October 21 the following:

One of the leading New York papers has drawn attention to the fact that, whereas England is borrowing immense amounts of money in the United States, their money market is easy as compared with money conditions in this country. In this way England is able to build up its industries in preparation for the severe competition which is bound to follow after the war.

An example of this is that the English Parliament recently voted £2,000,000 in advance to dyestuff makers in England, while England is borrowing money here.

While England is borrowing money here, the very thing we are doing, trying to encourage by tariff, special levy, and otherwise, our dyestuffs, England is using the money that we loan for the purpose of throttling that industry so far as we are concerned and establishing independent and competitive plants in London.

Another is the fact that the London Water Co. notes, which sold here—

That is, in the United States—

on about a 7 per cent basis, and are now maturing, have been replaced in London on a 3½ per cent basis, due to the easy money market in England as compared with the high rates which United States industries must pay in this country.

In other words, England has taken our money, and that liberated hers, and with hers she is investing in these corporations which will be in competition with ours, and she has had the indecent enterprise, I might say—I rather commend her financial prowess and foresight—of taking our own money and buying our own oil wells and putting us in the position of a nation having an insufficient supply, because that oil is exported for English uses, industrial, naval, and martitime, throughout the world. It reminds me very much of Byron's lines:

So the struck eagle, stretch'd upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart,
And wing'd the shaft that quiver'd in his heart,
Keen were his pangs, but keener far to feel,
He nursed the pinion that impelled the steel.

We are contributing to our own undoing, and that which appealed to our generosity after the war is used for the purpose of diminishing our own natural resources.

Therefore there should be no objection, since we have given the President power in the case of these leased lands to protect the country against the exportation of it, because it means nothing else; at the same time give the President the power to forbid in emergencies or in his discretion, let us say, to foreigners to export the natural resources of our country so necessary for its industrial life, so necessary for the maintenance of its merchant marine and its Navy.

I can not see where the objection lies, and certainly it will not stir any retaliation anywhere, because Mexico is the only oil land which we look upon for an auxiliary supply, and there is there a vast production, and there the logic of the situation and the economic necessity will never lead that Government to put a ban upon exports. It is the life of the country to sell its oil, and no matter what action we may take which in no way interferes in practice with Mexico's nationals, that supply shall be utilized for foreign consumption. But here is a surprising development.

Mr. Doheny, who is an American, as well as a Mexican, oil producer, recently went to London and organized a marketing company with these same Englishmen who are buying, let us say, the California and the Texas wells, so that not only will they own our supply but they will control the Mexican supply owned by American citizens, as in the great Tampico district, owned very largely by Mr. Doheny, who, I believe, is the president of the Mexican Petroleum, which, among other property, owns the great gusher giving out 300,000 barrels a day, and which is about the total output of all California. There they have one well with a capacity of 300,000 barrels a day! But Mr. Doheny, not finding any encouragement in this country, has gone to England, and now has half the supply, because the company is organized on the basis of equal distribution and equal profit, and has given to England that supply which we have looked upon with covetous eye. Mr. Doheny has not tied up all his property in Mexico in this matter, but the danger is none the less real.

So, as the gentleman quoted said in his interview, wherever we go we find that Great Britain is just ahead of us! If I thought for a moment that such a provision as I offer would in any way lead to retaliation, which I can not conceive, I would not for a moment propose it; but I think by adopting the amendment we will deter or discourage the foreign companies—you see it is not a prohibition; it discourages them—from acquiring American properties, because no foreign company, certainly no nation dealing in the oil supply as Great Britain, as a nation, is doing, would acquire wells where she would not have the power in case of necessity to export it for her own uses.

This marketing company was organized by the Englishmen and Mr. Doheny; and I ask permission that the account of it be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

TO MARKET OIL ABROAD—PAPERS FOR BRITISH MEXICAN PETROLEUM CO. FILED.

Following the receipt of cable messages from London, it was announced in the financial district yesterday that articles of incorporation of the British Mexican Petroleum Co., which came into being following a prolonged visit of E. L. Doheny, head of the Pan-American Petroleum Co. in England recently, were filed July 15. The new company will have an initial paid-up capital of £2,000,000 and will function as the marketing company for Mexican petroleum products in the Eastern Hemisphere.

