

## LEAVE OF ABSENCE.

By unanimous consent leave of absence for five days was granted to Mr. HARDY of Texas on account of making some speeches.

## REPRINT OF A BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 8624, with Senate amendments. This is the antiprofitteering bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

## ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned to meet to-morrow, Friday, September 19, 1919, at 11 o'clock a. m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2961) authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland, reported the same without amendment, accompanied by a report (No. 321), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9026) to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916, reported the same with amendment, accompanied by a report (No. 322), which said bill and report were referred to the House Calendar.

Mr. RAMSEYER, from the Committee on the Post Office and Post Roads, to which was referred the bill (S. 2972) to extend the cancellation-stamp privilege to the Roosevelt Memorial Association, reported the same with amendment, accompanied by a report (No. 323), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (S. 1018) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 324), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HUMPHREYS: A bill (H. R. 9351) providing for the extension of the post-office building at Greenwood, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. JUUL: A bill (H. R. 9352) to provide for a public building at Des Plaines, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. FESS: A bill (H. R. 9353) to create a national university at the seat of the Federal Government; to the Committee on Education.

By Mr. CARAWAY: A bill (H. R. 9354) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Greene and Craighead, and subjecting said lands to taxation; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 9355) granting one year's pay to all members of the military and naval forces of the United States who served during the present war; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 212) providing an allowance of credits in the Reserve Officers' Training Corps for active service in the Army or for intensive training not received at educational institutions; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Tennessee: A bill (H. R. 9356) to correct the military record of E. D. Judkins; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 9357) for the relief of S. S. Markley; to the Committee on the Public Lands.

By Mr. GREEN of Iowa: A bill (H. R. 9358) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9359) granting an increase of pension to Thomas Rennard; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 9360) for the relief of Edward F. Dunne, Jr.; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 9361) granting an increase of pension to Francis A. Caughey; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 9362) granting a pension to Annie E. Ranke; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 9363) granting a pension to Brooklyn Hodges; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 9364) granting an increase of pension to Myrtle L. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9365) granting an increase of pension to Cynthia M. James; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 9366) for the relief of the estate of Elizabeth K. De Bus, deceased; to the Committee on Claims.

## PETITIONS, ETC.

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

By Mr. BRIGGS: Petition of highway departments of Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas, requesting that motor vehicles and other war materials suitable for road building be immediately transferred to the several States; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of the St. Paulus Unterstutzungs-Verein, of San Francisco, Calif., protesting against the Smith-Towner bills; to the Committee on Education.

By Mr. O'CONNELL: Petition of Retail Dry Goods' Association of New York, protesting against the passage of House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Enamelled Brick & Tile Co., Steinfeld Bros., and Westinghouse Lamo Co., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of C. B. Carter, of Philadelphia, Pa., protesting against the Longworth bill, House bill 8078; to the Committee on Ways and Means.

By Mr. ROWAN: Petition of William A. Gardner, of New York, favoring the passage of the Sells bill, House bill No. 2; to the Committee on Pensions.

Also, petition of Windels and Holtzoff, of New York, favoring the passage of the Sweet bill; to the Committee on the Judiciary.

Also, petition of B. M. Jewell, H. E. Wills, and J. J. Forrester, of Washington, D. C., favoring the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of George Sykes, of New York, protesting against the Longworth bill; to the Committee on Ways and Means.

Also, petition of Steinfeld Bros. and D. Auerbach & Sons, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

## SENATE.

FRIDAY, September 19, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, amid the ever-increasing responsibilities and duties of life we cling to the precious promises of Thy word. Hitherto Thy grace has been sufficient for us; Thy good will has been with us, leading us through days of danger and turmoil and strife. We still follow the light of Thy truth along the pathway that is before us. We pray that we may measure up to the added responsibilities of each day, and as men of God seek to do Thy will in us as a Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

## 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. 7632. An act to amend section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the Board of Harbor Commissioners of the Territory, as herein amended, and amending the laws relating thereto," approved March 28, 1916; and

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding \$75,000, for the purpose of constructing and installing a municipal electric-light and power plant, and for the construction of a public-school building.

The message also announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 5,500 copies of the hearings and 10,000 copies of the report of the committee entitled "Brewing and liquor interests and German propaganda and Bolshevik propaganda," etc., with an amendment, in which it requested the concurrence of the Senate.

#### ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917; and

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

#### PETITIONS AND MEMORIALS.

Mr. NEWBERRY presented petitions of sundry citizens of Pontiac, Eaton Rapids, Covert, Grand Rapids, and Detroit, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a memorial of sundry soldier patients at the Walter Reed Hospital, Washington, D. C., remonstrating against the policy of the War Risk Insurance Bureau in using undue influence upon soldiers to cause them to subscribe nearly one-fourth of their pay for protection in case of disability and failure of that bureau to live up to the initial agreement, which was referred to the Committee on Finance.

Mr. WALSH of Massachusetts. I present memorials signed by several hundred citizens of the State of Massachusetts of Irish descent, remonstrating against the ratification of the league covenant unless amended to secure to the United States representation equal to that of any other nation. I ask that the body of one of the petitions be printed in the Record.

There being no objection, the petitions were ordered to lie on the table and the body of one of them was ordered to be printed in the Record, as follows:

We, the undersigned citizens of Massachusetts, hereby petition the Senate of the United States not to ratify the peace treaty with the covenant of the league of nations as it is now proposed. We protest against the acceptance of any league of nations—

1. Which allows any other nation to have a greater representation in any of its bodies than the United States.
2. Which allows the questions of our purely domestic concern to be passed upon by any body other than our own Government.
3. Which allows the Monroe doctrine, its interpretation, and its application to be determined by any foreign body.
4. Which deprives the Congress of these United States of its constitutional power to make war.
5. Which guarantees in perpetuity the territorial integrity and political independence of any nation.
6. Which prevents this country from withdrawing therefrom without the consent of any other nation or nations.

JOSEPH F. O'CONNELL  
(And others).

Mr. CAPPER presented a memorial of the Board of Young Friends Activities, of Richmond, Ind., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Board of Young Friends Activities, of Richmond, Ind., remonstrating against intervention in Mexico by the United States, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented memorials of sundry citizens of Boston, Somerville, Newton, Waltham, Wellesley, Waden, Everett, Attleboro, Taunton, Malden, Melrose, Cambridge, Sharon, Billerica, Revere, Beverly Farms, Newburyport, Milford, Bellingham, Lynn, Medway, Holbrook, Dedham, Woburn, and Westwood, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. NELSON presented a petition of General Samuel D. Sturgis Garrison, No. 120, Army and Navy Union, of St. Paul, Minn., praying for the abolishment of the present court-martial system, which was referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 56) to enable the United States to participate in the work of the International Aircraft Standards Commission, reported it with amendments and submitted a report (No. 198) thereon.

Mr. SHERMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia, reported it with amendments and submitted a report (No. 199) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 430) to authorize the exchange of certain lands within the Fishlake National Forest, Utah (Rept. No. 194);

A bill (S. 2758) providing for an exchange of lands between the Swan Land & Cattle Co. and the United States (Rept. No. 195); and

A bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho (Rept. No. 196).

#### LANDS AT BOULDER, COLO., FOR MUNICIPAL PURPOSES.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands, and I submit a report (No. 197) thereon.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. LENROOT. Before consent is granted, as I was not a member of the subcommittee, will the Senator from Colorado state what the bill proposes.

Mr. THOMAS. The bill is very short and I will ask that the Secretary may read it.

Mr. LENROOT. I do not want to agree to give unanimous consent until I know what the bill is.

Mr. THOMAS. Of course, I did not expect its consideration without full knowledge of what the bill contains.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the city of Boulder, in the county of Boulder, Colo., is hereby authorized, for a period of five years from and after the passage of this act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for use in connection with the lands heretofore purchased by said city under the provisions of the act of Congress entitled, "An act to grant certain lands to the city of Boulder, Colo.," approved March 2, 1907 (34 Stat., p. 1223), for purposes of water storage and supply of its waterworks, the following described lands, to wit: The west half of section 27 and the north half of the northwest quarter of section 34, township 1 north, range 73 west, sixth principal meridian, containing 400 acres within the Colorado National Forest, or any part of said lands.

SEC. 2. That the said conveyance shall be made upon the payment by said city for the lands purchased at the rate of \$1.25 per acre: *Provided*, That the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose, the same, or such parts thereof not so used, shall revert to the United States; the conditions and reservations herein provided for shall be expressed in the patent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, I have no objection to the bill, but I wish to offer an observation on it. I am a member of the Committee on Public Lands, but was not present when the bill came up, or I should have moved to amend it in one respect. It is properly safeguarded by the necessary stipulations in regard to reversion to the United States, so that the land could not be used for private speculation or anything of that kind; but, Mr. President, it seems to me that when the public lands of this country are granted to a municipality, a State, or any other public corporation of that nature we ought not to charge the municipality any money for them; we ought to give the lands to them. It is putting the land to a public use, and, to my mind, the city of Boulder ought not to be required to pay \$1.25 an acre or any other sum to get the land.

I am not going to offer an amendment to that effect, but it seems to me that that should be our policy.

Mr. THOMAS. I sympathize with that view, but in view of the fact that the city is perfectly willing to pay for the land I can see no objection to requiring the payment.

Mr. NORRIS. I know. I have believed for some time that in the granting of rights for water power, for the development



of electricity, and so forth, there ought to be no charge made where the public is getting the full benefit of the land or of the right, whatever it may be.

Mr. SMOOT. Mr. President—

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. I wish to call the attention of the Senator from Nebraska to the fact that \$1.25 an acre would scarcely pay the expenses that the Government will be put to, or has already been put to, in order to get the land in such a condition that it can be transferred. It has always been the policy in the past, where public land has been transferred to a municipality, that a minimum charge of \$1.25 an acre shall be made, and the Public Lands Committee has followed that practice in this case, just the same as in the past.

Mr. NORRIS. I do not believe there is a Member of Congress who is more desirous or more anxious than I am that the public lands and other property of the United States should be properly conserved; I think Senators who know my record while I have been in the Senate and in the House realize that I am often called a crank on the subject; but I believe in the kind of a policy I have suggested in order to let the people get the full benefit of the public property. I would be glad if the municipality, the State, or any other subdivision would utilize any land like this for a watershed or for a park or anything else wherever the people get the full benefit of it, and it does not seem to me that the Government of the United States ought to charge for it.

Mr. LENROOT. Will the Senator yield?

Mr. NORRIS. I yield.

Mr. LENROOT. I should like to say to the Senator from Nebraska that there is another very good reason for imposing a minimum charge. The minimum charge that is imposed in the bill is not onerous or burdensome to any community that has any need for the public lands, but with the minimum charge, when a community is compelled to pay something, it is the strongest kind of evidence that there is a real community need for the land. Without any charge Congress would be flooded with bills from every community where there are any public lands for lands of this character. With a minimum charge it is no hardship upon the community, and we are then limited in the consideration of such bills to where there is an actual need for the lands by the community.

Mr. NORRIS. What the Senator from Wisconsin says is true, and yet the principle remains the same. I am opposed to it on principle. We might have more bills for consideration, but as long as we have such property we ought to be willing to investigate every application, and if it is made in good faith I do not believe we ought to exact a charge for it. It takes the property where it ought to go—to the public—and the public is getting the full benefit of it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. I ask that the report submitted by me on the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report this day submitted by Mr. Smoot is as follows:

Mr. SMOOT, from the Committee on Public Lands, submitted the following report:

The Committee on Public Lands, to which was referred the bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands, having had the same under consideration, report favorably thereon without amendment with the recommendation that the bill do pass.

The necessity of this legislation is fully set forth in House Report No. 254, this Congress, in the following language:

"This bill authorizes the city of Boulder, Boulder County, Colo., to purchase 400 acres of land in a compact body 1½ miles in length by one-half mile in width, within the limits of the Colorado National Forest. The bill provides for the payment by the city of \$1.25 per acre, exempts from its operation any lands covered by valid existing rights, or claims initiated in good faith under the laws of the United States, and contains the usual reservation of oil, coal, or other mineral deposits. (By a committee amendment which will be offered to correct a clerical error (insertion of the word "not" after the word "shall" in line 14, page 2) the city must use the land only for the municipal purpose of water storage and supply of its waterworks, and the patent shall provide for the reversion of title to the Government upon failure to use the land for such municipal purpose."

This bill was submitted to the Secretary of the Interior, whose report follows:

DEPARTMENT OF THE INTERIOR,  
Washington, July 25, 1919.

Hon. N. J. SINNOTT,

Chairman Committee on the Public Lands,  
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt by your reference of June 23, 1919, for report on H. R. 6410, a bill "authorizing the city of Boulder,

Colo., to purchase certain public lands," and in response thereto I have the honor to submit the following report:

The land embraced in the bill, aggregating 400 acres, was withdrawn by proclamation of March 2, 1907 (35 Stat., 2155), for the Medicine Bow National Forest.

The grant proposed by the bill to the city is for the "purposes of water storage and supply of its waterworks." The bill also refers to the act of March 2, 1907 (34 Stat., 1223), which authorized this city to purchase 1,524.26 acres for its water supply, and this bill appears to be an addition to the grant by said act.

It also appears from the records in the General Land Office that under the act of February 28, 1899 (30 Stat., 915), this city was donated 1,601.75 acres as a park and again under the act of August 22, 1912 (37 Stat., 325), the city purchased 1,200 acres for park purposes.

An obvious error occurs in line 14 on page 2 of the bill, which reads that said city shall have the right to sell or convey the land herein mentioned. The word "not" was evidently inadvertently omitted and should be inserted after the word "shall," said line 14.

Inasmuch as the land is within a national forest, I recommend that the bill be referred to the Secretary of Agriculture for a report. I find no objection to the bill when amended by the insertion of the word "not" above suggested if the Secretary of Agriculture has no objection to urge to the bill.

Cordially, yours,

FRANKLIN K. LANE,  
Secretary.

Pursuant to the suggestion of Secretary Lane, the bill was referred to the Secretary of Agriculture. The Secretary, while making no objection to the bill, and approving its purpose, and reciting that similar legislation has been approved in a number of cases, suggests that a general law be enacted "under which the President, on request from the proper municipal authorities, would be authorized to withdraw from all forms of entry such national forest lands as in his judgment are essential to the adequate protection of a municipality's water supply," and transmits a draft of such a bill, which has been introduced by the chairman of the Committee on the Public Lands, under the number of H. R. 8580, and will be considered by the committee in the near future. The letter from the Acting Secretary is here recited in full for the information of the House, in deference to a desire recently expressed on the floor that this should be done in similar cases.

JULY 16, 1919.

Hon. N. J. SINNOTT,

Chairman Committee on the Public Lands,  
House of Representatives.

DEAR MR. SINNOTT: Receipt is acknowledged of your request for a report on the bill (H. R. 6410) "authorizing the city of Boulder, Colo., to purchase certain public lands."

The bill proposes that the city shall have the right to purchase, at a price of \$1.25 per acre, 400 acres of land now within the boundaries of the Colorado National Forest, which are to be used for purposes of water storage and supply of the city's waterworks. A similar grant of 1,557 acres was made to the city by an act approved March 2, 1907 (34 Stat., 1223). The city is now changing its water-supply system, and as a result of the change ten 40-acre subdivisions, not included in the previous grant and not affecting the water supply under their old plans, will be crossed by the city's pipe line or fences or will to some extent contribute to the water-supply system.

At the present time there are approximately 1,300 cities and towns which obtain their water supply from national forests. In all of these cases the municipalities are interested, of course, in seeing that every reasonable protection possible be given to the water supply in order that there may be no injury to the health of the citizens. To meet this desire the department has worked out a form of cooperative agreement which provides for a restricted use of the watershed under such conditions as meet the approval of the municipal health officers. This arrangement works very satisfactorily and enables the municipalities to secure substantially what they desire, and at the same time enables the department to carry out the purposes for which the national forests were created. The only real flaw in this arrangement is that there is no law to prevent prospecting and mining operations on city watersheds, the mineral-land laws being applicable to such lands exactly as to all other lands in the national forests.

In recent years a number of acts for particular towns and cities have been passed, having to do in some form with a municipal water supply. In some cases grants were desired for small tracts on which the main waterworks were to be constructed. In others the cities sought extensive rights of way for such reservoirs and conduits as were needed. Examples of such right-of-way grants are those made to the cities of Los Angeles and San Francisco, Calif. A third class of laws authorizing cooperation are those which particularly have in view the protection of the watershed from which the water supply is secured. Examples of such laws are those for protecting the watersheds of the city of Colorado Springs and the town of Manitou, Colo. (act of Feb. 27, 1913; 37 Stat., 684), and Salt Lake City, Utah (act of Sept. 17, 1914; 38 Stat., 714). Each of these acts provide that the lands described therein shall be reserved from all forms of location or entry and set aside as a municipal water-supply reservation to be administered by this department in cooperation with the municipalities named, for the purpose of conserving the water supply and protecting it from pollution, as well as preserving the timber on the lands to accomplish more fully such purposes. In both cases the title to the land remains in the Government and the land continues a part of the national forest, but is dedicated to the particular purpose of water-supply protection.

These more recent acts indicate the progress of practical legislation and administration. Only the earlier acts passed title to the land from the Government to the municipality. In such cases, as is evidenced by the example of Boulder, the legislation is not adequate, since a change of plan of construction may at any time require the use or regulation of more or less land and the enactment of a remedial measure by Congress.

In view of the number of municipalities which obtain their water supply from the national forests, and the experience that the department has already had in entering into cooperative agreements looking to the protection of the watersheds, it is felt that the time is ripe for constructive watershed legislation which would make patch-work legislation of this kind unnecessary. It is therefore recommended that, instead of a special act in this case, to be inevitably followed by an increasing number of special bills to meet the individual requirements of each municipality, general legislation be enacted under which the President, on request from the proper municipal authorities, would be authorized to withdraw from all forms of entry such national forest lands as in his judgment are essential to the adequate protection of a municipality's water



supply. Should legislation of such a character be enacted, there would be no difficulty in entering into cooperative agreements restricting the use of such areas in accordance with the views of the municipal authorities, while at the same time allowing the principal work of forestry to be carried on so far as proves to be consistent with the proper use of the land as a water-supply source. The expense of special sanitary patrol desired by municipalities should, it is felt, be borne by them, while the Forest Service would continue to do the work required by the protection and improvement of the forest. This could be controlled by the terms of the cooperative agreement in each case.

The inclosed draft of bill is, therefore, recommended to your committee as a substitute for the measure which you have submitted for report. If, however, your committee considers desirable the passage of H. R. 6410, your attention is invited to the fact that the two clauses of the proviso commencing at line 13, page 2, seem to be contradictory in terms, the word "not" apparently having been omitted from line 14, after the word "shall."

Very truly, yours,

CLARENCE OUSLEY,  
Acting Secretary.

#### BILLS INTRODUCED.

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

By Mr. FLETCHER:

A bill (S. 3031) to appropriate \$1,189.35 for the relief of the Southern Iron & Metal Co., Jacksonville, Fla., for salvage material consisting of submarine cable purchased from the War Department (with accompanying papers); to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 3032) for the relief of Nancy A. Parsons, C. M. Parsons, D. F. Staggs, Ollie Staggs, Roas Staggs, Lena Birchfield, Alice Birchfield, Bertie Gwin, Greely Gilbert, Linville Gilbert, and Nelson Gilbert; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3033) for the relief of Capt. John Q. A. Brett, United States Army, retired; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 3034) for the relief of William S. Judkins; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota:

A bill (S. 3035) granting a pension to George Wortser (with accompanying papers); to the Committee on Pensions.

#### SPEECHES BY PRESIDENT WILSON.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent to have printed in the Record the speeches made by the President on September 8, 9, and 10. A similar request was granted for previous dates, and this brings them up to date.

Mr. LODGE. There is no objection to that.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The speeches referred to are as follows:

THE PRESIDENT AT DES MOINES, IOWA, SEPTEMBER 6, 1919.

"Mr. Chairman and fellow countrymen, you make my heart very warm with your generous welcome, and I want to express my unaffected gratitude to your chairman for having so truly struck the note of an occasion like this. He has used almost the very words that were in my thought, that the world is inflamed and profoundly disturbed, and we are met to discuss the measures by which its spirit can be quieted and its affairs turned to the right courses of human life. My fellow countrymen, the world is desperately in need of the settled conditions of peace, and it can not wait much longer. It is waiting upon us. That is the thought, that is the burdensome thought, upon my heart to-night, that the world is waiting for the verdict of the Nation to which it looked for leadership and which it thought would be the last that would ask the world to wait.

"My fellow citizens, the world is not at peace. I suppose that it is difficult for one who has not had some touch of the hot passion of the other side of the sea to realize how all the passions that have been slumbering for ages have been uncovered and released by the tragedy of this war. We speak of the tragedy of this war, but the tragedy that lay back of it was greater than the war itself, because back of it lay long ages in which the legitimate freedom of men was suppressed. Back of it lay long ages of recurrent war in which little groups of men, cloistered in capitals, determined whether the sons of the land over which they ruled should go out upon the field and shed their blood. For what? For liberty? No; not for liberty, but for the aggrandizement of those who ruled them. And this had been slumbering in the hearts of men. They had felt the suppression of it. They had felt the mastery of those whom they had not chosen as their masters. They had felt the oppression of laws which did not admit them to the equal exercise of human rights. Now all of this is released and uncovered and men glare at one another and say, 'Now we are free and what shall we do with our freedom?'

"What happened in Russia was not a sudden and accidental thing. The people of Russia were maddened with the suppression

of Czarism. When at last the chance came to throw off those chains, they threw them off, at first with hearts full of confidence and hope, and then they found out that they had been again deceived. There was no assembly chosen to frame a constitution for them, or, rather, there was an assembly chosen to choose a constitution for them and it was suppressed and dispersed, and a little group of men just as selfish, just as ruthless, just as pitiless, as the agents of the Czar himself, assumed control and exercised their power by terror and not by right. And in other parts of Europe the poison spread—the poison of disorder, the poison of revolt, the poison of chaos. And do you honestly think, my fellow citizens, that none of that poison has got in the veins of this free people? Do you not know that the world is all now one single whispering gallery? Those antennae of the wireless telegraph are the symbols of our age. All the impulses of mankind are thrown out upon the air and reach to the ends of the earth; quietly upon steamships, silently under the cover of the Postal Service, with the tongue of the wireless and the tongue of the telegraph, all the suggestions of disorder are spread through the world. Money coming from nobody knows where is deposited by the millions in capitals like Stockholm, to be used for the propaganda of disorder and discontent and dissolution throughout the world, and men look you calmly in the face in America and say they are for that sort of revolution, when that sort of revolution means government by terror, government by force, not government by vote. It is the negation of everything that is American; but it is spreading, and so long as disorder continues, so long as the world is kept waiting for the answer to the question, What kind of peace are we going to have and what kind of guaranties are there to be behind that peace? that poison will steadily spread more and more rapidly, spread until it may be that even this beloved land of ours will be distracted and distorted by it.

"That is what is concerning me, my fellow countrymen. I know the splendid steadiness of the American people, but, my fellow citizens, the whole world needs that steadiness, and the American people are the makeweight in the fortunes of mankind. How long are we going to debate into which scale we will throw that magnificent equipoise that belongs to us? How long shall we be kept waiting for the answer whether the world may trust us or despise us? They have looked to us for leadership. They have looked to us for example. They have built their peace upon the basis of our suggestions. That great volume that contains the treaty of peace is drawn along the specifications laid down by the American Government, and now the world stands at amaze because an authority in America hesitates whether it will indorse an American document or not.

"You know what the necessity of peace is. Political liberty can exist only when there is peace. Social reform can take place only when there is peace. The settlement of every question that concerns our daily life waits for peace. I have been receiving delegations in Washington of men engaged in the service of the Government temporarily in the administration of the railways, and I have had to say to them, 'My friends, I can not tell what the railways can earn until commerce is restored to its normal courses. Until I can tell what the railroads can earn I can not tell what the wages that the railroads can pay will be. I can not suggest what the increase of freight and passenger rates will be to meet these increases in wages if the rates must be increased. I can not tell yet whether it will be necessary to increase the rates or not, and I must ask you to wait.' But they are not the only people that have come to see me. There are all sorts of adjustments necessary in this country. I have asked representatives of capital and labor to come to Washington next month and confer—confer about the fundamental thing of our life at present; that is to say, the conditions of labor. Do you realize, my fellow citizens, that all through the world the one central question of civilization is, 'What shall be the conditions of labor?' The profound unrest in Europe is due to the doubt prevailing as to what shall be the conditions of labor, and I need not tell you that that unrest is spreading to America.

"In the midst of the treaty of peace is a Magna Charta, a great guaranty for labor. It provides that labor shall have the counsels of the world devoted to the discussion of its conditions and of its betterment, and labor all over the world is waiting to know whether America is going to take part in those conferences or not. The confidence of the men who sat at Paris was such that they put it in the document that the first meeting of the labor conference under that part of the treaty should take place in Washington upon the invitation of the President of the United States. I am going to issue that invitation, whether we can attend the conference or not. But think of the mortification! Think of standing by in Washington itself and seeing the world take counsel upon the fundamental matter of



civilization without us. The thing is inconceivable, but it is true. The world is waiting, waiting to see, not whether we will take part but whether we will serve and lead, for it has expected us to lead. I want to testify that the most touching and thrilling thing that has ever happened to me was what happened almost every day when I was in Paris. Delegations from all over the world came to me to solicit the friendship of America. They frankly told us that they were not sure they could trust anybody else, but that they did absolutely trust us to do them justice and to see that justice was done them. Why, some of them came from countries which I have, to my shame, to admit that I never heard of before, and I had to ask as privately as possible what language they spoke. Fortunately they always had an interpreter, but I always wanted to know at least what family of languages they were speaking. The touching thing was that from the ends of the earth, from little pocketed valleys, where I did not know that a separate people lived, there came men—men of dignity, men of intellectual parts, men entertaining in their thought and in their memories a great tradition, some of the oldest people of the world—and they came and sat at the feet of the youngest nation of the world and said, 'Teach us the way to liberty.'

"That is the attitude of the world, and reflect, my fellow countrymen, upon the reaction, the reaction of despair, that would come if America said, 'We do not want to lead you. You must do without our advice. You must shift without us.' Now, are we going to bring about a peace, for which everything waits? We can not bring it about by doing nothing. I have been very much amazed and very much amused, if I could be amused in such critical circumstances, to see that the statesmanship of some gentlemen consists in the very interesting proposition that we do nothing at all. I had heard of standing pat before, but I never had before heard of standpatism going to the length of saying it is none of our business and we do not care what happens to the rest of the world.

"Your chairman made a profoundly true remark just now. The isolation of the United States is at an end, not because we chose to go into the politics of the world but because by the sheer genius of this people and the growth of our power we have become a determining factor in the history of mankind, and after you have become a determining factor you can not remain isolated, whether you want to or not. Isolation ended by the processes of history, not by the processes of our independent choice, and the processes of history merely fulfilled the prediction of the men who founded our Republic. Go back and read some of the immortal sentences of the men that assisted to frame this Government and see how they set up a standard to which they intended that the nations of the world should rally. They said to the people of the world, 'Come to us; this is the home of liberty; this is the place where mankind can learn how to govern their own affairs and straighten out their own difficulties,' and the world did come to us.

"Look at your neighbor. Look at the statistics of the people of your State. Look at the statistics of the people of the United States. They have come, their hearts full of hope and confidence, from practically every nation in the world, to constitute a portion of our strength and of our hope and a contribution to our achievement. Sometimes I feel like taking off my hat to some of those immigrants. I was born an American. I could not help it, but they chose to be Americans. They were not born Americans. They saw this star in the west rising over the peoples of the world, and they said, 'That is the star of hope and the star of salvation. We will set our footsteps toward the west and join that great body of men whom God has blessed with the vision of liberty.' I honor those men. I say, 'You made a deliberate choice which showed that you saw what the drift and history of mankind was.' I am very grateful, I may say in parentheses, that I did not have to make that choice. I am grateful that ever since I can remember I have breathed this blessed air of freedom. I am grateful that every instinct in me, every drop of blood in me remembers and stands up and shouts at the traditions of the United States. But some gentlemen are not shouting now about that. They are saying, 'Yes; we made a great promise to mankind, but it will cost too much to redeem it.' My fellow citizens, that is not the spirit of America, and you can not have peace, you can not have even your legitimate part in the business of the world unless you are partners with the rest. If you are going to say to the world, 'We will stand off and see what we can get out of this,' the world will see to it that you do not get anything out of it. If it is your deliberate choice that instead of being friends you will be rivals and antagonists, then you will get exactly what rivals and antagonists always get, just as little as can be grudgingly vouchsafed you.

"Yet you must keep the world on its feet. Is there any business man here who would be willing to see the world go bankrupt and the business of the world stop? Is there any man

here who does not know that America is the only nation left by the war in a position to see that the world does go on with its business? And is it your idea that if we lend our money, as we must, to men whom we have bitterly disappointed, that money will bring back to us the largess to which we are entitled? I do not like to argue this thing on this basis, but if you want to talk business, I am ready to talk business. If it is a matter of how much you are going to get from your money, I say you will not get half as much as antagonists as you will get as partners. Think that over, if you have none of that thing that is so lightly spoken of, known as altruism. And, believe me, my fellow countrymen, the only people in the world who are going to reap the harvest of the future are the people who can entertain ideals, who can follow ideals to the death.

"I was saying to another audience to-day that one of the most beautiful stories I know is the story that we heard in France about the first effect of the American soldiers when they got over there. The French did not believe at first, the British did not believe, that we could finally get 2,000,000 men over there. The most that they hoped at first was that a few American soldiers would restore their morale, for let me say that their morale was gone. The beautiful story to which I referred is this, the testimony that all of them rendered that they got their morale back the minute they saw the eyes of those boys. Here were not only soldiers. There was no curtain in front of the retina of those eyes. They were American eyes. They were eyes that had seen visions. They were eyes the possessors of which had brought with them a great ardor for a supreme cause, and the reason those boys never stopped was that their eyes were lifted to the horizon. They saw a city not built with hands. They saw a citadel toward which their steps were bent where dwelt the oracles of God himself. And on the battle field were found German orders to commanders here and there to see to it that the Americans did not get lodgment in particular places, because if they ever did you never could get them out. They had gone to Europe to go the whole way toward the realization of the teaching which their fathers had handed down to them. There never were crusaders that went to the Holy Land in the old ages that we read about that were more truly devoted to a holy cause than these gallant, incomparable sons of America.

"My fellow citizens, you have got to make up your minds, because, after all, it is you who are going to make up the minds of this country. I do not owe a report or the slightest responsibility to anybody but you. I do not mean only you in this hall, though I am free to admit that this is just as good a sample of America as you can find anywhere, and the sample looks mighty good to me. I mean you and the millions besides you, thoughtful, responsible American men and women all over this country. They are my bosses, and I am mighty glad to be their servant. I have come out upon this journey not to fight anybody but to report to you, and I am free to predict that if you credit the report there will be no fighting. It is not only necessary that we should make peace with Germany and make peace with Austria, and see that a reasonable peace is made with Turkey and Bulgaria—that is not only not all of it, but it is a very dangerous beginning if you do not add something to it. I said just now that the peace with Germany, and the same is true of the pending peace with Austria, was made upon American specifications, not unwillingly. Do not let me leave the impression on your mind that the representatives of America in Paris had to insist and force their principles upon the rest. That is not true. Those principles were accepted before we got over there, and the men I dealt with carried them out in absolute good faith; but they were our principles, and at the heart of them lay this, that there must be a free Poland, for example.

"I wonder if you realize what that means. We had to collect the pieces of Poland. For a long time one piece had belonged to Russia, and we can not get a clear title to that yet. Another part belonged to Austria. We got a title to that. Another part belonged to Germany, and we have settled the title to that. But we found Germany also in possession of other pieces of territory occupied predominately or exclusively by patriotic Poles, and we said to Germany, 'You will have to give that up, too; that belongs to Poland.' Not because it is ground, but because those people there are Poles and want to be parts of Poland, and it is not our business to force any sovereignty upon anybody who does not want to live under it. When we had determined the boundaries of Poland we set it up and recognized it as an independent Republic. There is a minister, a diplomatic representative, of the United States at Warsaw right now in virtue of our formal recognition of the Republic of Poland.

"But upon Poland center some of the dangers of the future. South of Poland is Bohemia, which we cut away from the Austrian combination. Below Bohemia is Hungary, which can



no longer rely upon the assistant strength of Austria, and below her is an enlarged Roumania. Alongside of Roumania is the new Slavic Kingdom, that never could have won its own independence, which had chafed under the chains of Austria-Hungary, but never could throw them off. We have said, 'The fundamental wrongs of history center in these regions. These people have the right to govern their own Government and control their own fortunes.' That is at the heart of the treaty, but, my fellow citizens, this is at the heart of the future: The business men of Germany did not want the war that we have passed through. The bankers and the manufacturers and the merchants knew that it was unspeakable folly. Why? Because Germany by her industrial genius was beginning to dominate the world economically, and all she had to do was to wait for about two more generations when her credit, her merchandise, her enterprise, would have covered all the parts of the world that the great fighting nations did not control. The formula of pan-Germanism, you remember, was Bremen to Bagdad—Bremen on the North Sea to Bagdad in Persia. These countries that we have set up as the new home of liberty lie right along that road. If we leave them there without the guaranty that the combined force of the world will assure their independence and their territorial integrity, we have only to wait a short generation when our recent experience will be repeated. We did not let Germany dominate the world this time. Are we then? If Germany had known then that all the other fighting nations of the world would combine to prevent her action, she never would have dreamed of attempting it. If Germany had known—this is the common verdict of every man familiar with the politics of Europe—if Germany had known that England would go in, she never would have started it. If she had known that America would come in, she never would have dreamed of it. And now the only way to make it certain that there never will be another world war like that is that we should assist in guaranteeing the peace and its settlement.

"It is a very interesting circumstance, my fellow countrymen, that the league of nations will contain all the nations of the world, great and small, except Germany, and Germany is merely put on probation. We have practically said to Germany, 'If it turns out that you really have had a change of heart and have gotten nonsense out of your system; if it really does turn out that you have substituted a genuine self-governing Republic for a Kingdom where a few men on Wilhelmstrasse plotted the destiny of the world, then we will let you in as partners, because then you will be respectable.' In the meantime, accepting the treaty, Germany's Army is reduced to 100,000 men, and she has promised to give up all the war material over and above what is necessary for 100,000 men. For a nation of 60,000,000! She has surrendered to the world. She has said, 'Our fate is in your hands. We are ready to do what you tell us to do.' The rest of the world is combined, and the interesting circumstance is that the rest of the world, excluding us, will continue combined if we do not go into it. Some gentlemen seem to think they can break up this treaty and prevent this league by not going into it. Not at all.

"I can give you an interesting circumstance. There is the settlement, which you have heard so much discussed, about that rich and ancient Province of Shantung in China. I do not like that settlement any better than you do, but these were the circumstances: In order to induce Japan to cooperate in the war and clear the Pacific of the German power England, and subsequently France, bound themselves without any qualification to see to it that Japan got anything in China that Germany had, and that Japan would take it away from her, upon the strength of which promise Japan proceeded to take Kiaochow and occupy the portions of Shantung Province, which had been ceded by China for a term of years to Germany. The most that could be got out of it was that, in view of the fact that America had nothing to do with it, the Japanese were ready to promise that they would give up every item of sovereignty which Germany would otherwise have enjoyed in Shantung Province and return it without restriction to China, and that they would retain in the Province only the economic concessions such as other nations already had elsewhere in China—though you do not hear anything about that—concessions in the railway and the mines which had become attached to the railway for operative purposes. But suppose that you say that is not enough. Very well, then, stay out of the treaty, and how will that accomplish anything? England and France are bound and can not escape their obligation. Are you going to institute a war against Japan and France and England to get Shantung back for China? That is an enterprise which does not commend itself to the present generation.

"I am putting it in brutal terms, my fellow citizens, but that is the fact. By disagreeing to that provision, we accomplish nothing for China. On the contrary, we stay out of the only

combination of the counsels of nations in which we can be of service to China. With China as a member of the league of nations, and Japan as a member of the league of nations, and America as a member of the league of nations, there confronts every one of them that now famous article 10, by which every member of the league agrees to respect and preserve the territorial integrity and existing political independence of all the other member States. Do not let anybody persuade you that you can take that article out and have a peaceful world. That cuts at the root of the German war. That cuts at the root of the outrage against Belgium. That cuts at the root of the outrage against France. That pulls that vile, unwholesome Upas tree of Pan Germanism up by the roots, and it pulls all other 'pans' up, too. Every land-grabbing nation is served notice, 'Keep on your own territory. Mind your own business. That territory belongs to those people and they can do with it what they please, provided they do not invade other people's rights by the use they make of it.' My fellow citizens, the thing is going to be done whether we are in it or not. If we are in it, then we are going to be the determining factor in the development of civilization. If we are out of it, we ourselves are going to watch every other nation with suspicion, and we will be justified, too; and we are going to be watched with suspicion. Every movement of trade, every relationship of manufacture, every question of raw materials, every matter that affects the intercourse of the world, will be impeded by the consciousness that America wants to hold off and get something which she is not willing to share with the rest of mankind. I am painting the picture for you, because I know that it is as intolerable to you as it is to me. But do not go away with the impression, I beg you, that I think there is any doubt about the issue. The only thing that can be accomplished is delay. The ultimate outcome will be the triumphant acceptance of the treaty and the league.

"Let me pay the tribute which it is only just that I should pay to some of the men who have been, I believe, misunderstood in this business. It is only a handful of men, my fellow citizens, who are trying to defeat the treaty or to prevent the league. The great majority, in official bodies and out, are scrutinizing it, as it is perfectly legitimate that they should scrutinize it, to see if it is necessary that they should qualify it in any way, and my knowledge of their conscience, my knowledge of their public principle, makes me certain that they will sooner or later see that it is safest, since it is all expressed in the plainest English that the English dictionary affords, not to qualify it—to accept it as it is. I have been a student of the English language all my life and I do not see a single obscure sentence in the whole document. Some gentlemen either have not read it or do not understand the English language; but, fortunately, on the right-hand page it is printed in English and on the left-hand page it is printed in French. Now, if they do not understand English, I hope they will get a French dictionary and dig out the meaning on that side. The French is a very precise language, more precise than the English language. I am told. I am not on a speaking acquaintance with it, but I am told that it is the most precise language in Europe, and that any given phrase in French always means the same thing. That can not be said of English. In order to satisfy themselves, I hope these gentlemen will master the French version and then be reassured that there are no lurking monsters in that document; that there are no sinister purposes; that everything is said in the frankest way.

"For example, they have been very much worried at the phrase that nothing in the document shall be taken as impairing in any way the validity of such regional understandings as the Monroe doctrine. They say, 'Why put in "such regional understandings as"? What other understandings are there? Have you got something up your sleeve? Is there going to be a Monroe doctrine in Asia? Is there going to be a Monroe doctrine in China?' Why, my fellow citizens, the phrase was written in perfect innocence. The men that I was associated with said, 'It is not wise to put a specific thing that belongs only to one nation in a document like this. We do not know of any other regional understanding like it; we never heard of any other; we never expect to hear of any other, but there might some day be some other, and so we will say "such regional understandings as the Monroe doctrine," and their phrase was intended to give right of way to the Monroe doctrine in the Western Hemisphere. I reminded the Committee on Foreign Relations of the Senate the other day that the conference I held with them was not the first conference I had held about the league of nations. When I came back to this our own dear country in March last I held a conference at the White House with the Senate Committee on Foreign Relations, and they made various suggestions as to how the covenant should be altered in phraseology. I carried those suggestions back to Paris,



and every one of them was accepted. I think that is a sufficient guaranty that no mischief was intended. The whole document is of the same plain, practical, explicit sort, and it secures peace, my fellow citizens, in the only way in which peace can be secured.

"I remember, if I may illustrate a very great thing with a very trivial thing, I had two acquaintances who were very much addicted to profanity. Their friends were distressed about it. It subordinated a rich vocabulary which they might otherwise have cultivated, and so we induced them to agree that they never would swear inside the corporate limits, that if they wanted to swear they would go out of town. The first time the passion of anger came upon them they rather sheepishly got in a street car and went out of town to swear, and by the time they got out of town they did not want to swear. That very homely illustration illustrates in my mind the value of discussion. Let me remind you that every fighting nation in the world is going to belong to this league, because we are going to belong to it, and they all make this solemn engagement with each other, that they will not resort to war in the case of any controversy until they have done one or other of two things, until they have either submitted the question at issue to arbitration, in which case they promise to abide by the verdict whatever it may be, or, if they do not want to submit it to arbitration, have submitted it to discussion by the council of the league.

"They agree to give the council six months to discuss the matter, to supply the council with all the pertinent facts regarding it, and that, after the opinion of the council is rendered, they will not then go to war if they are dissatisfied with the opinion until three more months have elapsed. They give nine months in which to spread the whole matter before the judgment of mankind, and if they violate this promise, if any one of them violates it, the covenant prescribes that that violation shall in itself constitute an act of war against the other members of the league. It does not provide that there shall be war. On the contrary, it provides for something very much more effective than war. It provides that that nation, that covenant-breaking nation, shall be absolutely cut off from intercourse of every kind with the other nations of the world; that no merchandise shall be shipped out of it or into it; that no postal messages shall go into it or come out of it; that no telegraphic messages shall cross its borders; and that the citizens of the other member States shall not be permitted to have any intercourse or transactions whatever with its citizens or its citizens with them. There is not a single nation in Europe that can stand that boycott for six months. There is not a single nation in Europe that is self-sufficing in its resources of food or anything else that can stand that for six months. And in those circumstances we are told that this covenant is a covenant of war. It is the most drastic covenant of peace that was ever conceived, and its processes are the processes of peace. The nation that does not abide by its covenants is sent to Coventry, is taboo, is put out of the society of covenant-respecting nations.

"This is a covenant of compulsory arbitration or discussion, and just so soon as you discuss matters, my fellow citizens, peace looks in at the window. Did you ever really sit down and discuss matters with your neighbor when you had a difference and come away in the same temper that you went in? One of the difficulties in our labor situation is that there are some employers who will not meet their employees face to face and talk with them. I have never known an instance in which such a meeting and discussion took place that both sides did not come away in a softened temper and with an access of respect for the other side. The processes of frank discussion are the processes of peace not only, but the processes of settlement, and those are the processes which are set up for all the powerful nations of the world.

"I want to say that this is an unparalleled achievement of thoughtful civilization. To my dying day I shall esteem it the crowning privilege of my life to have been permitted to put my name to a document like that; and in my judgment, my fellow citizens, when passion is cooled and men take a sober, second thought, they are all going to feel that the supreme thing that America did was to help bring this about and then put her shoulder to the great chariot of justice and of peace which was going to lead men along in that slow and toilsome march, toilsome and full of the kind of agony that brings bloody sweat, but nevertheless going up a slow incline to those distant heights upon which will shine at last the serene light of justice, suffusing a whole world in blissful peace."

THE PRESIDENT AT AUDITORIUM, OMAHA, NEB., SEPTEMBER 8, 1919.

"Mr. Chairman, my fellow citizens, I never feel more comfortable in facing my fellow citizens than when I can realize that I am not representing a peculiar cause, that I am not speak-

ing for a single group of my fellow citizens, that I am not the representative of a party but the representative of the people of the United States. I went across the water with that happy consciousness, and in all the work that was done on the other side of the sea, where I was associated with distinguished Americans of both political parties, we all of us constantly kept at our heart the feeling that we were expressing the thoughts of America, that we were working for the things that America believed in. I have come here to testify that this treaty contains the things that America believes in.

"I brought a copy of the treaty along with me, for I fancy that, in view of the criticisms you have heard of it, you thought it consisted of only four or five clauses. Only four or five clauses out of this volume are picked out for criticism. Only four or five phrases in it are called to your attention by some of the distinguished orators who oppose its adoption. Why, my fellow citizens, this is one of the great charters of human liberty, and the man who picks flaws in it—or, rather, picks out the flaws that are in it, for there are flaws in it—forgets the magnitude of the thing, forgets the majesty of the thing, forgets that the counsels of more than 20 nations combined and were rendered unanimous in the adoption of this great instrument. Let me remind you of what everybody admits who has read the document. Everybody admits that it is a complete settlement of the matters which led to this war, and it contains the complete machinery which provides that they shall stay settled.

"You know that one of the greatest difficulties in our own domestic affairs is unsettled land titles. Suppose that somebody were mischievously to tamper with the land records of the State of Nebraska, and that there should be a doubt as to the line of every farm. You know what would happen in six months. All the farmers would be sitting on their fences with shotguns. Litigation would penetrate every community, hot feeling would be generated, contests not only of lawyers, but contests of force, would ensue. Very well, one of the interesting things that this treaty does is to settle the land titles of Europe, and to settle them in this way, on the principle that every land belongs to the people that live on it. This is actually the first time in human history that that principle was ever recognized in a similar document, and yet that is the fundamental American principle. The fundamental American principle is the right of the people that live in the country to say what shall be done with that country. We have gone so far in our assertions of popular right that we not only say that the people have a right to have a government that suits them, but that they have a right to change it in any respect at any time. Very well, that principle lies at the heart of this treaty.

"There are peoples in Europe who never before could say that the land they lived in was their own, and the choice that they were to make of their lives was their own choice. I know there are men in Nebraska who come from that country of tragical history, the now restored Republic of Poland, and I want to call your attention to the fact that Poland is here given her complete restitution; and not only is she given the land that formerly belonged to the Poles, but she is given the lands which are now occupied by Poles but had been permitted to remain under other sovereignties. She is given those lands on a principle that all our hearts approve of. Take what in Europe they call High Silesia, the mountainous, the upper, portions of the district of Silesia. The very great majority of the people in High Silesia are Poles, but the Germans contested the statement that most of them were Poles. We said, 'Very well, then, it is none of our business; we will let them decide. We will put sufficient armed forces into High Silesia to see that nobody tampers with the processes of the election, and then we will hold a referendum there, and those people can belong either to Germany or to Poland, as they prefer and not as we prefer.' And wherever there was a doubtful district we applied the same principle, that the people should decide and not the men sitting around the peace table at Paris. When these referenda are completed the land titles of Europe will be settled, and every country will belong to the people that live on it to do with what they please. You seldom hear of this aspect of this treaty, my fellow citizens.

"You have heard of the council that the newspaper men call the 'big four.' We had a very much bigger name for ourselves than that. We called ourselves the 'supreme council of the principal allied and associated powers,' but we had no official title, and sometimes there were five of us instead of four. Those five represented, with the exception of Germany, of course, the great fighting nations of the world. They could have done anything with this treaty that they chose to do, because they had the power to do it, and they chose to do what had never been chosen before, to renounce every right of sovereignty in that settlement to which the people concerned did



not assent. That is the great settlement which is represented in this volume.