It is planned for the new company to own a fleet of tank steamers and to have large tank farms at the important European shipping ports for the bunkering of vessels with fuel oil. It is also planned to construct refineries for the handling of crude oil from the Mexican Petroleum Co. Half of the capital has been subscribed by British interests and the remainder by the Pan American Petroleum Co. The contract with the Mexican Petroleum Co. runs for a period of 20 years and requires an annual purchase from the Mexican company of several millions of barrels of oil and gasoline.

Organizers and directors of the new company are Lord Pirrie, William Weir, Sir Thomas Royden, Sir Peter McClelland, Sir James T. Currie, J. R. Morton, E. L. Doheny, H. G. Wylie, E. L. Doheny, jr., J. M. Danziger, Elisha Walker, and L. P. Sheldon. Sir Alexander McGuire and W. A. White will act as alternates for the American directors residing away from Great Britain.

Lord Pierre, who is chairman of the new company, is the head of the shipbuilding firm of Harland & Wolff and a director of the International Mercantile Marine Co. William Weir is head of the firm of Andrew Weir & Co., and is a large owner and operator of ships. E. L. Doheny is president and H. G. Wylie a vice president of the Mexican oil supplying companies. The former is vice chairman and the latter managing director of the British-Mexican Petroleum Co. Sir Thomas Royden is deputy chairman of the Cunard Steamship Co. Sir Peter McClelland is the senior partner of Duncan, Fox & Co. Sir James Currie is a director of the United Baltic Corporation, and will be executive director of the new company. Elisha Walker is a partner of William Salomon & Co., New York, and L. P. Sheldon is a partner of Salomon & Co., London, which firms have acted as bankers for both the Mexican Petroleum and Pan American companies.

Mr. PHELAN. If there is any objection on the score of retaliation I should like to hear it; but I warn the Senators that this is an opportunity to take advantage through the arm of the Federal Government—the only weapon we have—to impose an embargo. We can not deny a foreigner to acquire property such as oil wells in this country by an act of Congress. There is no such power in Congress. The States may within their jurisdiction control the ownership of land and the minerals on private property by corporations, but not the Federal Government. So our only power is by such an amendment as I propose—to discourage foreigners by forbidding them the full, complete, and exclusive ownership of their property, because we would give to the President the right to impose an embargo. We are warned of this, with which I shall close, by the pious sentiment in the parable:

"Then shall the kingdom of heaven be likened unto ten virgins, which took their lamps, and went forth to meet the bridegroom.

"And five of them were wise, and five were foolish.

"They that were foolish took their lamps, and took no oil with them:

"But the wise took oil in their vessels with their lamps.

"While the bridegroom tarried, they all slumbered and slept.

"And at midnight there was a cry made, Behold, the bridegroom cometh; go ye out to meet him.

"Then all those virgins arose, and trimmed their lamps.

"And the foolish said unto the wise, Give us of your oil; for our lamps are gone out.

"But the wise answered, saying, Not so; lest there be not enough for us and you: but go ye rather to them that sell, and buy for yourselves.

"And while they went to buy, the bridegroom came; and they that were ready went in with him to the marriage; and the door was shut."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from California [Mr. PHELAN].

On a division the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be reported.

The SECRETARY. On page 25, line 5, insert the following:

And provided further, That every permit and lease shall reserve to the Secretary of the Interior the right to limit the original issue of capital stock by the permittee to an amount corresponding at par value to the cash actually subscribed and paid therefor, computing as such cash a reasonable compensation for labor and money expended and risk incurred in prospecting and development work by the permittee and others associated with him, and shall also reserve to the Secretary the right to limit subsequent issues of capital stock to such amounts as he may deem compatible with the interests of the public.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

[Putting the question.] The noes seem to have it. The noes have it.

Mr. WALSH of Massachusetts. I ask for a division.

On a division the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that this amendment proposes to protect the people of the country against stock-watering, and unscrupulous permittees, and licensees using the authority of the Government to expand capitalization, I feel it my duty to ask for a roll call.