"And it contains, among other things, a great charter of liberty for the workingmen of the world. For the first time in history the counsels of mankind are to be drawn together and concerted for the purpose of defending the rights and improving the conditions of working people—men, women, and children—all over the world. Such a thing as that was never dreamed of before, and what you are asked to discuss in discussing the league of nations is the matter of seeing that this thing is not interfered with. There is no other way to do it than by a universal league of nations, and what is proposed is a universal league of nations. Only two nations are for the time being left out. One of them is Germany, because we did not think that Germany was ready to come in, because we felt that she ought to go through a period of probation. She says that she made a mistake. We now want her to prove it by not trying it again. She says that she has abolished all the old forms of government by which little secret councils of men sitting nobody knew exactly where determined the fortunes of that great nation and, incidentally, tried to determine the fortunes of mankind; but we want her to prove that her constitution is changed and that it is going to stay changed; and then who can, after those proofs are produced, say 'No' to a great people 60,000,000 strong, if they want to come in on equal terms with the rest of us and do justice in international affairs? I want to say that I did not find any of my colleagues in Paris disinclined to do justice to Germany. But I hear that this treaty is very hard on Germany. When an individual has committed a criminal act, the punishment is hard, but the punishment is not unjust. This nation permitted itself, through unscrupulous governors, to commit a criminal act against mankind, and it is to undergo the punishment, not more than it can endure, but up to the point where it can pay it must pay for the wrong that it has done.

"But the things prescribed in this treaty will not be fully carried out if any one of the great influences that brought that result about is withheld from its consummation. Every great fighting nation in the world is on the list of those who are to constitute the league of nations. I say every great nation, because America is going to be included among them, and the only choice, my fellow citizens, is whether we will go in now or come in later with Germany; whether we will go in as founders of this covenant of freedom or go in as those who are admitted after they have made a mistake and repented.

"I wish I could do what is impossible in a great company like this. I wish I could read that covenant to you, because I do not believe, if you have not read it yourself and have only listened to certain speeches that I have read, that you know anything that is in it. Why, my fellow citizens, the heart of that covenant is that there shall be no war. To listen to some of the speeches that you may have listened to or read, you would think that the heart of it was that it was an arrangement for war. On the contrary, this is the heart of that treaty: The bulk of it is concerned with arrangements under which all the members of the league—that means everybody but Germany and dismembered Turkey—agree that they never will go to war without first having done one or other of two things—either submitted the question at issue to arbitration, in which case they agree absolutely to abide by the verdict, or, if they do not care to submit it to arbitration, submitted it to discussion by the council of the league of nations, in which case they must give six months for the discussion and wait three months after the rendering of the decision, whether they like it or not, before they go to war. They agree to cool off for nine months before they yield to the heat of passion which might otherwise have hurried them into war.

"If they do not do that, it is not war that ensues; it is something that will interest them and engage them very much more than war; it is an absolute boycott of the nation that disregards the covenant. The boycott is automatic, and just as soon as it applies, then this happens: No goods can be shipped out of that country; no goods can be shipped into it. No telegraphic message may pass either way across its borders. No package of postal matter—no letter—can cross its borders either way. No citizen of any member of the league can have any transactions of any kind with any citizen of that nation. It is the most complete isolation and boycott ever conceived, and there is not a nation in Europe that can live for six months without importing goods out of other countries. After they have thought about the matter for six months, I predict that they will have no stomach for war.

"All that you are told about in this covenant, so far as I can learn, is that there is an article 10. I will repeat article 10 to you; I think I can repeat it verbatim, the heart of it at any

rate. Every member of the league promises to respect and preserve as against external aggression—not as against internal revolution—the territorial integrity and existing political independence of every other member of the league, and if it is necessary to enforce this promise—I mean, for the nations to act in concert with arms in their hands to enforce it—then the council of the league shall advise what action is necessary. Some gentlemen who doubt the meaning of English words have thought that advice did not mean advice, but I do not know anything else that it does mean, and I have studied English most of my life and speak it with reasonable correctness. The point is this: The council can not give that advice without the vote of the United States, unless it is a party to the dispute; but, my fellow citizens, if you are a party to the dispute you are in the scrap anyhow. If you are a party, then the question is not whether you are going to war or not, but merely whether you are going to war against the rest of the world or with the rest of the world, and the object of war in that case will be to defend that central thing that I began by speaking about. That is the guaranty of the land titles of the world which have been established by this treaty. Poland, Czechoslovakia, Roumania, Jugoslavia—all those nations which never had a vision of independent liberty until now—have their liberty and independence guaranteed to them. If we do not guarantee them, then we have this interesting choice: I hear gentlemen say that we went into the recent war because we were forced into it, and their preference now is to wait to be forced in again. They do not pretend that we can keep out; they merely pretend that we ought to keep out until we are ashamed not to go in.

"This is the covenant of the league of nations that you hear objected to, the only possible guaranty against war. I would consider myself recreant to every mother and father, every wife and sweetheart in this country, if I consented to the ending of this war without a guaranty that there would be no other. You say, 'Is it an absolute guaranty?' No; there is no absolute guaranty against human passion; but even if it were only 10 per cent of a guaranty, would not you rather have 10 per cent guaranty against war than none? If it only creates a presumption that there will not be war, would you not rather have that presumption than live under the certainty that there will be war? For, I tell you, my fellow citizens, I can predict with absolute certainty that within another generation there will be another world war if the nations of the world do not concert the method by which to prevent it.

"But I did not come here this morning, I remind myself, so much to expound the treaty as to talk about these interesting things that we hear about that are called reservations. A reservation is an assent with a big but. We agree—but. Now, I want to call your attention to some of these buts. I will take them, so far as I can remember the order, in the order in which they deal with clauses of the league itself.

"In the first article of the covenant it is provided that a nation can withdraw from the league on two years' notice, provided at the time of its withdrawal, that is to say, at the expiration of the two years, it has fulfilled all its international obligations and all its obligations under the covenant. Some of our friends are very uneasy about that. They want to sit close to the door with their hands on the knob, and they want to say, 'We are in this thing but we are in it with infinite timidity; we are in it only because you overpersuaded us and wanted us to come in, and we are going to try this thing every now and then and see if it is locked, and just as soon as we see anything we don't like, we are going to scuttle.' Now, what is the trouble? What are they afraid of? I want you to put this to every man you know who makes this objection, what is he afraid of? Is he afraid that when the United States withdraws it will not have fulfilled its international obligations? Is he willing to bring that indictment against this beloved country? My fellow citizens, we never did fail to fulfill an international obligation and, God guiding and helping us, we never will. I for one am not going to admit in any connection the slightest doubt that, if we ever choose to withdraw, we will then have fulfilled our obligations. If I make reservations, as they are called, about this, what do I do? This covenant does not set up any tribunal to judge whether we have fulfilled our obligations at that time or not. There is only one thing to restrain us, and that is the opinion of mankind. Are these gentlemen such poor patriots that they are afraid that the United States will cut a poor figure in the opinion of mankind? And do they think that they can bring this great people to withdraw from that league if at that time their withdrawal would be condemned by the opinion of mankind? We have always been at pains to earn the respect of mankind, and we shall always be at pains to retain it. I for one am too proud



as an American to say that any doubt will ever hang around our right to withdraw upon the condition of the fulfillment of our international obligations.

"I have already adverted to the difficulties under article 10 and will not return to it. That difficulty is merely, as I repeated it just now, that some gentlemen do not want to go in as partners, they want to go in as late joiners, because they all admit that in a war which imperils the just arrangements of mankind, America, the greatest, richest, freest people in the world must take sides. We could not live without taking sides. We devoted ourselves to justice and to liberty when we were born, and we are not going to get senile and forget it.

"They do not like the way in which the Monroe doctrine is mentioned. Well; I would not stop on a question of style. The Monroe doctrine is adopted. It is swallowed, hook, line, and sinker, and, being carefully digested into the central organism of the whole instrument, I do not care what language they use about it. The language is entirely satisfactory so far as I understand the English language. That puzzles me, my fellow citizens. The English language seems to have got some new meaning since I studied it that bothers these gentlemen. I do not know what dictionaries they resort to. I do not know what manuals of conscience they can possibly resort to. The Monroe doctrine is expressly authenticated in this document, for the first time in history, by all the great nations of the world, and it was put there at our request. When I came back to this dear country in March I brought the first draft, the provisional draft, of the covenant of the league. I submitted it to the Foreign Relations Committee of the Senate of the United States, and I spent an evening discussing it with them. They made a number of suggestions. I carried every one of those suggestions to Paris, and every one of them was adopted. Now apparently they want me to go back to Paris and say, 'We are much obliged to you, but we do not like the language.' I suggested the other night that if they do not like that language there is another language in here. That page is English [illustrating]; this page is French [illustrating]—the same thing. If the English does not suit them, let them engage the interest of some French scholar and see if they like the French better. It is the same thing. It is done in perfect good faith. Nobody was trying to fool anybody else. This is the genuine work of honest men.

"The fourth matter that they are concerned about is domestic questions, so they want to put in a reservation enumerating certain questions as domestic questions which everybody on both sides of the water admits are domestic questions. That seems to me, to say the least, to be a work of supererogation. It does not seem to me necessary to specify what everybody admits, but they are so careful—I believe the word used to be 'meticulous'—that they want to put in what is clearly implied in the whole instrument. 'Well,' you say, 'why not?' Well, why not, my fellow citizens? The conference at Paris will still be sitting when the Senate of the United States has acted upon this treaty. Perhaps I ought not to say that so confidently. No man, even in the secrets of Providence, can tell how long it will take the United States Senate to do anything, but I imagine that in the normal course of human fatigue the Senate will have acted upon this treaty before the conference in Paris gets through with the Austrian treaty and the Bulgarian treaty and the Turkish treaty. They will still be there on the job. Now—every lawyer will follow me in this—if you take a contract and change the words, even though you do not change the sense, you have to get the other parties to accept those words. Is not that true? Therefore every reservation will have to be taken back to all the signatories of this treaty, and I want you to notice that that includes Germany. We will have to ask Germany's consent to read this treaty the way we understand it. I want to tell you that we did not ask Germany's consent with regard to the meaning of any one of those terms while we were in Paris. We told her what they meant and said, 'Sign here.' Are there any patriotic Americans who desire the method changed? Do they want me to ask the assembly at Weimar if I may read the treaty the way it means but in words which the United States Senate thinks it ought to have been written in? You see, reservations come down to this, that they want to change the language of the treaty without changing its meaning and involve all the embarrassments. Because, let me say, there are indications—I am judging not from official dispatches but from the newspapers—that people are not in as good a humor over in Paris now as they were when I was there, and it is going to be more difficult to get agreement from now on than it was then. After dealing with some of those gentlemen I found that they were as ingenious as any American in attaching unexpected meanings to plain words, and, having gone through the mill on the existing language, I do not want to go through it again on changed language.

"I must not turn away from this great subject without adverting to one particular in the treaty itself, and that is the provision with regard to the transfer of certain German rights in the Province of Shantung, China, to Japan. I have frankly said to my Japanese colleagues in the conference, and therefore I can without impropriety say it here, that I was very deeply dissatisfied with that part of the treaty. But, my fellow citizens, Japan agreed at that very time and as part of the understanding upon which those clauses were put into the treaty, that she would relinquish every item of sovereignty that Germany had enjoyed to China, and that she would retain only what other nations have elsewhere in China, certain economic concessions with regard to the railway and the mines, which she was to operate under a corporation and subject to the laws of China. As I say, I wish she could have done more. But suppose, as some have suggested, that we dissent from that clause in the treaty. You can not sign all of the treaty but one part, my fellow citizens. It is like the President's veto. He can not veto provisions in a bill. He has got either to sign the bill or veto the bill. We can not sign the treaty with the Shantung provision out of it, and if we could, what sort of service would we be doing to China?

"Let us state the facts with brutal frankness. England and France are bound by solemn treaty, entered into before the conference at Paris, before the end of the war, to give Japan what she gets in this treaty in the Province of Shantung. They can not in honor withdraw from that promise. They can not consent to a peace treaty which does not contain those provisions with regard to Shantung. England and France, therefore, will stand behind Japan, and if we are not signatories to the treaties and not parties she will get all that Germany had in Shantung, more than she will get under the promises which she made to us, and the only way we can get it away from her is by going to war with Japan and Great Britain and France. Does that look like a workable proposition? Is that doing China a service? Whereas, if we do accept this treaty, we are members of the league of nations, China is a member of the league, and Japan is a member of the league, and under that much-criticized article 10 Japan promises and we guarantee that the territorial integrity and political independence of China will be respected and preserved. That is the way to serve China. That is the only possible way in the circumstances to serve China.

"Therefore we can not rewrite this treaty. We must take it or leave it, and gentlemen, after all the rest of the world has signed it, will find it very difficult to make any other kind of treaty. As I took the liberty of saying the other night, it is a case of 'put up or shut up.' The world can not breathe in the atmosphere of negations. The world can not deal with nations who say, 'We won't play!' The world can not have anything to do with an arrangement in which every nation says, 'We will take care of ourselves.' Is it possible, my fellow citizens—is it possible, for the sinister thing has been suggested to me—that there is a group of individuals in this country who have conceived it as desirable that the United States should exercise its power alone, should arm for the purpose, should be ready for the enterprise, and should dominate the world by arms? There are indications that there are groups of citizens in this country who do not find that an unpalatable program. Are we going to substitute for Pan-Germanism a sinister Pan-Americanism? The thing is inconceivable. It is hideous. No man dare propose that in plain words to any American audience anywhere. The heart of this people is pure. The heart of this people is true. This great people loves liberty. It loves justice. It would rather have liberty and justice than wealth and power. It is the great idealistic force of history, and the idealism of America is what has made conquest of the spirits of men.

"While I was in Paris men of every race, from every quarter of the globe, sought interviews with us in order to tell us how absolutely they believed in America and how all their thoughts, all their pleas for help, all their hope of political salvation, reached out toward America, and my heart melted within me. I said to some of the simpler sort among them, 'I pray you that you will not expect the impossible. America can not do all the things that you are expecting her to do. The most that I can promise is that we will do everything we can.' And we are going to redeem that promise, not because I made it, but because when I made it I spoke the purpose and heart of the United States. If I felt that I personally in any way stood in the way of this settlement, I would be glad to die that it might be consummated, because I have a vision, my fellow citizens, that if this thing should by some mishap not be accomplished there would rest forever upon the fair name of this people a stain which could never be effaced, which would be



intolerable to every lover of America, inconceivable to any man who knew the duty of America and was ready with stout heart to do it.

"I said just now at the opening that I was happy to forget on a campaign like this what party I belonged to, and I hope that you will not think that I am recalling what party I belong to if I say how proud I have been to stand alongside of Senator HITCHCOCK in this fight. I would be just as glad to stand by Senator NORRIS if he would let me. I refer to Senator HITCHCOCK because I know this is his home town and because of my personal regard for him, and because I wanted to make it the preface to say I want to be the brother and comrade and co-worker of every man who will work for this great cause. It heartens me when I find, as I found in Des Moines and I find here, that there are more Republicans on the committees that meet me than Democrats. That may be in proportion to the population, but nevertheless I judge from what I see of these gentlemen that they are, at any rate, very favorable specimens and that I can take it for granted, because of what I see in my dealing with them, that they do represent some of the permanence and abiding influences of great communities like this. Why, the heart of America beats in these great prairies and on these hillsides. Sometimes in Washington you seem very far away. The voices that are most audible in Washington are not voices that anybody cares to listen to for very long, and it is refreshing to get out among the great body of one's fellow citizens and feel the touch of hand and the contact of shoulder and the impulse of mass movement which is going to make spiritual conquest of the world."

THE PRESIDENT AT COLISEUM, SIOUX FALLS, S. DAK., SEPTEMBER 8, 1919.

"Gov. Norbeck, my fellow citizens, I must admit that every time I face a great audience of my fellow countrymen on this trip I am filled with a feeling of peculiar solemnity, because I believe, my fellow countrymen, that we have come to one of the turning points in the history of the world, and what I as an American covet for this great country is that, as on other great occasions when mankind's fortunes hung in a nice poise and balance, America may have the distinction to lead the way.

"In order to enable you to realize some part of what is in my thought to-night, I am going to ask you to turn your thoughts back to the tragedy through which we have just passed. A little incident as we came along in the train to-day brought very close home to me the things that have been happening. A very quiet lady came up with a little crowd at a way station to shake hands with me, and she had no sooner taken my hand than she turned away and burst into tears. I asked a neighbor what was the matter, and he said she had meant to speak to me of her son who was dead in France, but that the words would not come from her lips. All over this country, my fellow citizens, there are women who have given up their sons, wives who have given up their husbands, young women who have given up their sweethearts, to die on the other side of the sea for a great cause which was not the peculiar cause of America but the cause of mankind and of civilization itself. I love to repeat what the people on the other side of the water said about those boys of ours. They told us that they did not look like any of the other soldiers, that they did not seem to be merely soldiers, that they seemed to be crusaders, that there was something in their eyes that they had never seen in the eyes of any other army, and I was reminded of what I had so often seen on former journeys across the seas: Going over in the steerage, bright-eyed men who had been permeated with the atmosphere of free America; coming back, among the immigrants coming from the old countries, dull-eyed men, tired-looking men, discouraged-looking men. They were all of them, going both ways, men who had come from across the sea, but going out they were going with the look of America in their eyes to visit the old people at home; coming back they had the fatigue of Europe in their eyes and had not yet got the feeling that penetrates every American, that there is a great future, that a man can handle his own fortunes, that it is his right to have his place in the world, and that no man that he does not choose is his master. And that is what these people saw in the eyes of the American boys who carried their arms across the sea. There was America in every one of those lively eyes, and America was not looking merely at the fields of France, was not merely seeking to defeat Germany; she was seeking to defeat everything that Germany's action represented, and to see to it that there never happened such a thing again.

"I want to remind you, my fellow countrymen, that that war was not an accident. That war did not just happen. There was not some sudden occasion which brought on a conflagration. On the contrary, Germany had been preparing for that war for generations. Germany had been preparing every resource, perfecting every skill, developing every invention, which would en-

able her to master the European world; and, after mastering the European world, to dominate the rest of the world. Everybody had been looking on. Everybody had known. For example, it was known in every war office in Europe, and in the War Department at Washington, that the Germans not only had a vast supply of great field guns but that they had ammunition enough for every one of those guns to exhaust the gun. Yet we were all living in a fool's paradise. We thought Germany meant what she said—that she was armed for defense; and that she never would use that great store of force against the rest of her fellow men. Why, my friends, it was fore-ordained the minute Germany conceived these purposes that she should do the thing which she did in 1914. That assassination of the Austrian Crown Prince in Serbia was not what started the war. They were ready to start it and merely made that an occasion and an excuse. Before they started it, Serbia had yielded to practically every demand they made of her, and they would not let the rest of the world know that Serbia had yielded, because they did not want to miss the occasion to start the war. They were afraid that other nations would prepare. They were afraid that they had given too much indication of what they were going to do and they did not want to wait. What immediately happened, when the other foreign offices of Europe learned of what was going on, was that from every other foreign office, so far as I have been able to learn, messages went to Berlin instructing their representatives to suggest to the German Government that the other Governments be informed and that an opportunity be obtained for a discussion, so as to see if war could not be avoided. And Germany did not dare discuss her purpose for 24 hours.

"I have brought back from Europe with me, my fellow citizens, a treaty in which Germany is disarmed and in which all the other nations of the world agree never to go to war without first of all having done one or other of two things, either having submitted the question in dispute to arbitration, in which case they will abide by the verdict, or, if they do not care to submit it to arbitration, having submitted it to discussion by the league of nations; that they will allow six months for the discussion; that they will publish all the facts to all the world; and that not until three months after the expiration of the six will they go to war. There is a period of nine months of cooling off, and Germany did not dare cool off for nine days! If Germany had dreamed that anything like the greater part of the world would combine against her, she never would have begun the war, and she did not dare to let the opinion of mankind crystallize against her by the discussion of the purposes which she had in mind. What I want to point out to you to-night is that we are making a fundamental choice. You have either got to have the old system, of which Germany was the perfect flower, or you have got to have a new system. You can not have a new system unless you provide a substitute, an adequate substitute, for the old, and when certain of our fellow citizens take the position that we do not want to go into any combination at all but want to take care of ourselves, all I have to say to them is that that is exactly the German position.

"Germany through the mouth of her Emperor—Germany through the mouths of her orators, Germany through the pens of her writers of all sorts—said, 'Here we stand, ready to take care of ourselves. We will not enter into any combination. We are armed for self-defense and no nation dares interfere with our rights.' That, it appears, is the American program in the eyes of some gentlemen; and I want to tell you that within the last two weeks the pro-German element in this country has lifted its head again. It is again heartened. It again has air in its lungs. It again says, 'Ah, now we see a chance when America and Germany will stand outside this league and take care of themselves.' Not take care of themselves as partners, I do not mean to intimate that, but where America will play the same rôle that Germany plays, under that old order which brought us through that agony of bloody sweat, that great agony in which the whole world seemed to be caught in the throes of a crisis, when for a long time we did not know whether civilization itself was going to survive or not. And do not believe, my fellow countrymen, that civilization is saved now. There were passions let loose upon the field of the world by that war which have not grown quiet yet, which will not grow quiet for a long time, and every element of disorder, every element of chaos, is hoping that there may be no steadying hand from a council of nations to hold the order of the world steady until we can make the final arrangements of justice and of peace. The treaty of peace with Germany is very much more than a treaty of peace with Germany. The German part of it takes a good many words, because there are a great many technical details to be arranged, but that is not the heart of the treaty. The heart of the treaty is that it undoes the injustice that Germany did; that it not only



undoes the injustice that Germany did but it organizes the world to see that such injustice will in the future be impossible.

"And not forgetting, but remembering with intense sympathy the toiling mass of mankind, the conference at Paris wrote into the heart of that treaty a great charter of labor. I think that those of us who live in this happy land can have little conception of the conditions of labor in some of the European countries up to the period of the outbreak of this war, and one of the things that that treaty proposes to do is to organize the opinion of all nations to assist in the betterment and the release of the great forces of labor throughout the world. It is a laboring man's treaty in the sense that it is the average man's treaty. Why, my fellow citizens, the thing that happened at Paris was absolutely and literally unprecedented. There never was a gathering of the leading statesmen of the world before who did not sit down to divide the spoils, to make the arrangements the most advantageous that they could devise for their own strong and powerful Governments. Yet this gathering of statesmen sat themselves down to do something which a friend of mine the other day very aptly described as establishing the land titles of the world, because the principle underlying the treaty was that every land belonged to the native stock that lived in it, and that nobody had the right to dictate either the form of government or the control of territory to those people who were born and bred and had their lives and happiness to make there. The principle that nobody has the right to impose the sovereignty of any alien government on anybody was for the first time recognized in the counsels of international deliberation. In this league of nations covenant, which some men ask you to examine in a spot here and there with a magnifying glass, there lies at the heart of it this great principle, Nobody has the right to take any territory any more.

"You will see what our situation was: The Austrian Empire, for example, had gone to pieces, and here we were with the pieces on the table. The Austrian treaty is not yet completed, but it is being made on the same principle as the German, and will serve as an illustration. In the old days they would have compacted it between armies. They did not do that this time. They said, 'This piece belongs to the Poles and to nobody else. This piece belongs to the Bohemians and to nobody else. This piece belongs to Roumania, though she never could have got it for herself; we are going to turn it over to her, though other people want it. This piece belongs to the Slavs, who live in the northern Balkans—the Jugo-Slavs as we have come to know them to be—and they shall have what belongs to them.' When we turned to the property of Germany, which she had been habitually misgoverning—I mean the German colonies, particularly the colonies in Africa—there were many nations who would like to have had those rich, undeveloped portions of the world; but none of them got them. We adopted the principle of trusteeship. We said, 'We will put you in charge of this, that, and the other piece of territory, and you will make an annual report to us. We will deprive you of your trusteeship whenever you administer it in a way which is not approved by our judgment, and we will put upon you this primary limitation, that you shall do nothing that is to the detriment of the people who live in that territory. You shall not enforce labor on it, and you shall apply the same principles of humanity to the work of their women and children that you apply at home. You shall not allow the illicit trade in drugs and in liquors. You shall not allow men who want to make money out of powder and shot to sell arms and ammunition to those who can use them to their own disadvantage. You shall not make those people fight in your armies. The country is theirs, and you must remember that and treat it as theirs.' There is no more annexation. There is no more land grabbing. There is no more extension of sovereignty. It is an absolute reversal of history, an absolute revolution in the way in which international affairs are treated; and it is all in the covenant of the league of nations.

"The old system was, Be ready, and we can be ready. I have heard gentlemen say, 'America can take care of herself.' Yes, she can take care of herself. Every man would have to train to arms. We would have to have a great standing army. We would have to have accumulations of military material such as Germany used to have. We would enjoy the luxuries of taxes even higher than we pay now. We could accumulate our force, and then our force would have to be directed by some kind of sufficiently vigorous central power. You would have a military government in spirit if not in form. No use having a fighting nation if there is not somebody to swing it! If you do not want your President to be a representative of the civil purposes of this country, you can turn him into merely a commander in chief, ready to fight the world. But if you did nobody would recognize America in those strange and altered circumstances. All the world would stand at amaze and say,

'Has America forgotten everything that she ever professed?' The picture is one that every American repudiates; and I challenge any man who has that purpose at the back of his thought to avow it. If he comes and tells you that America must stand alone and take care of herself, ask him how it is going to be done, and he will not dare tell you, because you would show him the door and say, 'We do not know any such American.'

"Yet we can not do without force. You can not establish land titles, as I have expressed it, and not maintain them. Suppose that the land titles of South Dakota were disturbed. Suppose the farm lines were moved, say, 10 feet. You know what would happen. Along every fence line you would see farmers perching with guns on their knees. The only reason they are not perching now is that there are land deeds deposited in a particular place, and the whole majesty and force and judicial system of the State of South Dakota are behind the titles. Very well, we have got to do something like that internationally. You can not set up Poland, whom all the world through centuries has pitied and sympathized with, as the owner of her property and not have somebody take care that her title deeds are respected. You can not establish freedom, my fellow citizens, without force, and the only force you can substitute for an armed mankind is the concerted force of the combined action of mankind through the instrumentality of all the enlightened Governments of the world. This is the only conceivable system that you can substitute for the old order of things which brought the calamity of this war upon us and would assuredly bring the calamity of another war upon us. Your choice is between the league of nations and Germanism. I have told you what I mean by Germanism—taking care of yourselves, being armed and ready, having a chip on your shoulder, thinking of nothing but your own rights and never thinking of the rights of anybody else, thinking that you were put into this world to see that American might was asserted and forgetting that American might ought never to be used against the weak, ought never to be used in an unjust cause, ought never to be used for aggression; ought to be used with the heart of humanity beating behind it.

"Sometimes people call me an idealist. Well, that is the way I know I am an American. America, my fellow citizens—I do not say it in disparagement of any other great people—America is the only idealistic Nation in the world. When I speak practical judgments about business affairs, I can only guess whether I am speaking the voice of America or not, but when I speak the ideal purposes of history I know that I am speaking the voice of America, because I have saturated myself since I was a boy in the records of that spirit, and everywhere in them there is this authentic tone of the love of justice and the service of humanity. If by any mysterious influence of error America should not take the leading part in this new enterprise of concerted power, the world would experience one of those reversals of sentiment, one of those penetrating chills of reaction, which would lead to a universal cynicism, for if America goes back upon mankind, mankind has no other place to turn. It is the hope of nations all over the world that America will do this great thing. Yet I find some gentlemen so nervous about doing right that their eyes rest very uneasily on the first article of the covenant of the league of nations, and they say 'That says that we can get out after two years' notice, if we have fulfilled all our international obligations at that time. Now, we want to make it perfectly clear that we will get out when we want to.' You can not make it perfectly clear in the way they want it, unless you make it perfectly clear at the outset that you want to get out. You can not choose the seat by the door and keep fumbling with the knob without creating the impression that you are going to get out in a minute; that you do not like the company you are in; that you do not like the job; that you are by constitution and disposition a scuttler! If America goes into this thing, she is going to stay in, and she is going to stay in in order to see that justice is done. She can see to it, because if you read this covenant of the league you will find that, America being one of the members of the council of the league, nothing material can be done under that league without a unanimous vote of the council. America can determine what action is going to be taken. No action that is against her policy or against her will can be taken, unless her judgment is rendered in some case where she is one of the disputants, but, my fellow citizens, if she is one of the disputants, she is in trouble anyhow. If the war that they are trying to avert is her war, then I do not see that she is any more benefited by being out of the league than in it. On the contrary, if she is in the league, she has at least the good offices of other friendly States to see that some accommodation is reached.

"And she is doing exactly what she has done already. Some gentlemen forget that we already have nearly 30 treaties with



the leading nations of the world. Yes; and to do the very thing that is in this covenant, only we agree to take 12 months to discuss everything, whereas the league gives 9 months. The American choice would be 12. We promise not to fight without first talking. I want to call a great many here witness to this circumstance, for I am sure by looking at you that you know something about it. What is the certain way to have difficulty between capital and labor? It is to refuse to sit down in the same room and talk it over. I can not understand why one man or set of men should refuse to discuss claims or grievances with another set of men, unless they know to begin with that they are wrong. I am very averse from discussing anything when I know I have got the wrong end, but when I think I have got either the right end or as good an end as the other fellow, then I am perfectly willing to discuss it. There is an old saying accredited to a rather cynical politician of what I hope I may regard as the older school, who said to his son, 'John, do not bother your head about lies; they will take care of themselves; but if you ever hear me denying anything, you may be sure it is so.' The only thing we are afraid of, the only thing we dodge, is the truth. If we see facts coming our way, it is just as well to get out of the way. Always take this attitude, my friends, toward facts: Always try to see them coming first, so that they will not catch you at unawares. So with all matters, grading up from the smallest to the greatest. Human beings can get together by discussion, and it is the business of civilization to get together by discussion and not by fighting. That is civilization. The only reason this country is civilized is because we do not let two men who have a difference fight one another. We say, 'Wait a minute; we have arranged for that. Just around the corner there you will find a courthouse. On certain days the court is sitting. Go and state the matter to those men, and neither before nor after the decision shall you touch one another.' That is civilization. You have got the ordered processes of consultation and discussion. You have got to act by rule, and justice consists in applying the same rule to everybody, not one rule to the rich man and another to the poor; not one rule to the employer and another to the employee, but the same rule to the strong and to the weak.

"That is exactly what is attempted in this treaty. I can not understand the psychology of men who are resisting it. I can not understand what they are afraid of, unless it is that they know physical force and do not understand moral force. Moral force is a great deal more powerful than physical. Govern the sentiments of mankind and you govern mankind. Govern their fears, govern their hopes, determine their fortunes, get them together in concerted masses, and the whole thing sways like a team. Once get them suspecting one another, once get them antagonizing one another, and society itself goes to pieces. We are trying to make a society instead of a set of barbarians out of the governments of the world. I sometimes think, when I wake in the night, of all the wakeful nights that anxious fathers and mothers and friends have spent during those weary years of this awful war, and I seem to hear the cry, the inarticulate cry of mothers all over the world, millions of them on the other side of the sea and thousands of them on this side of the sea, 'In God's name, give us the sensible and hopeful and peaceful processes of right and of justice!'

"America can stay out, but I want to call you to witness that the peace of the world can not be established without America. America is necessary to the peace of the world. And reverse the proposition: The peace and good will of the world are necessary to America. Disappoint the world, center its suspicion upon you, make it feel that you are hot and jealous rivals of the other nations, and do you think you are going to do as much business with them as you would otherwise do? I do not like to put the thing on that plane, my fellow countrymen, but if you want to talk business, I can talk business. If you want to put it on the low plane of how much money you can make, you can make more money out of friendly traders than out of hostile traders. You can make more money out of men who trust you than out of men who fear you. You can bring about a state of mind where by every device possible foreign markets will be closed to you, and men will say, 'No; the wheat of America tastes bitter; we will eat the wheat of Argentina; we will eat the wheat of Australia, for that is the wheat of friendship, and this is the wheat of antagonism. We do not want to wear clothes made out of American cotton; we are going to buy just as much cotton from India as we can. We are going to develop new cotton fields. America is up to something; we do not know just what, and we are going to shut and lock every door we can against her.' You can get the world in that temper. Do you think that would be profitable? Do you think there is money in that? But I am not going to dwell upon that side of it. I am just as sure of what you are thinking as I

am of what I am thinking. We are not thinking of money. We would rather retain the reputation of America than have all the money in the world. I am not ready to die for money, and neither are you, but you are ready and I am ready to die for America.

"A friend of mine made a very poignant remark to me one day. He said, 'Did you ever see a family that hung its son's yardstick or ledger or spade up over the mantelpiece?' But how many of you have seen the lad's rifle, his musket, hung up! Well, why? A musket is a barbarous thing. The spade and the yardstick and the ledger are the symbols of peace and of steady business; why not hang them up? Because they do not represent self-sacrifice. They do not glorify you. They do not dignify you in the same sense that the musket does, because when you took that musket at the call of your country you risked everything and knew you could not get anything. The most that you could do was to come back alive, but after you came back alive there was a halo about you. That boy was in France! That boy served his country and served a great cause! That boy risked everything to see that the weak peoples of the world were redeemed from intolerable tyranny! Here comes—ah, how I wish I were going to be in Washington on the 17th—here comes, do you not hear it, the tread of the First Division; those men, along with their comrades, to whom the eyes of all Europe turn! All Europe took heart when they saw that brilliant flag unfurled on French soil.

"Did you ever hear that thrilling song that is being sung so much now of the blind Frenchman wishing to know if the Americans had come, bidding his son watch at the window. 'Look, my lad, what are they carrying? What are the colors? Are they red stripes upon a field of white? Is there a piece of heaven in the corner? Is that piece of heaven full of stars? Ah, the Americans have come! Thank God, the Americans have come!' That is what we have at our hearts, my fellow citizens, and we hang the musket up, or the sword, over the mantelpiece. And if the lad is gone and dead, we share the spirit of a noble lady, who said to me, without the glimmer of a tear in her eye, 'I have had the honor of losing a son upon the fields of France. I have had the honor, not the pain. I have had the distinction of losing a son of mine upon the field of honor.' It is that field of honor that we are going to redeem. We are not going to redeem it with blood any more, but we are going to make out of the counsels of the people of the world counsels of peace and of justice and of honor."

THE PRESIDENT BEFORE STATE LEGISLATURE, ST. PAUL, MINN., SEPTEMBER 9, 1919.

"Mr. Speaker, your excellency, gentlemen of the legislature, ladies and gentlemen, I esteem it an unusual privilege to stand in this place to-day and to address the members of this great body, because the errand upon which I have left Washington is so intimate a matter of the life of our own Nation as well as of the life of the world. Yet I am conscious, standing in this presence, that perhaps the most appropriate things I could allude to are those which affect us immediately. I know that you have been called together in special session for special objects. One of those objects you have achieved, and I rejoice with you in the adoption of the suffrage amendment. Another of the objects, I understand, is to consider the high cost of living, and the high cost of living is one of those things which are so complicated; it ramifies in so many directions that it seems to me we can not do anything in particular without knowing how the particulars affect the whole. It is dangerous to play with a complicated piece of machinery, piece by piece, unless you know how the pieces are related to each other.

"The cost of living at present is a world condition. It is due to the fact that the man power of the world has been sacrificed in the agony of the battle field and that all the processes of industry have been either slackened or diverted. The production of foodstuffs, the production of clothing, the production of all the necessities of life has either been slackened or it has been turned into channels which are not immediately useful for the general civil population. Great factories, as I need not tell you, in our own country which were devoted to the uses of peace have recently been diverted in such fashion as to serve the purposes of war, and it will take a certain length of time to restore them to their old adjustments, to put their machinery to the old uses again, to redistribute labor so that it will not be concentrated upon the manufacture of munitions and the other stuffs necessary for war, but will be devoted to the general processes of production so necessary for our life.

"Back of all that—and I do not say this merely for an argumentative reason, but because it is true—back of that lies the fact that we have not yet learned what the basis of peace is going to be. The world is not going to settle down, my fellow



citizens, until it knows what part the United States is going to play in the peace. And that for a very interesting reason. The strain put upon the finances of the other Governments of the world has been all but a breaking strain. I imagine that it will be several generations before foreign Governments can finally adjust themselves to carrying the overwhelming debts which have been accumulated in this war. The United States has accumulated a great debt, but not in proportion to those that other countries have accumulated when you reckon our wealth as compared with theirs. We are the only nation in the world that is likely in the immediate future to have a sufficient body of free capital to put the industrial world, here and elsewhere, on its feet again. Until the industrial world here and elsewhere is put on its feet you can not finally handle the question of the cost of living, because the cost of living in the last analysis depends upon the thing we are always talking about but do not know how to manage—the law of supply and demand. It depends upon manufacture and distribution. It depends upon all the normal processes of the industrial and commercial world. It depends upon international credit. It depends upon shipping. It depends upon the multiplication of transportation facilities domestically. Our railroads at this moment are not adequate to moving the commerce of this country. Every here and there they run through a little neck—for example, the Pennsylvania system at Pittsburgh—where everything is congested and you are squeezing a great commerce through a little aperture. Terminal facilities at the ports are not adequate. The problem grows the more you think of it. What we have to put our minds to is an international problem, first of all—to set the commerce of the world going again and the manufacture of the world going again. And we have got to do that largely. Then we have got to see that our own production and our own methods of finance and our own commerce are quickened in every way that is possible. And then we, sitting in legislatures like this and in the Congress of the United States, have to see to it, if you will permit a vulgar expression, that 'nobody monkeyes with the process.'

"I understand that one of the excellent suggestions made by your governor is that you look into the matter of cold storage. Well, there are other kinds of storage besides cold storage. There are all sorts of ways of governing and concentrating the reserve stocks of goods. You do not have to keep everything cold, though you can keep the cold hand of control on it; you can manage by a concert that need not be put on paper to see to it that goods are doled out to the market so that they will not get there so fast as to bring the price down. The communities of the United States are entitled to see that these dams are removed and that the waters that are going to fructify the world flow in their normal courses. It is not easy. It is not always pleasant. You do not like to look censoriously into the affairs of your fellow citizens too much or too often, but it is necessary to look with a very unsympathetic eye at some of the processes which are retarding distribution and the supply which is going to meet the demand.

"Not only that, but we have got to realize that we are face to face with a great industrial problem which does not center in the United States. It centers elsewhere. But which we share with the other countries of the world. That is the relation between capital and labor, between those who employ and those who are employed, and we might as well sit up straight and look facts in the face, gentlemen. The laboring men of the world are not satisfied with their relations with their employers. Of course, I do not mean to say that there is universal dissatisfaction, because here, there, and elsewhere, in many cases fortunately, there are very satisfactory relations, but I am now speaking of the general relationship which exists between capital and labor. Everywhere there is dissatisfaction, with it much more acute on the other side of the water than on this side, and one of the things that have to be brought about for mankind can be brought about by what we do in this country, because, as a matter of fact, if I may refer for a moment to the treaty of peace, there is a part of that treaty which sets up an international method of consultation about the conditions of labor. It is a splendid instrument locked up in that great document. I have called it frequently the Magna Charta of labor, for it is that, and the standards set up, for standards are stated, are the standards of American labor so far as they could be adopted in a general conference. The point I wish to make is that the world is looking to America to set the standards with regard to the conditions of labor and the relations between labor and capital, and it is looking to us because we have been more progressive than other nations in those matters, though sometimes we have moved very slowly and with undue caution. As a result of our progressiveness the ruling influences among our working men are conservative

in the sense that they see that it is not in the interest of labor to break up civilization, and progressive in the sense that they see that a constructive program has to be adopted. By a progressive I do not mean a man who is ready to move, but a man who knows where he is going when he moves. A man who has got a workable program is the only progressive, because if you have not got a workable program, you can not make it good and you can not progress. Very well, then, we have got to have a constructive program with regard to labor, and the minute we get it we will relieve the strain all over the world, because the world will accept our standards and follow our example. I am not dogmatic about this matter. I can not presume that I know how it ought to be done. I know the principle upon which it ought to be done. The principle is that the interests of capital and the interests of labor are not different but the same, and men of business sense ought to know how to work out an organization which will express that identity of interest. Where there is identity of interest there must be community of interest. You can not any longer regard labor as a commodity. You have got to regard it as a means of association, the association of physical skill and physical vigor with the enterprise which is managed by those who represent capital; and when you do, the production of the world is going to go forward by leaps and bounds.

"Why is it that labor organizations jealously limit the amount of work that their men can do? Because they are driving hard bargains with you; they do not feel that they are your partners at all, and so long as labor and capital are antagonistic production is going to be at its minimum. Just so soon as they are sympathetic and cooperative it is going to abound, and that will be one of the means of bringing down the cost of living. In other words, my fellow citizens, we can do something, we can do a great deal, along the lines of your governor's recommendation and along the lines that I took the liberty of recommending to the Congress of the United States, but we must remember that we are only beginning the push, that we are only learning the job, and that its ramifications extend into all the relationships of international credit and international industry. We ought to give our thought to this, gentlemen: America, though we do not like to admit it, has been very provincial in regard to the world's business. When we had to engage in banking transactions outside the United States we generally did it through English bankers or, more often, through German bankers. You did not find American banks in Shanghai and Calcutta and all around the circle of the world. You found every other bank there; you found French banks and English banks and German banks and Swedish banks. You did not find American banks. American bankers have not, as a rule, handled international exchange, and here all of a sudden, as if by the turn of a hand, because of the sweeping winds of this war which have destroyed so many things, we are called upon to handle the bulk of international exchange. We have got to learn it, and we have got to learn it fast. We have got to have American instrumentalities in every part of the world if American money is going to rehabilitate the world, as American money must.

"If you say, 'Why should we rehabilitate the world?' I will not suggest any altruistic motive; but if you want to trade you have got to have somebody to trade with. If you want to carry your business to the ends of the world, there must be business at the ends of the world to tie in with. And if the business of the world lags your industries lag and your prosperity lags. We have no choice but to be the servants of the world if we would be our own servants. I do not like to put it on that ground because that is not the American ground. America is ready to help the world, whether it benefits her or not. She did not come into the world, she was not created by the great men who set her Government up, in order to make money out of the rest of mankind. She was set up in order to rehabilitate the rest of mankind, and the dollar of American money spent to free those who have been enslaved is worth more than a million dollars put in any American pocket.

"It is in this impersonal way that I am trying to illustrate to you how the problem that we are facing in the high cost of living is the end and the beginning and a portion of a world problem, and the great difficulty just now, my fellow citizens, is in getting some minds adjusted to the world. One of the difficulties that are being encountered about the treaty and the league of nations, if I may be permitted to say so—and perhaps I can say so the more freely here because I do not think this difficulty exists in the mind of either Senator from this State—the difficulty is, not prejudice so much but that thing which is so common and so inconvenient—just downright ignorance. Ignorance, I mean, of the state of the world and of America's relation to the state of the world. We can not change that relation. It is a fact. It is a fact bigger than anybody of us,



and one of the advantages that the United States has it ought not to forfeit; it is made up out of all the thinking peoples of the world. We do not draw our blood from any one source; we do not draw our principles from any one nation; we are made up out of all the sturdy stocks of the round world. We have gotten uneasy because some other kinds of stocks tried to come in; but the bulk remains the same; we are made up out of the hard-headed, hard-fisted, practical and yet idealistic, and forwarding-looking peoples of the world, and we of all people ought to have an international understanding, an ability to comprehend what the problem of the world is and what part we ought to play in that problem. We have got to play a part, and we can play it either as members of the board of directors or as outside speculators. We can play it inside or on the curb, and you know how inconvenient it is to play it on the curb.

"There is one thing that I respect more than any other, and that is a fact. I remember, when I was governor of the State of New Jersey, I was very urgently pressing some measures which a particular member of the senate of the State, whom I knew and liked very much, was opposed to. His constituents were very much in favor of it, and they sent an influential committee down personally to conduct his vote; and after he had voted for the measure they brought him, looking a little sheepish, into my office to be congratulated. Well, he and I kept as straight faces as we could, and I congratulated him very warmly, and then with a very heavy wink he said to me behind his hand, 'Governor, they never get me if I see 'em coming first.' Now, that is not a very high political principle, but I commend that principle to you with regard to facts. Never let them get you if you see them coming first; and any man with open eyes can see the facts coming, coming in serried ranks, coming in overwhelming power, not to be resisted by the United States or any other nation. The facts are marching and God is marching with them. You can not resist them. You must either welcome them or subsequently, with humiliation, surrender to them. It is welcome or surrender. It is acceptance of great world conditions and great world duties or scuttle now and come back afterwards.

"But I am not arguing this with you, because I do not believe it is necessary in the State of Minnesota. I am merely telling you. It is like the case of the man who met two of his fellow lawyers and asked them what they were discussing. They said, 'We were discussing who is the leading member of the bar of this county,' and the other said, 'Why, I am.' They said, 'How do you prove it?' He said, 'I don't have to prove it; I admit it.' I think that that is the state of mind of the thoughtful persons of our country, and they, thank God, are the chief portions of it, with regard to the great crisis that we are face to face with now.

"It has been a privilege, gentlemen, to be permitted in this informal way to disclose to you some part of the thought which I am carrying about with me as really a great burden, because I have seen the disturbed world on the other side of the water. I know the earnest hope and beautiful confidence with which they are looking toward us, and my heart is full of the burden of it. It is a great responsibility for us to carry. We will have to have infinite intelligence and infinite diligence in business to fulfill the expectations of the peoples of the world; and yet that is our duty, our inescapable duty, and we must concert together to perform it.

"Everywhere I have been on this trip the majority of the committee that has received me has consisted of Republicans, and nothing has pleased me so much, because I should be ashamed of myself if I permitted any partisan thought to enter into this great matter. If I were a scheming politician and anybody wished to present me with the peace of the world as a campaign issue, it would be very welcome, because there could be no issue easier to win on; but everybody knows that that is not a worthy thought, everybody knows that we are all Americans. Scratch a Democrat or a Republican and underneath it is the same stuff. And the labels rub off upon the slightest effort—not the memories, the recollections; some of them are very stubborn, but it is the principle that matters. The label does not make much difference. The principle is just the same, and the only thing we differ about is the way to carry out the principle. Back of all lies that wonderful thing, that thing which the foreigner was amazed to see in the faces of our soldiers, that incomparable American spirit which you do not see the like of anywhere; that universal brightness of expression, as if every man knew there was a future and that he had something to do with molding it, instead of that dull, expressionless face which means that there is nothing but a past and a burdensome present. You do not see that in the American face. The American face mirrors the future, and, my fellow citizens, the American purpose mirrors the future of the world."

## TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I ask that the hearings on the treaty of peace with Germany be printed as a Senate document, as only a small number were printed for the use of the committee. They are completely exhausted, and there is much demand for them.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the hearings had on the treaty of peace with Germany be printed as a Senate document. Without objection, it is so ordered.

## THE KOREAN QUESTION.

Mr. SPENCER. Mr. President, I have had presented to me a comprehensive statement and brief in connection with the Korean situation, which, if there is no objection, I should like to have printed in the Record for the information of Senators and referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, the statement will be received and printed in the Record and so referred. The statement is as follows:

## KOREAN QUESTION BEFORE THE FOREIGN RELATIONS COMMITTEE OF THE UNITED STATES SENATE.

[Statement and brief for the Republic of Korea, by Mr. Fred A. Dolph, counselor of the Republic of Korea.]

## "THE CHARGES AGAINST JAPAN."

"Conforming to usual procedure, we first present for Korea the 'Charges against Japan,' although in this particular matter the facts embody obvious indictments in themselves.

"We preface these charges with this statement, which we now emphasize and which we wish all who are to pass upon these matters to keep continually in mind, that Korea for over 4,000 years, prior to any steps being taken by Japan to obtain sovereignty, was an independent nation, recognized and dealt with as such by all peoples and nations of the world. She had entered into treaties of amity and commerce with the principal powers—even Japan had made such a treaty in 1876—and had open diplomatic relations with all those powers, receiving diplomatic representatives into her country and being in turn represented in foreign countries by her diplomatic agents.

"Our own United States, in 1882, made such a treaty with Korea, not only recognizing Korea as an independent nation, but by the second paragraph of article 1 of that treaty specifically and mutually agreeing with Korea as follows:

"If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings."

"This was the status of Korea until 1894—undisputed, admitted, and recognized by all powers.

"Korea charges that Japan, during the period from 1894 to the present time, by successive acts of pretended friendship, cajolery, intimidation, and force of arms; using first one means and then another, and sometimes all, has obtained fraudulent possession of Korea and now claims complete sovereignty over the nation and is seeking to extinguish the lives and property rights of a race of 19,000,000 people to gratify her ambition to control first the Far East and then the world.

"Japan, in 1894, using as a means to an end the threat of Chinese encroachment upon Korea, obtained a treaty from Korea, permitting her military occupation of Korea during the period of her war with China. When that war was over, she did not remove all her troops as she had agreed to do by treaty, but instead began to bring pressure upon the King to secure all sorts of economic rights in Korea and to dominate the policies of the country.

"The Queen was vigorously protesting and using her influence to prevent this usurpation, and one night in October, 1895, at the direct instigation of the Japanese minister, Viscount Miura, Japanese entered the palace, searched until they found the terror-stricken Queen, murdered her, hacked her body into pieces, wrapped the pieces in a blanket, saturated the whole with oil, and burned the body. The grief-stricken King shortly after that, in February, 1896, made his successful escape to the Russian Embassy.

"This was a heavy blow to the Japanese. They saw that they had lost the person of the King, which to the oriental mind meant everything, and that methods must be devised to get the Emperor back within their power.

"Negotiations were opened up with the Russians, resulting in the agreement at Moscow and the subsequent protocol between Russia and Japan, made June 9, 1896, which recognized Korea as an independent nation and acknowledged her right to have her own armed force and police.

"Through the joint efforts of Russia and Japan, the King was induced to return to his palace and Japan agreeing to main-



tain only a consulate guard in Korea. Japan, for the time being, was louder and louder in her protestations of love and friendship for Korea and was ostentatiously instrumental in having the King proclaimed Emperor in order that he might be classed with the Emperor of Japan. The King was not impressed, but many of his subjects were.

"Then came the threat of Russian invasion. Due advantage of this was taken by Japanese propagandists, and in February, 1904, Korea was again induced to permit Japanese troops to occupy Korea for the purpose of repelling the Russian invasion, to remain during the war between Russia and Japan. The result of the Russian War was that in the treaty of Portsmouth, in 1905, Russia recognized 'the paramount rights of Japan in Korea.'

"Japan proceeded to exert her claimed 'paramount rights.' She remained in Korea with her troops in violation of her treaty agreements with Korea. She sought to profit by her experiences in trying to gain possession after the Chinese War, to use more positive and more aggressive means. In August, 1904, she forced Korea to consent to the appointment of official Japanese financial and diplomatic advisers, and to agree that no treaties should be made with foreign powers without her consent, and in April, 1905, she forced Korea to turn over to Japan all telephone and telegraph lines and other means of communication, and a few months later forced permission for Japanese vessels to navigate along the coast and in the inland waters of Korea.

"It was necessary, in furtherance of Japan's ambitions, that Dr. Allen, the American minister to Korea, a man of the highest American type, a true and fearless believer in fair play, should be removed. He had been in Korea during the previous attempt at usurpation after the Chinese War. He knew too much. His removal was accomplished through some means, and a Mr. Morgan was appointed to his place, a man wholly unfamiliar with previous happenings.

"All of these things decided the Emperor upon an appeal to the United States for protection under the treaty of 1882. He called in his personal friend and confidant, Prof. H. B. Hulbert, an American, and intrusted him with a letter for delivery to the President, containing a recital of Japanese oppression and a protest to our Government. Prof. Hulbert's first duty as a loyal American was to inform Mr. Morgan, the American minister, of his mission, which he did, and in October, 1905, left for America to carry out the Emperor's wish.

"By some means, whether fair or foul, the Japanese learned of the object of Prof. Hulbert's visit to the United States, and from that moment they brought to bear upon Korea all the force and aggressive methods their ingenuity could devise. Finally, in desperation, they resorted to brute force. They filled the palace with armed soldiers, and, assembling the Korean ministers, without call or legal notice, demanded of them and of the Emperor that they sign a treaty giving Japan a protectorate over Korea. They refused. The prime minister was taken into a side room and with drawn sword his life was threatened. He preferred to die rather than stultify himself or betray Korea. Awed before such evidence of courage and principle, the hand of the Japanese officer was stayed, and he returned to the audience chamber with great show of sheathing his sword, saying to the other ministers, 'Now, will you sign?' Through the night long this method of intimidation was continued until finally three of the weaker members of the ministry consented. The Emperor never did consent or sign, and to his dying day at every opportunity he protested the outrage. During the conference the Emperor managed to send word to have the great seal thrown into the lake, so that it could not be used, but the Japanese managed to secure the seal before this order could be carried out, and compelled the sealing of the alleged protectorate treaty of November 17, 1905.

"In the meantime Prof. Hulbert was speeding on his way to Washington. It was a race, with the future of Korea the stake. The so-called treaty of protectorate was forced on Korea almost simultaneously with his arrival in Washington, but although he immediately announced the arrival of the message, he was prevented either by circumstances or design from actually depositing the document until after Japan had announced that the treaty had been signed. Japan asserted that the treaty was entirely satisfactory to the Government and people of Korea. Her word was taken as true, and the appeal of the Emperor became simply a part of the files of the State Department. The next day Prof. Hulbert received a cable from the Emperor stating that the protectorate was invalid and that it had been obtained at the point of the sword. This was taken to the State Department by Prof. Hulbert, and it, too, became a part of the files.

"The Emperor, finding that some further appeal was necessary then set about presenting the matter to The Hague convention which was to sit in 1907. Upon Prof. Hulbert's return to Korea he was given formal commissions as envoy to the other powers, all identical in form, each reciting the fraudulent procurement of the alleged protectorate and asking for the good offices and intervention of the powers under their treaty stipulations.

"Japan was aware of these moves and successfully blocked the attempt on the part of Korea to secure a hearing at The Hague. Prof. Hulbert started on his second mission, but Japan, before he reached his destination, had forced the abdication of the Emperor in favor of his son. Prof. Hulbert's credentials being executed by the ex-Emperor, were considered nullified by his abdication, and the question of Korea's oppression was not considered by The Hague.

"The pitiful spectacle of the crowning of the new Emperor in August, 1907, amid the sullen silence of a resentful people has been repeatedly told by writers and historians. He had been non compos mentis from birth. The Japanese did all that was possible to prevent outside publicity. One writer says: 'In this they were well advised. No one who looked upon the new Emperor as he entered the hall of state, his shaking frame upborne by two officials, or as he stood later, with open mouth, fallen jaw, indifferent eyes, and face lacking even a flickering gleam of intelligent interest, could doubt that the fewer who saw this the better.'

"The first order procured by the Japanese from their puppet Emperor was an order disbanding the Korean Army. The superior officers were called to the residence of the Japanese commander, and the order read to them. They were told to assemble their men the next morning without arms and to dismiss them, and that in the meantime their arms would be secured in their absence. At least one officer committed suicide rather than execute the order. His men put up a sturdy resistance against all odds. From 8.30 in the morning until noon they fought desperately, until they were overpowered by sheer force of numbers. Thus the order was finally executed, and Korea was at Japan's mercy. All weapons were confiscated. Koreans were not allowed and are not now allowed to have arms or weapons of any kind. One butcher knife is permitted for the common use of five families, and when not in use it must be hung in a designated public place in plain view of Japanese police and gendarmes.

"With the crowning of the puppet Emperor Japan's control of Korea became absolute, but the watchful care of an idiot Emperor and the buying of toys and baubles became irksome to the aggressive Japanese, and in 1910 they came out openly and boldly with a proclamation of annexation.

"The old Emperor lived until January 24 of this year, always with the hope that he might do something to restore Korea to her place among nations and to gain freedom for his people. His last act was to gather up his few trinkets of jewelry to defray the expense of a delegation to the peace conference at Paris to present Korea's claims. The Japanese learned of this, and he suddenly died. Japan reported that he died of apoplexy. Other stories, fully as authentic and probable, are that he was murdered, that he committed suicide, and that he died of despair and a broken heart. The world may never know how he died, but when death did come he still had the love, sympathy, and trust of his people.

"This deprivation of the inherent right to self-government and our much talked of principle of self-determination is sufficient to make us pause and then act. If Japanese control had been humane and coupled with unselfish, sincere motives the principle of self-determination would even still hold true. But Japanese control has been distinctly bad, inhumane, and selfish. Koreans have been taxed to the limit. Their lands have been confiscated in favor of Japanese individuals and a Japanese controlled and chartered exploitation company. Japanese has been imposed upon the Koreans as the national language. Koreans are not given educational privileges. Their banks have been forced to consolidate with a Japanese controlled central bank. Unconscionable regulations are imposed upon Korean merchants and tradesmen. Their mines and forests have been confiscated. Police regulations are intolerable. There is said to be a policeman or gendarme for every five families. Koreans must tell where they want to go and why, and well-to-do Koreans must employ a Japanese butler, who regulates what they should buy and where. All news to the outside world is censored. Korean papers have been suppressed and ancient Korean historical records destroyed.

"The administration expense of such a government is enormous. This is defrayed wholly by a tax against Korea, with no representation whatever, of over 18 per cent of the gross income from all sources. License fees from infamous pursuit



not before permitted in Korea, and revenues derived by Japan from the opium traffic, all of which she fosters and protects in Korea, are retained by Japan as her profits.

"It is not the purpose of this preliminary statement of the charges against Japan, however, to go into every detail of oppression and injustice. Those details, with evidentiary facts and proofs, will follow. It is sufficient if we here show violations of inherent rights. The details are but evidence of those violations.

"It is obvious that all of these acts of barbarity and oppression could not pass by without substantial resentment. There were many uprisings and much bloodshed, held in check more or less by the fact that the old Emperor was still alive. There were factions that feared injury to the old Emperor, whom they loved and respected with an adoration that is only possible with the oriental's inborn respect for ancestry and tradition. His death loosed all these ties, and, with a unanimity and organizing ability that has astonished the world, Koreans rose up with one voice for 19,000,000 people and proclaimed their restored independence on March 1, 1919, adopted their constitution along lines similar to ours, elected their officers, and announced to the world that there was the Republic of Korea.

"You already have before you the indisputable evidence of the ruthless manner in which Japan handled this uprising. It is all that can be expected of a militaristic government. Hundreds met horrible and brutal death, thousands were imprisoned, women were outraged, and all the brutalities and atrocities in Belgium were repeated again and again.

"These are Korea's 'Charges against Japan.' They are, necessarily, but an outline. All can not be told within the limits of one volume and by one man, and we must stop in order that we may within reasonable space give your committee the evidential proofs of these conditions.

#### "FACTS—DESCRIPTIVE DATA.

"The matters which we submit to the committee require a full statement of the political history of Korea and the political aspects of the Korean question.

"Data as to population, economic values, and resources are not technically involved in the principles for decision. At the same time this information is of interest because it bears upon the importance of the question, and as so little is known in the West about Korea of the Far East we digress for a brief reference to descriptive data.

#### "LOCATION, AREA, AND POPULATION.

"Korea is in about the same latitude and has about the same area and climate as New York and Pennsylvania combined, and is more densely populated by about one-half. To be exact, the latitude is north 33° to 42°, and the area is 84,173 square miles, including mainland, in the form of a peninsula about the shape of Florida and certain coast-lying islands. When the last census was taken in 1915 there were about 1.8 per cent Japanese. The total population was 16,278,389, divided between Japanese 303,659, Koreans 15,957,630, and foreigners 17,100. At the present time the Japanese population has probably increased to 3 per cent of the whole, and the population is now about 19,000,000.

#### "RESOURCES AND COMMERCE.

"The principal productions are from agriculture, mining, and fisheries. Very little manufacturing is done, and all resources and commerce are controlled by Japanese. They reported in 1917 that the total reached about 336,000,000 yen, or about \$168,000,000. Of this amount about 75,000,000 yen, or \$37,500,000, was exported. The imports were 57,000,000 yen, or \$28,500,000.

"The Japanese percentage of foreign commerce, as they report, was about 73 per cent, the United States about 6 per cent. There is an unexplained discrepancy in the Japanese reports which would raise their percentage considerably. For instance, while they only report exports as 75,000,000 yen, yet in another part of their report they give the agricultural production as 300,000,000 yen, coupled with the statement that 70 per cent of that production was exported, which would be 210,000,000 yen, or 135,000,000 yen in excess of the entire total reported. Undoubtedly the Japanese percentage of exports and imports is nearer 95 per cent of the whole than the 73 per cent which they admit.

#### "AGRICULTURE.

"According to Japanese reports of 1917, about 80 per cent of the population was engaged in agricultural pursuits, and 15 per cent of the whole area of the country was under cultivation. This cultivated area would represent 8,080,640 acres, which they report produce 300,000,000 yen, or about \$150,000,000, averaging \$17.50 per acre.

"The principal products reported as to volume are, in the order named: Rice, wheat, barley, beans, millet, potatoes, sweet potatoes, cotton, cocoons, and cattle. Opium, ginseng, medicinal herbs, and the like are not reported.

"A Japanese exploitation company, chartered as the Oriental Development Co., seems to dominate the agricultural development and products of the country. It owns outright, according to its own reports, 73,382 cho—a cho being in the neighborhood of 2½ acres; this means 281 square miles, or 179,840 acres. It received, according to its statements, as rentals from this land a total of 1,688,000 yen, an average of \$4.60 per acre.

"It will be noted that, while the Japanese were only 1.8 per cent of the whole population, this one exploitation company alone, Japanese controlled, owns 2.2 per cent of all of the tillable land. Data is not obtainable as to the amount of land owned by Japanese individuals, in addition to the holdings of this one Japanese corporation, but it is very evident that the Japanese are absorbing and confiscating all lands, and will eventually own all of the agricultural lands in Korea.

"An agricultural product that is not reported, for obvious reasons, is opium. Thousands of acres of poppy fields are cultivated under regulations which require the output to be delivered to the Japanese Government. How this branch of industry is fostered and encouraged by the Japanese is explained by William R. Giles in an article entitled, 'Korean poppies growing opium for Japanese,' published in the Buffalo Commercial July 1, 1919.

#### "MINING.

"The total mineral production as reported by the Japanese for 1916 was 20,830,000 yen—\$10,415,000—consisting of gold and silver, \$9,500,000; hard coal, \$400,000; iron, \$200,000; tungsten and copper, \$150,000 each; and mica and miscellaneous ores, \$15,000. The most successful gold-mining operations in Korea have been carried on by American corporations, but since the pretended annexation of Korea by Japan mining laws have been enacted and enforced prohibiting foreigners from securing any new concessions, and the status of the existing American concessions is at least precarious.

"Korea is very rich in natural mineral resources. The gold deposits are compared with those of Colorado; the anthracite coal fields to those of Pennsylvania; the iron deposits to those of Michigan; and the copper deposits to those of Montana. A recent news dispatch announcing the formation of a Japanese steel corporation, capitalized at \$75,000,000, to get its iron ore from Korea seems to bear out these claims so far as iron ore and coal is concerned.

#### "FISHERIES.

"The Japanese report for 1916 gives the annual value of the fishery product at \$7,975,000. Ten thousand six hundred Japanese boats earned \$3,995,000, while it took, according to the Japanese reports, 34,000 Korean boats to earn an equal amount. This is evidently another instance of Japanese favoritism to Japanese and oppression of Koreans.

#### "RAILROADS.

"There are 1,066 miles of railroads in Korea earning a gross of about \$4,000 per mile, divided 51 per cent freight and 49 per cent passenger. The total train-mileage operated in 1916 was 3,964,409 miles.

"The electric lines and tramways have a mileage of 84.4 and earned in 1916 572,465 yen with an operating expense of 301,726 yen, producing a net of 270,739 yen; about \$135,000 on an investment of approximately \$2,000,000.

#### "NAVIGATION.

"There are 19 lines of unsubsidized boats served with 5,491 vessels, not steamers, with a total tonnage of 55,000, and 154 steamers with a total tonnage of 40,000. There are 14 routes subsidized served by 1 ocean-going steamer, 22 coastwise boats, and 134 river boats.

#### "BANKS.

"The whole banking system is practically centralized into the Bank of Chosen, Japanese controlled, and a report from that bank in 1916 shows deposits of about \$17,000,000; loans, about \$15,000,000; discounts, about \$13,000,000; and bank notes issued, \$47,000,000. In addition to the above, the postal savings deposits were shown as around \$5,000,000. The average deposit being about \$5.

#### "POSTAL SERVICE.

"The postal service collected 89,000,000 pieces of ordinary mail and distributed 97,000,000; collected 1,300,000 parcels and delivered 1,500,000. The receipts were about \$23,475,000 and the expenditures about \$100,000 less.

#### "SCHOOLS.

"The 19,000,000 of Koreans are provided with but 526 schools with 87,000 pupils, or 1 pupil to every 220 of the population. This is less than five-tenths of 1 per cent. The 300,000 of Japanese are provided with 367 schools with 37,000 pupils, or 1 in every 8 of the population, a ratio of 12 per cent.



## "CHURCHES.

"The Christians have 3,164 churches, the Buddhist 258, and the Shinto 65. There are 6,690 Christian ministers, 313 Buddhist priests, and 103 Shinto priests.

## "FACTS—JAPANESE ADMINISTRATIVE GOVERNMENT.

## "TAXES.

"Koreans have no vote, no representation, and no voice in the Government in any manner, shape, or form. The Japanese budget for administrative expenses for Korea for 1917 was 62,589,309 yen (\$31,290,000). The resources of the country—that is, the earnings, so to speak—are reported at 336,000,000 yen (\$168,000,000). The Korean therefore pays 18½ per cent of gross earnings and income to Japan for taxes, without any voice or representation.

"The largest item in this 1917 budget is for public undertakings, highways, harbors, etc., 20,802,634 yen (\$10,400,000). This is used to improve public roads and harbors; obviously to improve Korea as a military base.

"The next highest item, and one out of all proportion with expenditures for like purposes in other countries, is 6,965,499 yen (\$3,480,000) for courts and police. This is made necessary by the rigid and exacting police regulations. There is said to be a policeman or gendarme for every five families. The comings and goings of every Korean are registered. The most rigid censorship of news and communication is maintained. There is constant search for concealed weapons. Freedom of speech is denied and is prevented by the police. Household expenses are supervised. The most vigilant watch is kept over every act.

"In strong contrast to these two exorbitant items is the lowest item on the entire list, about \$150,000 for the Korean schools. It is impossible to imagine the education Koreans must get at the rate of 7 cents per annum per capita.

## "FORM OF GOVERNMENT.

"The Imperial edict of Japan, dated August 29, 1910, provides:

"We order the establishment of the office of governor general of Korea. The governor general will, under our direction, exercise the command of the army and navy, and a general control over all administrative functions of Korea.

"Imperial ordinance No. 354, dated October 20, 1910, follows this edict, detailing the government for Korea. Article 2 provides that the governor general shall be appointed from the Shin-nin rank, and shall be either a general or an admiral; article 3 that he shall be directly responsible to the Emperor; article 4 that he shall issue ordinances, the violation of which may be punished with penal servitude or imprisonment not exceeding one year, detention, or a fine of not exceeding 200 yen; and by article 5 he is given authority to abrogate all orders and regulations promulgated by those under him.

"Article 9 creates five departments—General affairs; home affairs; finance; agriculture, commerce, and industry; and the department of justice. By article 2 the governor general is given the following officials: Five departmental directors of the Choku-nin rank, nine bureau chiefs of the Choku-nin or So-nin rank, and the following officials of the So-nin rank: Two counselors, 19 secretaries, 19 assistant secretaries, 30 technical experts, 6 interpreters, and 367 officials of the Nan-nin rank. By article 20 two military attachés are provided for and one adjutant. The attachés to be major generals or rear admirals. The adjutant to be an officer below the rank of major general and rear admiral.

## "COURTS.

"Imperial edict is that all judges and clerks of courts must be Japanese subjects, and in practical conduct of the courts only Japanese lawyers are recognized or permitted to practice.

"No bail is allowed in criminal cases. Habeas corpus is not known, and the fundamental rule that a man is presumed to be innocent until he is proven guilty is actually reversed. In Korea he is presumed to be guilty and must prove his innocence.

"The Korean arrested without notice, lodged in jail, given no opportunity to communicate with friends, represented—if he has any lawyer—by a Japanese who detests his client, before a Japanese judge, may be innocent, but his conviction is certain.

"On page 128 of Japan's report on 'Reforms and Progress in Korea,' for 1916-17 is found the statement that out of 82,121 offenders arrested 30 proved their innocence. It is beyond comprehension that only one man arrested out of every 2,500 was found to be innocent; yet this is what the Japanese say happened by their own record. Of course it is ridiculous and impossible. Thousands of Koreans, innocent of the charges made against them, are wrongfully convicted.

"It would make no difference with the result whether the accused was Korean or American. The percentages against him would be the same. The American would have the same 2,500

to 1 chance to lose that the Korean had. This is illustrated by the Mowry and Bell cases that were the subject of the resolution recently introduced by Senator HOKE SMITH.

"The Japanese reports show another practice that shocks the sense of justice, appalling and unbelievable. Yet there it is in black and white in Japan's own report, an exhibition of absolute lack of moral sense, referred to by them as a great thing they have accomplished—a great efficiency they have shown. They say they are able to convict a majority of the criminals arrested without a trial and that thereby they have saved the courts the expense of a trial. Great efficiency! The following are the actual figures reported:

"In 1913 there were 21,483 convictions without a trial out of 36,953.

"In 1914 there were 32,333 convictions without a trial out of 48,763.

"In 1915 there were 41,236 convictions without a trial out of 59,436.

"In 1916 there were 56,013 convictions without a trial out of 81,139.

"The acquittals in those years above tabulated, respectively, were 800, 93, 47, and 30. The total arrests increased each year, but the acquittals decreased in number each year. How come? These convictions involved not only sentences imposing fines but imprisonment at hard labor and flogging.

"No data is available as to civil procedure in the courts, but it is only fair to assume that the same measure of injustice was meted out.

## "COMMERCE.

"As a matter of special interest to American exporters and importers, let us call attention to the fact that in the declaration of annexation communicated to the powers by Japan on August 29, 1910, that the existing schedule of customs duties expires with August 29, 1920, by article 2 of that declaration, and that by article 3 the 'open door' for vessels under the flags of other powers expires on the same date.

## "MINING.

"We quote the following from the Japanese report of 1916, section 75, entitled 'Mining.'

"As alluded to in the annual report for 1915, the mining ordinance was promulgated in December, 1915, to replace the old mining regulations. The main points of change are (1) the prohibition of foreigners from acquiring new mining permits in Chosen, except in the case of a corporation organized by foreigners as a Japanese legal being. Those applications for mining permits filed with the authorities by foreigners according to the old regulations, and not granted by the time of the enforcement of the new regulations, have all been rejected.

"The minister of agriculture, commerce, and industry is the sole authority on all mining matters, subject only to the orders of the governor general, as shown by the following articles of the mining law:

"ART. 7. The minister of agriculture, commerce, and industry shall have the power to refuse permission for mining, in case he considers such a step to be necessary in the public interest or for any other reason.

"ART. 11. In case the holder of a mining right does not carry on operations properly or when his method of work is considered to involve danger or to be injurious to public interests, the minister of agriculture, commerce, and industry shall order the required improvement or precautionary measures or the suspension of operations.

"ART. 12. The minister of agriculture, commerce, and industry may revoke the permission to carry on mining operations in the following cases:

"A. When it is discovered that the permission was obtained by fraudulent means or granted by mistake.

"B. When work has been stopped for one year or upward without adequate reason or when work has not been commenced within one year from the date when permission was obtained.

"C. When the order mentioned in the second clause of article 9 or that mentioned in article 11 has not been obeyed.

"D. When the mining operations are considered to be injurious to public interests.

"E. When the land to be used for mining operations has been utilized for some other purpose.

"F. When the royalty or ground tax has not been paid within the specified period.

"G. When the holder of a mining right mentioned in the third clause of article 25 has not paid the contributions within the specified period.

"H. When a fine has not been paid within the specified period.

"Can we, by any stretch of imagination, conceive of a Korean obtaining a permit or of holding on to one he had obtained pre-



viously in the face of powers given a Japanese minister of the Choku-nin rank as above quoted, especially those italicized. By the same token are not American concessions already obtained and being operated upon with hundreds of thousands of dollars invested endangered by the provisions of article 12 and clauses 'D' and 'E' of article 12? Their rights are in the hands of this Japanese minister. He can easily find an excuse under those provisions to revoke the permit or to suspend operations.

#### "BANKS.

"On July 26, 1909, an order was made providing for the establishment of a central bank 'to perform such functions as pertain to the central financial medium in Korea and to deal in addition with the money of the Japanese treasury, if so requested by the Bank of Japan.' This central bank was to take over the redemption of the bank notes issued by a Japanese stock company, and the principal officers were to be appointed from among the Japanese. The Government of Korea was to guarantee a dividend of 6 per cent on the shares for a period of five years.

"This was before the alleged annexation, and after the annexation was asserted by Japan by law No. 48, promulgated March, 1911, the Bank of Chosen was chartered, and it became the bank for Korea. This bank was capitalized at 10,000,000 yen, of which Japan took 3,000,000 yen, and none but Japanese subjects were permitted to take the balance. The governor general of Korea appoints the directors and the governor of the bank is appointed by the Japanese Government. The bank may, with the sanction of the governor general, appoint agencies and correspondents and establish branch banks, and must appoint such as he designates on his own initiative, and the governor general has the power to suspend the bank at his discretion.

"The bank's report made in 1916 shows that it then had outstanding bank notes to the amount of \$46,240,000, which was largely in excess of the deposits and the capital stock. Its condition was such that our comptroller, if the bank was within his jurisdiction, would be derelict in his duty if he did not close the doors. Yet it is in such a bank that the Korean must deposit his savings, and through which he must arrange his financial transactions.

#### "PERSONAL LIBERTY.

"We have already referred to the curtailment of personal liberty of the Koreans by the police and the courts while in Korea. Koreans outside of Korea can not return to their native land. Passports will not be issued without being viséed by Japanese consuls. Japanese consuls will not visé the passports unless the applicant will take an oath of allegiance to Japan. It is, of course, impossible for a loyal, conscientious Korean to take that oath.

"Koreans can not leave Korea for any purpose, even for educational purposes, except that permissions are given students to go to Japan. These permissions, however, are very rare, and the rule is not to permit the Korean to attend school above a certain prescribed elementary grade.

#### "FACTS—TREATIES.

"We have compiled all of the treaties and conventions affecting the political status of Korea, including those between Japan and Korea and between Japan and other countries, which relate to Korea, beginning with 1876, and present the relevant extracts from them seriatim.

"FEBRUARY 26, 1876—KOREA AND JAPAN.

#### "Article 1.

"Chosen being an independent State enjoys the same sovereign rights as does Japan.

"In order to prove the sincerity of the friendship existing between the two nations, their intercourse shall henceforth be carried on in terms of equality and courtesy, each avoiding the giving of offense by arrogance or manifestations of suspicion.

#### "Article 7.

"The coasts of Chosen having hitherto been left unsurveyed are very dangerous for vessels approaching them, and in order to prepare charts showing the positions of islands, rocks, and reefs, as well as the depth of water whereby all navigators may be enabled to pass between the two countries, any Japanese mariners may freely survey said coasts.

"NOTE.—Other covenants and provisions of treaty are the usual diplomatic provisions as to exchange of envoys, treatment of subject, etc.

"AUGUST 24, 1876—KOREA WITH JAPAN.

"Makes Fusan and two other ports open to Japanese trade, including certain territory contiguous to each port.

"MAY 22, 1882—KOREA WITH THE UNITED STATES.

#### "Article 1.

"There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the citizens and subjects of their respective Governments.

"If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

#### "Article 11.

"After the conclusion of this treaty of amity and commerce the high contracting powers may each appoint diplomatic representatives to reside at the court of the other, and may each appoint consular representatives at the ports of the other which are open to foreign commerce, at their own convenience.

"This treaty was ratified by the Senate and signed by President Arthur and Secretary of State Frederick T. Frelinghuysen on June 4, 1883. It had been previously signed on the first date given by Commodore R. W. Shufeldt.

"NOVEMBER 26, 1883—KOREA WITH GREAT BRITAIN.

#### "Article 1.

"1. There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, her heirs and successors, and His Majesty the King of Korea, his heirs and successors, and between their respective dominions and subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

"2. In case of differences arising between one of the high contracting parties and a third power, the other high contracting party, if requested to do so, shall exert its good offices to bring about an amicable arrangement.

#### "Article 11.

"1. The high contracting parties may each appoint a diplomatic representative to reside permanently or temporarily at the capital of the other, and may appoint a consul general, consuls, or vice consuls, to reside at any or all of the ports or places of the other which are open to foreign commerce.

"JUNE 26, 1884—KOREA WITH ITALY.

#### "Article 1.

"There shall be perpetual peace and friendship between His Majesty the King of Italy, his heirs and successors, and His Majesty the King of Korea, his heirs and successors, and between their respective dominions and subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

"2. In case of differences arising between one of the high contracting parties and a third power, the other high contracting party, if requested to do so, shall exert its good offices to bring about an amicable arrangement.

#### "Article 11.

"1. The high contracting parties may each appoint a diplomatic representative to reside permanently or temporarily at the capital of the other, and may appoint a consul general, consuls, or vice consuls to reside at any or all of the ports or places of the other which are open to foreign commerce; and whenever they shall not deem it necessary to send a consul of their own country to any of the aforesaid ports or places, they may intrust some consul of a friendly power with the duties of Italian or Korean consul.

"APRIL 18, 1885—CHINA AND JAPAN.

"It is hereby agreed that China shall withdraw her troops now stationed in Korea, and that Japan shall withdraw hers stationed therein for the protection of her legation. The specific term for effecting the same shall be four months commencing from the date of the signing and sealing of this convention, within which term they shall respectively accomplish the withdrawal of the whole number of each of their troops in order to avoid effectively any complications between the respective countries. The Chinese troops shall embark from Masampo and the Japanese from the port of Ninsen.

"The said respective powers mutually agree to invite the King of Korea to instruct and drill a sufficient armed force that she may herself assure her public security, and to invite him to engage into his service an officer or officers from amongst those of a third power, who shall be intrusted with the instruction of the said force. The respective powers also bind themselves each to the other, henceforth not to send any of their own officers to Korea for the purpose of giving said instruction.

"In case of any disturbance of a grave nature occurring in Korea which necessitates the respective countries, or either of them, to send troops to Korea, it is hereby understood that they shall give, each to the other, previous notice in writing of their intention so to do, and that after the matter is settled they shall withdraw their troops and not further station them there.

"JUNE 4, 1886—KOREA WITH FRANCE.

"Articles 1 and 2 are identical with the same articles in the treaty with Great Britain.



"JULY 14, 1894—KOREA WITH JAPAN.

"1. That the independence of Korea was declared, confirmed, and established, and in keeping with it the Chinese troops were to be driven out of the country.

"2. That while war against China was being carried on by Japan, Korea was to facilitate the movements and to help in the food supplies of the Japanese troops in every possible way.

"3. That this treaty should only last until the conclusion of peace with China.

"APRIL 1, 1895—CHINA WITH JAPAN (SHIMONOSEKI).

"China recognizes definitely the full and complete independence and autonomy of Korea, and in consequence the payment of tribute and the performance of ceremonies and formalities by Korea to China in derogation of such independence and autonomy shall wholly cease for the future."

"MAY 14, 1896—RUSSIA WITH JAPAN.

"I. While leaving the matter to His Majesty's, the King of Korea, return to the palace entirely to his own discretion and judgment, the representatives of Russia and Japan will in a friendly way advise His Majesty to return to that place, when no doubts concerning his safety there could be entertained.

"II. The Japanese representative, on his part, gives the assurance that the most complete and effective measures will be taken for the control of Japanese soshi.

"III. The representative of Russia quite agrees with the representative of Japan that, at the present state of affairs in Korea, it may be necessary to have Japanese guards stationed at some place for the protection of the Japanese telegraph line between Fusan and Seoul, and that these guards, now consisting of three companies of soldiers, should be withdrawn as soon as possible and replaced by gendarmes, who will be distributed as follows: Fifty men at Tai-ku, 50 men at Kaheung, and 10 men each at 10 intermediate posts between Fusan and Seoul. This distribution may be liable to some changes, but the total number of the gendarme force shall never exceed 200 men, who will afterwards gradually be withdrawn from such places where peace and order have been restored by the Korean Government.

"IV. For the protection of the Japanese settlements of Seoul and the open ports against possible attacks by the Korean populace, two companies of Japanese troops may be stationed at Seoul, one company at Fusan, and one at Gensan, each company not to exceed 200 men. These troops will be quartered near the settlements, and shall be withdrawn as soon as no apprehension of such attack could be entertained.

"For the protection of the Russian Legation and consulate, the Russian Government may also keep guards not exceeding the number of Japanese troops at those places, and these will be withdrawn as soon as tranquillity in the interior is completely restored.

"JUNE 9, 1896—RUSSIA WITH JAPAN.

"I. For the remedy of the financial difficulties of Korea, the Governments of Russia and Japan will advise the Korean Government to retrench all superfluous expenditure and to establish a balance between expenses and revenues. If, in consequence of reforms deemed indispensable, it may become necessary to have recourse to foreign loans, both Governments shall, by mutual concert, give their support to Korea.

"II. The Governments of Russia and Japan shall endeavor to leave to Korea, as far as the financial and commercial situation of that country will permit, the formation and maintenance of a national armed force and police of such proportions as will be sufficient for the preservation of internal peace without foreign support.

"APRIL 25, 1896—RUSSIA WITH JAPAN.

"Baron Nishi, minister for foreign affairs of His Majesty the Emperor of Japan, and Baron Rosen, le Conseiller d'Etat actuel et Chambellan, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, duly authorized to that effect, have agreed upon the following articles in pursuance of article 4 of the protocol signed at Moscow on June 9 (May 28), 1896, between Marshal Marquis Yamagata and Prince Lobanow, secretary of state:

"ARTICLE I. The Imperial Governments of Japan and Russia definitely recognize the sovereignty and entire independence of Korea and mutually engage to refrain from all direct interference in the internal affairs of that country.

"ART. II. Desiring to avoid every possible cause of misunderstanding in the future, the Imperial Governments of Japan and Russia mutually engage in case Korea should apply to Japan or to Russia for advice and assistance not to take any measure in the nomination of military instructors and financial advisers without having previously come to a mutual agreement on the subject.

"ART. III. In view of the large development of Japanese commercial and industrial enterprises in Korea, as well as the considerable number of Japanese subjects resident in that country, the Imperial Russian Government will not impede the development of the commercial and industrial relations between Japan and Korea.

"SEPTEMBER 11, 1899—KOREA WITH CHINA.

"ARTICLE I. There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China and between their respective subjects, who shall enjoy equally in the respective countries of the high contracting parties full protection and the advantages of favorable treatment.

"If other powers should deal unjustly or oppressively with either Government, the other, on being informed of the case, will exert their good offices to bring about an amicable arrangement, thus showing their friendly feelings.

"ART. II. After the conclusion of the treaty of amity and commerce the high contracting parties may each appoint diplomatic representatives to reside at the court of the other and may each appoint consular representatives at the ports of the other which are open to foreign commerce at their own convenience.

"JANUARY 30, 1902—JAPAN WITH GREAT BRITAIN.

"ARTICLE I. The high contracting parties, having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the degree, politically as well as commercially and industrially, in Korea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power or by disturbance arising in China or Korea and necessitating the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

"FEBRUARY 23, 1904—KOREA WITH JAPAN.

"ARTICLE I. For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan and adopt the advice of the latter in regard to improvements in administration.

"ART. II. The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

"ART. III. The Imperial Government of Japan definitely guarantee the independence and territorial integrity of the Korean Empire.

"ART. IV. In case the welfare of the Imperial House of Korea or the territorial integrity of Korea is endangered by aggression of a third power or by internal disturbance, the Imperial Government of Japan shall immediately take such necessary measures as the circumstances require, and in such cases the Imperial Government of Korea shall give full facilities to promote the action of the Imperial Japanese Government.

"The Imperial Government of Japan may, for the attainment of the above-mentioned objects, occupy, when the circumstances require it, such places as may be necessary from strategical points of view.

"ART. V. The Government of the two countries shall not in future, without mutual consent, conclude with a third power such an arrangement as may be contrary to the principles of the present protocol.

"AUGUST 22, 1904—KOREA WITH JAPAN.

"ARTICLE I. The Korean Government shall engage as financial adviser to the Korean Government a Japanese subject commended by the Japanese Government, and all matters concerning finance shall be dealt with after his counsel has been taken.

"ART. II. The Korean Government shall engage as diplomatic adviser to the department of foreign affairs a foreigner commended by the Japanese Government, and all important matters concerning foreign relations shall be dealt with after his counsel has been taken.

"ART. III. The Korean Government shall previously consult the Japanese Government in concluding treaties and conventions with foreign powers, and in dealing with other important diplomatic affairs, such as the grant of concessions to or contracts with foreigners.

"APRIL 1, 1905—KOREA WITH JAPAN.

"ARTICLE I. The Imperial Government of Korea shall transfer and assign the control and administration of the post, telegraph, and telephone services in Korea (except the telephone



service exclusively pertaining to the department of the Imperial household) to the Imperial Japanese Government.

"ART. II. The land, buildings, furnitures, instruments, machines, and all other appliances connected with the system of communications already established by the Imperial Government of Korea, shall, by virtue of the present agreement, be transferred to the control of the Imperial Japanese Government.

"ART. III. When it is deemed necessary by the Japanese Government to extend the communications system in Korea they may appropriate land and buildings belonging to the State or to private persons; the former without compensation and the latter with proper indemnification.

"ART. V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or the extension of the system of communications shall be exempt from all duties and imposts.

"ART. VII. In respect of the arrangement formerly entered into by the Korean Government with the Governments of foreign powers, concerning the post, telegraph, or telephone services, the Japanese Government shall, in behalf of Korea, exercise the rights and perform the obligations pertaining thereto. Should there arise in the future any necessity for concluding any new convention between the Government of Korea and the Governments of foreign powers concerning the communications services, the Japanese Government shall assume the responsibility of concluding such convention in behalf of the Korean Government.

"ART. VIII. The various conventions and agreements respecting the communications service hitherto existing between the Governments of Japan and Korea are mutually abolished or modified by the present agreement.

—, 1905—RUSSIA WITH JAPAN (PORTSMOUTH).

"The Imperial Russian Government acknowledging that Japan possesses in Korea paramount political, military, and economical interests, engage neither to obstruct nor interfere with the measures of guidance, protection, and control which the Imperial Government of Japan may find it necessary to take in Korea.

"It is understood that Russian subjects in Korea shall be treated exactly in the same manner as the subjects or citizens of other foreign powers; that is to say, they shall be placed on the same footing as the subjects or citizens of the favored nation.

"It is also agreed that in order to avoid all cause of misunderstanding the two high contracting parties shall abstain, on the Russo-Korean frontier, from taking any military measure which may menace the security of Russian or Korean territory.

AUGUST 15, 1905—KOREA WITH JAPAN.

"ARTICLE I. Japanese vessels shall be at liberty to navigate along the coasts, and in the inland waters of Korea, for the purpose of trade in accordance with the stipulations of the present agreement, which, however, shall not be applicable to navigation between the open ports.

"ART. VIII. When a Japanese vessel or the crew thereof infringes the stipulations of the present agreement or of other treaties, or when a member of the crew commits any crime, the Japanese consular offices shall deal with the case in accordance with the provisions of the treaties and the laws of Japan.

SEPTEMBER 27, 1905—JAPAN WITH GREAT BRITAIN.

"(a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India;

"(b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China;

"(c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

"ART. III. Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance these interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

OCTOBER, 1905—THE KOREAN EMPEROR PROTESTS JAPANESE OPPRESSION TO UNITED STATES.

"The Emperor of Korea, being aware of the fact that in his treaty with America there was a clause in which the American Government promised to use its good offices if Korea was endangered and announced the fact to us, determined to appeal to our Government to carry out that important clause of the

treaty. The following is a translation of his letter to the Washington Government:

"Ever since 1883 the United States and Korea have been in friendly treaty relations. Korea has received many proofs of the good will and the sympathy of the American Government and people. The American representatives have always shown themselves to be in sympathy with the welfare and progress of Korea. Many teachers have been sent from America who have done much for the uplift of our people.

"But we have not made the progress that we ought. This is due partly to the political machinations of foreign powers and partly to our mistakes. At the beginning of the Japan-Russia War the Japanese Government asked us to enter into an alliance with them, granting them the use of our territory, harbors, and other resources, to facilitate their naval and military operations. Japan, on her part, guaranteed to preserve the independence of Korea and the welfare and dignity of the royal house. We complied with Japan's request, loyally lived up to our obligations, and did everything that we had stipulated. By so doing we put ourselves in such a position that if Russia had won she could have seized Korea and annexed her to Russian territory on the ground that we were active allies of Japan.

"It is now apparent that Japan proposes to abrogate their part of this treaty and declare a protectorate over our country in direct contravention of her sworn promise in the agreement of 1904. There are several reasons why this should not be done.

"In the first place, Japan will stultify herself by such a direct breach of faith. It will injure her prestige as a power that proposes to work according to enlightened laws.

"In the second place, the actions of Japan in Korea during the past two years give no promise that our people will be handled in an enlightened manner. No adequate means have been provided whereby redress could be secured for wrongs perpetrated upon our people. The finances of the country have been gravely mishandled by Japan. Nothing has been done toward advancing the cause of education or justice. Every move on Japan's part has been manifestly selfish.

"The destruction of Korea's independence will work her a great injury, because it will intensify the contempt with which the Japanese people treat the Koreans and will make their acts all the more oppressive.

"We acknowledge that many reforms are needed in Korea. We are glad to have the help of Japanese advisers, and we are prepared loyally to carry out their suggestions. We recognize the mistakes of the past. It is not for ourselves we plead, but for the Korean people.

"At the beginning of the war our people gladly welcomed the Japanese, because this seemed to herald needed reforms and a general bettering of conditions, but soon it was seen that no genuine reforms were intended and the people had been deceived.

"One of the gravest evils that will follow a protectorate by Japan is that the Korean people will lose all incentive to improvement. No hope will remain that they can ever regain their independence. They need the spur of national feeling to make them determine upon progress and to make them persevere in it. But the extinction of nationality will bring despair, and instead of working loyally and gladly in conjunction with Japan, the old-time hatred will be intensified and suspicion and animosity will result.

"It has been said that sentiment should have no place in such affairs, but we believe, sir, that sentiment is the moving force in all human affairs, and that kindness, sympathy, and generosity are still working between nations as between individuals. We beg of you to bring to bear upon this question the same breadth of mind and the same calmness of judgment that have characterized your course hitherto, and, having weighed the matter, to render us what aid you can consistently in this our time of national danger.

(Private seal of the Emperor of Korea.)

NOVEMBER 17, 1905—KOREA WITH JAPAN (PROTESTED AS FRAUDULENT).

"ARTICLE 1. The Government of Japan, through the department of foreign affairs at Tokyo, will hereafter have control and direction of the external relations and affairs of Korea, and the diplomatic and consular representatives of Japan will have charge of the subjects and interests of Korea in foreign countries.

"ART. 2. The Government of Japan undertake to see to the execution of the treaties actually existing between Korea and other powers, and the Government of Korea engage not to conclude hereafter any act or engagement having an international character, except through the medium of the Government of Japan.

"ART. 3. The Government of Japan shall be represented at the court of His Majesty the Emperor of Korea by a resident



general, who shall reside at Seoul, primarily for the purpose of taking charge of and directing matters relating to diplomatic affairs. He shall have the right of private and personal audience of His Majesty the Emperor of Korea. The Japanese Government shall also have the right to station residents at the several open ports and such other places in Korea as they may deem necessary. Such residents shall, under the direction of the resident general, exercise the powers and functions hitherto appertaining to Japanese consuls in Korea, and shall perform such duties as may be necessary in order to carry into full effect the provisions of this agreement.

"ART. 4. The stipulation of all treaties and agreements existing between Japan and Korea not inconsistent with the provisions of this agreement shall continue in force.

"ART. 5. The Government of Japan undertake to maintain the welfare and dignity of the Imperial House of Korea.

"NOVEMBER 22, 1905—JAPANESE DECLARATION OF FOREGOING TREATY.

"The relations of propinquity have made it necessary for Japan to take and exercise, for reasons closely connected with her own safety and repose, a paramount interest and influence in the political and military affairs of Korea. The measures hitherto taken have been purely advisory, but the experience of recent years has demonstrated the insufficiency of measures of guidance alone. The unwise and improvident action of Korea, more especially in the domain of her international concerns, has in the past been the most fruitful source of complications. To permit the present unsatisfactory condition of things to continue unrestrained and unregulated would be to invite fresh difficulties, and Japan believes that she owes it to herself and to her desire for the general pacification of the extreme East to take the steps necessary to put an end once and for all to this dangerous situation. Accordingly, with that object in view and in order at the same time to safeguard their own position and to promote the well-being of the Government and people of Korea, the Imperial Government have resolved to assume a more intimate and direct influence and responsibility than heretofore in the external relations of the Peninsula. The Government of His Majesty the Emperor of Korea are in accord with the Imperial Government as to the absolute necessity of the measure, and the two Governments, in order to provide for the peaceful and amicable establishment of the new order of things, have concluded the accompanying compact. In bringing this agreement to the notice of the powers having treaties with Korea, the Imperial Government declare that in assuming charge of the foreign relations of Korea and undertaking the duty of watching over the execution of the existing treaties of that country, they will see that those treaties are maintained and respected, and they also engage not to prejudice in any way the legitimate commercial and industrial interests of those powers in Korea."

"NOVEMBER 25, 1905—UNITED STATES RECEIVES KOREAN PROTEST.

"See receipt therefor from Secretary of State, which appears on page 3925 of CONGRESSIONAL RECORD of August 18, 1919.

"NOVEMBER 26, 1905—KOREAN EMPEROR CABLES PROTEST TO UNITED STATES.

"See page 3925 of CONGRESSIONAL RECORD of August 18, 1919, containing following copy of cablegram delivered to the State Department:

"I declare that the so-called treaty of protectorate recently concluded between Korea and Japan was extorted at the point of the sword and under duress, and therefore is null and void. I never consented to it and never will. Transmit to American Government.

"THE EMPEROR OF KOREA.