Mr. SMOOT. Mr. President, it is too late now for the Senator to ask for a roll call. The amendment was first rejected on a viva voce vote. Then the Senator arose and asked for a division. That was granted, and the amendment was again rejected. It is now too late to have a yea and nay vote.

Mr. WALSH of Massachusetts. Then, Mr. President, if the chairman of the committee raises that objection, I shall not press the request, but I am sure it will be an added reason why some Members of the Senate should vote against this bill.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. KIRBY. I offer the amendment which I sent to the desk as a substitute for the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

The President of the United States is hereby authorized to mine and develop coal, oil, and gas in any lands belonging to the United States, and to operate the mines and wells under the direction and supervision of the Secretary of the Interior when in his discretion the public exigency may require that it shall be done.

Mr. KIRBY. Mr. President, the lands involved in this legislation have long been reserved from exploitation by individuals and by corporations, and the need is now greater for the reservation and conservation of oil and coal for the use of the Government than it has been in our history heretofore. We have already exhausted over 40 per cent of our indicated oil resources. We must always have enough coal and enough oil with which to operate our Navy. We believe we ought to establish a merchant marine that will take care of the commerce of the United States, and we know that we must have coal and oil in order to do that.

I believe the merchant marine ought to be operated by the United States Government. We have builded ships, and we are building them now. The ocean is there, and it never needs repair. We have fought this war for the freedom of the seas, and, whether it has been guaranteed or not, the fact remains that the United States of America has said that the submarine can not be used against the shipping of neutral nations; that has been the demand by this Government of ours, and it has been determined by a victorious war. That settles the question of international law. We are entitled to the freedom of the seas. We need this coal and we need this oil to take care of the conditions that will develop, and I say now is the time to preserve them. This is all that is left.

The question is becoming more and more acute. The oil interests are behind the insistent and persistent propaganda for a war with Mexico; that is the motive which is at the bottom of it all. There is an organized and persistent propaganda and demand for war with Mexico. It has grown largely out of the oil interests down there. I do not think we should have a war with Mexico. There is less excuse for it now than there has been heretofore; but the propaganda is being urged all the time. I think it is time we should consider the Government's interests. Let us save and preserve these lands and until the time comes when it will be necessary to use them. My amendment merely proposes to give the President the authority to mine and to use the coal and oil when the emergency arises therefor.

Mr. LA FOLLETTE. Mr. President, I am going to read just two or three paragraphs from the September issue of a magazine which is called Reconstruction.

WHAT IT COSTS US TO LET OIL BUSINESS BE PRIVATELY OWNED.

Nearly every great fortune in the United States is based upon private ownership and development of some natural resources of the country. In five years after the dissolution of the Standard Oil Co., the companies included in the Standard Oil combination, distributed in cash $407,401,626; in stock at par value $207,200,000; and subscription rights at par to the value of $40,900,000; a total of $655,000,000, while the total capitalization of these companies on April 15, 1912, was only $276,916,754.

The Commissioner of Internal Revenue gives some interesting information as to the profits made by oil companies for 1916, which are the last figures of the bureau available. This was before profiteering in the name of patriotism became quite the most profitable profession in America for a little group of undemocratic Americans. In that year, corporations developing oil, gas, and salt wells had a net income of $236,795,209; during the same year, corporations extracting coal had a net income of $121,082,830; those extracting copper had a net income of $271,087,120. During the same year, corporations extracting gold, silver and other precious metals had a net income of only $14,907,086.

The Commissioner of Internal Revenue also reports in 1916 the average net income of 2,554 mine owners and operators was $45,140. Eleven mine owners and operators had a net income in 1916 of over $1,000,000; 10 had a net income of over $1,500,000; and several a net income of over $6,000,000. The total net income of corporations extracting minerals was in 1916, $798,883,349.

These figures show clearly why American financiers are so anxious to be allowed to grab the people's natural resources. They show equally clearly why Congress should refuse to turn over the people's resources for the enrichment of the few and the impoverishment of the many.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas.

Mr. KIRBY. I ask for a division.

The question being put, on a division the amendment was rejected.