"JUNE 22, 1906—EMPEROR OF KOREA APPOINTS SPECIAL ENVOY TO POWERS TO PROTEST JAPANESE ACTION.

"By virtue of the power vested in us as the Emperor of Korea, and in accordance with the right granted us in the treaties between Korea and the various friendly powers, we hereby constitute and appoint Homer B. Hulbert as our special envoy to the Governments of the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China; and we hereby delegate to him full authority to represent our interests and those of the Korean Empire at the seat of each of these Governments.

"In consonance with this we have instructed him to deliver to each of these Governments a document relative to the present political situation in Korea and to take such steps as may lead to the peaceful settlement of the difficulties which have arisen between our Government and that of Japan.

"We hereby give him special authority to secure the adjustment of the matter before the peace conference at The Hague.

"In witness whereof we here affix the imperial seal.

"Done in Seoul this 22d day of June, A. D. 1906, and of the dynasty the five hundred and fifteenth year."

"JUNE 22, 1906—EMPEROR EXECUTES FORMAL APPEAL TO GREAT BRITAIN, FRANCE, BELGIUM, ITALY, CHINA, GERMANY, AND AUSTRIA.

"All identical in form with following, directed to the King of England:

"For many years the Government of Korea has been in friendly treaty relations with the Government of Great Britain, and has often received evidences of the good will of that power. In this time of our difficulty we feel sure that all people who desire to see justice done will sympathize with us. In order to show that great injustice has been done us we hereby declare that the so-called treaty of November 18, 1905, was fraudulent, because (1) the signatures of certain members of our cabinet were obtained by intimidation and under duress, (2) we never authorized the cabinet to sign the document, and (3) the meeting of the cabinet at which it was signed was illegal, having been convened neither at our call nor that of the prime minister, but by the Japanese themselves.

"We denounce that document as invalid in law, and we declare that under no circumstances will we voluntarily consent to the ratification of any instrument which impairs the independence of the Korean Empire.

"Furthermore, in view of the violent manner in which the so-called treaty of last November was carried through, we deem it necessary and proper to declare to you that if at any future time any power shall claim to have obtained our consent to such an agreement that claim will either be wholly false or will be based upon acts wrong from us by force of arms or under threats of personal violence.

"In view of the fact that we are at the present time de jure an independent power and nation, we request you to reassert your right to establish a legation at Seoul, or at least to prepare for such establishment by helping us to bring the matter before The Hague tribunal, in order that our legal and just claim to independence may be legally established.

"Any further information that may be desired will be given by our fully accredited envoy, at whose hand we are transmitting this document."

"JULY 19, 1907—OLD EMPEROR ABDICATES.

"Let heaven hear. For over 40 years we have followed the work of our illustrious ancestors. Many troubles have come to us, and events have gone opposite to what we desired. Perhaps we have not always selected the best men for the national posts. Disturbances have constantly grown more acute, and all efforts to remedy them have generally failed. Difficulties have become pressing, and never has the distress among our people, or the heavy work of governing them, been so harassing as now. We are in fear and trepidation, and we feel as though walking on ice covering deep water. Occupants of our throne have become weary of their duty before us, and have resorted to abdication. We hereby hand over to the Crown Prince the task of administering the great affairs of state, and order the bureau of ceremony of the imperial household to carry out the details thereof."

"The following account is given by a writer of Current History of the coronation of the new Emperor, said to be a non compos mentis (see The Tragedy of Korea, pp. 163 and 164):

"The new Emperor of Korea was crowned amid the sullen silence of a resentful people. Of popular enthusiasm there was none. A few flags were displayed in the streets by the order of the police. In olden times a coronation had been marked by great festivities, lasting many weeks. Now there was gloom, apathy, indifference. News was coming in hourly from the Provinces of uprisings and murders. The Il Chin Hoi—they called themselves reformers, but the nation has labeled them traitors—attempted to make a feast, but the people stayed away. "This is the day not for feasting but for the beginning of a year of mourning," men muttered one to the other.

"The Japanese authorities who controlled the coronation ceremony did all they could to minimize it and to prevent independent outside publicity. In this they were well advised. No one who looked upon the new Emperor as he entered the hall of state, his shaking frame upborne by two officials, or as he stood later, with open mouth, fallen jaw, indifferent eyes, and face lacking even a flickering gleam of intelligent interest, could doubt that the fewer who saw this the better. Yet the ceremony, even when robbed of much of its ancient pomp and all its dignity, was unique and picturesque.

"JULY 24, 1907—KOREA WITH JAPAN (PROTESTED).

"ARTICLE 1. The Government of Korea shall act under the guidance of the resident general in respect to reforms in administration.

"ART. 2. The Government of Korea engage not to enact any laws, ordinances or regulations, or to take any important



measures of administration without the previous assent of the resident general.

"ART. 3. The judicial affairs in Korea shall be set apart from the affairs of ordinary administration.

"ART. 4. The appointment and dismissal of all high officials in Korea shall be made upon the concurrence of the resident general.

"ART. 5. The Government of Korea shall appoint as Korean officials the Japanese subjects recommended by the resident general.

"ART. 6. The Government of Korea shall not engage any foreigner without the concurrence of the resident general.

"JULY 30, 1907—NEW EMPEROR DISBANDS KOREAN ARMY.

"We quote the following from *The Tragedy of Korea*, page 150:

"A few days later a fresh rescript was issued in the name of the new Emperor, ordering the disbanding of the Korean Army. This was written in the most insulting language possible. 'Our existing army, which is composed of mercenaries, is unfit for the purposes of national defense,' it declared. It was to make way 'for the eventual formation of an efficient army.' To add to the insult the Korean Premier Yi was ordered to write a request to the resident general begging him to employ the Japanese forces to prevent disturbances when the disbandment took place. It was though the Japanese, having their heel upon the neck of the enemy, slapped his face to show their contempt for him. On the morning of August 1 some of the superior officers of the Korean Army were called to the residence of the Japanese commander, Gen. Hasegawa, and the order was read to them. They were told they were to assemble their men next morning, without arms, and to dismiss them, after paying their gratuities, while at the same time their weapons would be secured in their absence.

"AUGUST 1, 1907—JAPANESE IMPERIAL ORDINANCE NO. 319.

"This ordinance is practically the same in its provisions as Ordinance No. 354, dated October 30, 1910, which has already been referred to by us under the title of 'Japanese Administrative Government,' except that the governor general was a civil officer and not a military officer. It contained an article, however, permitting him to call upon the commander in chief of the Imperial Army stationed in Korea whenever he deemed it necessary.

"MAY 15, 1908—JAPAN WITH UNITED STATES.

"ARTICLE 1. The Japanese Government shall cause to be enforced in Korea simultaneously with the operation of this convention, laws and regulations relative to inventions, designs, trade-marks, and copyrights similar to those which now exist in Japan.

"These laws and regulations are to be applicable to American citizens in Korea equally as to Japanese and Korean subjects. In case the existing laws and regulations of Japan referred to in the preceding paragraph shall hereafter be modified, those laws and regulations enforced in Korea shall also be modified according to the principle of such new legislation.

"JULY 12, 1909—KOREA WITH JAPAN.

"ARTICLE 1. Until the system of justice and prisons in Korea shall have been recognized as complete, the Government of Korea delegates to the Government of Japan the administration of justice and prisons.

"ART. 4. The Korean local authorities and public functionaries shall, according to their respective functions, submit to the control and direction of Japanese competent authorities in Korea, and render assistance to those authorities in respect of the administration of justice and prisons.

"AUGUST 29, 1910—JAPAN WITH KOREA.

"ARTICLE 1. His Majesty the Emperor of Korea makes complete and permanent cession to His Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea.

"ART. 2. His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article, and consents to the complete annexation of Korea to the Empire of Japan.

"ART. 3. His Majesty the Emperor of Japan will accord to Their Majesties the Emperor and ex-Emperor and His Imperial Highness the Crown Prince of Korea and their consorts and heirs such titles, dignity, and honor as are appropriate to their respective ranks, and sufficient annual grants will be made for the maintenance of such titles, dignity, and honor.

"ART. 4. His Majesty the Emperor of Japan will also accord appropriate honor and treatment to the members of the Imperial House of Korea and their heirs, other than those mentioned in the preceding article, and the funds necessary for the maintenance of such honor and treatment will be granted.

"AUGUST 29, 1910—JAPANESE IMPERIAL RESCRIPT ON ANNEXATION.

"We, attaching the highest importance to the maintenance of permanent peace in the Orient and the consolidation of lasting security to the Empire, and finding in Korea constant and fruitful sources of complication, caused our Government to conclude in 1905 an agreement with the Korean Government by which Korea was placed under the protection of Japan in the hope that all disturbing elements might thereby be removed and peace assured forever.

"For the four years and over which have since elapsed, our Government have exerted themselves with unwearied attention to promote reforms in the administration of Korea, and their efforts have, in a degree, been attended with success. But at the same time the existing régime of government in that country has shown itself hardly effective to preserve peace and stability, and in addition a spirit of suspicion and misgiving dominates the whole peninsula. In order to maintain public order and security and to advance the happiness and well-being of the people, it has become manifest that fundamental changes in the present system of government are inevitable.

"We, in concert with His Majesty the Emperor of Korea, having in view this condition of affairs and being equally persuaded of the necessity of annexing the whole of Korea to the Empire of Japan in response to the actual requirements of the situation have now arrived at an arrangement for such permanent annexation.

"His Majesty the Emperor of Korea and the members of his Imperial House will, notwithstanding the annexation, be accorded due and appropriate treatment. All Koreans, being under our direct sway, will enjoy growing prosperity and welfare, and with assured repose and security will come a marked expansion in industry and trade. We confidently believe that the new order of things now inaugurated will serve as a fresh guarantee of enduring peace in the Orient.

"We order the establishment of the office of Governor General of Korea. The Governor General will, under our direction, exercise the command of the army and navy and a general control over all administrative functions in Korea. We call upon all of our officials and authorities to fulfill their respective duties in appreciation of our will and to conduct the various branches of administration in consonance with the requirements of the occasion, to the end that our subjects may long enjoy the blessings of peace and tranquillity.

"AUGUST 29, 1910—JAPANESE NOTICE TO POWERS OF ANNEXATION.

"By virtue of that important act which shall take effect on its promulgation on the 29th August, the Imperial Government of Japan undertake the entire government and administration of Korea, and they hereby declare that matter relating to foreigners and foreign trade in Korea shall be conducted in accordance with the following rules:

"(1) The treaties hitherto concluded by Korea with foreign powers ceasing to be operative, Japan's existing treaties will, so far as practicable, be applied to Korea.

"(2) Independently of any conventional engagements formerly existing on the subject, the Imperial Government of Japan will, for a period of 10 years, levy upon goods imported into Korea from foreign countries or exported from Korea to foreign countries, and upon foreign vessels entering any of the open ports of Korea, the same import and export duties and the same tonnage dues as under the existing schedules.

"The same import or export duties and tonnage dues as those to be levied upon the aforesaid goods and vessels will also, for a period of 10 years, be applied in respect of goods imported into Korea from Japan or exported from Korea to Japan and Japanese vessels entering any of the open ports of Korea.

"(3) The Imperial Government of Japan will also permit, for a period of 10 years, vessels under the flags of powers having treaties with Japan to engage in the coasting trade between the open ports of Korea and between those ports and any open ports of Japan.

"APRIL 21, 1912—JAPAN WITH POWERS.

"A protocol agreed to at the conference held between the director of the bureau of foreign affairs of the government general of Chosen and the consular representatives of treaty powers concerned relating to the abolition of the system of foreign settlements in Chosen.

"ARTICLE 1. The foreign settlements in Chosen, namely, Chemulpo, Chinnampo, Kunsan, Mokpo, Masampo, and Songehin shall be incorporated with the respective newly organized communities of Chosen, to which they appropriately belong.

"ART. 3. The common funds and property, if any, belonging to the municipal councils of the said foreign settlements shall be transferred to the local authorities concerned."



## "TREATIES VOID BY REASON OF FRAUD AND DURESS."

"We have just furnished the committee, chronologically, all of the treaties and conventions and the formal official acts necessary to an understanding of the political status of Korea. No attempt has been made up to this time to introduce the concurrent facts, except in so far as they are developed by the formal treaties, conventions, and official protests that are matters of public record.

"The old Emperor's protest to the United States, already quoted at page 36, gave notice of Japan's oppression and selfish motives as evidenced by her acts, and seeks assistance and the good offices of the United States to prevent the consummation of the Japanese threatened destruction of the independence of Korea. This protest was prepared and dispatched before the alleged protectorate had been asserted by Japan, although its delivery was prevented by wily, crafty, diplomatic Japanese intrigue until after Japan had asserted its alleged protectorate.

"The official record shows you that this protest was prepared in October; that the protectorate was asserted November 17, 1905; that Japan gave out notice on November 22, 1905, to the powers that this protectorate was entirely agreeable to the Korean Government and the Korean people, now known by the world to have been a false announcement, but then taken without proof to be true; that on November 25, 1905, the Emperor's protest, prepared and dispatched in October to the United States, was officially delivered to the State Department; and that on November 26, 1905, the cable from the old Emperor asserting that the protectorate was obtained at the point of the sword and was null and void and that he had not consented to it and never would was also filed with the State Department of the United States. That cable has already appeared at page 39 of this statement and brief.

"The official record already quoted also shows your committee that the old Emperor found that a further appeal was necessary. On June 22, 1906, he commissioned a special envoy (see p. 5602 of this statement and brief) to the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China, with full authority to represent the interests of the Korean Empire at the seat of each of those Governments, and instructed him to deliver to each of those Governments a document relative to the political situation in Korea, and to take such steps as might lead to the peaceful settlement of the difficulties which had arisen with Japan. He was also given special authority to secure an adjustment of the matter before the peace conference at The Hague.

"This document which the special envoy was instructed to present to the powers has already been shown in the official record at page — of this statement and brief. It recited the fraudulent character of the asserted protectorate by Japan, declared that it was invalid, and that under no circumstances would the Government of Korea voluntarily consent to the ratification of any instrument which would impair the independence of Korea, and that if any power claimed that the protectorate had been with the consent of Korea that such claim would be wholly false; and in view of the fact that Korea was a de jure independent power and nation the powers were requested to reassert their right to establish diplomatic relations with Korea, and were also requested to aid Korea in bringing the matter before The Hague Tribunal in order that Korea's legal and just claim might be legally established.

"This is the official record, and it might well be said that it is sufficient in and of itself, without reference to extraneous proof to establish that the asserted protectorate of November 17, 1905, was void. The old Emperor, the acknowledged and recognized ruler of the Korean nation, that has had a national independent existence for over 4,000 years—to be exact ever since 2333 B. C.—officially denounces the announcement of the asserted protectorate as false. His denouncement and his assertions should be taken as true.

"Japan herself up to this time had been loudest in asserting to the world that Korea was an independent nation.

"For the purposes of proper explanation of the questions here involved, to your committee, we have not deemed it necessary to go back in the political history of Korea of 1876.

"By solemn treaties and conventions Japan reiterated again and again the sovereign independence of Korea. In the treaty with Korea dated February 26, 1876, Japan says: 'Chosen (Korea) being an independent State, enjoys the same sovereign rights as Japan.' In her treaty with China dated April 18, 1885, Japan agreed to withdraw her troops then stationed in Korea and forced China to agree to the same stipulation; and forced China to a mutual agreement to invite Korea to instruct and drill a sufficient armed force, to the end that she might

herself protect her national security and to invite Korea to engage the services of officers of a third power to instruct such armed force, both China and Japan binding themselves not to send any of their officers to Korea for the purpose of giving such instruction.

"By Japan's treaty with Korea dated July 14, 1894, Japan covenanted 'That the independence of Korea was declared, confirmed, and established, and in keeping with it the Chinese troops were to be driven out of the country.'

"By her treaty with China dated April 1, 1895, Japan forced China to recognize definitely the full and complete independence of Korea.

"By her treaty with Russia dated June 9, 1896, Japan forced Russia to consent to the formation and maintenance by Korea of the national armed force.

"In the treaty with Korea dated February 23, 1904, Japan solemnly covenanted by article 3 of that treaty as follows: 'The Imperial Government of Japan definitively guarantee the independence and territorial integrity of the Korean Empire.' In the same year that a protectorate was asserted Japan recognized the independent national existence of Korea by making two treaties with Korea by which she and her subjects acquired economic rights in Korea. On April 1, 1905, she covenanted with Korea for the purpose of acquiring the post, telegraph, and telephone lines in Korea, and on August 13, 1905, only a brief period of three months before asserting the alleged protectorate, she entered into a treaty with Korea, thereby recognizing the national independent existence of Korea and recognizing the right and jurisdiction of Korea to control navigation within her territorial limits, to permit Japanese vessels to navigate along the coast and in inland waters of Korea for the purpose of trade.

"So it appears that within a few months of the asserted protectorate that Japan recognized the national independent existence of Korea and had proclaimed that national independent existence to the world by her solemn treaties and covenants, and in more than one instance had forced other powers to do the same.

"Under such circumstances, why should not the protestation and written assertion of the recognized ruler of Korea, that the asserted protectorate was invalid, be accepted?

"However, in a presentation of such a momentous question, we might be considered derelict if we did not also present the extraneous proof to show that the Japanese announcement of November 22, 1905, to the powers, of the asserted protectorate of November 17, 1905, was false; that by crafty and malicious diplomatic intrigue she prevented delivery of the Korean protest to the United States until after her announcement of November 22, 1905; that by the same crafty and fraudulent diplomatic methods of intrigue, and by force, she procured the abdication of the old Emperor on July 19, 1907, in order to annul the previously executed authority to the Korean envoy and the protestation to the powers, thus making it impossible for the powers or The Hague convention to officially receive the envoy and to officially consider the protest; that Japan fraudulently and by political and diplomatic intrigue procured the crowning of a new Emperor—an unfortunate known to be non compos mentis from birth—and procured the disbanding of the Korean army; and how Japan dominated and influenced this poor unfortunate new Emperor by alternate threats and promises of new uniforms and toys, until she finally openly asserted the annexation of Korea and announced the abdication of this puppet Emperor on August 29, 1910.

"If we were to consider what must have been the attitude and temper of the Korean Government and of the Korean people at the time that Japan asserted the protectorate of 1905, we realize how absurd and impossible it would be for the Korean Government and the Korean people to voluntarily consent to this protectorate.

"The Koreans could not but remember, and we can not but remember, that in 1894 Japan procured permission to occupy Korea with her troops during her war with China, under the expressed promise to withdraw the troops at the conclusion of the war, and how at the conclusion of the war with China, Japan violated her treaty in this respect and entered upon a campaign of threats to secure economic privileges and to dominate Korea.

"How could Koreans forget, or we forget, that awful night in October, 1895, when, by Japanese instigation, the Queen, who, with all the power and influence with which she was endowed, was seeking to protect her beloved people from Japanese aggression, was ruthlessly murdered in cold blood and her body burned, and how the grief-stricken Emperor was finally obliged to flee from his own palace and from Japanese domination and threats and to take refuge in the Russian Embassy, a fugitive in his own country and among his own people.



"How can Koreans forget or we forget how intensively the Japanese then brought into play all their abilities of diplomatic craft and intrigue, and finally succeeded in getting the Emperor (then holding the title of King) to return to his palace, upon joint assurances of both Russia and Japan, and how for the time being Japan protested a love and friendship for Korea—that Korea, to her sorrow, and the world, to its horror, has since learned to be insincere.

"Koreans must have had in mind and we must bear in mind how Korea in February, 1904, again gave permission to Japan to occupy Korea with troops during the war with Russia, and how, flushed with her success in the Russian War, Japan, throwing off the guise of friendship, again violated her treaty and refused to withdraw her troops, virtually imprisoning the Emperor and boldly set about to confiscate the economic resources of the country and to dominate its governmental policies.

"It was fresh in the Korean mind that Japan at the end of a great war had defeated Russia and that in lieu of indemnity she had forced Russia to acknowledge her 'paramount rights' in Korea.

"It is impossible to conceive that Korea should forget all of these things and that it should voluntarily and of its own free will consent to, much less welcome, a protectorate from a country by whom she had been so misused.

"As we go back over the situation as it must have been in November, 1905, it becomes clearer and clearer that the crafty Japanese announcement of November 22, 1905, that Korea had consented to and welcomed the asserted protectorate, was absurdly and ridiculously false, and we became more and more convinced of the truth and sincerity of the old Emperor's protestations that the protectorate had not been consented to and would never be consented to by the Korean Government and Korean people.

"It seems so needless to present outside evidence; the most that can be said is that it is cumulative. We hesitate to burden your committee with a volume of outside proof on this matter, and feel that we must swerve from our original purpose to present all of the evidence and content ourselves with only a few quotations from authors of concurrent history.

"You already have before you the statement of Prof. Hulbert, which appears on pages 3924 to 3926 of the CONGRESSIONAL RECORD, in issue of August 18, 1919, to which you can refer.

"We have already quoted from the Tragedy of Korea, a contemporaneous history of current events by Mr. F. A. MacKenzie, on pages 41 and 42 of this statement and brief, covering the crowning of the new Emperor and the disbanding of the Korean Army. Mr. MacKenzie is a writer of note and a man of unimpeachable integrity, thoroughly familiar with the Korean question. The first edition of his work is said to be exhausted and a second edition is in process of publication, but the work can be obtained from any library.

"Prof. Hulbert, to whom we have had occasion to refer so many times in this statement and brief, is also the author of a work on Korean history entitled 'The Passing of Korea.' His thorough and intimate knowledge of the subject can not be questioned.

"There are many other authors and historians of note who have written of and treated the Korean question. The limited space to which we must confine ourselves prevents reference to or quotations from such writers. Permit us, however, to quote the following from pages 131 to 137 of Mr. MacKenzie's work, 'The Tragedy of Korea,' as showing what actually transpired in Korea during that month of November, 1905:

"Early in November the Marquis Ito arrived in Seoul as special envoy from the Emperor of Japan, and he brought with him a letter from the Mikado saying that he hoped the Korean Emperor would follow the directions of the marquis and come to an agreement with him, as it was essential for the maintenance of peace in the Far East that he should do so. On November 15 Marquis Ito was received in formal audience and there presented a series of demands drawn up in treaty form. These were, in the main, that the foreign relations of Korea should now be placed entirely in the hands of Japan, the Korean diplomatic service be brought to an end, and the ministers recalled from foreign courts. The Japanese minister to Korea was to become supreme administrator to the country under the Emperor and the Japanese consuls in the different districts were to be made residents, with the powers of supreme local governors. In other words, Korea was entirely to surrender her independence as a State and was to hand over control of her internal administration to the Japanese. The Emperor met the request with a blank refusal. The conversation between the two, as reported at the time, was as follows:

"The Emperor said:

"Although I have seen in the newspapers various rumors that Japan proposed to assume a protectorate over Korea, I did not believe them, as I placed faith in Japan's adherence to the promise to maintain the independence of Korea which was made by the Emperor of Japan at the beginning of the war and embodied in a treaty between Korea and Japan. When I heard you were coming to my country I was glad, as I believed your mission was to increase the friendship between our countries, and your demands have therefore taken me entirely by surprise."

"To which Marquis Ito rejoined:

"These demands are not my own; I am only acting in accordance with a mandate from my Government, and if Your Majesty will agree to the demands which I have presented, it will be to the benefit of both nations, and peace in the East will be assured forever. Please, therefore, consent quickly."

"The Emperor replied:

"From time immemorial it has been the custom of the rulers of Korea, when confronted with questions so momentous as this, to come to no decision until all the ministers, high and low, who hold or have held office, have been consulted and the opinion of the scholars and the common people have been obtained, so that I can not now settle this matter myself."

"Said Marquis Ito again:

"Protests from the people can easily be disposed of, and for the sake of the friendship between the two countries Your Majesty should come to a decision at once."

"To this the Emperor replied:

"Assent to your proposals would mean the ruin of my country, and I will therefore sooner die than agree to them."

"The conference lasted nearly five hours, and then the marquis had to leave, having accomplished nothing. He at once tackled the members of the cabinet, individually and collectively. They were all summoned to the Japanese legation on the following day, and a furious debate began, starting at 3 o'clock in the afternoon and lasting till late at night. The ministers had sworn to one another beforehand that they would not yield. In spite of threats, cajoleries, and proffered bribes, they remained steadfast. The arguments used by Marquis Ito and Mr. Hayashi, apart from personal ones, were twofold. The first was that it was essential for the peace of the Far East that Japan and Korea should be united. The second appealed to racial ambition. The Japanese painted to the Koreans a picture of a great united East, with the Mongol nations all standing firm and as one against the white man, who would reduce them to submission if he could. The Japanese were determined to give the cabinet no time to regather its strength. On the 17th of November another conference began at 2 in the afternoon at the legation, but equally without result. Mr. Hayashi then advised the ministers to go to the palace and open a cabinet meeting in the presence of the Emperor. This was done, the Japanese joining in.

"All this time the Japanese Army had been making a great display of military force around the palace. All the Japanese troops in the district had been for days parading the streets and open places fronting the imperial residence. The field guns were out and the men were fully armed. They marched, counter-marched, stormed, made feint attacks, occupied the gates, put their guns in position, and did everything short of actual violence that they could to demonstrate to the Koreans that they were able to enforce their demands. To the cabinet ministers themselves and to the Emperor all this display had a sinister and terrible meaning. They could not forget the night in 1895 when the Japanese soldiers had paraded around another palace and when their picked bullies had forced their way inside and murdered the queen. Japan had done this before; why should she not do it again? Not one of those now resisting the will of Dai Nippon but saw the sword in front of his eyes and heard in imagination a hundred times during the day the rattle of the Japanese bullets.

"That evening Japanese soldiers, with fixed bayonets, entered the courtyard of the palace and stood near the apartment of the Emperor. Marquis Ito now arrived, accompanied by Gen. Hasegawa, commander of the Japanese army in Korea, and a fresh attack was started on the cabinet ministers. The marquis demanded an audience of the Emperor. The Emperor refused to grant it, saying that his throat was very bad and he was in great pain. The marquis then made his way into the Emperor's presence and personally requested an audience. The Emperor still refused. "Please go away and discuss the matter with the cabinet ministers," he said.

"Thereupon Marquis Ito went outside to the ministers. "Your Emperor has commanded you to confer with me and settle this matter," he declared. A fresh conference was



opened. The presence of the soldiers, the gleaming of the bayonets outside, the harsh words of command that could be heard through the windows of the palace buildings were not without their effect. The ministers had fought for days, and they had fought alone. No single foreign representative had offered them help or counsel. They saw submission or destruction before them. "What is the use of our resisting?" said one. "The Japanese always get their way in the end." Signs of yielding began to appear. The acting prime minister, Han Kew Sul, jumped to his feet and said he would go and tell the Emperor of the talk of traitors. Han Kew Sul was allowed to leave the room and then was gripped by the Japanese secretary of the legation, thrown into a side room, and threatened with death. Even Marquis Ito went out to him to persuade him. "Would you not yield," the marquis said, "if your Emperor commanded you?" "No," said Han Kew Sul, "not even then!"

"This was enough. The marquis at once went to the Emperor. 'Han Kew Sul is a traitor,' he said. 'He defies you and declares that he will not obey your commands.'"

"Meanwhile the remaining ministers waited in the cabinet chamber. Where was their leader, the man who had urged them all to resist to death? Minute after minute passed, and still he did not return. Then a whisper went round that the Japanese had killed him. The harsh voices of the Japanese grew still more strident. Courtesy and restraint were thrown off. 'Agree with us and be rich, or oppose us and perish.' Pak Che Sun, the foreign minister, one of the best and most capable of Korean statesmen, was the last to yield. But even he finally gave way. In the early hours of the morning commands were issued that the seal of state should be brought from the foreign minister's apartment and a treaty should be signed. Here another difficulty arose. The custodian of the seal had received orders in advance that, even if his master commanded, the seal was not to be surrendered for any such purpose. When telephonic orders were sent to him he refused to bring the seal along, and special messengers had to be dispatched to take it from him by force. The Emperor himself asserts to this day that he did not consent."

#### "NOTICE TO POWERS OF FRAUD IN PROCURING TREATIES."

"If we were to discuss this subject independently, we would repeat much that has already been said. In the treatment of other phases of this matter we have necessarily referred to Korea's official and unofficial protests to the powers and to her appeals for protection under the clauses of her treaties with those powers of amity and commerce. Korea's case has never been decided by any of the powers. She has never been permitted to even present her case. Her appeals and her protests are nevertheless notice of her rights. She did all that she could, and those notices and those appeals amount to an international *lis pendens*.

"However the nations, particularly the United States, may have dealt with Japan with respect to Korea, since the asserted protectorate of Japan over Korea, those dealings have been with full notice of Korea's claims and subject to her rights.

"The fact that the United States, or other nations, may or may not have erroneously accepted Japan's false announcement of November 22, 1905, that the alleged protectorate was with the consent of Korea is not material. To persist in a wrong course, to persist in assisting Japan in a wrong course after we know it is wrong, is to become particeps criminis to the original wrong and injury. We might be excused, or we might be forgiven, for our error in originally accepting Japan's false statement without proof, but we can not be excused and we can not be forgiven if we persist in that erroneous action after learning the falsity of Japan.

"Must the Government of the United States sit idly by and see this monstrous thing ruthlessly and cold-bloodedly executed without remonstrance or protest, when our mere remonstrance or mere protest, emphatically voiced, would shame and awe Japan, by its very moral force and strength, into undoing the international crime against Korea that it has committed and would save a nation of 19,000,000 souls from bondage and extinction?

"Korea, it may seem to us, in her simplicity, does not believe in the use of armed force. She has delighted to call her country the land of the 'Morning Calm,' significant of that morning hour of refreshed being, when all is peace and contentment, and significant of the passive, contemplative, and kindly spirit of her people. She believes that moral strength and justice are superior to brute force and materialism. Who are we, that we should say that she is not right?

"Korea does not ask for arms and ammunition with which to assert her rights. She does not ask that we or that any of the powers intervene to protect her by force. She asks only that we give her the moral strength that comes from the assertion

of a righteous sentiment by a nation that is known to be just, impartial, and unselfish. We can do no less.

#### "FACTS—THE INDEPENDENT MOVEMENT."

"In spite of the passive, contemplative, nonresisting, and kindly characteristics of the whole Korean people, it was impossible that this aggression and domination by Japanese should not be resented. There were many uprisings at points where Japanese brutality, arrogance, and aggression were particularly active. These were always met by ruthless methods of oppression, and even up to the time of the death of the old Emperor, on January 24 of this year, there had been much bloodshed by patriotic Koreans.

"Instilled with 4,000 years of inherited love for ancestry and tradition, no organized effort was made to restore independence, many factions fearing that this would result in injury or torture to their old beloved Emperor.

"It would seem that they were patiently and passively waiting for the time to come when the old Emperor should be beyond the avenging hand of Japan.

"Subsequent events prove this to be literally true. Immediately upon his death all restraint was removed, and the Koreans, with a unanimity, determined purpose, and organizing ability that astonished the world, rose up as one voice for their 19,000,000 people and proclaimed their restored independence.

"The sincerity, determination, and ability with which this movement was conducted is all the more appreciated when the circumstances are known. The Koreans had no newspapers, their printing presses had been confiscated; they were under the strictest form of police surveillance and censorship; every Korean was registered by the police, and he was obliged to give a strict account of his whereabouts at all times, and no gatherings of Koreans of over five in number were permitted by the police without their sanction or presence. Yet, in spite of all this, communications and notices were in some way mimeographed or duplicated, and the people did meet and did confer. This was all carefully done with the utmost secrecy, not even their friends the missionaries having an inkling of what was transpiring. They organized in every precinct and in every district of Korea, determined upon the exact wording of their declaration of independence, and somehow at some place they procured and distributed copies of the document to every precinct in Korea. In the meantime they selected 33 representative men to sign the document, and it is evidence of their ideas of justice and fair play that they selected as such representative men 15 Christians, 15 members of the Heavenly Way Society, and 3 Buddhists. With a thoroughness and intelligent attention to detail that would do credit to any of our own best constitutional lawyers, they arranged for the day and hour when the declaration of restored independence should be publicly read in every city and precinct in Korea. March 1 was fixed as the day and 2 o'clock as the hour upon which the declaration was to be read, and it was arranged that simultaneously with the reading of the declaration copies should be delivered to Korean boys disguised as Japanese newsboys to be distributed to all the people. Promptly on the day and hour the 33 representatives elected to sign the declaration formally executed it, and it was read, and the boys distributed it as arranged. Many of the readers were shot down, but there was always some one in the crowd at another point who took up the reading where it was stopped. Many of these patriotic boys met their death, but there was always another boy to carry out the program. But all of this is better told by eyewitnesses. Mr. V. M. McClatchy, editor of the *Sacramento Bee*, was in Seoul, Korea, at the time of this demonstration, and he is one of the many messengers who brought back to America a copy of that declaration. Upon his return he published in his paper a graphic account of the demonstration under the title 'Greatest example in world history of organized passive resistance for an ideal.'

"Suddenly, on the Saturday preceding the funeral, March 1, at 2 p. m., without warning or hint to the foreign population and without suspicion evidently on the part of the Japanese ruler, there was inaugurated in every large city of Korea on behalf of its 20,000,000 subject people a peaceful demonstration and demand for national independence. This demonstration continued in various forms throughout the Korean Peninsula up to the date of our departure from Yokohama March 17. Since that time the veil which conceals or distorts happenings in the Far East has dropped for us as it has for all westerners.

"In Seoul the demonstration consisted of a reading of the proclamation in a public park; of the rushing of many thousands of white-robed Koreans down the wide main street, shouting 'Mansel,' the Korean equivalent to the Japanese 'Banzai'; exhortations to the students of the various schools to join in the demonstration and to maintain a peaceful agitation until they



secured national freedom and an attempt to enter the palace gates and present a petition to young Prince Yi, etc.

"The police and gendarmes could not stop the crowd at first, but soldiers were called out, and clubbed muskets and swords were used effectively, over 150 prisoners being taken to jail that afternoon, some of them rather severely injured. Somewhat similar demonstrations were made on Monday and on Wednesday; but they did not last long, the Japanese being prepared, and several hundred demonstrators being made prisoners, among them some girl students. The demonstrations in other cities took on a similar character.

"The vernacular press of Japan during the first week of the demonstration was filled with accounts from several special correspondents, declaring that in Seoul and elsewhere throughout the peninsula the Koreans had attacked, injured, and even killed gendarmes, police, and soldiers and injured property. Up to the morning of March 6, when we left Seoul, I am confident that no such thing occurred in that city, and I have reasons to believe it did not occur elsewhere. The most conclusive evidence on this point is the interview published in the Japan Advertiser by the Japanese minister of communication, Noda, who, with other high officials of the Government, went to Seoul to attend the funeral of the former Emperor Yi. Noda did not leave Seoul until March 5, and his interview, published on his return to Tokyo, declared that the Koreans had not committed acts of violence or injured property either in Seoul or anywhere else in Korea.

"On the morning on which we left Seoul, five days after the demonstration commenced, there appeared on posts and walls a second proclamation from the Korean leaders, though unsigned, in which the people were congratulated on the manner in which they had testified to Japan and to the world their desire to be free and on the self-control and forbearance with which they had endured injury and arrest. They were reminded that as Koreans they must stand up for the sacred cause to the last man, and they were cautioned again to do no violence and no injury to property. "He who does this," the proclamation said, "is an enemy to his country and will most seriously injure the cause."

"Meanwhile, the Koreans had carried on the policy of passive resistance by closing up all the schools, the Korean children having ceased to attend, and by ceasing work in the various public utility and manufacturing enterprises."

"Mr. J. A. Armstrong, secretary of the board of foreign missions of the Presbyterian Church of Canada, was in Seoul as late as March 17. His description follows:

"During those two days in Seoul I saw, read, and learned much about the Korean revolution for independence. (I spent three months in Korea in the latter half of 1918 and was therefore somewhat informed as to the conditions which made the people dissatisfied with Japanese rule.) The "adequate reason" was that the missionaries desired that, as a missionary secretary was about to leave for North America, I should know the facts about the movement. Press dispatches are both meager and inaccurate, a fact which should be kept in mind when reading what may come over the cables to our papers. It is unwise for anyone in Korea to send any facts through the mails because of censorship. Only by travelers can the truth reach the outside world, even Japan itself.

"What I learned roused my indignation and sympathy—indignation at the cruel treatment given the Koreans by Japanese police and soldiers; sympathy for an oppressed and defenseless people crying out for justice. I hope to prepare a fuller statement later, and shall therefore set down here only a few points which should be noted.

"1. Missionaries and other foreigners in Korea were as ignorant about the plans of the Koreans as the Japanese themselves. The civil authorities acknowledge this, but the military and the Japanese press in Japan charge the missionaries with instigating the uprising.

"2. It did not originate in mission schools, as alleged, though they are in it, as Government schools are.

"3. Foreigners marvel at the ability and thoroughness with which the Koreans organized and are carrying on the campaign. Even the oldest British and American citizens had no idea that the Koreans were capable of planning and conducting such a widespread rebellion.

"4. Their methods are those of passive resistance, that no violence be used nor resistance offered to arrest. They, even schoolgirls, go to prison singing, cheering, and shouting "Mansei" (Japanese "Banzai," lit., ten thousand times ten thousand years). This cry, or, as it is sometimes expressed, "Tongnip Mansei" (independence forever), has united the whole nation."

"We might pursue this line of statement indefinitely, but it would be mere repetition and cumulative.

"What we have quoted, however, emphasizes what we have had occasion to say before, that the Koreans are using no force; they believe implicitly in the strength of moral force as against brute force, and is it not possible that they are more enlightened than many of their brothers of the white race?

"Following the passing of this declaration for restored independence, and with the same thoroughness and attention to detail, they elected delegates to a constitutional convention. These delegates, in order that they might not be disturbed, met secretly until they had as between themselves agreed upon a constitution for the government of Korea; then determined upon April 23, 1919, as the date and upon Seoul, Korea, as the place for the formal public meeting of their convention and election of officers. With no printing presses, the type for their constitution was hand carved on blocks of wood and copies were taken from these wooden blocks. When the time came for the holding of the convention it was held at the time and place appointed and the constitution adopted, and Dr. Syngman Rhee was elected president, and other executive officers were duly elected at the same time.

"Their declaration of independence and their constitution is as near our own as the circumstances and conditions in Korea will permit. They declare for and provide for free speech, freedom of religion, and give every Korean—man and woman alike—the right to vote.

"This similarity is not to be wondered at, in view of the fact that the majority of the members of the Korean National Council and the representative officers of the new Korean republic have been graduated from American colleges and universities. They have studied, with oriental thoroughness, all of the different forms of government, and it is no small compliment that they should pattern after the United States.

"In strong contrast to the ideal treatment of the situation by the Koreans, is the positively low, brutal, atrocious treatment of the situation by the Japanese, which we shall now comment on.

#### "FACTS—ATROCITIES.

"This subhead has reference to the proof of inhuman, bestial, wanton, and willful brutality of the Japanese toward the Koreans.

"The evidence of these atrocities is already before the Senate and will be found in the CONGRESSIONAL RECORD, July 15, 1919, pages 2594 and 2595; July 17, 1919, pages 2697 to 2717; July 18, 1919, page 2816; and August 18, 1919, pages 3924 to 3926.

"Thousands have been murdered; more thousands have been wounded and maimed, and still many more thousands have been imprisoned and tortured; churches have been burned; whole villages have been reduced to ruins; women have been outraged and beaten, and even the hands of little children have been cut off, because those tiny hands held aloof the flag of their country.

"The record before you contains the direct, first hand, eyewitness proof of 361 of those murders; time, place, and circumstance. The same record gives you the same detail with reference to 860 wounded and maimed men. You find there direct proof of the burning of churches and destruction of villages. Eyewitnesses and victims themselves tell you how young women and girls were stripped naked and were beaten and flogged, and how their trembling bodies, perspiring from terror and pain, were dashed with pails of cold water; how their fingers were tied together and then pulled out of joint, and how they were then packed into cells, men and women together, with no ventilation or sanitation. The record tells you how the hospitals were forbidden to care for the wounded, and what indignities and punishments were meted out to Americans and others who dared to assist the wounded, or care for the dead.

"This record comes from a source that can not be disputed. Realizing that Japan had isolated Korea from the world by a rigid censorship, the men who brought you this information took their lives in their hands and their integrity and truthfulness is vouched for by America's best and most upright citizens.

"All of these brutalities and atrocities can not be told. Many of them will never be told. They lie buried in the ashes of ruined villages; have passed into mortal oblivion along with the sanity of grief-crazed women or lie locked in the breast of the guilty man who perpetrated the outrage.

"All these things did not occur in the heat of battle. The excitement of mortal combat did not blind men's senses and deprive them of an appreciation of their acts. It was cold-blooded, premeditated, methodical, ruthless brutality.

"We are appalled spectators, seeing the Koreans a people with no arms, no ammunition, and no weapons of any kind, for



the time being helpless before the Japanese, with guns, ammunition, and all modern weapons and instruments of death and destruction.

"We see a reign of terror that has only one close parallel in history—Belgium. Parallel only in some respects, for Belgium had guns, ammunition, and modern weapons of warfare. She was able to, and did, fight back, defending every inch of her territory.

"We see back of Korea her 4,000 years of national existence and independence and the moral force that goes with right and justice. We see back of Japan only the materialistic brute force of an imperial autocracy.

"We are horrified. How long can Japanese autocracy withstand the contempt that must lie in the heart of her own people and in the hearts of the peoples of all nations? The great battle is on between moral force and brute force, and we wonder whether all this is not for some great purpose—to show the world the necessity for ending all autocracy and imperialism.

"In their patient, persistent way the Koreans were insisting upon the God-given right of free speech, humbly believing that if the world but knew their condition and the injustices to which they were being subjected, that somewhere, some place, all these things would be righted. They plead only for a hearing. Who can say but that their way was best? The world has heard. Japan must now receive the verdict and abide the sentence.

#### "IN CONCLUSION.

"This Korean question, as presented by the facts that we have referred to, presents situations and conditions of strong contrast.

"The Koreans, with their modern republican form of government, representative in character, which stands for the right of self-determination; the Japanese, with their ancient autocratic government, militaristic to the core, believing in the divine right of emperors.

"The idealism of the Korean, believing implicitly in passive resistance only and that right and justice will prevail eventually by sheer force of moral strength, as opposed to the Japanese view that might and selfish desire make right and that all things are accomplished by brute force.

"We have no choice as to the side upon which we must array ourselves. It can not be on the side of the exponents of autocracy and brute force.

"Korea has been shamefully wronged and outraged. We must not permit this shameful outrage to continue, especially if by mere announcement of our position and attitude we can be the means and moral force that will rectify this wrong.

"Korea does not ask us to physically intervene. Her kindly spirit would be troubled if we were to make any physical sacrifices in her behalf. All she asks is that we say to Japan that you have been and that you are treating Korea in a shameful and wrongful manner, and that unless you desist and rectify these wrongs by restoring Korean independence you will be despised and ostracised by all nations.

"Respectfully submitted.

"FRED A. DOLPH,

"Counselor to the Republic of Korea."

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 172, and I ask unanimous consent for its present consideration.

Mr. UNDERWOOD. Let the resolution be first read.

The Secretary read the resolution submitted by Mr. CALDER on the 22d ultimo, as follows:

Whereas the trading-with-the-enemy act passed by Congress, approved on the 6th day of October, 1917, provided for the office of Alien Property Custodian; and

Whereas under such authorization the President appointed A. Mitchell Palmer, who held the position until the 3d day of March, 1919, at which time he was succeeded by Francis P. Garvan; and

Whereas in the conduct of said office they have administered upon nearly 40,000 separate estates or trusts, having an aggregate value of nearly \$1,000,000,000; and

Whereas under the provisions of said act they have exercised the right to make numerous appointments of lawyers, directors, supervisors, clerks, assistants, and accountants, and have exercised the right to fix, allow, and pay to the individuals so appointed by them such compensation as they might determine, and have exercised the right to designate numerous banks and trust companies as depositories of the proceeds of sale of alien property which has come into their possession; and

Whereas the President on or about October 12, 1917, vested in the Alien Property Custodian "the executive administration of all of the provisions of section 7 (a), section 7 (c), and section 7 (d) of the trading-with-the-enemy act," including, among other things, the power "to require the conveyance, transfer, assignment, delivery, or payment to himself at such time and in such manner as he shall prescribe, of any moneys or other properties owing to or belonging to or held for, by, or on account of, or on behalf of, or for the benefit of any enemy or ally of an enemy \* \* \* which, after an investigation, said Alien Property Custodian shall determine is so owing, or so belongs, or is so held"; and

Whereas under the provisions of subdivision C of section 7 of trading-with-the-enemy act "no person shall be liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation by the President under the authority of this act"; and

Whereas it is possible that after peace shall have been declared, claims may be made against the United States for the recovery of moneys and for the value of property which it may be alleged have been taken by the Alien Property Custodian without authority; and

Whereas any bond which has been furnished by the Alien Property Custodian, if any such bond has been furnished, can under the circumstances provide for a penalty of not more than a nominal amount; and

Whereas said A. Mitchell Palmer has publicly declared his desire that his administration of the office of Alien Property Custodian be fully investigated: Now, therefore, be it

*Resolved*, That a special committee be selected by the Senate, to consist of five Senators, three of whom shall be members of the majority party and two of the minority party, which committee is hereby directed to examine and audit the accounts of said A. Mitchell Palmer, Alien Property Custodian, and of said Francis P. Garvan, as Alien Property Custodian, and to investigate the administration by them of said office from the date of their respective appointments to the present time; and be it further

*Resolved*, That said committee be, and hereby is, authorized and directed to proceed with such investigation without unnecessary delay, to send for persons, books, and papers; to administer oaths; to employ a stenographer, at a cost not to exceed \$1 per printed page, to report such hearings as may be had in pursuance hereof; to sit during the sessions or recesses of the Senate at any place, either Washington, D. C., or elsewhere, as may be deemed proper by the committee; to employ such counsel and expert and other assistants as may be deemed necessary by the committee; to report its conclusions to the Senate as speedily as possible, the expenses thereof to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. Mr. President, I do not desire to object to the consideration of the resolution at this time. An objection would carry it over until to-morrow, and I think this morning is just as good a time to dispose of the resolution as to-morrow would be; but I desire to offer an amendment to the resolution, and then, after the amendment shall have been considered, I may have a motion to make for the further disposition of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate by unanimous consent proceeded to consider the resolution.

Mr. UNDERWOOD. I offer the amendment which I send to the Secretary's desk to be added at the end of the resolution. I ask that the amendment be read.

Mr. BORAH. Mr. President, if this resolution is coming up for consideration—and there seems to be an amendment to be offered to it—I should like to ask that the resolution be again read. At the time of its reading I was not paying any particular attention, as I did not suppose it would be considered this morning. I should like, therefore, to have the resolution again read, if there is no objection.

Mr. UNDERWOOD. I have no objection to that being done.

Mr. CALDER. May I suggest that the Secretary do no read the preamble of the resolution, but merely the resolution itself?

Mr. BORAH. Let the resolution be read in its entirety.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDENT pro tempore. The Secretary will now state the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD].

The SECRETARY. It is proposed to add, at the end of the resolution, the following provisos:

*Provided*, That no person shall be employed by said committee as counsel, accountant, or other expert assistant who has at any time represented, been employed by, or who is interested in any way for any person, firm, or corporation whose property has been demanded or taken over by the Alien Property Custodian, or who has been interested in any claim of any character against the Alien Property Custodian; and

*Provided further*, That no expense shall be incurred by said committee for the employment of accountants to make examinations of any of the trusts being administered by the Alien Property Custodian, or any of the firms or corporations under his management or control, in cases where such accounts have heretofore been examined and certified by registered certified accountants.

The PRESIDENT pro tempore. The question is on the amendment to the resolution offered by the Senator from Alabama.

Mr. CALDER. As the mover of the resolution, I accept the amendment offered by the Senator from Alabama.

Mr. UNDERWOOD. I presume the amendment will have to be voted on, but I am glad the Senator from New York accepts it.

The PRESIDENT pro tempore. Without objection, the amendment to the resolution is agreed to.



Mr. JONES of New Mexico. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

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

Bankhead	Hale	McLean	Smith, Md.
Beckham	Harding	McNary	Smith, S. C.
Borah	Harris	New	Smoot
Brandegee	Henderson	Newberry	Spencer
Calder	Hitchcock	Norris	Stanley
Capper	Johnson, S. Dak.	Page	Sutherland
Chamberlain	Jones, N. Mex.	Phelan	Swanson
Chubberson	Jones, Wash.	Phipps	Thomas
Cummins	Kellogg	Pittman	Trammell
Curtis	Kenyon	Pomerene	Underwood
Elkins	Keyes	Ransdell	Wadsworth
Fletcher	Knox	Robinson	Walsh, Mass.
Frelinghuysen	Lenroot	Sheppard	Walsh, Mont.
Gay	Lodge	Sherman	Warren
Gerry	McCumber	Simmons	Watson
Gronna	McKellar	Smith, Ga.	

Mr. CHAMBERLAIN. The senior Senator from Mississippi [Mr. WILLIAMS] is necessarily detained from the Senate by the death of a friend.

Mr. GERRY. The Senator from North Carolina [Mr. OVERMAN] is detained from the Senate on public business.

Mr. SMOOT. The Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by illness in his family.

Mr. GERRY. The Senator from South Carolina [Mr. DIAL], the Senator from Idaho [Mr. NUGENT], and the Senator from Delaware [Mr. WOLCOTT] are detained from the Senate on public business. I also wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from Arkansas [Mr. KIRBY], and the Senator from Wyoming [Mr. KENDRICK] are detained on official business. The Senator from Oklahoma [Mr. GORE] and the Senator from Arizona [Mr. SMITH] are detained from the Senate by illness.

Mr. BRANDEGEE. I desire to announce that the senior Senator from New Mexico [Mr. FALL] is detained from the Senate by his duties in connection with the subcommittee of the Committee on Foreign Relations investigating Mexican affairs.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. JONES of New Mexico. Mr. President, I desire to call the attention of the Senate to a matter of procedure here upon which I have expressed some views on previous occasions, and that is the matter of passing resolutions of this character without consideration by any committee of the advisability of the matters contained in the resolution.

We all know that we have been passing resolutions of this character day after day, and no consideration whatever has been given by any committee of the Senate as to the advisability of doing the thing called for by the resolution. The Committee to Audit and Control the Contingent Expenses of the Senate does not assume to pass upon the merits of these resolutions. Upon various occasions resolutions of this character have been referred to that committee, and the Senators proposing the resolutions have specifically protested against that committee making any investigation as to the advisability of the adoption of the resolutions. One notable instance was in the case of the resolution proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] to examine into an explosion which took place in that State. As a member of the Committee to Audit and Control the Contingent Expenses of the Senate, and the acting chairman of the committee at that time, I proposed that we ascertain from the War Department what was being done to find out the causes for that explosion. The Senator from New Jersey protested against the committee getting any information from any source, and so it has been with every resolution which has been presented up to this time. No committee of the Senate has passed upon the merits of these resolutions, and the same may be said of this resolution.

The Committee to Audit and Control the Contingent Expenses of the Senate did not assume to investigate in any respect the question as to whether or not such a resolution as this should be passed. No attempt was made by that committee even to approximate the expense of such an investigation as this. This resolution calls for an audit of all the transactions of the present Alien Property Custodian and his predecessor, and the employment of experts and assistants and counsel without limitation. There is no suggestion here, no information, as to how much this investigation is going to cost, nor is there anything before the Senate to show the effect of this investigation if it is had. We know that it deals with the property taken by the

Alien Property Custodian from German citizens. We do not know how far the evidence which will be produced in this investigation will be utilized by Germany and German citizens against this country of ours. None of these things have been investigated, and I want to enter my earnest protest against the passage of any resolution of this kind without any investigation by some committee as to the advisability of the expenditures called for.

Mr. President, I move that this resolution as amended be referred to the Committee on the Judiciary.

Mr. BORAH. Mr. President, I understand that the Senator from New Mexico has made a motion to refer this resolution to the Judiciary Committee, and I also understand that that is a debatable question. Is that a debatable question—a motion to refer it to the Judiciary Committee?

The PRESIDENT pro tempore. The Chair is of the opinion that that motion is not debatable during the morning hour.

Mr. BORAH. I suppose, then, that the Senator was out of order when he was debating it.

Mr. THOMAS. He debated it before he made it.

Mr. BORAH. I ask unanimous consent, Mr. President, to make a suggestion.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent to make a suggestion. Is there objection?

Mr. THOMAS. Mr. President, may I inquire of the Senator what the length of his suggestion will be?

Mr. BORAH. It is not going to be very long.

The PRESIDENT pro tempore. The Chair begs to suggest to the Senator from Idaho that the Chair will not take him from the floor unless a point of order is made.

Mr. BORAH. Well, I will venture for a few moments upon the experiment.

I desired to say that I am rather in sympathy with the view of the Senator from New Mexico. We are constantly passing resolutions of investigation, and expending a vast amount of time and funds in the investigation, and that ends the matter. In other words, investigations very generally—not always but very generally—are ways of easing the matter out of public sight and public attention, and with the report interest in the matter dies. If I could feel that this was going to be an established rule, a permanent precedent, I should feel in entire sympathy with the matter; but is this to be applied simply to this particular resolution, and then are we to abandon the program hereafter and proceed along the lines which we have heretofore adopted?

Mr. UNDERWOOD. Mr. President, will the Senator allow me to make a suggestion?

Mr. BORAH. Yes.

Mr. UNDERWOOD. I am in sympathy with what the Senator has said. I am not apprehensive about the result of an investigation of this matter, because it has already been investigated by the Judiciary Committee pretty conclusively and pretty satisfactorily; but I want to say this:

Heretofore for many years the contingent fund of the Senate has run about \$25,000 a year to take care of the contingent expenses. We have spent a good deal already in this Congress, and as a member of the Committee on Appropriations I find that the accounting officer of the Senate, Mr. Pace, has before us now items that aggregate \$135,000 for additional contingent fund to carry us until December, caused by these investigations. In this matter of investigation the Alien Property Custodian now has some bonded accountants—which means the regular bonded accountants who must make their returns under oath—going over every book and scrap of paper in his office, and within 60 or 90 days they probably will have finished their report. This resolution contemplates that that shall all be done over again.

Mr. THOMAS. What would it cost?

Mr. UNDERWOOD. I understand that the cost of that procedure will be somewhere between \$150,000 and \$200,000, to hire another set of bonded accountants to do what one set is doing now. Therefore I am in sympathy with the motion of the Senator from New Mexico, that we refer the resolution to the Judiciary Committee and give them a chance to investigate it.

Mr. SMOOT. Mr. President, the Senator would not make that statement after the Senate has adopted his amendment to the resolution, because his amendment provides that wherever a certified accountant has already passed upon the accounts no part of the funds shall be used for that purpose; so there could not be a duplication of the investigation.

Mr. UNDERWOOD. But I am talking about the original purpose of the resolution. I offered my amendment to guard against that particular proposition.

Mr. SMOOT. And that has been agreed to.

Mr. UNDERWOOD. That part of it has been agreed to, except that up to this time the accountants have not made any



report, so they have not come within the terms of the amendment; and if the resolution passed, those in charge of the investigation could go out right now and employ some more accountants to start on this work. I think it is very much wiser, for that reason, to let the resolution go to the committee.

Mr. BORAH. Mr. President, may I ask this question: I prefer to ask it, perhaps, of the Senator in charge of the resolution. Supposing this investigation is had, what does the Senator hope to realize from it in the way of results?

Mr. CALDER. Mr. President, this resolution refers to a great bureau of the Government, a bureau that has taken over nearly a billion dollars' worth of property. Over 40,000 concerns are involved. There is no law permitting anyone to check up what this bureau has done. I have not attacked the Alien Property Custodian's office, nor did I seek to prevent the confirmation of Mr. Palmer as Attorney General; but if one-fourth of the charges made to me personally about the conduct of the business of that office are true, then it is a blot upon the fair fame of this Nation. What I want to find out is whether these charges are true.

I want to find out whether or not there has been collusion between men in this office and those outside of it. I am not interested in protecting Germans or obtaining information for them, although one would believe that I was from the statement made recently by Mr. Palmer in the newspapers. I am anxious to find out if that office was honestly conducted and whether or not men made vast sums of money because of their friendship with the Alien Property Custodian or his assistants.

Mr. UNDERWOOD. Will the Senator from New York allow me to interrupt him to ask him a question? Were not all the rumors and charges the Senator has heard about made before a subcommittee of the Judiciary Committee and an extended hearing had on the subject; and did not the committee report adversely to the whole thing and give a unanimous report in the other direction?

Mr. CALDER. Mr. President, many of the charges that have been brought to my attention were not referred to that committee.

Mr. UNDERWOOD. Why were they not laid before the committee?

Mr. CALDER. They were of such a character that they could not be, effectively, without subpoenaing witnesses and cross-examining them.

Mr. UNDERWOOD. Then does not that lead the Senator to the proposition that it is very much better to refer this to the Judiciary Committee, which already has information on the subject, let the Senator go before that committee and present these charges, and let them determine whether there is sufficient in the charges to warrant the expenditure of two or three hundred thousand dollars in an investigation before we go into all these expenses of investigation?

Mr. CALDER. Mr. President, the expenditure of \$100,000—The PRESIDENT pro tempore. Does the Senator from Idaho still further yield?

Mr. BORAH. I yield.

Mr. CALDER. The expenditure of \$100,000 or \$200,000, or even more than that, would be a splendid investment for the Government if we could obtain information that would either demonstrate the truth of these repeated assertions or show their falsehood.

Mr. STERLING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I yield.

Mr. STERLING. I am not quite in sympathy, I will say to the Senator from Idaho, with the idea of referring this matter to the Judiciary Committee. The chairman of the Judiciary Committee is not here, and I do not profess to speak at all for the chairman or for the Judiciary Committee, but one phase of the matter has been before a subcommittee of the Judiciary Committee, of which I was a member. We did not think that it was within the scope of the authority of the subcommittee to go into any thorough investigation of the acts of the Alien Property Custodian. We examined some evidence in regard to special cases that were submitted, and reported favorably on the nomination of Mr. Palmer as Attorney General under the evidence that we had. We did not feel that we could go into the whole subject of the Alien Property Custodian's acts, and hence did not. We did not feel that we had the authority to do so. Witnesses were not subpoenaed, although witnesses appeared voluntarily before the committee. If there is to be an investigation, I think it would be better, as the matter now stands, to refer it to a select committee, as provided by the resolution.

Mr. BORAH. I understand the Senator was on this subcommittee?

Mr. STERLING. Yes, sir.

Mr. BORAH. And the subcommittee made considerable investigation?

Mr. STERLING. We examined the evidence that was submitted to us. We heard testimony in regard to two great properties which had come under the jurisdiction of the custodian. We heard the custodian's statement and explanation in regard to those properties, their management, their sale, and their entire disposition.

Mr. BORAH. After this investigation the subcommittee reported favorably upon the nomination?

Mr. STERLING. Yes, sir.

Mr. BORAH. That must have been, then, for the reason that so far as the subcommittee proceeded it found nothing objectionable in the facts.

Mr. STERLING. We found nothing that went to the qualifications of Mr. Palmer for the office of Attorney General of the United States. We found nothing so far as ability and integrity are concerned so far as we went, and hence our report.

Mr. WALSH of Montana. Mr. President, I understood the Senator from New York to say that the charges in relation to the administration of the Alien Property Custodian's office which had come to his knowledge affect the question of the honesty with which the office was administered. Charges are made of collusion in sales of property. Mr. President, that was the very matter which the committee had under consideration and the subject inquired into. The committee did not feel called upon, as suggested by the Senator from South Dakota [Mr. STERLING], to inquire into the question whether excellent business wisdom was exercised in the disposition of the property or generally in the management of the office. It did feel, however, compelled to go into any charges that were made that in any manner reflected upon the honesty with which the office was administered by Mr. Palmer, whose nomination was under consideration. Again and again the members declared that if there was any testimony which indicated collusion in the sale of the property upon the part of the Alien Property Custodian, or anyone over whom he seemed to have charge, the committee was desirous of hearing anything that could be offered along those lines, and the committee did hear everything that was offered.

Undoubtedly many complaints have been made to the Senator from New York [Mr. CALDER]. But by whom? Undoubtedly the German owners of this property bitterly complain as to the acts of the Alien Property Custodian. But the very serious question is, From what sources do these complaints come? Mr. President, for aught the Senate knows at this time every one of these complaints emanates from some German owner whose property has been taken over, and, of course, he feels bitterly about the matter. Why should it not be referred to some committee of the Senate to ascertain the sources, at least, from which these complaints come, to see whether any American interest of any kind is complaining of the administration of the office?

But I say again to the Senator from Idaho [Mr. BORAH] that the committee having the matter in charge did feel called upon to go into the consideration of any suggestion emanating from any source, whatever it was, as to the honesty and integrity with which the office of the Alien Property Custodian was administered.

Mr. CALDER. Will the Senator from Idaho permit me to inquire of the Senator from Montana [Mr. WALSH] in regard to a phase of the question?

Mr. BORAH. Certainly.

Mr. CALDER. Were not requests made of the committee to subpoena witnesses and call for the production of documents before the committee, so that witnesses and papers might be examined?

Mr. WALSH of Montana. I shall be glad to give the Senator full information about that. The matter to which the Senator from New York refers is simply this: A Mr. Lewis, said to have been formerly an attorney general of the State of New York, appeared and laid before the committee facts in relation to the disposition of the property of the Bosch Magneto Co. He was heard at length and gave us all the information he had on the subject. I may say, in this connection, that he reported to us, in the first place, that under the law the Alien Property Custodian had no power to dispose of the property at all; that he had no authority under the law to dispose of any property except such as was perishable in character. Subsequently he was compelled to come before the committee and admit that he was all wrong about it; that an amendment of the act had been passed subsequently which authorized the disposition of the property.

But after having told all about it, he was interrogated as to whom he represented, and he told us he represented a Mr.



Andrews, a lawyer who was with him before the committee. He was speaking for him, he said, because Mr. Andrews was quite deaf, and was unable himself to follow the proceedings. He represented to us that Mr. Andrews was a stockholder in the company, or, rather, had a contract under which he was to have certain stocks; that he had a large claim against the company, and therefore he was interested in the disposition of its property.

The committee then heard Mr. Palmer upon it; he went into the whole subject, and I may say that the bottom fell out of the whole thing. Those who made the charges were in a pitiable plight before the committee, pitiable for the reason, if for no other, that the man Andrews, who was the client of Mr. Lewis, was shown to have come before the Bosch Magneto Co. making a claim for large amounts due him on account of services to the company, when a check for \$500 was produced, with a receipt on the back of it of Mr. Andrews to the effect that he had received that \$500 check in full payment and discharge of any claim of any kind or description, past, present, or future, against the Bosch Magneto Co. Therefore, he was absolutely without any right in the premises at all. Under those circumstances, Mr. Lewis requested the committee that a subpoena be issued requiring the Alien Property Custodian to produce all the books and papers in his possession formerly belonging to the Bosch Magneto Co. He was asked what he expected to prove by those papers if they were brought, but he declined to say what he expected to prove, and the committee declined to order the books and papers produced. That is the whole story.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from New York a question. Under the facts stated, if that had been a proceeding in court, would not the court have taken the same action that the Judiciary Committee took?

Mr. CALDER. Mr. President, I hesitate to criticize a committee of the Senate. The committee having this matter under advisement were inquiring into the fitness of Mr. Palmer for the position of Attorney General; they were inquiring into his character and general reputation, and they were not appointed to investigate the affairs of the Alien Property Custodian. I felt myself that they should have called for those books and papers and have brought out all the facts and circumstances; but they thought differently. I have not been quarreling about the confirmation of Mr. Palmer. I make no personal attack upon his character or integrity. I have no knowledge that he has done a wrong thing intentionally, but I submit—

Mr. ROBINSON. Will the Senator from Idaho yield to me to ask the Senator from New York a question?

Mr. BORAH. Certainly.

Mr. ROBINSON. Does the Senator from New York, under all the facts that have been stated in connection with the subject this morning, object to the appropriate committee of the Senate determining whether there should be an investigation as called for by the resolution?

Mr. CALDER. Mr. President, if this resolution were to be referred to the appropriate committee, that committee would be the Committee on Commerce. The Committee on Commerce prepared the trading-with-the-enemy bill, reported it to the Senate, and had charge of it on the floor of this body. But, Mr. President, the subject of the investigation of the Alien Property Custodian's office has been under consideration here in the mind of every Senator for months.

I understand that the Attorney General, the former Alien Property Custodian, is anxious to have the investigation. I can not conceive why Senators on the other side of the Chamber should put anything in the way of a thorough and complete investigation of that office by a committee of the Senate.

Mr. ROBINSON. Will the Senator from Idaho yield to me for another question?

Mr. BORAH. I yield.

Mr. ROBINSON. The Senator from New York knows, of course, that many of the matters relating to this subject have been, in a way, investigated by the Committee on the Judiciary. I repeat my question, Does the Senator from New York object to the motion made by the Senator from New Mexico [Mr. JONES], that the resolution be referred to the Judiciary Committee for the purpose of determining whether it is advisable that the investigation called for by the resolution be held?

Mr. CALDER. I do, Mr. President.

Mr. ROBINSON. Why does the Senator from New York object?

Mr. CALDER. Because a subcommittee of that committee, and the full committee itself, have had the matter under advisement.

Mr. ROBINSON. Then the Senator from New York thinks that the Judiciary Committee, as constituted, is an unfair tribunal to determine that question?

Mr. CALDER. Oh, no, Mr. President; I make no reflection upon the committee. I have made no reflection upon their reporting favorably on Mr. Palmer's nomination for Attorney General. But this is a matter completely apart from the work of that committee, and I believe the time to determine that question is here and now.

Mr. ROBINSON. Does the Senator from Idaho yield for a further question?

Mr. BORAH. I yield.

Mr. ROBINSON. The Senator from New York realizes, of course, that the passage of a resolution of this character, particularly after the statements that have been made by him this morning, is a reflection upon a high officer of the Government. The Senator realizes that the Senate would not pass a resolution of this character unless it had determined that there is a necessity for the investigation for which the resolution calls.

Mr. CALDER. I have made no personal reflection upon the Attorney General.

Mr. ROBINSON. The question I am asking the Senator is if he does not realize that the resolution itself, coupled with the statements which he has made, constitutes a reflection upon a high officer of the Government?

Mr. CALDER. No; I think not.

Mr. ROBINSON. The Senator does not mean to say that when charges of dishonesty or corruption or inefficiency are made against an officer of the Government, and those charges are recognized by the Senate and a resolution is adopted, that that does not of itself constitute a quasi finding of the Senate that there is sufficient foundation for the charges to justify an investigation of them? In view of all the facts, in view of the proceedings which have heretofore taken place in the Senate, in view of proceedings that have taken place elsewhere with which the Senator is familiar, does not the Senator think that the fair thing to do, the thing that is fair to the Attorney General of the United States, the proper thing for the Senate to do, the thing that is fair to the Senate, is to let a committee of this body, in which the Senate has confidence, determine whether or not the United States shall spend a hundred thousand dollars or more in an investigation of the character contemplated by his resolution? And if the Senator does not feel that way about it, is it not due to the fact that he has heretofore presented to a great committee of this body substantially the same charges that he now makes, and that committee found against him, vindicated Mr. Palmer upon every charge of corruption, dishonesty, and inefficiency, and now the Senator wants to continue the controversy, harass the officer, and embarrass the Senate? In view of the fact that the Judiciary Committee, in a former proceeding took jurisdiction of the subject matter of the resolution, what can be the objection of the Senator from New York, unless he impeaches either the integrity or the competency of the Judiciary Committee, to that committee passing upon the advisability of making the investigation?

Mr. CALDER and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from South Dakota.

Mr. STERLING. The question asked by the Senator from Arkansas [Mr. ROBINSON] is a question addressed not alone to the Senator from New York [Mr. CALDER], but it is addressed to any Senator who might feel disposed to vote for the resolution. I shall vote for the resolution—

Mr. ROBINSON. Will the Senator yield for a question?

Mr. STERLING. Yes.

Mr. ROBINSON. Does the Senator from South Dakota object to a committee of the Senate first investigating the advisability of adopting the resolution; and if so, why does he object? Does the Senator object to the Judiciary Committee passing upon the question as to whether this investigation should be made?

Mr. STERLING. I can not help thinking, Mr. President, that a reference of the resolution now to a committee for the purpose of determining whether there should be an investigation or not is unnecessary. I put it primarily on the ground that the Senate can determine, without reference to a committee, whether such an investigation should be had.

Now, coming to the question suggested by the Senator from Arkansas, in voting for this resolution I cast no reflection whatever upon the Attorney General, either as Attorney General or as Alien Property Custodian; but here is property worth nearly a billion of dollars; here are 40,000 distinct properties involved, and the Attorney General himself has courted an investigation. He stated before the subcommittee that he would welcome an investigation.



I think for less causes and where a less amount was involved investigations have been had, and that, too, without reflecting upon the officer administering the place or performing the duty. With all this vast amount of property involved, worth nearly a billion dollars, is it not proper that the Senate of the United States should make inquiry, in order that not only the Senate but the people may be satisfied that there has been a proper conduct, a proper administration, of this great office under these circumstances?

The Alien Property Custodian had tremendous power under the trading-with-the-enemy act. Is there to be objection to an inquiry now to be made as to whether this office has been conducted properly or not, wisely or not, and that, too, without any reflection upon the character, the ability, or the integrity of the Attorney General, lately confirmed to that high office?

Mr. BORAH. May I ask the Senator from South Dakota a question before he takes his seat?

Mr. STERLING. Certainly.

Mr. BORAH. The feature of this investigation in which I am most interested is the results which are to follow. In case it is found that the administration has been an unwise administration, is there anything to be had out of the situation other than a condemnation or reflection upon the administration? Can any property rights be recovered? Can any interest be recovered that may have been forfeited or surrendered or unwisely disposed of?

Mr. LODGE. Mr. President, this involves a section of the treaty which I think the Senator will recall, that from this fund are to be taken payments of all prewar claims. This fund is responsible for all those claims, whatever they may be, much or little. Therefore, there is a direct interest of people who have lost vessels or people who went down on the *Lusitania*, and of the prewar claims in the disposal of this great fund of \$1,000,000,000.

Mr. BORAH. Precisely.

Mr. UNDERWOOD. If the Senator will allow me—

Mr. BORAH. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I think I can throw a little light on the disposition of those claims. I am in thorough accord with what the Senator from Massachusetts [Mr. LODGE] has just said. This was taken as a fund to punish German enemies behind the line for making war on us. But there are two sides to it. Under the treaty this \$750,000,000 stands as a trust fund to take care of the claims of American citizens against German interests. But the German Government is undoubtedly trying to break down the status of the Alien Property Custodian fund.

I have in my hand, if the Senator will allow me, because it throws light on it, the report of Mr. Palmer, the Alien Property Custodian's report, which was sent to Germany when published and translated into German and a preface was written to that report. I have the preface in my hand, and it indicates the German attitude in reference to this very matter.

Mr. BORAH. Is the Senator going to read the preface?

Mr. UNDERWOOD. If the Senator will allow me to read an extract from it, I shall be very glad to do it.

Mr. BORAH. I shall be glad to have the Senator read it.

Mr. UNDERWOOD. In the first place, I want to say that the matter was called to the attention of the American peace commission in Paris by a letter from Mr. Charles B. Dyar, representing the Government, written from Berlin. The letter is dated July 26, 1919. Mr. Dyar, in the letter to the American peace commission, says:

BERLIN, July 26, 1919.

Sirs: I have the honor to transmit herewith for the information of the commission a copy of a translation of the Alien Property Custodian report—

Then follows some German that I can not read; the description of it in German—

which has been prepared by the foreign office and published as a public document. This document appears to be intended for use as propaganda and advance copies were sent to all the leading German papers for review. The press comment on the document has been exceedingly bitter.

Particular attention should be called to the introduction to the volume, which is signed Wiedenfeld, which endeavors to excuse the fictive transfers of German property to American citizens in the early years of the war as a perfectly natural measure of precaution at a time when the United States had not yet declared war on Germany, and makes the interesting statement that the idea that the United States would ultimately come into the war if the German successes continued suggested itself naturally to every German business man with interests in America.

Now, this is the point:

The introduction further expresses the hope that the Senate investigation of the administration of the custodian may lead to a review of the entire subject of the treatment of enemy property in the United States. The translation is made from a single copy of the original

report which the foreign office succeeded in securing, and which may be consulted by interested parties in Germany. The cost of the German document is 11 marks per copy.

I have the honor to be, sirs,

Your obedient servant,

CHARLES B. DYAR.

(Under separate cover copy of A. P. C. report in German.)

I have a copy of that preface to the Alien Property Custodian report in my hand, which I should be very glad in this connection to publish in the RECORD if there is no objection. I desire to read just one sentence from the report showing the attitude of the German Government and the German people in reference to this very investigation.

Mr. BORAH. May I ask a question before the Senator reads that?

Mr. UNDERWOOD. Certainly.

Mr. BORAH. What material benefit is to be derived by the German people and those who seem to be fathering this propaganda from this investigation?

Mr. UNDERWOOD. I do not think there will be any, because I think it returns to the point that the German interests are advocating. There were German interests that appeared before the Judiciary Committee and stated clearly what their purpose was. They did not conceal the fact that they wanted to destroy this trust fund for American citizens and get it back in the pockets of the Germans who originally owned it.

Mr. BORAH. That is the question—how could they do it?

Mr. UNDERWOOD. I do not think they can do it, but I think that question stands behind this whole matter.

Mr. HITCHCOCK. Will the Senator permit me to answer the question of the Senator from Idaho?

Mr. UNDERWOOD. Certainly.

Mr. HITCHCOCK. There is one way it can be done. Unless the Senate ratifies this treaty, the United States will lose the agreement of Germany for validation of the acts of the Alien Property Custodian, and if that is lost those acts become a natural claim of Germany to be settled by the United States, because there is no warrant for believing that the United States, either through its act of Congress or the act of its Alien Property Custodian, had any right to handle the property of German nationals as we did handle that property, and we can only vindicate ourselves by securing from Germany, as we have done in this treaty, the agreement for the validation of those acts.

Mr. UNDERWOOD. I will say to the Senator from Nebraska that it even goes further than that. There was supposed to be a treaty with the Prussian Government that was afterwards claimed to be ratified and made part of the treaties with this country and the German Imperial Government, by which it was provided that certain care should be taken of the property of two countries if they went to war, German property in this country and American property in Germany, and that certain disposition should be made of it. It is on that basis that the German Government is now claiming and did claim until they signed the treaty on the dotted line in Paris that they had the right to take back the property held by the Alien Property Custodian. That is their claim. But, of course, they waived that under the treaty of peace.

Mr. LODGE and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Alabama yield; and if so, to whom does he yield?

Mr. UNDERWOOD. I yield to the Senator from Massachusetts.

Mr. LODGE. I do not want to be misunderstood in what I have said. I was speaking of no German claim; all I desire to do is to protect the American claimants to this fund.

Mr. UNDERWOOD. There can be no objection to that; and that ought to be done.

Mr. LODGE. That is all I desire to do. I do not want the fund to be used up in other ways; I want the American claimants protected. As for the custodian, if he is not protected under this treaty, no words can protect him.

Mr. UNDERWOOD. Undoubtedly; but—

Mr. LODGE. He is as absolutely protected as anybody can be. It is the one thing in the treaty that is thoroughly taken care of.

Mr. UNDERWOOD. Does the Senator understand that every dollar the Alien Property Custodian has gotten into his hands has gone into Liberty bonds, so that these claims, I think, are protected? If the Senator will allow me, however, I will read a sentence which I have been trying to get to in the preface to the Alien Property Custodian report that I hold in my hand which the Germans sent out. They make this statement:

That the administration of alien property is considered not without suspicion in the United States herself is evident in the action taken by the Senate because of the resolution presented last February by Senators FRELINGHUYSEN and CALDER, demanding an investigation of the Alien Property Custodian because of misappropriation



and favoritism. So far as is here known the Senate also has refused to appoint Mr. Palmer as Attorney General. It remains to be seen whether this investigation would not lead to a just inquiry into the management of the alien property and to a fairer judgment of German measures.

I ask that the whole of this paper may be inserted in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The paper referred to is as follows:

"As in all enemy countries so also in the United States of America the sequestration of enemy property and, above all things, of German property was, as is well known, one of the most important war measures which was taken against the commercial power of Germany. The act of October 6, 1917, relating to trading with the enemy gives the President the authority to appoint a custodian of enemy property. Mr. A. Mitchell Palmer was in fact called to this duty, and we also know that he had at once entered on the execution of the sequestrations on a large scale. We have, however, thus far been extremely uninformed as to the manner in which the sequestration is carried out, upon what principles it is conducted, and what in fact is done with German property. Consequently our authorities could not give information that was in any wise comprehensive to the many questions which were put by German firms and private individuals who, being interested in the custody of wholly legal interests in America, were made uneasy by lack of information. This is now changed. The custodian of enemy property has under date of February 22, 1919, made an exhaustive report to the President of his activities. A copy of this report has come to hand. A partial translation is herewith given German publicity.

"In the translation and printing decided weight was laid on greatest possible speed. With this haste and the difficulties which were met during the printing, owing to the many strikes, it follows that inaccuracies of language must be taken into the bargain. Should any of those interested find anything ambiguous, which only can be cleared up through the original, they may direct definite questions to the Foreign Office (with the addition, A. H. Berlin W. S. Wilhelmstrasse 67a). The original text is at hand in only one copy at present, therefore can not be given out. In answering, a knowledge of this translation will be taken for granted.

"The voluminous work consists in a general, descriptive part and a statistical part. In the general part those passages in which the author concerns himself with a representation of German conditions are for the most part omitted. So far as they are correct they contain nothing new. To a great extent they give information which shows a very far-reaching lack of knowledge of German conditions and manifold—intentional or unintentional—misrepresentations. But for practical purposes, for which naturally the translation can only be followed, they come into consideration only in slight measure. The statements which are necessary for an understanding of the whole proceedings are of course taken up here.

"The tables in the second part are given in the original text. Any translation here where it concerns for the greater part technical expressions would lead to confusing misunderstanding. The expert who has had dealings with America will more easily get the facts in the original than in a translation. The special table of contents makes it easy for every reader to find the part which concerns him. Beyond the direct practical significance which the report certainly has throughout for German interests there is a second page as to its value. Hatred and injustice speak in its representations such as in the war even our opponents who would deny us a belief in common human objectivity did not have its equal. In the translation we must, of course, refrain from taking a position with regard to the enumerable obliquities and falsehoods. A few remarks, however, are proper here to place Mr. Palmer's acts in the right light.

"The fact that the greater part of German property in North America was liquidated and had already before the treaty of peace been sold to purely American interests, Mr. Palmer justifies on the ground that German authorities had previously acted in similar fashion toward American property. But, as a matter of fact, Mr. Palmer must have known, as it was frequently reported to America through neutral channels, that although the German Government allowed itself to resort to reciprocal regulations after gaining information of American measures, that in fact during the whole war no American private or company property was liquidated. The Imperial Government officially put this in conformity to the facts on gaining knowledge of the Palmer report.

"The real motive of the Palmer proceedings comes to expression where this 'custodian' of enemy property declared it to be his task 'to gain hold of and destroy the German industrial

army on American soil.' It is significant of the spirit of the whole report that Palmer speaks of an industrial army. But when he declares that the most important German investment in North America had served for the production of war material, and then as proof of this astonishing assumption presents a list of firms which, according to his own statement, principally produce magnetos for motors, woolen cloth for women's clothes, chemical articles such as dyes and farmers' pharmaceutical preparations, surgical instruments, and similar 'necessities of war,' one plainly sees how foundationless is his suspicion. We might assume that war sentiment had not so far suppressed his American readers' power of judgment that they should not recognize the unsoundness of his accusations.

"In another paragraph the report says 'when it is remembered that Germany's hopes for the future laid in the industrial conquest of this continent—a conquest which Germany believed in the year 1914 it was near to—then one may easily recognize \* \* \*'. As proof of this remarkable assumption it is brought forward that the value of German ownership as it appeared on the books of the Palmer administration amounted to an estimated value of \$326,855,090.39, the proceeds of 17,339 sequestrations. Besides this the number of undertakings entrusted to him for Germany, Austria-Hungary, Bulgaria, and Turkey, all in all, is given at 32,296. Mr. Palmer hopes to obtain therefrom, all told, \$700,000,000. That is to say, the highest sum that is estimated for the undertakings of the Central Powers does not reach one-half the value of a single American industrial company such as the United States Steel Corporation and does not approach 1 per cent of the aggregate value of American industry. The report may therefore be doing American enterprise an injustice when he, in face of such a proportion, rises to the expression, 'the development of industry, commerce, and science in this country, which was oppressed and throttled by the attitude of German industrial interests, will now have a free hand.'

"Protest must also be made that the report puts down certain business customs which are common to international big capital and which, particularly in the United States, have been for decades the subject of extended discussions and the cause of legislative measures, as a specialty of German big industry and wholesale business groups. It is then not an accident that in all the world the American expression is used and trust methods are spoken of. The report also overlooks the grounds which lead to the establishment of German industrial plants in America. It was North American custom laws with their known high-tariff provisions which led American interests to call on their German friends—in like measure, of course, on the English and French groups—to erect factories in the United States under the protection of the North American tariff laws. They used to particularly emphasize that the German interests would thereby meet American wishes. This is borne out by the fact that a regular rivalry arose between States and communities where such plants might come in question, free land was offered for the factories, and many other facilities were assured.

"There was never any thought then that foreign capital should forthwith become nationalized, as the report now demands; as also English and French capital has not nationalized itself. A reproach, therefore, from this connection does not lie against our German interest.

"On the other hand, it was a self-understood precaution when in the first years of the war, as the United States had not declared war on Germany, that German property should in a large measure be transferred to Americans. The thought that the United States in the progress of German success would finally enter the war did not lie so far off that every cautious German business man should not seek to protect himself from this danger while there was time. The sale was then so much the more the proper method, since thereby, according to all rules, the war profits still to be gained would be realized.

"Finally, let us call special attention to the fact that the report evidently supposes a reciprocal ultimate regulation of the profit derived from the confiscated property. This, therefore, is the reason for demanding the liquidation of alien property; it should supply the amounts that would satisfy the claims rendered by the citizens of that country against the foreign country.

"How far the measures of the Alien Property Custodian are within the law in individual cases is still left undecided. A number of confiscatory cases have been, according to the report, brought before the courts, and it remains to be seen whether or not the American Supreme Court would declare this procedure as unconstitutional. According to news dispatches, the movement of appealing to courts is growing, since many American citizens are interested in these German-American enterprises and are contesting the legality of this disposition—executed outside of the regular public-court procedures—as being against the Constitution.



"That the administration of alien property is considered not without suspicion in the United States herself is evident in the action taken by the Senate because of the resolution presented last February by Senators FREELINGHUYSEN and CALDER, demanding an investigation of the Alien Property Custodian because of misappropriation and favoritism. So far as is here known, the Senate also has refused to appoint Mr. Palmer as Attorney General. It remains to be seen whether this investigation would not lead to a just inquiry into the management of the alien property and to a fairer judgment of German measures."

Mr. UNDERWOOD. What I say and what has been my position all the time—and I do not say this in any way as reflecting on the sentiments or the position of Senators on this floor who want this investigation, for I know that it is no reflection on them—is that the action of the Senate is misleading to the German mind. It makes German interests believe that there may be an open door for them to break through and get this fund. If there ever was a righteous act done, it was taking this money away from the German junker classes, who were promoting unrighteous war against this country.

Mr. LODGE. Of course, to that we all agree, but we want to preserve the fund for our countrymen.

Mr. UNDERWOOD. If that is so, why should we not follow the suggestion? This does not come from Mr. Palmer. Mr. Palmer did not want an investigation by interests that were adverse; but that is provided for in the amendments I have sent to the desk. So far as he is personally concerned, I know he has no objection to the investigation; I think the investigation would show vastly to his credit; but what I have in mind is that the written records of the Senate show that lawyers representing German interests amounting to millions of dollars have been before the Senate and will continue to be before Congress in an effort to get back this fund into German hands and take it away as a trust fund for the payment of American claims. I do not think any more just or American act was ever performed by Congress than when we hit the junker class of Germany by taking their property away. All I want is to see an organized committee of the Senate that will look into the facts, make a primary investigation of the facts in this case, and then report those facts to the Senate, if we are to have an investigation of facts, under which we may determine whether or not the investigation should lie, and not merely proceed on the theory of somebody outside that some things have been done which need investigation.

Mr. BORAH. Mr. President, I will make a single suggestion, and then I will yield the floor.

The Senator from Nebraska [Mr. HITCHCOCK] has stated that unless the treaty is ratified the Germans will have the right possibly to get at this fund. I am a little at a loss to understand how that is true, unless there have been invalid and illegal acts upon the part of the Alien Property Custodian. We had a perfect right to enact the alien-property-custodian law; we have a perfect right to do all that we did or that was authorized to be done under that act. If that which was done under the act was in accordance with the act, and if the act was administered according to law, there is nothing to validate, and the treaty could not add anything by its so-called validation. The treaty can only protect the situation and can only protect the Alien Property Custodian or protect the fund by validating something which has been invalid.

Mr. HITCHCOCK. Mr. President, I think the Senator from Idaho, if he investigates the question, will come to the directly opposite conclusion, and that he will conclude that the representatives of the United States were very wise when they incorporated in the treaty an agreement by Germany under which she validates the act of Congress and the action of the Alien Property Custodian. In the absence of fraud, those acts are absolutely valid. That stipulation was made for this reason: Germany had asserted before the peace commission a claim that the treaty of 1828 with Prussia was in force. That treaty revived certain provisions of the treaty of 1798; and those two treaties together were intended to operate in case of war between the United States and Germany. They provided that any national of Germany in the United States or any citizen of Germany having property in the United States should have that property protected in the event of war and should be permitted nine months, if he were a resident of the United States, in which to sell his property and leave the country, and that the property of her nationals was to be sacred from seizure.

Mr. BORAH. But, Mr. President, the act of Congress would repeal the treaty.

Mr. HITCHCOCK. The treaty was intended to exist during war.

Mr. BORAH. Precisely; but—

Mr. HITCHCOCK. And Congress could not violate that treaty—

Mr. BORAH. Oh, yes, it could; that is, could abrogate it.

Mr. HITCHCOCK. Without laying itself open to a claim by Germany which Germany could assert any time in the future. That claim is barred only by the provisions of the treaty.

Now, Mr. President, that was considered highly important at the time because it not only involved \$750,000,000 which we have realized or are to realize from the sale of this property, but it made it possible to guarantee the payment out of this fund of certain claims which America must protect. There are claims amounting to \$45,000,000 for damages which American citizens suffered while the United States was neutral; they are to be protected out of this fund. There is something in the neighborhood of \$250,000,000 worth of American property in Germany which can not be safeguarded unless this fund is used for that purpose. There is also the indebtedness of German citizens to American citizens of an unknown amount, but which undoubtedly runs into a large figure. All of those claims are to be paid out of the proceeds of the liquidation of the property of German nationals in this country; and Germany assumes under the treaty to reimburse her nationals and guarantee that they shall have no claim against the United States for anything except in the case of fraud in the administration of the act. The Senator certainly does not think that the United States commissioners made a mistake in putting those clauses into the German treaty which thus validate the act of Congress, wipe out the old treaties of 1828 and 1798, and validate all of the acts of the Alien Property Custodian.

Mr. BORAH. I do not say that they made a mistake necessarily. I say, however, that when we declared war against Germany, by reason of that act we had a perfect right to pass the alien property custodian act, and in so far as that act conflicted with the provisions of the treaty with Prussia and with Germany it abrogated those treaties.

Mr. HITCHCOCK. But the Senator will realize that those treaties—

The PRESIDENT pro tempore. Senators will address the Chair. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. The Senator will realize that those treaties were treaties intended to operate in case of war. They were not treaties that were killed by a declaration of war; they were reciprocal treaties, and they specifically provided that for nine months after the United States went to war with Germany they should be in effect and German nationals should be permitted to save their property. We disregarded that. Why? Because we believed we were going to beat Germany and because we were going to get in the treaty of peace a validation of our act.

Mr. BORAH. We had a perfect right to disregard the provisions of the treaty; and Germany could derive no benefit whatever by reason of the fact that Congress saw fit to do so.

Mr. HITCHCOCK. Does the Senator question the fact that if it were not for those provisions of the treaty of peace Germany would have an enormous claim to be asserted against the United States?

Mr. BORAH. I do question it.

Mr. HITCHCOCK. Which would probably lead to animosity and possibly ultimately lead to war.

Mr. BORAH. Animosity does not cut any figure; we can not control that; but I challenge the proposition that Germany would have any claim whatever if the alien property custodian law was executed according to its terms. We had a perfect right to pass it; we had a perfect right to execute it, and if the Alien Property Custodian performed his duties under the law and in accordance with the law there was no necessity for a validation of his acts.

Mr. HITCHCOCK. The Senator will understand that I am not here to argue that Germany is correct in her position.

Mr. BORAH. Oh, yes; I see.

Mr. HITCHCOCK. I am not here to argue that Germany was correct when she said the treaty of 1828 is still in force and that that perpetuates the treaty of 1798; but I say that the question is largely a legal question; it is a question of international law. When two countries make a treaty and agree that if they should go to war their nationals will be protected it is a question that may be asserted any time in the future unless it is wiped out by a treaty agreement, and it can not be wiped out in this instance unless the treaty is ratified.

Mr. WALSH of Montana. Mr. President—

Mr. BORAH. I yield to the Senator from Montana.

Mr. WALSH of Montana. There can be no doubt at all about the position taken by the Senator from Idaho that the alien property custodian act and the trading-with-the-enemy act are valid acts of Congress, the treaty of 1828 to the contrary notwithstanding; that is to say, that the courts of the United



States will recognize the acts of Congress as, one might say, abrogating the treaty; but of course the Senator would not contend that in an international forum of any kind the United States would be considered as escaping from its obligations under the treaty of 1828 because it passed such an act as the trading-with-the-enemy act. The power of Congress to abrogate a treaty by act of Congress is simply local in its operation; it does not affect the validity of the treaty when it is brought under consideration in an international forum; otherwise a treaty would have no significance at all, because either party could repeal it at will without any responsibility whatever and without being answerable.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico.

Mr. JONES of Washington. Mr. President, I wish to say just a word, so that my position will be plain. I am against the passage of the pending resolution. I think that Congress is making a very great mistake in trying to carry on investigations of this character. It is a waste of the people's money compared with what is accomplished. We would better spend our time as Senators in considering legislation instead of spending a lot of money and using our time trying to find something wrong with various administrative matters in connection with the prosecution of the war.

I doubt not that a great many mistakes have been made; I doubt not that there has been wrongdoing in many cases; there may have been collusion, and there may have been corruption; but no committee of Congress will ever find it out. If the committee would employ attorneys and accountants and prepare its case like a prosecuting attorney would prepare it, we might get somewhere, but my observation has been that these investigations have never convicted anybody of wrongdoing.

Mr. CALDER. Mr. President, I will say to the Senator that the resolution provides for the employment of counsel. I will further inquire of him, How does he expect to ascertain whether collusion or corruption exists in this department without some investigation of this character? There is no other way of finding out.

Mr. JONES of Washington. It may be true that the resolution provides for these things; but there are no Senators here who really have the time from their other duties to carry on an investigation of this kind as it ought to be carried on if it is to be made. We can not get quorums out to committee meetings now to consider important legislation that is urgent, and that ought to be passed promptly. Why? Not because Senators are neglecting their duties, but simply because they have so many committee meetings to attend and so many hearings with reference to legislation to attend that they can not attend all of them and some must be neglected.

I feel that the people of the country are not looking with very much patience upon the investigations that Congress is carrying on. They know that mistakes have been made in the conduct of the war. They know that there may have been waste and there may have been something criminal. It was natural, and was to be expected. They are expecting Congress, however, to look to the future, and to give its attention more to legislation to solve the problems that are confronting us, rather than giving its time to things that are past and that can not be remedied.

Mr. President, that is my view generally with reference to investigations by Congress at this time as to things in the past. Furthermore, I do not believe we ought to pass this resolution until it has been acted upon by a committee of the Senate that has jurisdiction over the subject matter. It will involve the expenditure of thousands and possibly hundreds of thousands of dollars. Attorneys and accountants are to be employed, as should be done if any such investigation is to be entered upon. Before entering upon such an investigation the Senate should have the recommendation of some committee that it believes, and has reason to believe from the showing made, that there ought to be an investigation, and that we are justified in spending this money for such purpose. If I do not understand that the Committee to Audit and Control the Contingent Expenses of the Senate looks into these things. It does not go into the merits of the question, and for that reason alone I shall vote to refer the matter to the Committee on the Judiciary, because that committee has partially gone into it.

This legislation, as the Senator from New York suggested a while ago, came from the Committee on Commerce, and I am inclined to think that that would be the proper place for a resolution of this sort to go; but I do not want it to go to that committee. It would not come out of the committee with my consent unless a strong *prima facie* need for an investigation is shown. A motion has been made to refer it to the Judiciary Committee, and I shall vote for that motion if I have the opportunity.

Mr. NELSON. Mr. President, there is a good deal of force in what the Senator from Washington has just said. We were all surprised at the reports that were made in reference to the airplane program of the War Department. We had an investigation, and at the head of it was Justice Hughes; and what was the result of it? Can anyone point to any effective results from that investigation—and that was probably as thorough an investigation as any?

I am opposed to the reference of this resolution to the Committee on the Judiciary, but for a reason different from all others. The nomination of Attorney General Palmer came before the Judiciary Committee. It was referred to a subcommittee of five, of which the senior Senator from Vermont [Mr. DILLINGHAM] was the head. That committee gave careful hearings and attention to the subject, and came to the conclusion unanimously that there was nothing in reference to the conduct of Mr. Palmer that justified the rejection of his nomination. I do not believe that this investigation will result in any good. In nearly every case where there was a disposal of alien property Mr. Palmer had a board of appraisers appointed and accepted their judgment.