Mr. PHELAN. Mr. President, I had expected to address the Senate on the bill, but on account of the lateness of the hour and because of the fact that the Senator from Wisconsin [Mr. LENROOT] has covered the ground, I shall merely ask permission to insert in the record a statement by Mark L. Requa, former oil director of the Fuel Administration, and a statement by James N. Gillett, former governor of California, explaining very tersely the condition existing in naval reserve No. 2.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statements referred to are as follows:

NEW YORK CITY, *July 30, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have noted with interest and considerable satisfaction the resolution introduced by Senator POINDEXTER on the subject of prices of oil in California. May I ask if you will send me a copy of the resolution as passed?

From the statement published in the New York papers this morning I quote as follows:

"Inasmuch as the Pacific coast, through its California oil fields, produces more oil than it consumes, there is no excuse for the coast prices exceeding Atlantic or Gulf prices."

This is presumed to be quoting Senator POINDEXTER. Nothing could more clearly prove the desirability for an unbiased statement of the truth than this quotation, if correct. As a matter of fact, during the war the California prices for oil were the lowest in the United States, and storage was being drawn upon to an alarming degree and is still below a reasonable reserve.

The reason that oil can be sold at New Orleans for 80 cents is because of the Mexican oil fields, with which the United States producers can not compete in the matter of cheap costs. The average production per well per day in the United States is about 4½ barrels; 5,000, 10,000, 50,000, and 100,000 barrels per well per day is possible in Mexico. There is no well in the United States upon a par with the great well of the Mexican Petroleum, which is analogous to a water pipe with the faucet on the end of it—you open the faucet a little farther as you want more fluid. This one well has produced over 100,000,000 barrels, and is still going, apparently, as strong as ever.

The oil producers upon the Atlantic seaboard must make their money out of some other part of the barrel than the fuel oil, because of this competition from Mexico. In California a very large percentage of the oil is sold direct for fuel without any refining. If Mexico was as close to California as it is to New Orleans the same prices for oil would prevail, but, incidentally, the oil producers of California would be facing bankruptcy.

The statement that the oil consumers of the coast are required to pay $1.85 per barrel is true if the point of delivery is Puget Sound. Assuming a heating value of 3½ barrels of oil equivalent to a ton of coal would bring the price of the coal to $6.47. If Senator POINDEXTER's Washington coal mines can produce and market coal at a price sufficiently attractive they will take the business as against fuel oil, of course; but that they are not doing this is evidenced by the fact that fuel oil still commands the market.

It is also entirely easy to demonstrate that the producers of fuel oil in years past in California have not made a profit commensurate with their risk and over many years made absolutely no profit at all.

I am writing this letter for your own information, although I have no objection to your making any use of it you may desire. I am interested only in seeing the whole truth stated; and in order to do this, the Federal Trade Commission must do something more than make a mere accounting investigation into the situation. It requires a review of the entire oil problem of

the Pacific coast and a determination of some of the fundamentals that go beyond the mere question of figures, although even these in themselves will if intelligently presented show the problem in a satisfactory light.

Very truly, yours, M. L. REQUA.

FACTS CONCERNING NAVAL PETROLEUM RESERVE NO. 2.

Naval petroleum reserve No. 2 was created December 13, 1912. It contains 30,080 acres—15,360 of which have been patented to the Southern Pacific Railroad for nearly 25 years, 3,520 acres have been patented to others, 7,040 acres were located or filed on under the placer mining laws prior to January 1, 1909, and the rest is vacant land.

In the spring and summer of 1909 a number of oil companies were in possession of said mineral locations and were busily engaged in doing necessary work leading to the discovery of oil. Some were building roads, some were building cabins and derricks and doing such work as was necessary to prepare the land for drilling, and on one or two of the claims drilling was in actual progress.

While this work was being done, the President of the United States, on September 27, 1909, withdrew from entry 3,040,000 acres of supposed petroleum lands in California and Wyoming, which included the above-mentioned lands. This order stated that it was made "in aid of future legislation," and it contained the following provision: "All locations or claims existing and valid on this date may proceed to entry in the usual manner."