The most that can possibly be shown against Mr. Palmer is the fact that in the matter of employing attorneys and other agents he favored his own friends and members of his own party; and while, according to the highest ethical principles that may not be entirely justified, yet in these days of partisan politics, from which we can not, however much we would like to, entirely disarm ourselves, it is to be expected that in such matters a man is likely to favor his political friends.

Being convinced—and I am unwilling to take the time of the Senate further—first of all that nothing serious can be discovered in this investigation, and being of the opinion that aside from the mere favoring of political friends in the matter of attorneyship and fees, Mr. Palmer has been entirely innocent, and that no good can be accomplished by this investigation, I therefore shall be very glad not to have this resolution go to the Judiciary Committee; and if I acted according to my own judgment I should move that the resolution be indefinitely postponed.

Mr. WADSWORTH. Mr. President, will the Senator yield a moment?

Mr. NELSON. Certainly.

Mr. WADSWORTH. Did I understand the Senator to say that, in his judgment, the Alien Property Custodian had used his office for political purposes?

Mr. NELSON. I understand that he has used it as a good many other good citizens do in the matter of appointments to places; they look to their own friends and party affiliations. I do not think even the Senator from New York himself, in his political career, can say that he has not favored his political friends instead of his political enemies.

Mr. WADSWORTH. The "Senator from New York" is not submitting himself to cross-examination; but the "Senator from New York" may remind the Senator from Minnesota that the office which Mr. Palmer held was that of a trustee for the people of the United States in time of war, which, to my mind, puts an entirely different color on this whole question; and I was interested to hear the Senator from Minnesota intimate, at least, that the Judiciary Committee had reached the conclusion that the Alien Property Custodian had used the office for politics in time of war.

Mr. NELSON. No; the committee did not reach that conclusion. That is my individual opinion.

Mr. WADSWORTH. I make that correction.

Mr. NELSON. The subcommittee never reached that conclusion, and I have not reached it. I have only said that, in my opinion, that is the utmost that can be proved against Mr. Palmer. It is not my opinion, even, that there is much in that.

Mr. UNDERWOOD. Mr. President, will the Senator yield to me?

Mr. NELSON. I yield to the Senator.

Mr. UNDERWOOD. If the Senator will allow me, I wish to renew what he has just said, that the committee reached no such conclusion in its findings; but, more than that, while of course Mr. Palmer appointed some Democrats and some Republicans, a majority of the members of the important boards on valuation were leading Republicans. He did not appoint them for that reason. More than that, some of the most important lawyers who had charge of this matter were Republicans. For instance, Mr. Bradley Palmer, who wrote the clauses in the treaty of peace, and represented the Alien Property Custodian in Paris, not only is a distinguished lawyer and a distinguished Republican of Boston, Mass., but I myself sat on the Judiciary Committee of the House with his father, representing a Pennsylvania district as a Republican. So I think if you will only investigate the matter you will find that outside of



those who are holding minor offices—and I can not speak as to those, because I do not know—when it comes to the leading men in this organization, there were as many Republicans as there were Democrats.

Mr. LODGE. Mr. President, if the Senator will allow me—  
The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. NELSON. Yes.

Mr. LODGE. Since the Senator has mentioned the name of Mr. Bradley Palmer, and he is a citizen of my State, there is no question of his standing at the bar or his standing as a man. It is the very highest; and to the best of my knowledge and belief—and I think it is good—he is a Republican.

Mr. CALDER. Mr. President, will the Senator yield for a moment?

Mr. NELSON. Yes.

Mr. CALDER. I want to respond to what the Senator from Alabama has said about the committee having charge of the supervision of sales. He stated that the majority of that committee were Republicans. The other day in discussing this subject he referred to one of them, a citizen of New York, Judge Ingraham, as being a Republican. I would inform the Senator from Alabama that Judge Ingraham was elected repeatedly to judicial office by Tammany Hall. He is a lifelong Democrat, and was a member of Tammany Hall. I will further say, if the Senator will permit me, that while many Republicans served in places of importance in the Alien Property Custodian's office, the men who got the emoluments and profits out of this office were largely Democrats.

Mr. UNDERWOOD. I should like to ask the Senator who got emoluments out of this? Most of the men that I know of that were employed by the Alien Property Custodian, outside of clerks, were working for a dollar a year, as a patriotic duty. Of course the clerks got their clerical pay, but I am talking about the leading men. I do not know who they were that got the emoluments in the employ of the Alien Property Custodian. If I recollect right, the Alien Property Custodian himself, a distinguished lawyer, now the Attorney General of the United States, a man of eminent ability, performed his services in handling a \$750,000,000 trust fund at a salary of \$5,000 a year. I do not see where there is any basis for a charge against him in that connection; and his was the highest salary paid.

Mr. CALDER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New York?

Mr. NELSON. I yield.

Mr. CALDER. An investigation may demonstrate that large fees were not paid directly by the Alien Property Custodian; but it is charged that these excessive fees were paid in many cases out of the funds of enemy-owned corporations, with the knowledge and consent of the Alien Property Custodian, before these funds were turned over to him.

Mr. UNDERWOOD. Mr. President, I can deny that, and I do not want the record here to mislead. I will say to the Senator, as I know he does not know, but I do, that the Committee on Appropriations of the House called on Mr. Palmer for a statement as to what was paid in the way of fees in this matter. The largest fee that was paid was \$25,000, in a very large case, with a volume 2 inches thick of what the lawyer, a New York lawyer, had to do. The next largest fee, as I recollect it, was \$15,000. Those were the large fees paid, in very large matters. In the bulk of the thousands of cases in which lawyers were involved they worked for a dollar a year, or a nominal compensation, and if you should average the fees that were paid them they would not be as much as the pages on this floor are paid.

It is not a question for investigation by a committee of the Senate. You do not have to investigate it. If you go to the Committee on Appropriations of the House of Representatives, you can find it there; and there has been in the possession of that committee for months a complete report of every dollar that was paid. There was some little criticism of one fee of \$25,000 until the enormous amount of work that was done in the matter was shown. That is not a question of investigation. It is a fact. If you do not want to go to the House, you can go to the Alien Property Custodian's office.

Mr. NELSON. Mr. President, I want to pour a little oil on the troubled waters. If the Senate wants to investigate the compensation paid, there is a better gold mine in investigating the Railroad Administration, where \$50,000, \$75,000, and \$100,000 a year are paid. If compensation is a question to be investigated, we had better turn to the Railroad Administration.

Mr. BORAH. Mr. President, the Senator says that \$50,000, \$75,000, and \$100,000 a year were paid. To whom were such payments made?

Mr. NELSON. To the men who run our railroads under the Government.

Mr. BORAH. Does the Senator mean the attorneys, or that the money was paid to somebody who held an office under the Government?

Mr. NELSON. Somebody to whom they gave the name of managers—big men, who were picked out, men whose bigness consists in the almighty dollar that you put into their pockets.

Mr. SMITH of Georgia. Mr. President, if the Senator from Minnesota will allow me, the figure actually paid was large enough, but I think the Senator is mistaken in stating the salaries to be beyond \$50,000. There were several paid \$50,000 a year, several paid \$45,000, and so on down, as has appeared from a report made to Congress. That is enough. I was not excusing so large a figure, but I was sure the Senator would not carry it beyond that if he were advised he was mistaken.

Mr. NELSON. Perhaps I went a little too high. [Laughter.] But, Mr. President, what I wanted to say—and I wanted to say it to Senators in all seriousness—is that Mr. Palmer had a great task to perform, and he had to work through many instrumentalities. He had to take in the range of the entire country. I know from little matters that happened in my own State how some of the German interests took pains to cover up their tracks. I think he deserves, on the whole, great credit for his work in ferreting out German interests in this country and disposing of them and putting them into the hands of the Federal Government. There were instances in which he took over industries and changed them from being industries in the hands of Germans into American industries engaged in the work of production for the necessities of the war.

I am unwilling, Mr. President, to take up the time of the Senate more than to say it is my own opinion, from the investigation that took place before the Judiciary Committee, that no case can be made against Mr. Palmer, and there is no occasion for this investigation.

I regret to say, and, after all, I do not regret it, that I am unable to wrap myself up in a party political spirit in a matter of this kind. I look upon it from the standpoint of the ordinary American citizen. Mr. Palmer had a great task to perform; he performed it, in my opinion, as carefully and prudently as a man could under the circumstances. In all instances where he took possession of property and had to sell it he was careful, as he was in those cases that our committee investigated, to have a board of independent appraisers appraise the property, and he would act according to their judgment. What more could a man do?

Mr. President, I can see no good to be accomplished by this proposed investigation, and were it not for the fact that I do not want to hurt the feelings of my good friend from New York [Mr. CALDER], I should move to indefinitely postpone the resolution.

Mr. FRELINGHUYSEN. Mr. President, I did not intend to speak upon this question, but inasmuch as my name has been mentioned in an article which has been inserted in the RECORD in reference to the resolution which I introduced at a previous session of Congress, I feel that I ought to explain my position upon it.

I objected to the nomination of Mr. Palmer, and presented certain statements and criticisms to a subcommittee, and asked that they be investigated. I made no charges. I simply thought that the subcommittee should investigate the statements and criticisms which had been made to me.

The committee unanimously approved the nomination of Mr. Palmer, and he was confirmed. Therefore the question of Mr. Palmer's fitness for office has nothing to do with this resolution. That is a closed question. The question before the Senate is whether Senators care to investigate the Alien Property Custodian's office, which was intrusted with the trusteeship of \$700,000,000 worth of industrial property and private trusts during the war. The disposition of the funds under the custody of Mr. Palmer is left with Congress. Is it not a matter of interest to Congress, and have they not a right to know, and is it not our duty to find out how those funds have been administered?

An investigation by a subcommittee of the Judiciary Committee has been spoken of. The subcommittee were not investigating the Alien Property Custodian's office. They were making an inquiry into the fitness of Mr. Palmer to be Attorney General. While I have no criticism to make against that subcommittee, there was no difference of opinion, except that I felt, and I still feel, that witnesses should have been called to prove or disprove the statements made before the subcommittee by Mr. Palmer and those who were criticizing him. However, the subcommittee felt, and I submitted to their judg-



ment, that it was not necessary to subpoena witnesses, or that it did not come within their power and scope.

Great business interests have been seized in this country and have been sold, and American interests are involved, because in many of those industries there were American stockholders, and there are criticisms from American citizens against the administration of the Alien Property Custodian's office, and it is our duty to investigate and ascertain whether the American interests have been conserved. I am not interested in German interests; I care nothing for them; but I do care whether Mr. Palmer, in his trusteeship and administration of his office, in any way injured American interests.

There is further information that Congress ought to have, and that is on the question of the formation of the Chemical Foundation. Mr. Palmer took all the German patents in his hands and sold them to a corporation. That corporation which he formed was headed by Mr. Garvan, who is now the Alien Property Custodian. Directors were appointed consisting of the board of advisers and appraisers which Mr. Palmer had appointed in New York. No one knows what those patents are worth, but they are worth more than the \$250,000 for which they were sold to this private corporation founded at Mr. Palmer's instance. It is true that these officers receive no emolument, but they have control of all these patents and have the licensing power. Before an industry in this country can use or procure from that foundation permission to use those patents it must go before that corporation and procure a license to use them.

I do not know whether that policy is a good one or not, but, as a Senator, I want to know why those powers are conferred on a private corporation and whether industries in my State are being discriminated against or not. Notwithstanding the arguments which have been made here to prove that this investigation is unnecessary, I say where a man has been intrusted with the custodianship of a billion dollars it is the duty of Congress to know how that trusteeship has been administered.

Mr. JONES of New Mexico and Mr. POMERENE addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, if the Senator from Ohio desires to submit any remarks upon this question, I will yield to him.

Mr. POMERENE. Mr. President, I wish merely to make one suggestion. I am just as jealous of the record of this Government and of its officials as anyone can be. There has been a pretty full investigation of Mr. Palmer's official record, and now another investigation is asked for. It so happens that Mr. Palmer is now the Attorney General of the United States, and he is weighted down with the responsibilities of that great office. It is enough to tax his talents and take all his time to perform the duties there. If now he is to be called before the Judiciary Committee of the Senate or some other committee which may be investigating his official acts, it is going to take his time and attention away from his present official duties, in order that he may guard his own reputation against assaults which will be made upon him by German citizens, as well as others. I feel just this way about it: If the Judiciary Committee will come in here and say that in their judgment there ought to be an investigation, I will vote for it; but until the Judiciary Committee, or some other committee, says there should be an investigation, I shall not vote for it.

I simply wanted to make that perfectly clear. I think there is something due to Mr. Palmer in his present position.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from New Mexico [Mr. JONES].

Mr. JONES of New Mexico. I ask for the yeas and nays.

Mr. LODGE. Mr. President, I have waited patiently to present some morning business. It is now too late to present it. I do not want to hold back any longer the chief business that should be before the Senate. I move that the Senate proceed to the consideration of executive business in open session.

Mr. NORRIS. Mr. President, will the Senator from Massachusetts yield?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I yield.

#### POSTMASTER GENERAL AND CIVIL SERVICE COMMISSION.

Mr. NORRIS. Like the Senator, I had some morning business to submit. I have a Senate resolution that I wanted to introduce and have go over under the rule. I should like to have it read, and give notice that to-morrow, as soon as the routine morning business is disposed of, I shall address the

Senate on it, and ask the Senate to make some disposition of it. If the Senator would yield, I should like to introduce the resolution and have it read.

The PRESIDENT pro tempore. Will the Senator from Massachusetts withhold his motion?

Mr. LODGE. I yield for that purpose.

Mr. NORRIS. I ask that the resolution which I send to the desk be read, and I wish to give notice that to-morrow, or at least within the next few days, if I can get recognition after the routine morning business, I shall address the Senate on the subject of the resolution and ask the Senate to make some disposition of it.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 186) was read, as follows:

Whereas it is currently reported in the public press that the Postmaster General has been actively engaged in interfering with the work of the Civil Service Commission in relation to the examination and certification by said commission of eligibles from which postmasters are to be selected, and is attempting to control said examinations and certifications with a view of securing partisan political appointments to such places; and

Whereas it is also reported that in carrying out such plan, the President has demanded the resignation of certain members of the Civil Service Commission; and

Whereas one of said commissioners in resigning his place has issued a public statement in which the foregoing facts are, in substance, charged: Therefore be it

Resolved, That the Committee on Civil Service and Retrenchment be, and they are hereby, instructed to investigate such charges and reports and report to the Senate, first, whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications, and, second, if the committee finds that the Postmaster General is guilty of such charges, then was such action on the part of the Postmaster General taken with the consent and the knowledge of the President of the United States.

The PRESIDENT pro tempore. The resolution will go over under the rule.

#### TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I renew my motion to proceed to the consideration of the German treaty in open executive session.

The motion was agreed to, and the Senate resumed the consideration of the treaty in open executive session.

Mr. WADSWORTH obtained the floor.

Mr. LODGE. If the Senator from New York will yield to me for a moment before he begins to speak, I ask to have read a news dispatch from the Washington Star of yesterday evening.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

[From the Washington (Evening) Star of Sept. 18, 1919.]

"MINERS VOTE DOWN LEAGUE APPROVAL—WHOLE SUBJECT TABLED AT CONVENTION—THEATRICAL WAVING OF BRITISH FLAG.

"CLEVELAND, OHIO, September 18.

"The convention of the United Mine Workers of America to-day voted down a resolution indorsing the league of nations and calling upon the Senate to ratify it without amendment and without further delay. The convention by a large majority then voted to table the entire subject, including motions against the adoption of the league of nations as now constituted.

"The debate showed a wide range of opinion for and against, indicating that the miners were sharply divided on this question. The motion to table the subject was carried largely on the argument that the peace treaty had now become a political issue on which a labor convention should not be called upon to take action.

#### "RESOLUTION AROUSES.

"The resolution precipitating the discussion, which was drafted by Secretary-treasurer William Green, of the international organization, and recommended for adoption by the committee on resolutions, declared for immediate ratification without amendment, in order to bring about the speedy establishment of normal conditions.

"It described the league covenant as purposing the settlement of disputes between nations by conciliation and arbitration rather than by force of arms and the ultimate disarmament of the nations of the world and as the first step forward in the direction of universal peace.

"Its advocates, all of whom admitted defects and weaknesses in the covenant and treaty as drafted, defended it on these grounds. Opposition speakers raised against it arguments based upon the larger voting power of Great Britain in the league, failing to provide independence and self-determination for Ireland and India, and the Shantung settlement. Critics of the 'imperialistic policy of the British Empire' and of the 'recognition and perpetuation of the autocratic power of the crowned heads of Europe' were numerous and were vigorously applauded.



"WAVES FLAG THEATRICALY."

"Delegate Greathouse, of Flemington, W. Va., brought about a theatrical moment by mounting the stage with the British and American flags in his hands and crying out that though he favored a league of nations he would never vote to put the Union Jack above the Stars and Stripes by giving the British Empire seven votes to one for the United States in the league."

"Robert Harlin, president of the Washington State miners' organization, who recently returned from consultations with English labor leaders, argued that Great Britain was on the eve of the inauguration of a labor government, from whose hands Ireland and India had nothing to fear, and that seats in the league for Canada, Australia, and New Zealand meant not extra votes for an imperialist policy of the British Empire, but votes for really independent, democratic States, whose ideals were in thorough harmony with those of the United States."

"Duncan MacDonald, secretary of the Illinois Federation of Labor, hoped that the convention would not give support to a proposition which had now become political and for which, he declared, a fund of \$100,000 was now being raised among 'Wall Street millionaires,' and opposed the league in its present form as one not composed of representative men and women of the nations of the world, but an alliance dominated by monarchical governments of the Old World."

"The United States had but a single vote in its councils, and under such a condition, he asked, what chance had the United States of securing the adoption of measures in which it was interested against the votes of these powers, when a unanimous vote on practically all questions was provided for. His view that the league covenant and the treaty of peace required amendment before acceptance by the United States was supported by other speakers during the debate, which occupied almost the entire morning session."

"A resolution to transfer the international headquarters of the United Mine Workers of America from Indianapolis to Cleveland was voted down."

Mr. WADSWORTH. Mr. President, the question before the Senate is of such tremendous importance that one is staggered at confronting it. As we shall decide it, so shall the destinies of generations of Americans yet unborn be guided and controlled. When one attempts to analyze and comprehend the ramifications and possibilities of the proposal laid before the Senate, one feels small and at a loss as to how to proceed.

The proposal is bigger than any man. It is bigger than any party. It is not, however, bigger than the Government of the United States, for the Government of the United States is the representative and agent of the people of the United States, and unless our institutions have already proved a failure anything that is bigger than the Government is bigger than the people. To that doctrine as enunciated by the President in a recent speech I can not subscribe. Nor can I pursue a discussion of this topic in what has become the conventional way. To my mind there is no room for epithets or invectives. I do not intend to condemn any man or group of men for thinking differently than I do, but merely to assume the right, as a Senator of the United States, to express my convictions and to do my best to perform the duties which the Constitution of this great Republic imposes upon me as a Senator.

As the discussion has proceeded thus far, it would seem to me that a good many of the proponents of the covenant of the league of nations, as now presented, have forgotten that this American people is not as other peoples are. Its proponents seem to overlook some exceedingly important differences existing between the American people in their composition and all other peoples of the earth. I would not insist, Mr. President, that the ideals of the American people are better than the ideals of any other people. It would be unseemly thus to boast. Nor would I boast that the intelligence of the American people is higher than the intelligence of any other people. It is not necessary to conduct a discussion upon that plane.

But I do insist that the ideals and methods of thought of the American people are different from the ideals and the methods of thought of every other people, and they are different because of the peculiar composition of this people and its position geographically.

When we won our independence as a result of the War of the Revolution our people were made up largely of immigrants or the descendants of immigrants who came from England, Scotland, Ireland, Holland, Germany, and France—from France especially the group known as the French Huguenots. They were a composite people even at that early day. The first group who came to this country came here seeking religious liberty, if I recollect history correctly, and they were followed as time went on by other and larger groups seeking political liberty; and they in turn were followed by other and still larger groups,

as the years went by, seeking economic opportunity. But our make-up, even 130 years ago, was the result of immigration from five or six countries, and the population over which the Government of the United States was established in 1789, and of which Washington was President, contained several different nationalities and peoples of different racial origin. Since that time we have received upon our shores an ever-increasing number of people coming from Europe, and even from parts of Asia. To the English, the Scotch, the Irish, the Dutch, the Germans, and the French, who in a large measure composed the Revolutionary population, we have had added to our numbers vast aggregations of Hungarians, Austrians, Poles, Russians, Greeks, Syrians, Armenians, Roumanians, Bulgarians, Portuguese, Serbians, and people from other nations that I shall not take the time to endeavor to recollect. The wonder of it all has been that for 130 years these groups of people of widely different racial origin and widely different nationality, with all the prejudices which go with nationality, have been able to live side by side in the United States in peace and happiness. Very few statesmen of the Old World have understood how we have done it; and, as a matter of fact, Senators will recollect, I have no doubt, that prior to our entrance into the German war and for the first few months after our entrance into that conflict the alleged savants and scholars of Germany predicted the complete breakdown of this country because, not understanding our institutions and our peculiar national psychology, they figured that the people of the United States were not and could not be a united people owing to this variety in their origin. Few people abroad comprehend what this means, and I fear, Mr. President, that a great many people in the United States are to-day forgetting what it means. It is this phase of the subject which I wish to emphasize for a few moments before the Senate, because I regard it as vital. If we do not understand it, if we do not comprehend the meaning of our institutions and the secret of our success here, great composite people as we are, we are apt to endanger the future happiness of this Nation which has been hailed by other peoples as the hope of the world.

I can not pose as a student of history to the extent which would justify me in attempting to read the thoughts of George Washington, but I do think I know enough about the history of this country and his utterances and the atmosphere in which he lived to warrant the belief that Washington looked toward the future when he made his Farewell Address and saw coming to the shores of America all these different groups, and that the thing which concerned him most of all, and which concerned his contemporaries, Jefferson among them, was the prospect that these great groups of people coming to the United States would find themselves unable to weld themselves together into one American people. He knew they could not be welded together in one great American people unless they exercised unceasing vigilance against the injection of European politics into American domestic politics. The country from his day to this day has managed to assimilate this tremendous tide of immigration, because as fast as these people have reached our shores and have started in to earn their living and to pursue their happiness, they have found an atmosphere removed completely and entirely from the intrigues and the turmoils of the countries from which they came. The result has been that the Greeks and the Bulgarians have lived here side by side in peace; the Englishman and the Irishman have lived here side by side in peace, as have the German and the Frenchman, the Austrian and the Hungarian, the Pole and the Russian, not forgetting the affection which they naturally owe to their mother countries, but conscious of the fact that they have reached a country where they are free from those prejudices, intrigues, and turmoils, and where men, no matter what their national or racial origin, could start out free and endowed with the opportunity of working out their own salvation as American citizens and American citizens first. So they have forgotten the politics, the intrigues, and the frictions of the Old World; and by reason of their being able to forget them this American people is a united people to-day. I think Washington saw that; I think Washington hoped and prayed that we would maintain that atmosphere here in the United States and would keep our politics free from European issues.

Some may not consider this an important side of the discussion now going on, but with those who are disposed to pass it by casually I can not agree. Already we see the effects in this country of the proposals contained in the covenant of the league and the treaty; already we see the effects of the partial participation in which this Government of ours has indulged in European frictions and disputes. Some examples of it have come to my personal attention, and it was these incidents which opened my eyes for the first time to the importance of the situation.



Senators will remember that the President of the United States, while he was in Paris, issued a public statement to the Italian people, for, as I recollect, his statement was addressed to them, and in a sense was addressed to them over the heads of the Italian Government, in which he declared it as his opinion—and necessarily his opinion was deemed to represent the opinion of the Government of the United States, he being the head of the Government—that the city of Fiume should be awarded to Jugo-Slavia and not to Italy. Within eight days of the publication of the President's statement in Paris on that question my mail was filled with letters and petitions and circulars from Italian-born citizens of the United States urging me, as a Member of the Senate, to use what influence I had—and, of course, it was next to nothing, although they did not know that, apparently—as a Member of the Congress to see that the Government of the United States took sides with Italy as against Jugo-Slavia. In other words, European politics appeared in American politics. It was entirely natural that these Italian-born American citizens should have addressed me in that way; it was the most natural thing in the world; but it was the first clear sign coming to my attention of what this internationalism may mean in America. They addressed me and probably addressed other Senators. They saw our Government taking part in the settlement of the frictions and disputes of Europe. They were American citizens, and very naturally they exercised the right of petition to Congress or to Members of Congress to influence our Government in settling the dispute in favor of the mother country—in this case Italy.

I have heard from delegations of Lithuanians, who, in the same way, seeing the Government of the United States about to cast a deciding vote, perhaps, as to whether there shall be a Lithuania independent of Russia or independent of Poland; they have written me, as they have doubtless written other Senators, using their political influence—and in an entirely legitimate way, mind you—in the body politic of America to have the Government of the United States settle a dispute in Europe in a certain way. I could relate many instances of the same kind, Mr. President.

I do not decry the spirit of the citizens who have written me or who have petitioned me in that way. I can well understand it. They are entirely human in trying so to influence the Government of the United States; but as I contemplate the possibilities of the future, when, as I understand, the Government of the United States must take part, directly or indirectly, in the settlement of every dispute on earth—when I contemplate the possibilities of such a situation I wonder whether we can remain a united people upon this continent; I wonder whether it will not result in breaking us apart into groups of people, each gathered together in accordance with its national or racial origin, each intent upon using its political influence upon the Government at Washington in order that their ideas may be carried out in far-away Europe or far-away Asia.

We have had a tremendous task in this country in assimilating these people; and they are a splendid people who have come here. We have been fortunate, Mr. President, on account of our geographical position; fortunate, too, because we have avoided, up to this hour at least, permanent alliances which would inject us into the politics of Europe; and our very avoidance of the pitfalls which must necessarily exist in European and Asiatic politics accounts for our being an American people to-day with an allegiance to America first.

The Committee on Foreign Relations of the Senate have seen something of this same tendency. Delegations have come before the committee and urged the claims of far-away countries. I do not criticize the committee for a moment for permitting them to come. That is what we have got to do from now on if we take this covenant and this treaty as proposed. This is to be but the beginning, Mr. President. The Congresses of the future will find it absolutely impossible to close the doors against groups who seek to come before the committees and exercise their influence, not as American citizens first, but as American citizens anxious to control something in the politics of Europe. When you shall have that situation in the United States you will have poisoned the political life of this people.

Mr. President, as I recollect, from having read the treaty as carefully as I can, we are about to set up several new nations. This was inevitable, coming out of this great war, and I make no complaint against it; but I think it well for Senators to stop and think a moment and analyze, if we can, some of the possibilities of this situation. It was best expressed by Mr. Lloyd-George in a statement which he made to the House of Commons several months ago. He used this expression, as I recollect it: "We are Balkanizing central Europe"—in other words, that central Europe was being cut up into several comparatively

small nations, and that the map of central Europe will take on somewhat the appearance of the old-time map of the Balkans.

Out of this war is emerging Poland, a restored and independent Poland, and we all rejoice at it; a restored and independent Bohemia, or Czechoslovakia, and we all rejoice at it; a separate Hungary; a separate Austria; a new Jugo-Slav State; a readjusted Greece; a readjusted Bulgaria; a readjusted Roumania. These readjustments, it is apparent, are not going on with that degree of smoothness for which we have hoped.

The Poles are now fighting, as I understand, upon three fronts. The Roumanians only the other day invaded Hungary and seized the capital of that country; and it may be of interest to note that they paid no attention whatsoever to the mandate of the allied council at Paris instructing them to retire from Budapest. This is an indication in part, at least, of the respect for international authority held by the Roumanians. The Serbians and the Greeks, in certain portions of territory lower down in the Balkans, are standing armed to the teeth, watching each other. The Jugo-Slavs and the Italians have already had open outbreaks in and about Fiume; and we find cause for thought in the dispatches which come to us during the last two or three days, describing how the poet D'Annunzio has seized the town of Fiume with a group of Italian soldiers who apparently have deserted their lawful commanders, and is defying even the Italian Government, holding Fiume against the world for Italy. The dispatches indicate even that the British and French military forces—of course, very small in number—have been compelled to leave Fiume, and that the allied council has turned over to Italy the job of straightening out that tangle—the first indication that this international organization has not entire confidence in its ability to settle the dispute aroused by the poet.

Mr. President, the frictions and the jealousies that exist between these groups of people and between these nations that I have enumerated are centuries old. In many of them they are inborn, inbred. We Americans may be impatient at the evidences of them, but we might just as well make up our minds that those prejudices and animosities are there; and for one I do not believe that the people of the United States can ever come to understand them. We have no method of reaching an understanding of that condition which has existed for so many centuries; and when we attempt to take the lion's share of the responsibility in drawing every boundary line which shall separate those nations, and in settling every dispute which may arise between them for all time to come—I would not object so much if it were only for a year or two, but for all time to come—when we consent to take the lion's share of that responsibility, it is wise for us to understand what we are doing.

That brings one inevitably to a discussion of article 10.

There have been a good many explanations of that article. There have been a great many efforts to assure people that it does not mean what it says; and I do not suppose that there has ever occurred, in a discussion of two sentences, so much quibbling and squirming and ducking as in connection with the two sentences of article 10. To my mind the President has settled it, and settled it right, as to its meaning. He said it constitutes a binding moral obligation. All the play in and around the meaning of the word "advise" amounts to nothing. The important thing is the first part of the first sentence, which reads:

The members of the league undertake to respect and preserve.

"Undertake to respect and preserve!" the territorial integrity, and so forth.

And the important word in the second sentence is the word "obligation." Taking the two together, we are under an obligation, if we sign that contract, to respect and preserve the boundaries of all the members of the league.

I can not conceive that there is any other way by which we can approach the interpretation of that article. I do not believe the United States can afford to indulge in any mental reservations on this question. I do not believe we can afford to go into a contract of this sort, and subscribe to it just as it is written, unless we are fully determined to live up to it in spirit as well as in letter. The article describes this undertaking as an obligation; and if we are honest men, and if we are an honest Nation, we must carry out our obligation. It will not do to say that in the event of the executive council advising us to contribute so many troops or so many dollars for the suppression of a conflict somewhere upon the earth, we are left at liberty to decide whether we will contribute those troops or those dollars, for the instant you revise downward the suggestion of the executive council you are deserting the obligation; and if it shall be conceded that under such an obligation we have the moral right to revise those estimates downward, then every other nation will claim the same right, and article 10 will mean nothing. There will be no contribution



worthy of the name toward the preservation of the political independence and territorial integrity of the State that is attacked.

No, Senators; we must live up to this thing in the spirit in which it is written, conscious of the fact that when we sign it we are imposing upon the people of America, for all time to come, a sacred obligation.

How about the habit of mind of the men who drew article 10? Unlike some prominent people in this country, I can not consent to ignore all the lessons of history. History teaches us a great deal more than visions teach us, and history is full of lessons concerning human nature; and human nature has not changed visibly in the last five years, nor do I believe it will change in a great many, many years to come in any fundamental way. The human race is a restless race. Its very restlessness accounts for its progress in large degree. An ideal captures the imagination of a group of people living somewhere upon the earth. It may be a religious ideal, it may be a political ideal, it may be some form of philosophy; but, whatever it is, it captures the imagination of a group of people somewhere, who, inspired with that ideal—and incidentally not all of them are accurate and correct and good—but inspired with that ideal, good or bad, those people go out to gain converts or to put their ideals or their philosophies into practice. History is replete with instances of how those movements, starting from some tiny seed, grow and grow and grow until they become great factors in the lives of a multitude of people. Sometimes they result in a revolution or rebellion, sometimes in civil war, sometimes in what might be termed "wars of aggression"; sometimes they finally result in great migrations of people which sweep across the face of the earth, trampling over political boundaries, tearing down systems of government, upsetting thrones, and changing the political map of the world.

History should teach us that the mandates or decrees of kings or emperors or of congresses or of parliaments are utterly futile and helpless in preventing this restless human race indulging in these activities, indulging in these efforts to improve its life, indulging in these efforts to climb upon a higher plane of civilization, indulging in these efforts to find the true God. And any group of men in the year 1919 who think they can establish a status quo, and mark out a system of boundaries which shall not be disturbed without their consent, and which shall preserve the existing political system subject to their revision, are afflicted with the height of human folly. They are flying in the face of all human experience, and are assuming to themselves a wisdom and an infallibility that no group of human beings has ever possessed.

Mr. President, classical legends tell us about Ajax, who defied the lightning. The men who drew article 10 outrival Ajax.

I hope most sincerely, sir, that that reservation which has been suggested and recommended by the Foreign Relations Committee—reservation No. 2—which has already been printed in the Record, and which I shall not read, will be adopted by the Senate, for if it is not adopted and we sign this contract with article 10 in it as now proposed, the people of the United States for all time to come—for this document can not be amended nearly as easily as has been suggested, it taking the unanimous consent of the executive council to amend this covenant—will be under obligations, when the call comes, to send their soldiers and their money in a fruitless endeavor to maintain for an indefinite period the statu quo of 1919; and when we stop to think and comprehend what that means I do not see how we can escape the conclusion that the Americans of the future are in for a forlorn hope. No organization, national or international, can put such a strait-jacket upon mankind. It may be that many good people wish that a strait-jacket could be placed on mankind. The important thing to remember is that it can not be done, whether it were wise to do it or not; and I doubt the wisdom of it. It can not be done, and I do not want to see my country and her soldiers devoted to any such purpose; for I believe that it would bring upon us the hatreds and the jealousies of peoples whom we can not understand and whose troubles and problems we have no means of learning about, and at the same time would place upon our shoulders a burden of obligation which the American people never expected would be placed upon their shoulders when they declared war against Germany.

Reverting for a moment more, Mr. President, to the peculiar composition of the American people and the effect which some of the provisions of this covenant and treaty may have upon our internal concerns, I invite attention to the language of article 16:

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, and 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

Mr. President, there are several possibilities in this situation which I think it wise for us to take under consideration.

It is not at all certain, it seems to me, that Greece and Bulgaria will be able to live side by side at peace for any great length of time. It is entirely possible, at least, that some day, smarting under some grievance or alleged grievance, Greece might attack Bulgaria. The instant she does so she has committed an act of war against every member of the league, including the United States, and under article 16 the nationals of the United States are forbidden to have any financial or personal intercourse with any national of Greece.

If we were a normal country, in the make-up of our population, that might not excite any discussion. But, as I said before, we are not normal in the make-up of our population. We have several hundred thousand Greek citizens in the United States. The men who wrote that article apparently forgot this situation, for I can not believe they would knowingly have attempted to impose it upon us. We have several hundred thousand Greek citizens residing in the United States, not as yet naturalized. If their mother country, Greece, goes to war against Bulgaria, no American citizen can buy anything of a Greek in the United States. He can have no financial intercourse with him. Every little store kept by a Greek in this country must be closed. No matter what his business, great or small, it must cease, for the United States has promised the world that none of her citizens shall do any business with a Greek under those circumstances. What is to become of them? Are they to be deprived of their means of livelihood? Presumably they must all be interned somewhere and fed and clothed.

I do not want to conjure up things that may seem of little importance, but when we are reading this document through, and reading it carefully, and trying to apply it to the peculiar conditions of America, let us remember what America is.

If Austria should attack Hungary some day, every Austrian in the United States would be ostracized immediately; or perhaps every Hungarian would be ostracized under article 16.

Mr. President, what would we do here? Will any man contend that the people of the United States, when once confronted with a practical situation of that sort, would tolerate it? I venture to say that the Federal Government that attempted by appropriate legislation to enforce the provisions of article 16 in a situation of that sort would find the gravest difficulty in enforcing the law.

I do not believe that you could get the American people, even under such a contract as this, with all the prestige of an international supergovernment back of it, to refuse to trade with the Greek delicatessen store next door; to refuse to have their shoes shined occasionally by the national of some country that has, it is alleged, broken this covenant.

One might go on and multiply the possibilities. It will not do to brush it aside casually and say, "That will never happen." Five or six years ago, Mr. President, we did not think we would ever be in a great war with a European power; but it happened. Even in December, 1914, when the war was something like four months old, only a few people suspected that we would ever be in it, and they were told that they were nervously excited. It is well, Senators, to get a little nervously excited sometimes when one views the possibilities of the future and to prepare ourselves against them; and when we view the possibilities of friction and ill feeling inherent in article 16 in its effect upon the people of the United States in their home life, in their home industries, in their home towns, I think we would better go a little slowly and make up our minds whether we want to sign a contract of that sort.

That argument could not apply to a country like France, where all the people are Frenchmen; it could not apply to the British Isles, where all the people are British; it could not apply to Germany, where all the people are German. But this country for many, many years to come will contain within its borders literally hundreds of thousands of foreigners who will live among us, whom we hope to educate to the best type of American citizenship; and I hope we will be permitted to continue in the greatest task of its kind the world has ever known, the Americanization of this great people.

Mr. President, reverting again to article 10, let me say that I have no love for war. War is organized destruction. It deluges



the world with grief; modern war results in the death of millions of people, not only soldiers, but women and children, and it would be a blessing for the world if some substantial thing could be achieved toward making war impossible, or at least highly improbable.

But the thoughtful man can not deny, Mr. President, that occasions arise in the histories of peoples where war is the only means by which a people can secure freedom, can rid itself of oppression.

The American people did that in 1776. I do not think that anyone will contend that that was a wicked war. France came to our assistance. In coming to our assistance she attacked the territorial integrity of the British Empire, and had article 10 been in existence in 1776, or the year in which France came to our assistance, all the nations of Europe would have combined against France and the colonists and there would have been no free America.

Twenty years is but a moment of time in the history of a race, or the history, for that matter, of a nation. Let us look back 20 years, or 21 years to be exact, to the year 1898. People of the United States for many years had seen a condition of affairs in Cuba which pulled and stretched at their heartstrings. I do not have to describe them. It is not at all necessary. Suffice it to say that when, in that year, the situation in the neighboring island became such as to convince the American people that something had to be done, that convinced them that the situation was intolerable, that it must be stopped, the United States went to war against Spain to free the Cuban people, 2,500,000 of them. Some people may think that that was a wicked thing to do. I do not. In doing so we attacked the territorial integrity of Spain, and had article 10 been in existence in the year 1898 forty-odd nations would have combined themselves against the United States. One has but to state it to understand the possibilities, to realize, of course, that Cuba would not have been free.

Mr. President, this is the supercovenant of this league. It has been so described in the Senate by many of its proponents. It is the article of the covenant under which, no man can tell when, no man can tell where, it is possible for the United States, with all of her resources and all her ideals, to be employed in the suppression of the aspirations of some people struggling for liberty. I do not like even the possibility of such a thing. Some may say, "Oh, that is remote; that will not happen." How do we know it will not happen? Can we search the future with such unerring accuracy as to tell whether or not some struggling nation may, in an effort to free itself, be compelled to attack another nation? I think in the debates that have already taken place upon the floor something has been said about the future of Korea and the future of Shantung. One need not indulge in prophecies about those two unfortunate Provinces. One need only measure the possibilities of that Far Eastern situation and remember that it is entirely possible for one of the great Far Eastern powers to attack another of the great Far Eastern powers in an endeavor to bring freedom to Korea or Shantung, and in the event of such a happening under article 10 the United States must come to the support of the power that is attacked.

Mr. President, there have been several other phases of the discussion that have been enlarged upon by Senators who have preceded me in a far more able manner than I can discuss them, and yet I beg the indulgence of the Senate while I mention the Monroe doctrine. Information has come to us very recently that in the original manuscript of the proposed league of nations no mention was made whatsoever of the Monroe doctrine. Apparently it was not considered as of sufficient importance to warrant specific preservation. In the first draft of the covenant of the league of nations which we had presented for our consideration, unofficially it is true, no mention was made of it except that it was contended that article 10 extended the Monroe doctrine all over the world. That contention has been abandoned by the proponents of the covenant, and now an effort is made to include the proviso known as article 21, which shall have the effect of preserving the Monroe doctrine. It reads:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

I do not suppose there is any Member of this body who will contend the Monroe doctrine is a regional understanding. I have not yet heard it so contended. Whoever drafted this article, whatever group of men drafted this definition of the Monroe doctrine, either did not know what the Monroe doctrine was or cared nothing for it. It is not a regional understanding, and everybody knows it is not. The term "understanding"

implies something that has been assented to or agreed to by two or more people or nations. No two nations have ever agreed upon the Monroe doctrine. The United States has never asked any other nation to agree upon it or to reach any understanding concerning it. It was not proclaimed primarily for the purpose of securing the maintenance of peace. It was proclaimed primarily for the protection of the people of the United States. It is the declaration of the people of the United States, and it is not a declaration from any other people. In the language of the day, it may be described as a "keep off the grass" sign. It is put forth by the United States and by no other country. Its primary purpose was to guard the future development of the people of the United States, to maintain a state of affairs under which they would be free from any threat of European powers who might gain a lodgment upon the Western Hemisphere. Its incidental effect has been, to a considerable degree, the maintenance of peace, for it has kept the European nations politically and militarily outside of the Western Hemisphere.

I rejoice that the Committee on Foreign Relations proposes an amendment or a reservation which preserves that doctrine explicitly, for that doctrine is the principal bulwark protecting the safety and the independence of the people of the United States. I shall never consent with my vote to have the meaning of that doctrine passed upon by a foreign body. I shall never consent to have it interpreted, as was suggested by some of the British members of the peace commission, by the league of nations. It has been a cause of wonder to me that during all this discussion the attempt has been made to get the American people to believe that the Monroe doctrine means nothing to them any more and that it is entirely safe to permit a foreign body to interpret it. I hope the Senate will stand by the Committee on Foreign Relations in preserving the traditional policy of the United States, the Monroe doctrine, behind which we have lived free and secure since 1823.

Mr. President, I have referred to this covenant in part as a supercovenant and as establishing a supergovernment. I have expressed my hope that something might be done to make war impossible or improbable, and that leads me to discuss another phase of this subject which I think is fundamental.

This document, as I read it, attempts to set up a government of men. This supergovernment is to be headed by an executive council of nine, and there is to be an assembly composed of delegations from all of the members of the league, each country to be entitled to three delegates. I regret that the problem was approached in any such way. I had hoped, as many other people had hoped, that rather than to attempt to erect a government of men an attempt would be made to create a government of law. To my mind, it is highly regrettable that the best of the world's minds could not have been summoned to Paris or to some other appropriate capital and have been charged with the task of writing a code of international law. For many, many years, Mr. President, the most intelligent and eminent statesmen of the world have hoped and prayed that international law might finally be written in such a form as to claim the adherence and the allegiance of the civilized nations of the earth. The last great attempt in that direction, if I understand the situation, occurred in 1907, when, at The Hague convention, several new provisions of what it was hoped would become and remain international law were adopted. Others were suggested, but they failed of approval. I have been tempted to believe ever since that those other suggestions failed of approval because Germany, one of the members of that convention, had something up her sleeve for 1914 and did not want any more international law. However, that was the last attempt, Mr. President.

It is a pity, sir, that the nations of the earth, through their best legal minds, have not had an opportunity thus far since the day of the armistice of consulting together and writing a code of international law, a code which would describe and fix, if such a thing is possible, the rights of nations, which would give definition to international crimes; which would set up a code under which every nation could and would know just what it was entitled to do and just what it was not entitled to do; a code under which all nations would agree as to what should constitute a crime amongst nations. If we could once secure the adoption of such a code of international law, which all could understand, which all could agree upon, we would do more toward securing the peace of the world than by the creation of an executive council of nine human beings. For, mind you, Mr. President, the nine men who are to sit upon the executive council are not going to be archangels; they are going to be human beings first, last, and all the time, subject to the prejudices and the frictions and the jealousies and the influ-



ences to which all human beings, especially those in public life, are subject. The pity is that those men are not to be guided by any principle of law laid down and accepted by the civilized nations.

My principal protest, Mr. President, against the spirit underlying this document is that it constitutes an attempt to impose a system of international government downward upon the peoples of the earth; that it does not constitute an attempt to start at the bottom and build up upon sure foundations of accepted principles a system of laws which all civilized nations can understand and to which all civilized nations could give their adherence. That day, Mr. President, will come. We are getting off with a bad start toward that goal with this covenant and with this treaty; but the day will surely come when the common sense of the peoples of the world will demand that, instead of starting at the top, statesmen of the world start at the bottom and build something that will endure. When they have built a system of that sort we shall have something to which all nations may cling and cling properly.

Mr. President, pending the time when international law shall be agreed upon and proclaimed—and I believe that accomplishment is possible and more than possible—what is the highest duty of America? Can we be of more benefit to mankind by signing a contract some of the provisions of which I have attempted to describe? Can we do more toward lifting up the downtrodden and spreading the reign of liberty over the face of the earth as a member of a combination such as is here suggested?

To my mind, sir, the most precious possession of the American people during the 132 years of their existence has been their freedom of choice as between right and wrong in international affairs; freedom to choose, freedom to decide what their duty is in this event, in that event, in the other event; freedom to judge and to analyze conditions as they arise according to their peculiar political genius, according to their peculiar ideals and habits of thought. During all these years we have maintained that freedom. It is now proposed that we surrender it and no longer exercise that freedom of choice. It is proposed that we surrender it to the extent of following the advice of a body made up eight-ninths of men who can not understand American institutions and American ideals.

It has been argued that we are to have one member in that board of nine and that he can protect us; but has the time come, Mr. President, when the people of the United States are ready to rely upon the judgment of one man, sitting at the capital of Switzerland, who, by his vote, may pledge the support of the people of the United States to an undertaking with which they are utterly unfamiliar? Has the time come when we are to transfer that freedom of choice from the people and their Representatives in the Congress and repose it in the one American delegate in the executive council?

It was stated here upon the floor of the Senate the other day that that delegate would be under the control of the Congress. How would he be under the control of the Congress? Necessarily, he will have to be appointed by the President, and he will be 4,000 miles away from the Congress, sitting with his colleagues as a member of this supergovernment and charged with the responsibility of voting "yes" or "no" to the proposals that come before that body. I do not believe that his presence there would constitute a protection to the people of the United States.

The time has not come, sir, when we can be of the best service to the world by delegating the great power of this people in that manner. I believe, as the Senator from Massachusetts [Mr. Lodge] expressed it the other day, that America is the best hope of mankind. I believe she is mankind's best hope through the lofty example she sets, an example that has drawn to her shores millions and millions of people seeking refuge, an example that has inspired other nations to try to attain the same political ideals and the same political institutions. Many a constitution, Mr. President, in greater or less degree has been modeled after the Constitution of the United States.

And so I say, it is the duty of the people of the United States to maintain their freedom of choice. We have heretofore exercised it in international affairs; we exercised it in 1898; we exercised it on April 6, 1917, when we chose to go to war against the German Empire. We did not have to go; we had not signed any contract to obey anybody or to follow anybody's advice; we could have stayed out had we so desired; but we chose to go and we did go, because we were free to go and free to choose; and so long, Mr. President, as the people of the United States are free to choose they will lead the peoples of the earth toward a higher and better life. [Applause in the galleries.]

Mr. NELSON. Mr. President, I propose briefly to discuss the Russian situation, and then briefly to point out the fact that the

treaties entered into at the close of the Napoleonic wars and what transpired then have no bearing upon the present situation in connection with the pending treaty. I propose, further, to show how utterly unjust is the second reservation in the resolution reported by the majority of the Committee on Foreign Relations. First, I wish to say a few words about Russia.