There were then about 20 companies and individuals operating on the lands within naval reserve No. 2. A statement filed by Commander Wright, of the Navy, and published in the hearings on S. 3521 before the Naval Affairs Committee of the Senate, shows that prior to the date of the withdrawal order the oil claimants on lands which had been located in naval reserve No. 2 had spent $100,000 in development work in the discovery of oil, and had spent $160,000 in work where no oil had been discovered.

Mr. Louis Titus, who is largely interested in the reserve, and who knows what work was being done before the land was withdrawn from entry and where it was performed, filed a statement with the Naval Affairs Committee giving an estimate of the amount expended in different sections prior to the withdrawal order, which is as follows:

Section 20	$46,000
Section 22	4,000
Section 26	11,000
Section 28	22,000
Section 34	6,000
Section 2	8,800
Section 12	2,000
Section 18	27,000
Section 32	3,000
	129,800

This does not include work done on lands claimed by the Honolulu Consolidated Oil Co., which, according to Commissioner Talman of the General Land Office in a letter to Secretary Lane bearing date April 12, 1916, amounted to more than $100,000 prior to the withdrawal order.

About 13 companies have continued their work and are now in possession of their claims, while others, who were on barren lands, after spending large sums of money, have abandoned theirs. No objection whatever was made by the Government to these companies holding their claims, and they were permitted to continue with their work and develop a very fine and well-equipped oil field.

On December 13, 1912, the date of the creation of naval reserve No. 2, they had expended about $10,000,000 in development work alone, to say nothing of the large sums paid for their lands. The Associated Oil Co. paid for its land $1,770,000. Following is a list of expenditures prepared by Commander Wright, of the Navy, showing expenditures made by the several companies therein mentioned up to December 13, 1912, the date on which naval reserve No. 2 was created, which statement was submitted to the Naval Committee of the Senate when S. 3521 was pending before it:

Honolulu Consolidated	$1,310,000
Standard Oil Co	1,300,000
Associated Oil Co	1,320,000
Union Oil Co	400,000
General Petroleum	350,000
St. Helen's	210,000
Boston Pacific	225,000
North American	750,000
Consolidated Mutual	450,000
California Amalgamated	125,000
Caribou Oil Co	150,000
Record Oil Co	200,000
United Oil Co	210,000
Midland Oil Co	70,000
	7,070,000

This is nearly $3,000,000 short of what was actually expended, but we will, for the sake of this statement, assume that it is correct.

Now, after the reserve was created, December 13, 1912, nothing was done by the Government to prevent these companies from drilling more wells, expending more money, and extracting the oil and selling it until October 25, 1915, when an action was commenced against the North American Co. Before the end of the year five more suits were started. One suit was commenced in September, 1916, against the Pioneer Midway Oil Co., and in 1917, over five years after the reserve was created, 23 more were commenced, so that to-day every company operating within the reserve has been sued. Four decisions have been rendered in the district court so far, and all have been in favor of the claimants. The decision in favor of the North American Oil Co. has been sustained by the United States circuit court of appeals.

All the suits have been based on the following allegations, to wit: "No discovery prior to withdrawal, hence no valid location. Not a bona fide occupant, and not in diligent prosecution of work at date of withdrawal. No discovery work initiated prior to withdrawal." In some of the cases, those based on what are known as the McMurtry locations, a charge of dummy entrymen is made.

The order creating naval reserve No. 2 contained the following provision: "Subject to valid existing rights." The circuit court of appeals and the district courts hold that it was not necessary that a discovery of oil or gas should have been made prior to September 27, 1909, the date of the withdrawal order, in order to constitute a valid claim, and this is now conceded by the Government. So the first ground set forth by the Government fails.

The other ground, that "no discovery work was initiated prior to withdrawal," must also fail. Commander Wright, in the statement above referred to, admitted that these companies had expended $260,000 prior to the withdrawal order. If that money was not spent in initiating "discovery work," then what was it spent for?

As to the claim that diligent work was not done, it is only necessary to call attention to the fact that in the three years preceding the creation of the naval reserve the claimants operating therein expended $7,070,000 in the development of their claims, as appears by Commander Wright's statement, whereas, as a matter of fact, they spent about $10,000,000.