Owing to the collapse of the Czar's government and of the so-called Kerensky government, Russia was unable to render the Allies and our country any substantial assistance after the United States declared war; yet she had been of wonderful help to the Allies and their cause in weakening and diminishing the fighting strength of both Germany and Austria before that time. The Senator from Pennsylvania [Mr. Knox], in the speech which he recently made, described the wonderful war record of Russia in the following terms, which I beg leave to quote:

But there is one power we miss in all this, the power which met the brunt of the German shock while the rest of the world got ready; the power that mobilized in the allied cause some 21,000,000 men; that lost—killed in action—2,500,000; that lost in other casualties 3,500,000, of whom 1,500,000 are absolute invalids and badly mutilated; that lost in prisoners 2,000,000, of whom half died in prison; a power whose armies at the beginning of February in 1917 numbered 14,000,000 men under arms; who fought during the war over a front of 3,500 miles, and who had there pitted against her one-third of the whole German Army, two-thirds of the whole Austrian Army, all of the Hungarian Army, and two-thirds of the whole Turkish Army; a power who took as prisoners of war 400,000 Germans, 300,000 Hungarians, 300,000 Turks, and 1,000,000 Austrians. I speak of poor, ever despot-ridden Russia. I have but said China enjoyed a unique position; but I spoke in haste. Russia, who raised three times as many men as we planned to raise as a maximum; Russia, whose losses if imposed on us would have made every home in this land a house of mourning; Russia, whose men in battle front, unarmed and unequipped, stopped the German onrush of cold steel with bare breasts and clenched fists, so saving us and Europe from slavery; Russia, whose people and rulers stood forefront, our friends, even in the hours of our sore and most threatening distress; this Russia, with this record, is mentioned in this treaty, but only with ominous words that presage her national destruction.

After the Bolshevik or Soviet government, by the help of German intrigues, German money, German officers, and German ordnance and ammunition, under the lead of Lenin and Trotsky, had been inaugurated, Russia ceased to be a factor in the war. In fact, by the abandonment of the cause of the Allies, by the demoralization of her soldiers, and by entering into the treaty of Brest-Litovsk, Russia became not only of no help to the Allies but of great assistance to our enemies by releasing many German troops from the eastern front and permitting their transfer to the western front to engage in the great drive of March and April, 1918. So it may be fairly said that the Bolshevik government, under the lead of Lenin and Trotsky, turned out in fact, though not technically, to be an ally and help of Germany.

It is well known that the government of Lenin and Trotsky had its origin in violence, in murder, and in rapine, and that by inaugurating a reign of terror it has been enabled to maintain itself to a certain extent in certain portions of Russia. This government, such as it is, is of the most radical and socialistic character, verging in many instances on anarchism.

The Russian soldiers had become weary of the war from long, hard service and lack of supplies and ammunition. They returned home for rest. The great bulk of the Russian peasants are a quiet, uneducated, and inoffensive people. Owing to the character of these people, to the spirit in which the soldiers returned, and to the indirect assistance that German officers have rendered, the Bolshevik government has been enabled to maintain in certain localities a species of government, but it is a government maintaining itself by a system of terrorism and by appealing to the rabble with the most radical brand of socialism.

It is impossible for Russia again to become a great nation of law and order under such men and such a system of government as that of Lenin and Trotsky. It may take some time, with outside help, for Russia to find herself and to be rid of this terrible incubus.

I am satisfied in my own mind that if the Allies had rendered the Russian people a little more effective assistance some six or eight months ago the government of Lenin and Trotsky would long ago have ceased to exist. If there had been an army of 15,000 or 20,000 men at Archangel and Murmansk who could have gone down the railroad and united with Kolchak's army at Vologda, between the united forces they could have easily captured Petrograd; and if a similar force had been sent to the Crimea or southern Russia to aid the army of Denikine the Bolsheviks could have been easily expelled from the Ukraine and from Little and White Russia.

To my mind it would be a great act of mercy to aid the Russian people to shake off this Bolshevik government and to leave the Russian people free to elect a constituent assembly for the purpose of determining their own future. The Bolshevik government not only broke up the last constituent assembly, but it has also refused to make any provision for another such body of men.



Having seized power by force and terror, they seek to maintain themselves by such means. So far as the welfare of Russia is concerned, the course of the Bolshevik government is suicidal. It is a principle of criminal jurisprudence that—

Whoever is present actually or constructively encouraging the violent and illegal death of another is responsible for such death, even though it was voluntarily submitted to by the deceased. (1 Whart., sec. 575.)

While I do not claim that our Nation would be guilty to the same extent or in the same manner as in the case cited, yet I believe there is in this case a moral responsibility resting upon the Allies as well as upon our country to help the Russian people to be rid of this bloody terror.

Holding these views as I do, I have never been able to reconcile myself to the clamor that has existed in certain quarters in respect to maintaining troops in Russia. I think the American soldiers were rightfully there, and that it would have been wiser to have aided them to a greater extent in accomplishing the relief of Russia. It is true some of our soldiers who have been over in Russia are homesick and anxious to get home. That is the case with most soldiers when there is no fighting to do. As soon as the fighting was done in the Argonne in November, 1918, our soldiers were eager to get back, homesick, as it were. Still, no one can criticize our soldiers in Siberia for being homesick and anxious to return home. Yet I feel that the Allies have been guilty of unintentionally, perhaps, prolonging the sufferings of Russia.

In the meantime, while the conditions that are now prevailing in Russia continue to exist, Germany will have a great field for her political and commercial propaganda in that country. Ambassador Francis, in his statement before the committee investigating the Bolshevik system, stated that even before the war Germany had absorbed much of the commercial and industrial business of Russia; in fact, that in certain lines of industry she had secured a complete monopoly. With the Bolshevik government simply eager to maintain itself at any cost and by any methods and means, Germany, by acquiescing in these methods and system, will have a free hand to exploit Russia, and Russia will thus become to a large extent an adjunct, commercially and industrially, if not politically, of Germany.

It must be evident to everyone who has given the subject consideration and attention that it is utterly out of the question to establish and maintain a permanent government of law and order in Russia under the principles and methods and system of the Bolshevik government. The Russian people, before they can establish a free government of law and order, must first of all be rid of the Bolshevik crowd, and I believe it is the moral duty of the Allies to help the Russian people to be relieved from this terrible incubus.

The history of the past affords us a lesson on this point. France, in 1871, after the German invasion in the Franco-Prussian war, had an experience somewhat similar to that of Russia at the present time, though on a more limited scale. In March, 1871, after the Germans had captured the city of Paris in the so-called first siege and were still occupying a part of the city and its suburbs, the revolution of the so-called Commune, composed of ultrasocialists, radicals, and anarchists, broke out, resulting in horrible excesses of murder, bloodshed, and the destruction of life and property. The Commune were in control from the middle of March until near the end of May, 1871, and this period had been termed the second siege of Paris. Aside from its destructive and leveling character, the avowed aim of the Commune was to establish a government consisting of a federation of all the municipal communes in France, a plan somewhat similar to the Soviet system of the Bolshevik government in Russia. The occupation of a part of Paris and its suburbs by German troops aided Marshal MacMahon, at the head of some French troops, finally to suppress the Commune and restore law and order to a war weary and exhausted France.

Russia to-day needs the same remedy—the suppression of the Bolsheviks—for its rehabilitation and the restoration of an orderly government based upon the will of a freely and duly elected constituent assembly.

Mr. President, in some of the debates that occurred some time ago, it was attempted to draw lessons in connection with the treaty pending before the Senate from the treaties that occurred at the close of the Napoleonic wars. It seemed to me at the time far-fetched, and I have taken occasion to look up those matters; and I shall ask the indulgence of the Senate while I call attention to those treaties.

The close of the Napoleonic wars resulted in a number of treaties. Among these may be mentioned the Treaty of Chaumont of March 1, 1814. Napoleon was then at bay, and was fast being driven over the boundaries into France, and the chief aim of the treaty was to provide for the vigorous prosecution of the war. With that end in view, the treaty provided

that each of the four allied powers should provide and maintain a field army of 150,000 men. The treaty further provided that neither of them should make peace or a truce without the consent of the others, and that they would protect each other against future aggressions of France—the power, under the lead of Napoleon, against which they were then making war. Article 16 aimed “to maintain the equilibrium of Europe”—another name for “status quo”—“to secure the repose and independence of its States and to prevent the invasions which during so many years had desolated the world.”

The next treaty of importance was the treaty of the so-called first peace of Paris of May 30, 1814. This was after Napoleon had been vanquished, forced to abdicate, and was about to be sent to the Island of Elba. While Napoleon was in power he had broken up many of the big and small States in Europe. Some he had annexed outright to France; others he had set up nominally as independent States, but really under the control and tutelage of France. The main purpose of this treaty was to relegate France to the boundaries of 1792, and to restore the States he had seized and annexed to the status they had occupied before being seized and annexed. The treaty also related to the restoration of other property which Napoleon had seized, as well as to the restoration by the Allies of the lands and property they had captured during the war. As is well known, Napoleon left the Island of Elba and returned to France in the spring of 1815 to resume the control of France and resume the war against his enemies. This resulted in the Treaty of Vienna of March 25, 1815. This was a treaty of offensive and defensive alliance against Napoleon, prescribing the force which each of the Allies must keep in. The preamble of the treaty outlines its purpose, and is as follows:

In the name of the most holy and undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Austria, King of Hungary and of Bohemia, having taken into consideration the consequences which the invasion of France by Napoleon Bonaparte, and the actual situation of that Kingdom, may produce with respect to the safety of Europe, have resolved, in conjunction with His Majesty the Emperor of all the Russias and His Majesty the King of Prussia, to apply to that important circumstance the principles consecrated by the Treaty of Chaumont.

They have consequently resolved to renew, by a solemn treaty, signed separately by each of the four powers with each of the three others, the engagement to preserve against every attack the order of things so happily established in Europe and to determine upon the most effectual means of fulfilling that engagement, as well as of giving it all the extension of which the present circumstances so imperiously call for.

Napoleon having been defeated at Waterloo and sent to St. Helena, this resulted in the treaty of Paris of November 20, 1815. This treaty relegated France to her frontiers of 1790, and otherwise changed and modified her boundaries, prescribed the indemnities she was required to pay, provided for occupation of part of her territory as security for the indemnity, and provided for carrying out the treaty of Paris of May 30, 1814, and the treaty of the Congress of Vienna of June 9, 1815.

The Congress of Vienna was the final episode of the great Napoleonic wars. It was a gathering of sovereigns, absolute and autocratic. Napoleon had not only disrupted or destroyed many States of Europe, but he had bred a spirit of unrest among their downtrodden subjects. Aside from England, Norway, and Switzerland all the Governments of Europe were more or less absolute and autocratic. The people, even where they had aspirations for freer governments, were not qualified to inaugurate or maintain such governments. True, there was a spirit of unrest, an aftermath of the many and frequent wars, but it was crude in aspirations and prone to obtain results by more or less violence. It was to suppress such aspirations and such violence and to maintain intact the various dynasties of legitimacy, of which there were then many more, especially in Germany and Austria, than to-day. The suppression of Napoleon and the restoration of the status quo ante bellum was the chief aim of the sovereigns who sat around the peace table at Vienna. They feared the spirit of Napoleon and the revolutionary spirit of unrest prevailing among the people. The first, they caged at St. Helena; the other, they sought to smother with their drastic laws and huge armies.

There is nothing in any of these treaties to which I have referred that is akin to or suggestive of the league of nations as provided for in this treaty; and there is nothing in the facts or environment out of which those treaties arose which can in any wise guide us or instruct us in the consideration of the present emergency.

Potentates like Alexander of Russia, Francis I of Austria, and Frederick William of Prussia, together with such heartless and wily statesmen as Metternich and Talleyrand, should not be compared with Clemenceau, Lloyd-George, Woodrow Wilson, Sonnino, and Veniselos. As there is a vast difference between



these two classes of men so there is even greater difference in the task they performed and the work they wrought.

When we scan the entire scope of this treaty, the vast field it covered, and the difficult problems it had to meet, we can not help but admire the wisdom and skill of these men of the twentieth century, before whom the men of 1814 and 1815 pale into insignificance. These men of the past operated in a world of the past, entirely different from the world of to-day. They labored under two nightmares, fear of Napoleon and anxiety for the maintenance of the so-called dynastic legitimacy. To draw a lesson from these men and their work is a far more difficult task than trying to draw nitrate from the atmosphere.

The sovereigns of Austria, Prussia, and Russia, being still alarmed over the spirit of unrest which prevailed among their subjects and being anxious to establish their divine right as rulers, and to make their subjects believe that they were governed, or rather oppressed, under the principles of the Christian religion, on the 26th of September, 1815, entered into the so-called treaty of holy alliance. The preamble of this treaty reads as follows, and is the true key of the treaty:

IN THE NAME OF THE MOST HOLY AND INVISIBLE TRINITY.

Holy alliance of sovereigns of Austria, Prussia, and Russia. Their majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia, having, in consequence of the great events which have marked the course of the three last years in Europe, and especially of the blessings which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope on it alone, acquired the intimate conviction of the necessity of settling the steps to be observed by the powers, in their reciprocal relations, upon the sublime truths which the holy religion of our Saviour teaches.

GOVERNMENT AND POLITICAL RELATIONS.

They solemnly declare that the present act has no other object than to publish, in the face of the world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions and remedying their imperfections. In consequence, their majesties have agreed on the following articles.

The treaty purports to be an alliance between these sovereigns and the holy Christian religion and our Saviour. We who are familiar with the use made of this treaty by these sovereigns know that it was rather an alliance between the powers of evil and darkness. And the wickedness of it is the garb of hypocrisy under which it was carried on, under which millions of poor people were oppressed. Such a treaty, it seems to me, can be neither a guide nor a warning to us of to-day, nor can the other treaties to which I have referred, and the conditions out of which they arose, afford us any guide to the present treaty, its origin, or its purposes.

Let the dead past bury its dead!  
Act, act in the living present!  
Heart within and God o'erhead!

I now come to discuss the second reservation reported by the majority of the Committee on Foreign Relations.

ON THE TREATY AND COVENANT.

The Poles rendered the Allies, as well as our country, great assistance in the recent war. This assistance they gave by enlisting in large numbers in our own Army and by forming an independent Polish Corps to aid in the war, and also by large desertions to the Russians from the German and Austrian armies. They were promised their independence with one accord by our people. The President, in his speech of January 10, 1918, where he laid down the so-called 14 points, declared that Poland was entitled to her independence and should be restored.

The Czecho-Slovenes of Bohemia, Moravia, and Slovakia have also been of great assistance in the war. A large number enlisted in our armies and in the armies of the Allies; and a large number of them during the war deserted to the Russian forces, thereby greatly weakening the power of Germany and Austria. They have also rendered great service in keeping open the Siberian Railroad from Vladivostok to the Ural Mountains; that road which has been reconstructed and put in condition by American engineers under the lead of Mr. Stevens. These Czecho-Slovaks were encouraged to believe that they would secure the independence of their country for which they had long aspired, especially in view of the great help and service they rendered to the cause of the Allies in this war.

In pursuance of these services and these encouragements and promises, the treaty of peace provides for an independent Poland and an independent Czecho-Slovak State. Articles 81-86, both inclusive, of the treaty relate to the establishment of the Czecho-Slovak State. Articles 87 and 88, together with an annex of six paragraphs, and articles 89-93, both inclusive, relate to the establishment of the Polish Nation.

Our country, by adopting this treaty with the articles I have mentioned in it, in connection with our allies, practically aids,

as far as it is possible to do so by treaty, in setting up these two countries to which I have referred as independent States; to my mind a most laudable and fully justified action in which our people and our country can well take pride.

Having participated in giving birth to these two States, it seems to me that it is the duty of our country—at least by its moral force and strength, as distinguished from mere physical or military force—to see to it that these new States continue to live. We can not, after ratifying the treaty, afford to have them die stillborn.

Our country has always had, and will continue to have, aside from its mere military power, a great moral influence and weight in the affairs of the world. When Grover Cleveland issued his Venezuela message to England, we had a very scant Army and not a very great fleet as compared with England; yet England acquiesced in the terms of that message. The moral strength of a great nation—our Nation—was such that this message could not be, and was not, ignored. No nation will to-day or hereafter stand ready to defy the sober opinion or earnest wishes of the United States. Our influence will be all the greater if not accompanied with a brandishing of swords or the threat of war.

The second reservation reported by the majority of the Committee on Foreign Relations is wholly oblivious of these principles and of this factor. I quote the reservation, which is as follows:

2. The United States declines to assume, under the provisions of article 10, or under any other article, any obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures for the protection of any other country, whether a member of the league or not, against external aggression or for the purpose of coercing any other country or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country, and no mandate shall be accepted by the United States under article 22, part 1, of the treaty of peace with Germany, except by action of the Congress of the United States.

This reservation, it will be perceived, in its entirety throws overboard and scatters to the four winds by its disavowals the whole moral weight and influence of the United States. It not only does that, but it says to Poland and Czechoslovakia, "Although we have joined the Allies in giving you statehood, we are wholly indifferent to your future welfare. It is no concern of ours whether you live or perish as a State. It is true we have breathed a little life into you by this treaty, but having done that we wash our hands of the whole business. We have no further concern in your future well-being." This is akin to the poor, disconsolate, helpless mother who deposits in a basket her unfortunate offspring on the doorsteps of some person who she hopes will take care of the poor infant and then leaves it without a trace of herself.

So here you deposit the new States of Poland and Czechoslovakia on the doorsteps of Germany, Russia, Austria, and Hungary, and then you propose in cold blood by your reservation to leave them entirely in the power of those great nations. The poor mother has good reason to believe that her infant will fall into friendly hands. You know that your two political infants will not fall into friendly hands; that their lives will be in danger from the very start; and yet you aid in their paternity!

To be consistent, if you adopt the reservation I have quoted, you should reject the provisions of the treaty relating to Poland and Czechoslovakia. The course of the Senator from Pennsylvania [Mr. Knox], whom I greatly admire and respect, is much more consistent than that proposed by the majority of the committee. At least, his plan does not involve the creation of two new States and their abandonment, helpless and without concern, among hostile neighbors and unfriendly surroundings. Why should these new States not be entitled to the moral support and influence of our country, to all the support that can be given them aside from the resort to war? Our country will have an immense and effective influence, if it exerts it, to restrain hostile action without going to war. These new States are entitled, by reason of their creation and by reason of the services their people rendered to the cause of the Allies, to all the help we can give them short of war to maintain their existence. We boast of our unselfishness in this war and, to a large extent, this is warranted. But would it not be the height of selfishness to set up these new States and then to declare that their future welfare did not concern us; that we did not care as to what happened to them or became of them?

Yet this is precisely what is done in the second reservation. Mark the following words:

The United States declines to assume \* \* \* any obligation to preserve the territorial integrity or political independence of any other country—

And so forth.



What is this language but a notice to Germany, Austria, Hungary, and Russia that while we have joined with the Allies in establishing these two new States, their future existence and future welfare is no concern of ours. By the terms of the reservation we do not regard ourselves under "any obligation," not even morally or diplomatically, for "any other country," not even for the two infant States we have joined in creating. There could be no more complete disavowal of our total indifference to the future existence of these States.

Reserving to ourselves the right of making and declaring war, regardless of the league, would be an ample reservation, and would leave the door open for our country to exert its moral strength through diplomatic channels for preserving the outer integrity of these new States, and, above all, it would not proclaim to the world that we are wholly oblivious and indifferent to their continued existence as free and independent States. To my mind the danger of future war lurks in Germany. The same old spirit is there. The establishment and maintenance of these two new States will be one of the best curbs and brakes on the military autocracy of Germany, and, above all, it will prove a great blessing to the people of those new States, who have been so long oppressed.

Mr. President, while I can support the other reservations, this reservation in its present form I can not support.

In conclusion permit me, Mr. President, to say that while I can not exclaim, as a Senator did in his speech on the treaty a short time ago, that "I was born an American," I can at least claim that, like Nicodemus, I have long ago been born again as an American in soul and in spirit. I think I can honestly and truly claim that ever since I attained years of discretion I have aimed to be a good, loyal American, in war and in peace, and I leave to my fellow citizens to determine whether I have succeeded in this aim. [Applause in the galleries.]

Mr. HITCHCOCK. I ask that the Secretary may proceed with the reading of the treaty.

Mr. SMOOT. There are so few Senators present that I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Bankhead	Harris	Nelson	Smith, S. C.
Calder	Hitchcock	New	Smoot
Capper	Johnson, S. Dak.	Newberry	Spencer
Chamberlain	Jones, Wash.	Norris	Sterling
Cummins	Kellogg	Nugent	Swanson
Curtis	Kendrick	Page	Thomas
Dillingham	Kenyon	Phipps	Townsend
Elkins	Keyes	Pittman	Trammell
Fletcher	Kirby	Pomerene	Walsh, Mass.
Frelinghuysen	Lenroot	Reed	Warren
Gay	Lodge	Sheppard	Watson
Gronna	McCumber	Simmons	
Hale	McKellar	Smith, Ga.	
Harding	McNary	Smith, Md.	

Mr. McKELLAR. The Senator from Arizona [Mr. SMITH] and the Senator from Oklahoma [Mr. GORE] are detained from the Senate by illness. The Senator from New Mexico [Mr. JONES], the Senator from Louisiana [Mr. RANSDELL], the Senator from Nevada [Mr. HENDERSON], the Senator from Kentucky [Mr. BECKHAM], the Senator from Montana [Mr. WALSH], the Senator from California [Mr. PHELAN], and the Senator from Rhode Island [Mr. GERRY] are detained on official business. The Senator from South Carolina [Mr. DIAL], the Senator from Delaware [Mr. WORCOTT], the Senator from Arkansas [Mr. ROBINSON], and the Senator from North Carolina [Mr. OVERMAN] are detained on official business.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, I announced to the Senate a day or two ago that I should ask the privilege of addressing it this afternoon. I find that I am not ready to go on, and I give notice that I shall speak on the league of nations next Monday. I understand an agreement has been arrived at for adjournment until next Monday when we adjourn to-day.

Mr. LODGE. Before the reading of the treaty begins, I move that when the Senate adjourns it adjourn to meet on Monday next at 12 o'clock.

Mr. JONES of Washington. Mr. President, I do not like to see the Senate adjourn until Monday. I should like to see it proceed just as rapidly as possible with the treaty. It ought to be disposed of very soon. I am ready to vote on it now or at any time, but I know that on an important matter like this the Senate very frequently, out of consideration for Senators who are not prepared to speak or go on with the consideration of the measure, either adjourns over or lays aside the matter then before the Senate, and takes up other matters. I had expected something of this kind in connection with the treaty,

and had hoped that if such a thing should happen the Senate could take up the water-power legislation until it might be ready to go on with the treaty.

I would not want to do anything to retard or delay action upon the peace treaty, but rather than adjourn over for a day I would like to see the Senate take up the water-power legislation. That is very important legislation and ought to be disposed of at an early date. The House bill has been reported and is now on the calendar. But some of the Senators who are interested in water-power legislation are not desirous of taking it up to-morrow and therefore I shall not insist upon the Senate doing so, and under those circumstances will not vote against the motion of the Senator from Massachusetts.

Mr. HITCHCOCK. Mr. President, I will say that a discussion of the matter of adjourning over until Monday developed the fact that it might really facilitate progress with the treaty. If we agree to that motion, I understand, it is expected that we will then proceed with the reading of the treaty to-night and make very substantial progress before the usual hour of adjournment.

Mr. LODGE. It is my intention to go on with the reading of the treaty and make substantial progress, as the Senator from Nebraska has said. I do not intend that the Senate shall adjourn over Saturdays; far from it; I mean to ask the Senate to remain in session, but a number of Senators are away. They took advantage of the two days' holiday, practically, and went away, two of them certainly on account of illness, and with the understanding that there would be no voting before next week. As no one seems ready to go on to-morrow, I did not think there would be any material progress made, and in deference to those Senators I have made the motion, which I hope will prevail.

Mr. LENROOT. Mr. President, I should like to say just a word with reference to the suggestion made by the Senator from Washington [Mr. JONES] regarding the water-power bill. Next to the peace treaty the water-power bill is the most important measure upon the Senate Calendar. I wish to say that I shall oppose, at any time that it may be proposed, the bringing up of that important bill until the peace treaty has been disposed of. I do not think that anything should intervene in the consideration of the peace treaty, and especially a bill of such importance ought not to be brought up before the treaty is disposed of.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

Mr. LODGE. I ask that the reading of the treaty may be proceeded with.

The PRESIDENT pro tempore. The Secretary will continue the reading of the treaty.

The Secretary resumed the reading at the top of page 21, in article 4, of part 1, of the treaty, and read as follows:

"The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

"The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

"Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

"At meetings of the Council each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

"Article 5.

"Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

"All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

"The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

"Article 6.

"The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.



"The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

"The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

"The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

"The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union."

*"Article 7.*

"The Seat of the League is established at Geneva.

"The Council may at any time decide that the Seat of the League shall be established elsewhere.

"All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

"Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

"The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

*"Article 8.*

"The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

"Such plans shall be subject to reconsideration and revision at least every ten years.

"After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

"The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

*"Article 9.*

"A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval, and air questions generally.

*"Article 10.*

"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.

*"Article 11.*

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

"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 threatens to disturb international peace or the good understanding between nations upon which peace depends.

*"Article 12.*

"The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

"In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

*"Article 13.*

"The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

"Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

"For the consideration of any such dispute the court of arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

"The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

*"Article 14.*

"The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

*"Article 15.*

"If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

"For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

"The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

"If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

"Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

"If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

"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.

"The Council may in any case under this article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the Council."

The next amendment of the Committee on Foreign Relations was, in article 8, on page 31, after line 8, to insert:

(2) Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.



Mr. LODGE. Amendment No. 2 is dependent upon and involved in the first amendment; and I ask that it be passed over temporarily, so that we may take up the two amendments together.

Mr. HITCHCOCK. It is to be passed over, I assume, under the same conditions that the other amendment was passed over.

Mr. LODGE. Yes; under the same conditions.

Mr. HITCHCOCK. That is satisfactory.

The PRESIDENT pro tempore. Without objection, the amendment will be temporarily passed over.

The Secretary resumed the reading, and read as follows:

"In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

"Article 16.

"Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, and 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

"It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

"The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

"Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

"Article 17.

"In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

"Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

"If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

"If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

"Article 18.

"Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

"Article 19.

"The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

"Article 20.

"The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

"In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

"Article 21.

"Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

"Article 22.

"To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

"The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

"The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

"Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

"There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

"In every case of mandate, the Mandatory shall render to the council an annual report in reference to the territory committed to its charge.

"The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

"A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

"Article 23.

"Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:



"(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

"(b) undertake to secure just treatment of the native inhabitants of territories under their control;

"(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

"(d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

"(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

"(f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

"Article 24.

"There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

"In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

"The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

"Article 25.

"The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organizations, having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

"Article 26.

"Amendments to this Covenant will 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.

"No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

"ANNEX.

"I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE.

United States of America.	Haiti.
Belgium.	Hedjaz.
Bolivia.	Honduras.
Brazil.	Italy.
British Empire.	Japan.
Canada.	Liberia.
Australia.	Nicaragua.
South Africa.	Panama.
New Zealand.	Peru.
India.	Poland.
China.	Portugal.
Cuba.	Roumania.
Ecuador.	Serb-Croat-Slovene State.
France.	Siam.
Greece.	Czecho-Slovakia.
Guatemala.	Uruguay.

"STATES INVITED TO ACCEDE TO THE COVENANT.

Argentine Republic.	Persia.
Chili.	Salvador.
Colombia.	Spain.
Denmark.	Sweden.
Netherlands.	Switzerland.
Norway.	Venezuela.
Paraguay.	

"II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

"The Honourable Sir James Eric Drummond, K. C. M. G., C. B."

Mr. LODGE. Mr. President, that concludes the reading of part 1 of the treaty, covering the league of nations. I under-

stand the Chair has some matters which ought to be laid before the Senate. I move that the Senate proceed to the consideration of legislative business for that purpose.

The motion was agreed to, and the Senate resumed legislative business.

GERMAN PROPAGANDA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 5,500 copies of the hearings and 10,000 copies of the report of the committee, entitled "Brewing and Liquor Interests and German Propaganda and Bolshevik Propaganda," which was to strike out all after the resolving clause and to insert:

That there be printed 2,500 additional copies of Senate Document No. 62, Sixty-sixth Congress, entitled "Brewing and Liquor Interests and German and Bolshevik Propaganda," of which 1,000 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 500 copies for the use of the Senate Committee on the Judiciary.

Mr. NELSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 7632. An act to amend section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii, relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto," approved March 28, 1916, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

TOWN OF PETERSBURG, ALASKA.

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding \$75,000, for the purpose of constructing and installing a municipal electric light and power plant and for the construction of a public-school building, was read the first time by its title.

Mr. NEW. Mr. President, I ask unanimous consent for the immediate consideration of the bill, and I wish to make a very brief statement concerning it.

This bill is identical with the bill which the Senate passed only a few days ago, and I would like to have the House bill passed. The Senate bill has not yet been sent to the House, and upon the passage of this bill the Senate bill can be indefinitely postponed, and it will close up the whole matter.

I will state that, so far as the bill is concerned, it affects only the town of Petersburg, Alaska. That is a little town in the neighborhood of Juneau having about 150 voters. This whole matter was up before the people, was voted on there, and the vote was in favor of the bond issue by 145 to 4.

Mr. THOMAS. Let the bill be read, Mr. President.

Mr. SMOOT. Before it is read, I ask the Senator from Indiana—this being the same bill that was passed by the Senate on Tuesday, I think—whether, if it is referred to the Committee on Territories, the Senator can not immediately report it out and ask unanimous consent for its consideration?

Mr. NEW. Very well; let that course be adopted.

The bill was read the second time at length, as follows:

*Be it enacted, etc.*, That the incorporated town of Petersburg, Alaska, is hereby authorized and empowered to issue bonds in any sum, not exceeding \$75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Petersburg, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Petersburg whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Petersburg, not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations not exceeding \$1,000 each, the principal to be due in 20 years from date thereof; *Provided, however*, That the common council of said town of Petersburg may reserve the right to pay off such bonds in their numerical order at the rate of \$5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Petersburg, the place of payment to be mentioned in the bonds: *And provided further*, That each and every such



bond shall have the written signature of the mayor and clerk of said town of Petersburg, and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes: *Provided*, That not to exceed \$50,000 of the proceeds of the sale of said bonds shall be expended for the construction and installation of the electric light and power plant, and not to exceed \$25,000 thereof shall be expended for the construction of the public-school building.

Mr. NEW. I ask that the bill be referred to the Committee on Territories.

The PRESIDENT pro tempore. Without objection it will be so referred.

Mr. NEW. As the Committee on Territories have acted upon the Senate bill, which is identical with the House bill, I report back the House bill from the committee favorably, with a request for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the bill which he has reported from the Committee on Territories.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, the vote by which Senate bill 2609, of like title and substance, was ordered to a third reading and passed will be reconsidered and the bill will be indefinitely postponed.

#### DEATH OF REPRESENTATIVE THOMPSON, OF OKLAHOMA.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma, and transmitted resolutions of the House thereon.

Mr. SHEPPARD. Mr. President, I ask that the resolutions just received from the House of Representatives be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

*Resolved*, That a committee of 17 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect this House do now adjourn.

Mr. SHEPPARD. Mr. President, in the absence of the Senators from Oklahoma, and at their request, it becomes my painful duty to announce the death of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma, yesterday afternoon on a train en route to this city.

He was a native of Texas, and in his adopted State, the State of Oklahoma, rose to the highest positions of trust and honor. At a future time an hour will be designated for eulogies on his life and character. For the present I offer the resolutions which I send to the desk.

The resolutions (S. Res. 187) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma.

*Resolved*, That a committee of 10 Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives.

*Resolved*, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

Under the second resolution, the President pro tempore appointed Mr. OWEN, Mr. GORE, Mr. CURTIS, Mr. SHEPPARD, Mr. FERNALD, Mr. ASHURST, Mr. SPENCER, Mr. MYERS, Mr. PHIPPS, and Mr. JONES of New Mexico as the committee on the part of the Senate.

Mr. SHEPPARD. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, September 22, 1919, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, September 19, 1919.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Incline Thine ear, Father in Heaven, and hear our petition. Guide these, Thy servants in their deliberations that all their enactments may be in consonance with the eternal fitness of things.

The eyes of all our people are centered upon the National Congress that they may smooth away the rough places, bring harmony out of chaos, establish peace and justice to all classes and conditions of men, lead on to greater achievements and all that pertains to clean living, to pure government, under a Constitution which has served its purpose for a hundred and thirty-two years.

And now O Father, comfort us who are called upon to mourn the going of a Representative who has served faithfully his State and Nation for lo, these many years. Comfort us, his stricken wife and children, by the blessed hope of the immortality of the soul and praise be Thine through Him who died and lives to uphold and strengthen the sorrowing forever and aye. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### PENSIONS.

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, reported the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

#### CALL OF THE HOUSE.

Mr. TREADWAY. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently a quorum is not present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Kansas moves a call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Gard	McKee	Rose
Anthony	Garland	McKown	Rouse
Asnbrook	Garrett	McKinley	Rowan
Baer	Godwin, N. C.	McLane	Rucker
Bankhead	Goldfogle	McLaughlin, Mich.	Sabath
Benson	Goodall	McLaughlin, Nebr.	Sanders, Ind.
Bland, Ind.	Graham, Pa.	McPherson	Sanders, N. Y.
Britten	Greene, Vt.	MacGregor	Sanford
Burke	Madden	Magee	Saunders, Va.
Butler	Hamilton	Maher	Schall
Caldwell	Hardy, Tex.	Major	Scully
Cannon	Harrison	Mann	Sears
Cantrill	Hastings	Mansfield	Sells
Carew	Haugen	Mapes	Sherwood
Carter	Hawley	Martin	Sims
Christopherson	Hays	Mason	Sisson
Classon	Heflin	Merritt	Smith, N. Y.
Cole	Hill	Michener	Snell
Cooper	Howard	Miller	Snyder
Copley	Hudspeth	Mondell	Steele
Costello	Hulings	Moon, Tenn.	Steenerson
Crago	Hull, Iowa	Moore, Ohio	Stephens, Ohio
Cramton	Humphreys	Moore, Pa.	Stiness
Crisp	Husted	Morin	Sullivan
Cullen	Hutchinson	Mott	Taylor, Ark.
Curry, Calif.	Igoe	Mudd	Thomas
Dempsey	James	Neely	Tilson
Denison	Johnson, S. Dak.	Newton, Minn.	Tinkham
Dent	Johnson, Wash.	Nicholls, S. C.	Vare
Dominick	Johnston, N. Y.	Nichols, Mich.	Venable
Donovan	Jones, Pa.	Nolan	Vestal
Doolling	Kahn	O'Connell	Vinson
Doremus	Kearns	Olney	Ward
Dunn	Kelley, Mich.	Osborne	Wason
Dupré	Kendall	Paige	Watson, Pa.
Eagan	Kennedy, Iowa	Parker	Webb
Echols	Kennedy, R. I.	Fell	Webster
Ellsworth	Kettner	Kless	White, Me.
Emerson	Kieckza	Phelan	Wilson, Ill.
Esch	Krider	Purnell	Wilson, Pa.
Fields	LaGuardia	Rainey, H. T.	Winslow
Fisher	Lea, Calif.	Rainey, J. W.	Wise
Fitzgerald	Leshner	Randall, Wis.	Wood, Ind.
Flood	Linthicum	Reed, N. Y.	Woodyard
Focht	Longworth	Riddick	Wright
Frear	McArthur	Riordan	
Fuller, Mass.	McClintic	Robinson, N. C.	
Gallivan	McCulloch	Rogers	
Gandy			



Mr. CAMPBELL of Kansas. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

LEAVE TO SIT DURING SESSIONS.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency or any subcommittee thereof may have permission to sit during the sessions of the House.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Banking and Currency or any subcommittee thereof may have permission to sit during the sessions of the House. Is there objection?

There was no objection.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION.

The SPEAKER. Under a special order of the House, the gentleman from Iowa [Mr. TOWNER] is recognized for 40 minutes. [Applause.]

CONSTITUTIONAL GOVERNMENT.

Mr. TOWNER. Mr. Speaker and gentlemen of the House, by your favor I was accorded the honor of addressing you on the anniversary of the adoption of the Constitution September 17. As it most fortunately happened that the reception to Gen. Pershing and the returning soldiers was arranged for that day, I very gladly deferred my address until to-day.

It was a happy coincidence that brought that reception at the Nation's Capital on the anniversary of the adoption of the Constitution. It was to preserve the Nation, born under that Constitution, and to vindicate its principles, that we sent that magnificent leader of armies and 2,000,000 of the best and noblest young manhood ever placed in arms across the seas. Their country greets them on their return with joy and gratitude, proud of their achievements, grateful for their service, and with a welcome that comes from the heart of every loyal American citizen to every American soldier called to service at home or abroad. We indulge the earnest wish and fervent hope that they may find amid the peace and plenty of this blessed country of ours both the desire and opportunity for service in civil life, in support of the Constitution and its established principles of liberty and justice, as worthily and as devotedly in peace as they have in war.

Eleven years after the Colonies declared their independence the Constitutional Convention assembled at Philadelphia. Its deliberations were commenced in May and were concluded with the adoption of the present Constitution September 17, 1787. The convention was in session 100 days.

Of the 55 members, 29 were university men, graduates of Harvard, Yale, Columbia, Princeton, Oxford, and Edinburgh. Washington and Franklin, for supreme intelligence and consummate tact, were easily at the head. Washington was then 55 years old, Franklin was 81. The two most profound and original thinkers were yet young men. Hamilton was 30, Madison 36. There were many others in the convention who possessed force, learning, and ability.

The framers of the Constitution were the most remarkable group of men ever associated in any governmental activity. It has been truly said that never in the history of the world has there been displayed so much insight into the principles of government, so much knowledge of the theory and practice of its different forms as that which accompanied the formation of the Constitution of the United States. James Madison, who knew intimately almost every member of the convention, who was never absent even for a single day from its meetings, and whose journal is the only authoritative record of the proceedings, near the close of his life thus wrote of its membership:

I feel it my duty to express my profound and solemn conviction, derived from my intimate opportunity of observing and appreciating the views of the convention, that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives or more exclusively or anxiously devoted to the object committed to them than were the members of the Federal convention of 1787.

The utmost anxiety attended the convening of the assembly. The delegates were slow to arrive. It was a week after the day fixed before even 7 of the 13 States were represented. The members who arrived appeared anxious and apprehensive. They realized that the work they were undertaking was vitally important and of tremendous difficulty. Indeed, the difficulties to be overcome seemed insurmountable. The confederacy had failed. Its requisitions were refused by the States. Commercial rivalry and discord between the States was pronounced. Open rebellion had appeared, foreign debts had become urgent, and the havoc of paper money had destroyed both business and confidence. Treaties had been violated and some of the States were threatening foreign alliances.

Confidence grew in the convention, however, with conference and debate. There was great divergence of opinion, but there was complete singleness of purpose. Compromises ended every serious disagreement. The wonder was not that differences existed, but that concessions on such great issues should have been obtained. No other assembly of like character in all history ever exhibited such wisdom, such courage, or such unselfish patriotism.

Once when the prospect for agreement seemed dark Washington addressed his associates, saying—

It is possible that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us here raise a standard to which the wise and honest can repair; the event is in the hand of God.

Such was the spirit and such the high resolve of the convention, and out of it was born the Constitution.

It will not be expected that I should attempt a detailed analysis of the Constitution in this address; a general characterization will be sufficient.

The makers of the Constitution established a democracy, and at the same time created a strong government. They made the President responsible to the people, but they gave him more power than is exercised by English kings. They sought always to secure the free exercise of the people's will, but at the same time they placed obstacles in the path to sudden action impelled by passion, great excitement, or deep resentment. They made the will of the people supreme, but they were careful to provide that their real will and considered judgment and not transient impulse should be ascertained.

For these reasons they established a lawmaking body with two chambers and gave the President a limited veto power. They made the adoption of amendments to the Constitution a slow and difficult process to prevent hasty and illy considered changes in our fundamental law. They established a Supreme Court to keep the executive and legislative departments within their constitutional bounds and to protect the rights of the people from usurpation and encroachment.

The framers of our Constitution made our Government a "government of laws and not of men," which means that no man's authority, that no exercise of arbitrary power of any kind shall deprive the citizen of his life or liberty or property without "due process of law." [Applause.] It is the very antithesis of a rule of might and of the exercise of autocratic power. It places the law above kings and presidents and governors; above generals and armies and military power; above all earthly authority not exercised under and in accordance with the Constitution.

Judged by theoretical standards our Constitution is the most scientific of any ever created. It is the strongest charter of liberty that ever was written. It is the acknowledged model of fundamental law. Never before was a system of government so wisely conceived, so comprehensive in its scope, so democratic in its operations, so regardful of the rights of the people, so adjustable to the progress and expansion of a great Nation. In its provisions making for stability and permanency, coupled with its encouragement and promotion of every form of progress and development, it is unique and unapproachable. No such measure of freedom for the individual, no such opportunity for the exercise of every power, the development of every faculty, and the unchecked fulfillment of every laudable ambition was ever before offered. Abraham Lincoln said:

Nowhere in the world is presented a government of so much liberty and equality. To the humblest and poorest amongst us are held out the highest privileges and positions.

The high opinion here expressed is not only that of Americans. Mr. Gladstone, the greatest English statesman of the last century, characterized our Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man." Mr. Bryce, author of the American Commonwealth, the best commentary ever written on American institutions, said of the Government created by the Constitution that it was "the first true Federal State founded on a complete and scientific basis."

Judged by actual trial over a period of 132 years, the Constitution has been found successful in fullest measure. Under it the United States has grown and prospered as no other nation in all the history of the world has grown and prospered. Under it 13 struggling Colonies have grown to 48 great States. Under it the wealth of the Nation has grown to an extent that can not be paralleled by any other nation in existence. Under it the measure of individual liberty, of comfort, of generally diffused well-being and happiness is the envy and admiration of the world. To us it has come down as a priceless legacy, strengthened and broadened, and if we do not guard and cherish it we



shall be unworthy of those who bequeathed it to us, as well as foolishly and stupidly regardless of our own best interests.

Perhaps never before in our history has there been so much criticism of the Constitution or so many attacks upon it as now. In every form, with every motive, from individuals and associations they come. There are those who would utterly destroy it. There are others who would change its essential features but retain its form. Social issues unknown to the fathers are pressing for determination impossible of constitutional sanction. Objects meritorious in their nature are urged, and if the Constitution stands in the way of easy and early accomplishment the Constitution is denounced and derided. Humanitarian projects, born of a generous and sympathetic realization of the misfortune and suffering of others, are advocated by earnest and sincere men and women, and if the remedy proposed is not within the scope of governmental power the Constitution is declared obsolete and should be discarded.

The spirit of unrest consequent upon and probably the inevitable result of the war has strengthened the feeling of injustice which always abides with the unfortunate and improvident. The bitter strife which sometimes awakens between workmen and their employers is intensified. The continued increase in the cost of the necessities of life as well as the increased demands for those things which have heretofore been considered as luxuries present most difficult problems for solution.

All these conditions combining make the present a period of trial, amounting almost to a crisis. In such condition we will be wise if we act only upon the most careful consideration. If ever there was a time when departures from our constitutional system were hazardous, it is now. Experiments in government are ever dangerous; they are especially so in times like these.

We are living in an era of mighty changes. The Great War has made a new map of the world. Empires have fallen. New nations have been born in a day. Thrones are overthrown and their former occupants have suffered death or fled to exile. Everywhere the spirit of revolt is manifest. Everything established is challenged. Even anarchy is praised by those who live where men are free. Restraint, even for the protection of the poor and weak, is condemned and defied. Any barrier against selfish aggrandizement is attacked. While such conditions exist abroad it is not surprising that a spirit of protest and revolt should make itself manifest in our own country.

Complaints against our Constitution are never justified as long as it is subject to amendment. The right of amendment is absolute and extends to every part of the instrument. Any change may be lawfully made in the Constitution that the people desire to make. If changes are not made, it is simply proof that the people do not desire them.

It is complained that amendments should be made easier. But it should be remembered that the Constitution is our fundamental law. It is the foundation upon which the entire governmental structure rests. It rests upon great principles; their abandonment or their modification should be fully understood and fully considered. There are always people who have theories and desire changes, and they are more numerous now than ever before. Over 100 amendments to the Constitution have been proposed to Congress within the last three years, involving 27 different subjects.

Sometimes a thing greatly desired but which can not be obtained except by amending the Constitution, with its consequent delay, leads to a demand for a method of immediate change. How unwise this would be is shown by the fact that in many instances the delay has resulted in such a reversal of public opinion that the proposed amendment has been abandoned.

On the other hand, if the amendment has real merit the demand for its adoption grows during the period of consideration, and the amendment will be secured as the reasoned, matured judgment of the people.

The socialists frankly admit that they would destroy our Constitution and our entire present system of government. A leading socialist journal ridicules the term "patriot fathers," as applied to the framers of the Constitution. It brands them as "grafters," and charges they were more concerned with their own selfish interests than with the interests of the people in framing the Constitution. The socialists are principally interested in the abolition of private property, and every extension of the powers of government by which private property is taken meets with their favor. Every constitutional guaranty for the protection of private property they would repeal. Government ownership in any form meets with their approval.

Although avowed Socialism does not seem to be making much progress, the drift toward Socialism through the avenue of Government ownership appears strong. The power of the Government to take over private property for public use given by the Constitution seems to be a method by which large advances

in this direction may be made. If the abolition of all private property be considered with approval, then this tendency can be regarded with complacency. But unless we can look forward to the absorption by the Government of all business—the railroads, the canals and water traffic, the telegraphs, the telephones, the mines, the farms, the factories, the shops and stores—as a benefit and blessing, we should carefully consider every proposition looking to the extension of Government ownership. [Applause.]

Just now it is urged that the Government should take over the railroads. Constitutionally the Government may take private property for public use. It is thought that the Government might be justified in taking over the railroads for the purpose of carrying the mails, which would be a public use. If, however, the Government should purchase or condemn the railroads for the purpose of turning them over to private persons in whole or in part, such taking would not be justified. [Applause.]

The Constitution provides that no private property can be taken by the Government without just compensation to the owners. If the Government should purchase or condemn the railroads, it would mean increasing our national debt \$20,000,000,000, with an increase in our annual taxes of \$1,000,000,000 for interest. Besides, Government control now entails an annual expense of \$1,000,000,000 above the revenues derived from operation, which would add another billion dollars to our annual expense. As a financial proposition the outlook would not appear especially alluring.

But this is only part of the socialistic program. It is also proposed that the Government take over the canals and all shipping, both foreign and domestic, as well as all the telegraphs, telephones, and other means of communication. The mines also are to be "socialized."

With the mild socialists the program outlined stops there. But with the radicals it goes on to the absorption and "nationalizing" of the farms, the factories, and all other productive facilities; the distribution and disposition of all products; in short, the abolishment of all private property, its confiscation by the Government, and the establishment of a socialized State in which the Government shall own all the property and control and regulate the lives of all the people.