The charge of dummy entrymen is based upon the locations made by one McMurtry, acting as the attorney in fact for some New York locators. The United States district court, Judge Bean sitting, a few weeks ago rendered a most carefully considered decision, in which he holds that the McMurtry locations are valid locations; that the locators were not dummy locators; and that the defendants who succeeded to their interests are bona fide claimants. He thereupon dismissed the action.

THE RESERVE CAN NOT BE MADE A PERMANENT ONE.

There are between 330 and 350 producing oil and gas wells in the reserve. Nearly one-third of the oil has already been extracted. These wells can not be plugged and abandoned, but must continue to flow.

The oil sands having been tapped, the only safe and sensible thing to do is to extract the oil expeditiously and under the best methods known to the business while the gas pressure continues. Every geologist and every oil man of experience who is acquainted with and personally knows the conditions now existing in the reserve says that the reserve can not be made a future reserve for the use of the Navy, and that it is only valuable for present use. This opinion was given by Mr. Doheny, one of the most experienced oil producers in the world, and by Mr. Williams and Mr. Naramore, geologists in the Bureau of Mines, and by Mr. Wolfe, a geologist, who has been employed by the Navy Department to examine and make a report on the reserve. These opinions were given to the Committee on Public Lands, and all of these gentlemen are personally familiar with conditions existing in the reserve.

In a report concerning the reserve filed with the committee of the House at the request of Mr. FERRIS, Mr. Wolfe says: "If only the present well openings continued to produce and no more wells were drilled in the future, it is probable these present wells would in their life extract 30 per cent of the original oil content; and if this course of action or policy were adopted, it is also certain that all of the 70 per cent remaining would not, because of the depletion of the gas reserves needed to expel the oil, be extractable in the future."

If the reserve can not be made a permanent one, then it is evident that the only thing to do is to extract the oil to the best advantage so as to save the most of it.

The oil companies are in possession; were there before the land was withdrawn and had expended, according to the Navy's own statement, $7,070,000 before the naval reserve was created. They have all the equipment and facilities necessary to carry on the work of getting all of the oil in their respective claims. They are not going to surrender their claims and lose the millions they have invested without appealing to the highest court in the land, and to do this it will take a number of years.

If a lease to the land is given to them, upon their paying a fair back royalty for oil already produced and a reasonable royalty for future production, they can then go forward with their work, save their investments, extract the oil, and in this way the Navy can get its share and probably as much as it would receive if it was to take over the properties and operate them.

These companies all have acted in the very best of faith. They are free from any fraud or wrongdoing, and if they lose all they have expended it will be upon a mere technicality of the law and not because they knowingly sought to evade any law. They went upon the land prior to any withdrawal thereof and were unmolested in their holdings for six years or more, during which time, with the full knowledge of the Government, they expended millions of dollars in developing the property now claimed by the Navy and which it is now asserted they are holding as willful trespassers.

If any oil claimants on withdrawn lands are entitled to relief, those operating in naval reserve No. 2 certainly are, and the relief granted should be equal to that given to claimants who are upon lands without the reserve.

JAMES N. GILLETT.

Mr. LENROOT. Mr. President, just one sentence with regard to a matter which I do not think has been referred to in the debate. There is nothing in this bill to prevent the President from creating as many naval reserves as he sees fit out of the 3,000,000 acres that will be subject to disposition under this bill, the only condition being that existing wells within any naval reserve he may create may, under certain conditions, be leased.

Mr. WALSH of Massachusetts. I should like to ask the Senator who has just addressed the Senate if there is any provision in this bill that restricts a permittee or a licensee from getting a license or a lease or a permit from the Government, capitalizing it for millions and billions of dollars and fleecing the general public?

Mr. LENROOT. There is no such provision in the bill.

Mr. PITTMAN. And, Mr. President, there is no Federal law covering the oil wells in Texas or in Pennsylvania, or in any other State, where the land is in private ownership. It seems to me that some of the gentlemen who have suddenly become so much interested in wildcat schemes would spend their time to better advantage looking after the 99 per cent who are fleecing the public and who live in their own neighborhoods, rather than the possible 1 per cent who are actual miners.

Mr. WALSH of Massachusetts. Mr. President, I do not know to whom the Senator refers, but lest his remarks might by implication be construed to mean that I have neglected my public duty, I desire to say that this is the first bill of this character upon which I have been called to vote in the Senate. I am not concerned about whether we have erred in the past, but I do not propose to vote to give the sanction of the United States Government to permittees and licensees to use the authority and name of this Government to fleece the people of the United States.

Whatever justification a private individual may have, there can not be any justification for the use of the name of the United States Government. Furthermore, every private individual who gets a permit has got to be honest, or no bank and no individual will loan him money, but without a restriction upon capitalization men can incorporate and be absolutely dishonest and fleece the general public. The partnership that secures a permit and the individual who secures a permit have got to deal honestly with the Government and honestly with the people, but to a group of men the door is thrown wide open to incorporate for any amount of money they desire without any restriction or limitation. I for one think that the general public, regardless of those who reap the benefit under this bill, are entitled to be protected. When the United States Government grants a permit or a license it has a right to say, "We insist upon your being honest in your capitalization and being honest in your dealings with the general public."

Mr. PITTMAN. Mr. President, all of the inspiration to honesty has apparently been aroused in an effort to defeat this bill. It has all been aroused apparently in an effort to prevent the prospectors out upon the desert from pursuing their ordinary vocation. The odium that it is being attempted to heap upon this bill has that purpose. The effort is being made to prevent the lands from being leased and developed. As a matter of fact, wildcat companies that are dealing in oil are organized and exist in the East. The Senator's State is full of them, although the blue-sky laws of Massachusetts could stop it, as they could have stopped it when he was governor of that State. It is the same way with the other eastern States. If Senators are anxious to stop speculation in wildcat stocks, go to the source of the evil, but do not attempt to stop production in this country under the guise and excuse of attempting to stop speculation in stocks.

SEVERAL SENATORS. Vote!

Mr. SMOOT. Mr. President, I must insist upon the rule that a Senator can not speak more than twice upon any one question in debate on the same day. I have not even suggested the application of the rule in the past; but it is now 25 minutes of 11 o'clock; we have been here nearly 12 hours, and really I feel obliged to ask the Senator from Massachusetts to desist from saying anything further.

Mr. WALSH of Massachusetts. I shall cheerfully comply with the request, simply commenting upon the fact that the request is in keeping with some of the general conduct which has characterized the treatment and handling of the bill in the Senate.

Mr. SMOOT. Mr. President, that is casting an aspersion on the Senator from Utah having the bill in charge. I will withdraw the request, and the Senator may speak as long and as many times as he desires.

Mr. WALSH of Massachusetts. It is too late to withdraw it. The Senator made his attempt to restrict me, and it is not necessary for him to withdraw it.

Mr. THOMAS. Mr. President, I will assume the responsibility of asking for the enforcement of the rule.

The PRESIDENT pro tempore. The question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. KENYON. On that question I ask for a division.

On a division the bill was passed.

ENFORCEMENT OF PROHIBITION.

Mr. STERLING. I move that the Senate proceed to the consideration of House bill 6810, being calendar No. 129, known as the prohibition bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, which had been reported from the Committee on the Judiciary with amendments.

Mr. STERLING. Mr. President, I do not care to proceed further with the bill to-night, it being understood that it will be the unfinished business.

Mr. SHEPPARD. Has the Chair laid the bill before the Senate?

The PRESIDENT pro tempore. Yes; the Chair has laid the bill before the Senate, and it is now the unfinished business.

ADJOURNMENT.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 4, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 3, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, delivered the following prayer:

Our Father in heaven, like one who offers grace before meat, we give Thee our praise this morning as once more we awaken to view the richness of life. For the beauty of the earth and its seasons; for the lessons of the past and the thoughts of great and noble men; for books, music, and art; for human kindness, charity, and fellowship; for our country, our friends, our homes, our loves, our laughter, and the innocence of little children; for consolation for sorrow, courage in defeat, regret for mistakes, the moving power of high ideal, and the spurring of conscience; for the means of grace and the hope of glory; and for to-day's work and responsibilities and opportunities—we thank Thee, O Wonderful Giver. Help us to accept all in such