Of course, that means not only an abandonment of the Constitution, but also of every fundamental principle of government that America represents. It will be said "the thing is impossible; the American people will never consent to such a revolutionary scheme." But if the Government absorbs the railroads and other means of transportation, and the telegraphs, telephones, and other means of communication, it can force upon the people the other steps in confiscation whether the people desire or not.

Soon the winter will come, with an almost certain shortage of coal. The demand will be insistent and well-nigh irresistible that the Government shall take over the mines. Forgetting that the Government has not improved railroad service by its control, forgetting even that the Government made such a lamentable failure of controlling the mines during the war, there will come a clamorous demand for Government ownership.

In some mysterious manner it is persistently believed that the men who may be in control of the railroads and mines as agents of the Government will be wiser and more successful than those who control them for the owners. It should be understood that it is vastly better and safer that such enterprises should be dependent for success on the approval of the people, as they are under private ownership, than that they should be in control of those who are indifferent to the approval of the public as long as they are approved by their superior officers. [Applause.] It should also be understood that the politicalization of industry can never be in the interest of the people. [Applause.] It will always be in the interest of the party in power, which will use all its powers of coercion and favoritism to perpetuate itself. In the end it will be an absolutism as ruthless as any ever known in history.

Upon the entrance of this Nation as a participant in the great European war came the sudden exercise by the Government of the war powers granted by the Constitution in such emergencies. Almost every act of the citizen was put under Federal regulation. His food, his fuel, his business, even his personal habits and accustomed diversions were placed under Government control. His property was taken from him by unprecedented exactions. His liberty was taken from him by universal conscription. He was forced to enter the ranks, submit to discipline and training, and then to be sent across seas to fight for his country on the field of battle.

But all this was justified, because the very existence of the Nation was endangered, and the Constitution provides that in



such emergency every other provision must yield for the time being to the preservation of the Nation's existence.

As soon, however, as the war is ended and peace is declared, this extraordinary war power ceases, and the constitutional guaranties and limitations which have been superseded by the war powers during the emergency again come into full force and effect.

Every act passed by Congress which was only justified in the exercise of the war powers should be immediately repealed when peace is declared. [Applause.]

Every administrative order, military or civil, which depended for its validity upon the exercise of the war powers, should be at once revoked. No office, or bureau, or commission whose function was to assist in carrying on the war should be continued a day longer than the close of the war. [Applause.] No appeal for the continuance of such powers or offices should be entertained, if they are dependent alone upon the exercise of the war powers. Not a dollar should be appropriated from the Public Treasury for the continuance of such offices or the carrying on of such work which depends for its justification upon the existence of war. [Applause.]

This not only is our duty generally, it is a constitutional obligation resting upon the President, the Congress, and every military and administrative officer of the Government.

If there ever was a time when it was unwise to listen to the clamor of unjustifiable criticism, it is now. If there ever was a period when we should unhesitatingly repel attacks upon the Constitution from whatever quarter they may come, it is now. [Applause.] If there ever existed conditions which require that the people stand firm against any surrender of their constitutional powers, such conditions exist now. [Applause.]

Never until the present time has there been such serious attacks upon our Constitution. Throughout our past history the people have deeply revered and loved it. No foreign student but has noted this marked trait of the Nation's character. Our people have always considered the Constitution as the source from which we derived our ordered liberty and our individual protection. To it they have attributed in large measure our progress and the content and happiness of our people. Our national patriotism is based on our national charter.

And now there are those who would destroy it, and their attacks are vicious and vigorous. The people are hearing or reading these attacks. They are not students of government. Good men and women may be led to believe there is at least a measure of truth in these attacks unless they are met and refuted. We have been so confident of the supreme excellence of our Constitution and of its self-evident value that we have thought it unnecessary to even acquaint the people with its virtues, much less repel attacks.

But if that policy were ever justified it must be abandoned now. The question of the maintenance of our constitutional government should be made the supreme issue of the time. Beside that issue all others are small and insignificant. In defense of the Constitution all party lines should disappear. The Constitution is the Nation. Without it we should be something different from the United States of America. It is the foundation upon which our very existence is based.

Gentlemen of the House, I have spoken hitherto of the obligation which rests upon the membership in common with that of every American citizen. But we have a special and solemn obligation which particularly rests upon us. Every Member of the House before entering upon his duties was required to take an oath to support and defend the Constitution and to bear true faith and allegiance to the same.

Here within the House this obligation should ever bind us. As legislators we are the creatures of the Constitution. Its commands should always govern us. Its limitations should always restrain us. The powers which it confers upon us we should not surrender to any man or to any set of men. [Applause.] Its very spirit should guide us always, as the very pole-star of our purpose and our duty.

This obligation should rest upon us not only in the performance of our duties here, but also wherever and whenever by voice or pen we are privileged to reach and influence the people. Against this protest and rebellion we should stand as the steadfast champions and defenders of the Constitution. We should warn the people against the dangers that would follow its destruction. In some way the people should be made to know that the abolition of constitutional government in America means the beginning of anarchy, the inauguration of chaos.

And the danger is not fancied nor remote. It is here and impending. We should understand that Bolshevism is now an existing institution in the United States. The Communist party, recently organized, according to a statement issued by

its secretary, belongs to the same group of International Socialists as the Bolsheviks of Russia. He declares that the party will take part in the 1920 campaign, and will have but one plank in its platform, the "domination of the working class and the abolition of capitalism."

There can be no possible excuse for the mischief-maker, much less the anarchist or terrorist, in this country. [Applause.] There is ample opportunity afforded for any change or reform that the people desire. The difficulty is that this class of men do not believe in a government of the people. They are unwilling to submit to the decision of a majority. It is minority rule, not majority rule, that they demand. They rail at the tyranny of the majority, and seek to substitute the tyranny of the minority. [Applause.] They denounce the autocracy of a government, and demand the autocracy of a faction. It is not the peoples' rule, it is class rule that they seek to establish.

There is no justification for disobedience to or defiance of the law in a country where the people make the law. There is no excuse for terrorism where free speech and a free press are guaranteed. There must be no submission to demands backed by threats when the way is open to secure the things demanded by peaceful means.

Chief Justice White, in a recent address, said:

Look around in this great land to-day. Where is there a country like this? The world has never seen the equal of it.

And he adds—

Many thoughtless persons to-day suppose that everything that is wrong is wrong in the institutions, when without the institutions there would be no right and everything wrong.

[Applause.]

And James Bryce, in summing up his review of American institutions, said.

That America marks the highest level, not only of material well-being but of intelligence and happiness which the race has yet attained, will be the judgment of those who look not at the favored few for whose benefit the world seems hitherto to have framed its institutions, but at the whole body of the people.

And this highest level of material well-being and of intelligence and happiness the whole body of the people have attained under the Constitution, under American institutions, beneath "the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured."

To that Constitution, to those institutions, to our beloved country, we may well on this day pledge anew our devotion and fealty:

What were our lives without thee?  
What all our lives to save thee?  
We reck not what we gave thee;  
We will not dare to doubt thee,  
But ask whatever else, and we will dare.

[Prolonged applause.]

The SPEAKER. Under the order of the House the gentleman from Virginia [Mr. MOORE] is recognized for 20 minutes.

Mr. MOORE of Virginia. Mr. Speaker and gentlemen of the House, the Governor of Virginia some time ago issued a proclamation asking our people to observe the anniversary of the signing of the Constitution, the anniversary which fell on last Wednesday and which we celebrate here to-day. In the time allowed me, for which I thank the House, I propose to notice but necessarily in bare outline the part taken by Virginia in the adoption of the Constitution.

It is almost certain the effort to create a more perfect union would have failed had any of the more important States disapproved, and it appears beyond doubt that, in the absence of active initiation and approval by Virginia, which was the most populous and wealthy of the 13 States, failure would have resulted. As furnishing another reason for the reference to the part played by Virginia, I may be permitted to recall her lavish gifts to the military and political leadership of that time, the outstanding fact alluded to by Senator Hoar, of Massachusetts, in such eloquent and generous terms in his address a few years ago to the Virginia State Bar Association. "What a constellation," he said, "then arose upon the sky. The list of her great names in that wonderful period is like a catalogue of fixed stars. For all time the American youth who would learn the principles of liberty protected by law; who would learn to frame constitutions and statutes; who would seek models of the character of the patriot, of the statesman, of the soldier may find instruction from her—may study her history as in a great university." [Applause.]

Following the War of the Revolution, the opinion was widespread that the Confederation as a system of government had proved, and would continue to prove, inadequate. Its weakness had nearly led to the defeat of the American cause, and during the several years after the decisive victory at Yorktown, while it was in effect, it furnished no means of preventing or curbing



the political and economic trouble which had steadily increased until many of the first men of the country were in despair. Alexander Hamilton, who all through that period rendered the country such vigilant and priceless service, said, "The Confederation was formed amidst the agitation and tumult of society. It is composed of unsound materials put together in haste." James Wilson, of Pennsylvania, who was to become a member of the Supreme Court by appointment of the first President, said, "Those whom foreign strength could not overpower have well-nigh become the victims of internal anarchy." Madison, late in life, recalling the conditions of confusion, unrest, and lawlessness which he had witnessed, wrote:

"The close of the war brought no cure for the public embarrassment. The States, relieved from the pressure of foreign danger and flushed with the enjoyment of independence and sovereign power, instead of a diminished disposition to part with it, persevered in omissions and in measures incompatible with their relations to the Federal Government."

No man was more apprehensive of the disaster which would overtake the experiment in free government on this side of the ocean unless a substitute could be found for the Confederation than Washington himself, who, of course, can never cease to be thought of as the master builder of the Union—the soldier who, having won liberty with his sword, made it secure by his work as a statesman. [Applause.] Holding to the view of Hamilton, Wilson, and Madison, he exerted himself to impress it on his contemporaries, deploring, as he wrote to one of his friends, the "illiberality, jealousy, and local feeling of the States" as likely "to sink the new Nation in the eyes of Europe into contempt." Save for the prestige and influence of Washington and his unwearied support of the efforts to preserve the fruits of the Revolution by establishing a new Federal system, the attempt might have failed altogether, and in any event the Constitution as we have it to-day would not have come into operation, and therefore his is the supreme name to be remembered on the anniversary we are now celebrating.

Conferring at Mount Vernon with those who shared his fears and longings, Washington offered the suggestion which led to a preliminary meeting. Responding to that suggestion, on the 21st day of January, 1786, the Virginia Legislature passed a resolution designating commissioners to meet commissioners that might be appointed by the other States for the purpose of constructing a comprehensive and harmonious method of regulating commercial intercourse among the States, so as to avoid the rivalries and collisions which were a continual menace to the trade and prosperity of all. Two of the commissioners named in the resolution were Madison and Edmund Randolph, the latter afterwards Attorney General and Secretary of State.

In September of the same year the Virginia commissioners conferred at Annapolis, Md., with such commissioners as the other States had appointed, the only other States represented being New York, New Jersey, Pennsylvania, and Delaware, although Massachusetts, New Hampshire, Rhode Island, and North Carolina had appointed commissioners who did not attend. One of the difficulties that impeded the political transactions of that time was due to the means of travel and communication being so meager. At no one session of the Philadelphia convention, for instance, were representatives present from all of the 12 States which had elected deputies. When the Virginia convention assembled, many months after the document had been drafted and signed, some of its members had not been able to procure a copy of the Constitution or a single copy of the *Federalist*. When the vote on ratification was cast in the Virginia convention it could not be known in Richmond that New Hampshire had already voted three days before, making the ninth State to ratify.

The conference at Annapolis was under the direction of Hamilton and Madison, who were determined to omit nothing which might further the establishment of a capable and efficient Government. Going beyond their instructions, the commissioners recommended that a convention should be called to take into consideration the general situation and devise whatever provisions might appear necessary to render the Federal Government adequate to the exigencies of the Union. It was the Legislature of Virginia that first accepted this recommendation, and gave emphasis to its action by appointing deputies, with Washington at their head, and by this example made a Federal convention possible. The light began to break when all of the States but one had followed this lead of Virginia.

The convention organized in Philadelphia on May 25, 1787, up to which time the deputies of fewer than eight States were in attendance. Supported by the North and the South, placed in nomination by a Pennsylvanian and seconded by a South Carolinian, Washington was unanimously chosen its President. [Applause.]

Touching the question, which has been a good deal discussed, as to who, if anyone, can be regarded as having first proposed any plan at all resembling that which is contained in the Constitution, I quote the following from the memorandum left by Madison, which is prefixed to his report of the debates of the convention:

As a sketch on paper—

He says—

the earliest, perhaps, of a constitutional government for the Union (organized with regular departments, with physical means operating on individuals), to be sanctioned by the people of the States acting in their original and sovereign character, was contained in the letters of James Madison to Thomas Jefferson of the 10th of March, 1787, to Gov. Randolph of the 8th of April, and to Gen. Washington of the 16th of April.

So the intellect of Madison—a powerful intellect in a frail body—just in advance of the meeting of the convention was busy formulating definite provisions which might aid in giving a fair start to its deliberations.

It is to him also that we are indebted for a report of the convention proceedings. The day of skillful stenographers had not come, and Madison, forecasting the strong desire which would arise to know what occurred in such an epoch-making assemblage, determined that he would be its reporter and thus supply the materials for a history of the convention, on which, as he believed, would be staked the happiness of a people, great even in its infancy, and possibly the cause of liberty throughout the world. In order to perform the task satisfactorily he took his seat immediately in front of the presiding officer, was not absent a single day, and testified that he was almost overcome by the double labor of listening to speeches and reporting them.

The Virginia deputies, when they reached Philadelphia, agreed that Gov. Randolph should present the Virginia plan, not to be binding on any of his colleagues, but which should, and, as the journal shows, did, become the basis on which the proceedings of the convention were conducted. Madison engaged in nearly all of the discussions, as did Randolph and Mason, and Washington spoke once relative to a matter which he considered of much importance, and when a conclusion was reached as to what the instrument should be Madison served on the committee of revision, which made the final draft.

The convention was comparatively small, only 56 members serving and only 41 signing. But, as universally agreed, never has there been a more notable gathering, and never at a given time in any country has the mind of man traveled so far in planning for the welfare of communities. Nor is there recorded any such shining instance of a body of statesmen of the first rank, representing the intellect, character, and ambition of an extensive country, of many States, having conflicting interests and diverse views, so completely surrendering their preconceptions and combining their compromises in a single document, providing a great political structure, different from any known before, and, notwithstanding, built upon the essential doctrines in defense of which the Revolution had been fought. [Applause.] In his biography of one of its framers, President Roosevelt [applause]—the valiant American whose death we so much deplore—praising the Constitution, described it as "not simply a compromise, but a bundle of compromises."

As none of those who signed the Constitution were entirely satisfied with it, some believing that it conferred excessive powers on the Federal Government, others believing that it would not prove sufficiently strong, and others objecting to specific provisions, none of them were confident that it would be ratified by a sufficient number of the more important States to render it a practical instrument of government. They recognized that while ratification by any nine States would give it a naked official status, dependence for anything substantial and lasting must be placed upon the action of the large and influential Commonwealths. They understood that its future was in a trembling and perilous balance, and its advocates looked forward to what the States might do with the utmost solicitude and misgiving. The opposition was more formidable in the pivotal States of Virginia and New York than elsewhere. Before the convention of either of these States met, eight States ratified. Virginia and New York had postponed, and the country waited anxiously for their action, persuaded that without these a government to replace the Confederation could not be secured. Had the action of Virginia been adverse, New York would hardly have ratified, and thus it is seen that in a large measure everything depended upon what Virginia might do. In both States there were men of weight who regarded any government as a necessary evil and who desired no government stronger than the Confederation. There were also those who, not entirely sharing that opinion, were dissatisfied with the Constitution as drafted and sought to bring about a second convention; and there were also those who insisted upon the instrument being amended



before being ratified. The forces led and directed by Washington stood for unconditional approval. Hamilton, apprehensive of amendment, said:

It appears to me susceptible of complete demonstration that it will be far more easy to obtain subsequent than previous amendments to the Constitution. The moment alteration is made in the present plan it becomes, for the purpose of adoption, a new one and must undergo a new decision from each State.

Washington repeatedly wrote:

There is no alternative, no hope of an alternative, no intermediate resting place between the adoption of this Constitution and a recourse to an unqualified state of anarchy with all of its deplorable consequences.

On June 2, 1788, when the Virginia convention met in Richmond, the destiny of the country was in its keeping. The foes of the Constitution claimed and its friends feared that a majority of the people of the State were antagonistic. The State was stirred by controversy and excitement during the election of the delegates, and the interest was universal and intense when they came together. The 170 members included nearly all of the foremost men of the Commonwealth. The principal exceptions were Washington and Jefferson, the one at Mount Vernon with his hand upon the pulse of the country and the State, and the other in France, where he was kept posted by his friends, Madison and Mason, as to the contending currents of opinion. With the assistance of the historians, among them the distinguished Hugh Blair Grigsby, who many years ago compiled a full and delightful account of the convention, and Senator Beveridge, the author of a most admirable life of John Marshall, recently published, we look back upon the convention as on a picture of a great scene spread upon a great canvass. Lest a Virginian be thought to overstate, I will use the words of Senator Beveridge:

In Virginia's convention the array of ability, distinction, and character on both sides was notably brilliant and impressive. The strongest debaters in the land were there; the most powerful orators and some of the most scholarly statesmen. Seldom in any land or age has so gifted and accomplished a group of men contended in argument and discussion at one time and place.

From every part of the State the delegates were drawn and from every occupation. There were the older statesmen, and the younger public men then entering upon the course that was to take many of them into the higher stations of the Federal Government. There were men from the eastern section, where the drama of the revolution had slowly unfolded to its consummation; from the slopes and valleys of the Allegheny Mountains; from the frontier—the remote Kentucky district, made up of the six Virginia counties soon to be a great State. [Applause.] In the list of the delegates who voted for ratification were the Kentuckians, Marshall and Breckenridge. [Applause.]

Many of the delegates were men of finished education and culture. Some had been trained at Oxford and Cambridge, and in the law at the Middle Temple and the Inns of the Court; some had spent their student days in the halls of William and Mary College and other American institutions of learning; and there were those who had been denied any educational advantage except that afforded by the school of experience and exertion. According to their convictions, they were all resolute in the purpose to serve faithfully the country in the new crisis, precisely as many of them had served it before the Revolution in the patriotic movements of that time, and during the war on the battle fields where the States had tried out their strength with the mother country. I believe it may be said of them with as little reserve as of any body of men who ever seriously and deliberately considered the business of government that they divested themselves of self-seeking and were inspired by that most worth while of all public virtues—a spirit of readiness to make any sacrifice essential to the common good.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Virginia be extended 10 minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Virginia be extended 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I thank my friend from Iowa and the House.

The decisive votes were taken on June 25. The intervening time of a little more than three weeks was the full period of debate, during which, under a rule agreed upon at the outset, every article and almost every section of the Constitution, in the order of its arrangement, was made the matter of scrutiny and discussion. The opposition, representing, as it confidently proclaimed, a large majority of the people, was led by Patrick Henry, then at the height of his fame, although he was more

than a decade from the historic hour when, in the House of Burgesses, regardless of danger and defying protest, he had carried through his resolution against taxation without representation by a majority of one. To this audience it is perhaps unnecessary to suggest that the conception of Henry as simply an orator is erroneous. He was a statesman who served in many offices, one of them the governorship, and to whom the position of United States Senator was offered. He was also a remarkable lawyer, whose practice, as his diary shows, extended to the courts of Boston, and who when Washington came to make up the Supreme Court, was offered the place of Chief Justice. Henry's fundamental objection to the Constitution was that it unduly centralized in the Federal Government powers which he thought should be retained by the States. On this theme in all its aspects and variations he spoke from day to day, and sometimes with such force and eloquence as to disconcert his opponents. At one stage in an elaborate speech he urged upon the Delegates, and particularly upon those from Kentucky, that the Congress contemplated by the Constitution might ignore the interests of the Southern States and abandon the navigation of the Mississippi River to the Spaniards, and Madison wrote Washington, with whom he was in constant correspondence, that he feared this argument might serve to prevent ratification. Similarly impressed, Gouverneur Morris, who was in Richmond to watch the proceedings of the convention, wrote Hamilton that matters were not going as well as the friends of America could wish.

When the subject of the judiciary was reached, Henry, having already inveighed against the powers vested in Congress and in the Executive, exclaimed:

The purse is gone; the sword is gone; and this is the only thing of importance that remains to us.

Supporting Henry was George Mason, of Gunston Hall, said to have been spoken of by Mr. Jefferson as the wisest man he ever knew, the author of the first constitution of a free Commonwealth, and of the Fairfax Resolves, and of the Bill of Rights, which embraced substantially all of the principles which were afterwards written in the Declaration of Independence. He served in the Philadelphia Convention, and declined to approve or sign the Constitution, but he was concerned to make it as good as possible from his point of view. Among those on the same side were James Monroe, who was to become the fifth President; Gov. Tyler, the father of President Tyler; and Gov. Harrison, the father of one President and the great-grandfather of another. Among those who supported ratification, under the leadership of James Madison, who was to be the fourth President, were Gov. Randolph; Edmund Pendleton, the venerable president of the State court of appeals; George Wythe, the renowned chancellor who, as a teacher of law, impressed himself upon the career of so many of the young men of Virginia, including Henry Clay; Light Horse Harry Lee, the father of the wonderful soldier and stainless gentleman who, in the troubled time nearer to our own, led the armies of the Confederacy [applause]; and John Marshall, who, having fought through the Revolution and taken position as one of the influential younger leaders, was, after a while, to be accounted perhaps the greatest judge our race has produced. These were some of those who participated in that short and never-to-be-forgotten encounter whose result has so tremendously affected the course of government in America and everywhere. No detail or analysis is possible, but I may be permitted to refer to one of the questions that was in controversy. In respect to the contention often urged that the Supreme Court usurps power in declaring an act of Congress unconstitutional, it is tolerably significant that in the Virginia convention those who feared that the authority of Congress would be improperly exercised doubted whether its activities could be supervised or checked by the Federal courts, and that John Marshall, to allay their fears, put forward the theory to which he adhered whenever the question was presented from the time of the decision in *Marbury against Madison*, saying in one of his speeches:

"If Congress should make a law not warranted by any of the powers enumerated, it would be condemned by the Federal judges as an infringement of the Constitution, which they are to guard. They would not consider such a law as coming under their jurisdiction; they would declare it void."

No vote was had in the convention until a motion to amend previous to ratification was presented. On this the ayes and noes were demanded by Henry and seconded by Bland, and the motion was defeated by a majority of eight. Immediately another vote was taken on the motion to ratify, on which Mason, seconded by Henry, moved the ayes and noes, and the result was 89 in favor of ratification and 79 against it. These very slender majorities settled the fate of the Constitution, and in a large degree the fate of the country. How great was the



effect of the action of Virginia on that of New York is to be inferred from the circumstance that a little later the Constitution was ratified by the New York convention, although after its session began and before Virginia had reached a decision Hamilton, when asked the prospect, had replied, "God only knows; several votes have been taken by which it appears that they are two to one against it." Virginia and New York having acted, 11 States having ratified, the darkness was gone and the country stood in the full light of a new day. [Applause.]

I may refer again for a moment to some of the statesmen I have mentioned, because of their being identified with that part of Virginia whose vigorous and patriotic people I have the privilege of representing—the region which lies almost within the shadow of this Capitol and stretches from the Potomac to the blue range of mountains toward the west, a beautiful and fertile region, whose attractions captured the eager fancy of the early settlers as they made their way from tidewater to the interior. There in his tomb at Mount Vernon sleeps the master builder of the Republic, and there, near by, is the resting place of George Mason, his friend and coworker in the cause of liberty. There also lived James Madison, John Marshall, and James Monroe, the homes yet preserved that echoed to their voices. These we acclaim as among the very greatest founders of the Nation. So long as we are true to the memory of such men and faithful to the standards and ideals which they set for the guidance of a free people in a free land, in a noble sense they will remain—

The dead but sceptered sovereigns who still rule  
Our spirits from their urns.

[Prolonged applause.]

#### REPORT ON LIQUOR INTERESTS AND GERMAN AND BOLSHEVİK PROPAGANDA.

Mr. KIESS. Mr. Speaker, I call up Senate concurrent resolution No. 4.

The SPEAKER. The gentleman from Pennsylvania calls up Senate concurrent resolution No. 4, which the Clerk will report. The Clerk read as follows:

#### Senate concurrent resolution 4.

*Resolved by the Senate (the House of Representatives concurring).* That there shall be printed 10,000 copies of the hearings and report of the committee entitled "Brewing and Liquor Interests and German Propaganda and Bolshevik Propaganda," held before a subcommittee of the Committee on the Judiciary, United States Senate, in the second and third sessions of the Sixty-fifth Congress, pursuant to S. Res. 307 and 469, of which 3,500 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 500 copies for the use of the Senate Committee on the Judiciary.

With a committee amendment to strike out all after the enacting clause of resolution and insert:

That there be printed 2,500 additional copies of Senate document No. 62, Sixty-sixth Congress, entitled "Brewing and Liquor Interests and German and Bolshevik Propaganda," of which 2,000 copies shall be for the use of the Senate and 500 copies for the use of the Senate Committee on the Judiciary.

Mr. WALSH. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Under what privileged status is this resolution now presented to the House? Is it taken from the Speaker's table or is it a report from the House Committee on Printing?

The SPEAKER. It is a report from the Committee on Printing.

Mr. WALSH. And the amendments that have been read are the amendments of the House committee?

The SPEAKER. They are.

Mr. KIESS. I move the adoption of the resolution as amended.

Mr. RANDALL of California. Does the House committee propose to deny to the House of Representatives any copies of this additional print and are they all to be for the use of the Senate?

Mr. KIESS. Mr. Speaker, the Senate passed this resolution some time ago, calling for the printing of 10,000 copies, which would have entailed a cost of \$17,441.87. The House committee felt that inasmuch as there had been practically no requests from the Members of the House for these documents and that this was a large sum of money to expend, we declined to report the resolution favorably at that time. The Senators, however, have been very insistent on having this resolution passed, especially the members of the Senate Judiciary Committee. The House committee has reduced the number to 2,500 and reduced the expense from \$17,441.87 to \$4,389.02, and provided that 2,000 copies should go to the Senate and 500 to the Senate Committee on the Judiciary. For the information of Members of the House, I would say that the additional cost per thousand is \$1,783.33. I do not know of any request having been made,

and I believe that the few Members who may desire copies can be supplied from the 2,000 that go to the Senate.

Mr. RANDALL of California. I appreciate the statement of the chairman of the Committee on Printing that it is advisable to reduce the expense, but it does seem to me that the Members of the House ought to have a few of these copies. I will say that I have myself had requests for more than 2,000 copies of this publication in the last few months. I am not getting very many requests now, but am getting some few, and other Members are getting requests. I suggest that the House ought to have a portion of those 2,500 copies, if the chairman of the committee thinks that would be proper.

Mr. KIESS. Mr. Speaker, I admit that this is a rather unusual procedure, but it was done entirely for the purpose of saving money, and as no Member of the House had mentioned the matter to the committee we felt justified in reporting the resolution in its present form.

Mr. WALSH. Will the gentleman yield?

Mr. KIESS. Yes.

Mr. WALSH. I gather from the reading of the resolution that the expense is to be borne from the contingent funds of the two Houses.

Mr. KIESS. Yes. The gentleman will understand that it is necessary to pass this concurrent resolution because the cost will exceed the \$500, which is the limit the House or Senate can print.

Mr. WALSH. Yes; but why should the House pay half the expense of printing a document of which they are to have no copies to distribute? It seems to me that this resolution should provide that the expense of this printing for the Senate Judiciary Committee should be borne from the contingent fund of the Senate, and not be paid, half of it, out of the contingent fund of the House, particularly in view of the fact that the resolution as amended provides that this printing is to be for the use of the Senate Judiciary Committee only. It seems to me it is not wise to pass resolutions providing for the printing of documents of hearings held by Senate committees, to reduce the number, and then provide that the House shall pay half the expense, particularly when it costs \$1,700 a thousand to print them. I trust the gentleman will withdraw the resolution in order that it may be amended in that way, or that he will offer such an amendment.

Mr. KIESS. We are very anxious to procure action on this, because of the insistence of the Senators who have held this hearing, and I will offer an amendment that 1,000 copies be for the use of the Senate and 1,000 copies for the use of the House.

Mr. WELLING. And 500 for the use of the Senate Judiciary Committee?

Mr. WALSH. Yes.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "2,000 copies" and insert in lieu thereof "1,000 copies," and after the word "Senate," insert the words "and 1,000 copies for the use of the House."

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. GALLAGHER. How do you propose to distribute these 1,000 copies to the Members of the House?

Mr. KIESS. They will go to the folding room.

The SPEAKER. The Chair thinks they will go to the folding room and be distributed under the rule, so that each Member will receive his proportionate share.

Mr. GARD. May we now have the resolution read as it will read when amended?

The SPEAKER. Without objection, the Clerk will report the resolution as proposed to be amended.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 2,500 additional copies of Senate Document No. 62, Sixty-sixth Congress, entitled "Brewing and Liquor Interests and German and Bolshevik Propaganda," of which 1,000 copies shall be for the use of the Senate, 1,000 copies for the use of the House, and 500 copies for the use of the Senate Committee on the Judiciary.

Mr. WALSH. In order to have the language correct, it should be "1,000 copies for the use of the House of Representatives." The words "of Representatives" should be added.

Mr. KIESS. I move the adoption of the resolution as amended.

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. GREEN of Iowa. Does not the amendment have to be adopted first?

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KIESS].

The amendment was agreed to.



The SPEAKER. The question is on the adoption of the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

#### PRODUCTION AND CONTROL OF FOOD PRODUCTS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to all the Senate amendments, and ask for a conference, without instructions.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. TREADWAY. Reserving the right to object, I wish to make a parliamentary inquiry. Would it be in order to move to instruct the conferees to report the bill back with an amendment striking out the section added by the Senate known as the Ball rent-commission bill?

The SPEAKER. It would after the conference has been agreed to.

Mr. TREADWAY. A further inquiry. Can I amend the motion made by the gentleman from Iowa to send the bill to conference without instructions by a further motion to strike out the Ball amendment?

The SPEAKER. That is all done by unanimous consent.

Mr. TREADWAY. Personally, I must object to unanimous consent being granted with no instructions to the conferees as to that amendment. It has nothing to do with the bill being sent to conference, and in my opinion should not be a part of the bill. It should be dealt with on its merits before the House. The subject matter has never been acted on by the House. I shall feel obliged to object unless there is a motion to instruct the conferees to strike out the so-called Ball amendment.

Mr. GOOD. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. GOOD. The gentleman will have that right after it is sent to conference.

Mr. TREADWAY. The motion of the gentleman from Iowa is to send it to conference without instructions. I desire to see that they are instructed.

Mr. HAUGEN. Mr. Speaker, there are 11 amendments; one is this Ball amendment. My understanding is that it was drawn rather hurriedly. I have letters from Senators and others suggesting a number of changes. It was thought that it would be better to send it to conference and let the conferees give it due consideration.

Mr. TREADWAY. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. TREADWAY. The point I am making is that the Committee on Agriculture, for whom we have the highest regard, would have under consideration the bill entitled "An act to provide further for the national credit and defense by encouraging the production and controlling the distribution of food products and fuel." That is the title of the bill in conference. The amendment that it seeks to add is entitled "To create a rent commission in the District of Columbia."

If there is any sense whatever in submitting an amendment in the form of a rider to a bill controlling the distribution of food and fuel, adding to that a rent commission for the District of Columbia, I should like to know what it is. It seems to me that it is entirely out of the province of the Committee on Agriculture to deal with the great question involving a rent commission in the District of Columbia. Therefore, unless I can make such a motion, I shall feel compelled to object to the request of the gentleman from Iowa.

Mr. HAUGEN. The gentleman from Massachusetts will not hold the Committee on Agriculture responsible for the action of the Senate?

Mr. TREADWAY. Of course not.

Mr. HAUGEN. A somewhat similar amendment was offered to the bill when being considered in Committee of the Whole, and was voted in, but was later voted out, when the bill was reported back to the House. The bill deals with profiteering, not in the District of Columbia alone but in the whole country as well. The Ball amendment is incorporated in a bill reported by the Committee on Agriculture and passed by the House. As far as I am concerned I have no objection to a vote being taken on that particular amendment, the Ball amendment. If it goes in at all, it should go to conference in order that it may be more carefully considered.

Mr. WALSH. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. WALSH. I have heard the gentleman send a number of bills to conference heretofore. Why has he asked to send this particular bill to conference without instructions?

Mr. HAUGEN. Because I understand that is the usual way to put the motion. Since the question was raised the other day it seems to me that this will avoid delay. The contention is that this bill should go to conference. If we are going to spend the whole day deciding whether it shall go to conference or not, it will delay its consideration.

Mr. WALSH. I suppose the Committee on Rules is still functioning?

Mr. HAUGEN. Oh, yes.

Mr. WALSH. I do not know about the recent developments that the gentleman mentions, but do I understand that after the conferees have been appointed they can then be instructed?

Mr. HAUGEN. Not under my motion, but I am willing to modify it.

Mr. TREADWAY. I shall object to the request for unanimous consent.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to modify the motion so that we may vote on the question as to whether the Ball amendment goes in the bill or goes out.

Mr. TREADWAY. I am entirely agreeable to that procedure.

Mr. LEE of Georgia. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LEE of Georgia. Is it the gentleman's intention to give a reasonable debate upon this matter?

Mr. HAUGEN. The gentleman from Kentucky [Mr. JOHNSON] has asked for time, and it is understood that he shall have 40 minutes, and then 5 minutes on this side. Mr. Chairman, I suggest that the time be fixed at 50 minutes; that 40 minutes be given to the gentleman from Kentucky [Mr. JOHNSON] and 10 minutes to the gentleman from Massachusetts.

Mr. TREADWAY. I do not want to monopolize all the time.

Mr. HAUGEN. We have up for consideration to-day the deficiency bill; gentlemen in charge of it desire us to dispose of this bill within the hour. If any length of time is desired for debate we will have to postpone action or refer to the committee. We thought that in view of the importance of early passage of the bill it should be sent to conference rather than to the committee.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Do I understand that the gentleman from Iowa [Mr. HAUGEN] is now trying to send this bill to conference without instructions and to agree that any debate on a motion to instruct the conferees shall not exceed 40 or 45 minutes?

The SPEAKER. The Chair did not understand the last motion of the gentleman from Iowa. The Chair did not hear it.

Mr. WALSH. Of course, if a motion is made to instruct the conferees they can not tie up debate upon that.

The SPEAKER. The Chair thinks the gentleman is not stating a parliamentary inquiry.

Mr. TREADWAY. Mr. Speaker, will the gentleman from Iowa revise his request for unanimous consent in accordance with what I understood him to say a few moments ago, namely, that he was willing to have the Ball bill voted up or down, as to whether it shall be agreed to as an amendment to this bill?

The SPEAKER. The Chair did not hear the last request of the gentleman from Iowa and will ask the gentleman to repeat it.

Mr. HAUGEN. Mr. Speaker, my last request was that the bill be taken from the Speaker's table, that all amendments be disagreed to, that a conference be asked for, and that one motion be in order; that is, to instruct the conferees to strike out the Ball amendment. There are 11 amendments. If we are going to discuss the bill, I can not in honor agree to an extended debate, because the gentleman from Iowa [Mr. GOOD] has yielded time in which to consider this matter. If objection is to be made, then let the bill take its regular course; let it be sent to the committee, which action may delay it for a week or two. Gentlemen, you have the responsibility.

Mr. TREADWAY. Mr. Speaker, I think the gentleman is stating the case in rather an exaggerated manner when he says we will have the responsibility. We are willing to have the responsibility, but the Ball bill has never been considered by this body. Therefore, I say we must debate it. The gentleman from Iowa [Mr. HAUGEN] has stated how important this measure is. It is important; but if this Agricultural bill is important let him strike out the Ball bill as an amendment to that and take it up on its own merits.

Mr. HAUGEN. I am willing to have an expression from the House. I would be very glad to have it.

Mr. TREADWAY. I am trying to get an expression from the House.

Mr. HAUGEN. Mr. Speaker, if the gentleman will indicate the time desired, I will confer with the gentleman from Iowa [Mr. GOOD], and if he agrees to an extension of time then I will



be glad to yield, but under the agreement I have with the gentleman from Iowa I must make my word good, and I am not going to agree to any lengthy discussion which would deprive him of the right to go on with his deficiency bill.

Mr. RUBEN. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. RUBEN. The gentleman has suggested that we have a certain length of time—40 or 50 minutes—and in making this suggestion he states that the gentleman from Kentucky [Mr. JOHNSON] wants 45 minutes and the gentleman from Massachusetts wants some time.

Mr. HAUGEN. Ten minutes.

Mr. RUBEN. Both of those gentlemen are opposed to the Ball bill.

Mr. TREADWAY. Oh, I beg to differ with the gentleman, in a sense.

Mr. RUBEN. At least, the gentlemen are opposed to putting this Ball bill on this Agricultural bill.

Mr. TREADWAY. Yes.

Mr. RUBEN. And the point I want to make is that it is unfair to those of the House who are in favor of this legislation to be confined in debating it to 5 or 10 minutes when gentlemen who are opposing it have 40 or 50 minutes. If you are going to discuss the Ball bill, the time should be divided equally between those who are for it and those who are against it.

Mr. TREADWAY. That is agreeable to me.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to modify my request, that one hour and a half be given to debate, 45 minutes to be allotted to the gentleman from Georgia [Mr. LEE] and 45 minutes to myself, with the understanding that 45 minutes be for and 45 minutes against the amendment.

Mr. TREADWAY. And it is understood that a motion is in order to strike out the Ball bill?

Mr. WALSH. Mr. Speaker, I make the point of order that the request is not in order until it is decided whether we are going to send this measure to conference. The gentleman is trying to control the time of debate on the question of instructions. We may agree on time for debate on the motion to instruct and find that somebody will not agree to send it to conference.

The SPEAKER. The Chair assumes from the attitude of the gentleman from Iowa [Mr. HAUGEN] that he does not wish the matter sent to conference unless a limit can be put upon debate, and the Chair thinks there can be a request that the bill be sent to conference and also a request limiting debate, but it all depends whether there is objection made to it. The Chair will state, as he understands it, the request of the gentleman from Iowa, which is that this bill be taken from the Speaker's table, that all amendments be disagreed to, that it be sent to conference with the understanding that on one motion there shall be one hour and a half debate, 45 minutes to be controlled by the gentleman from Georgia [Mr. LEE] and 45 minutes by the gentleman from Iowa [Mr. HAUGEN].

Mr. BLANTON. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request?

Mr. RUBEN. Mr. Speaker, reserving the right to object—

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. WALSH. Mr. Speaker, I make the point of order that the request has not yet been stated by the Chair.

The SPEAKER. The Chair may be mistaken in his statement. The Chair will ask the gentleman from Iowa to again state his request.

Mr. HAUGEN. Mr. Speaker, my request is to take from the Speaker's table H. R. 8624, disagree to all amendments thereto, and ask for a conference; that one amendment be in order, that is to strike out the Ball amendment—

Mr. DOWELL. To instruct.

Mr. HAUGEN. And that one hour and a half debate be granted, half of the time to be controlled by the gentleman from Georgia [Mr. LEE] and the other half by myself, with the understanding that half of the time is for and half of the time against the amendment.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. WALSH. From the latter part of the gentleman's request I assume when he says one amendment shall be in order that he means one motion to instruct the conferees will be in order on the matter of the Ball amendment?

Mr. HAUGEN. Exactly.

Mr. WALSH. And upon that there shall be one hour and a half debate?

The SPEAKER. The Chair thinks that is the intention.

Mr. BLANTON. Mr. Speaker, regular order.

Mr. WALSH. I think it should be so stated.

The SPEAKER. The Chair will state it again. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill, to disagree to all Senate amendments, and ask for a conference, and that there shall be allowed one motion to instruct, which will be to agree or disagree to the Ball amendment, and upon that motion there shall be debate of an hour and a half, one-half of the time to be controlled by the gentleman from Iowa and one-half by the gentleman from Georgia [Mr. LEE]. Is there objection?

Mr. LEE of Georgia. Mr. Speaker, reserving the right to object—

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the request?

Mr. LEE of Georgia. Mr. Speaker, reserving the right to object—

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Texas asks for the regular order. Either objection must be made or not. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

#### FIRST DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205, the first deficiency appropriation bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The CHAIRMAN. When the committee arose yesterday there were no amendments pending, and the Clerk will read.

The Clerk read as follows:

Rock Island (Ill.) Arsenal: The remaining unexpended balances, not to exceed \$450,000, of the appropriation of \$2,965,000 for increasing the facilities for the manufacture of field artillery matériel, including the necessary buildings and equipment, and for providing additional storage space and other storage facilities, either by building and equipping new storehouses or by building and equipping shops for manufacturing purposes and equipping as storehouses shops thereby vacated and made available (act of June 12, 1917) and of the appropriation of \$1,295,200 additional for increasing facilities for the manufacture of field artillery matériel, including the necessary buildings and equipment (act of Oct. 6, 1917), are made available for the erection of a shop building for the manufacture of recuperators at Rock Island Arsenal: *Provided*, That this sum shall not be available until the present plant for the manufacture of recuperators is disposed of.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what kind of war matériel recuperators are—found in line 10, page 11?

Mr. GOOD. When we got into the war we had a very limited amount of field artillery. The War Department finally adopted the French model of field artillery, the 155-millimeter guns and howitzers, to be the principal gun, or rather the gun of which most were to be manufactured. The French recuperator, which is the recoil mechanism of the gun, was one of the most delicate pieces of machinery that the Government had to manufacture. We were not accustomed to manufacturing those recuperators, and it was stated by French officers that we would never be able to manufacture them. But we did undertake to manufacture them, and while we did not get any guns equipped with those recuperators in time to send them over before the armistice was signed, the testimony before the committee is that we were manufacturing those recuperators at the time the armistice was signed with as much perfection as they were manufactured in the arsenals in France. This factory that is referred to is located on the grounds of the Dodge Manufacturing Co., and that company have now agreed to buy the building at 40 per cent of its cost. The building is not suitable, as I understand it, for their manufacture, and they are willing to buy a good deal of the machinery for which the Government has no use, and there is a prospect of selling for \$600,000 additional machinery that is not needed. So that by carrying this legislation we will obviate the necessity of paying a considerable sum, I do not know how much, but a considerable sum, as much as \$125,000, for the land, and we are now under a yearly charge of about \$40,000 for maintenance, including guarding the property, and it is the purpose to move the machinery that it is desired to retain to Rock Island, where a building will be put up and where no further charge will be made for guarding. They have the guards there.



Mr. KNUTSON. The plant is not located at the Rock Island Arsenal, then?

Mr. GOOD. No; the plant is at the Dodge Brothers' plant at Detroit.

Mr. KNUTSON. It came under the head of the Rock Island Arsenal, which was the occasion for the inquiry. I withdraw the pro forma amendment.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. The importance of this item has been referred to by the gentleman from Iowa [Mr. Good], and he has stated very briefly the facts that make necessary this legislation. As is well known, at the outbreak of the war we had so little artillery, so few guns, that it was considered wiser to not attempt to increase our supply of the types we had, but to adopt the French models instead. In fact, there were so few guns that there was not as much as a battery for each camp to use for the training of soldiers in the use of artillery. Therefore we adopted for our use not only the 155 mm. howitzer and 155 mm. gun, as indicated by the gentleman from Iowa, but also the famous French 75. We had never manufactured that gun. It had a secret recoil mechanism, the recuperator, as it is called, known only to certain ordnance officers of the French Government. When we came into the war the French Government gave us access to the secret of this wonderful mechanism and invited us to make it. We undertook to make it and had considerable difficulty in doing so. In fact, we failed for many months to make an American model that would work satisfactorily. The recuperator as developed by the French is a very delicate piece of mechanism. It is necessary for certain parts of it to be dust proof and damp proof. In France much of the work on it is handwork. We tried to substitute American methods but with indifferent success.

Finally, as stated by the gentleman from Iowa, we learned to make it in the French way, and it is not boasting to say that we learned to make it just as well as the French made it. We did not make it in our own arsenals, because we had no arsenal equipped for the purpose. So we went outside, and the plant referred to by the gentleman from Iowa was selected as one of the very best places in which to make this mechanism, and there it was successfully made. The machinery for making it is there, and the equipment is also there. The purpose now is to utilize this machinery and equipment. It is the intention of this legislation to provide for securing this machinery and this equipment and turn it to the use of making recuperators for ourselves as we may need them. It is clearly for the best interest of the Military Establishment and the Government.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

#### PANAMA CANAL.

For civil government of the Panama Canal and Canal Zone: Salaries of district judge \$7,500, district attorney \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners \$150,000, to continue available until expended: *Provided*, That the additional compensation, authorized by section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, shall not be included in determining the compensation of any employee of the Panama Canal or the Canal Zone.

Mr. DOWELL and Mr. KNUTSON rose.

The CHAIRMAN. The gentleman from Iowa [Mr. DOWELL] is recognized.

Mr. DOWELL. Mr. Chairman, I raise a point of order against the proviso beginning on line 14 and running to the end of the section. It is new legislation, changing the law, and therefore subject to a point of order.

The CHAIRMAN. Does the gentleman from Iowa [Mr. Good], the chairman of the committee, desire to be heard on the point of order?

Mr. GOOD. I think it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TILSON. Further reserving the point of order against the phrase "to continue available until expended," I desire, under the reservation, to ask the gentleman in charge of the bill what is the purpose of making this item "to continue available until expended," when the sundry civil bill will be coming in before very long and deficiency bills are often before the House? Why is it important to make this item available until expended?

Mr. GOOD. That has always been the case with regard to appropriations for the Panama Canal and the civil government. And a very good reason exists for establishing that custom or carrying that provision of law. The Panama Canal has certain receipts that are available for expenditure, and therefore, taking the whole thing into consideration, it was thought that better administration would result if they could at the end of each year make a general statement, which they

do, and that the appropriations should remain available until expended. And that is the general method of carrying the item. Of course, it is subject to a point of order, but it might result in a good deal of hardship if we attempted to change in the midst of a year the system of accounting and keeping the books of the appropriation.

Mr. TILSON. Mr. Chairman, on the statement of the gentleman from Iowa I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Connecticut withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

In all, \$9,300,000: *Provided*, That no part of this sum shall be expended upon repairs to any vessel which is not to be retained permanently in the Navy: *Provided further*, That the Secretary of the Navy shall submit to Congress not later than February 1, 1920, a statement showing for each navy yard and naval station the total number of employees, by occupations, on December 31, 1919, and the proportion of such employees who are below a fair standard of efficiency.

Mr. KRAUS. Mr. Chairman, I offer an amendment.

Mr. KNUTSON. Mr. Chairman—

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. KNUTSON. Mr. Chairman, I reserve a point of order against the whole paragraph. It is legislation.

Mr. KRAUS. If the point is made, I do not desire to offer the amendment. I take it the paragraph is subject to a point of order.

The CHAIRMAN. The gentleman from Indiana seeks to offer an amendment, and the gentleman from Minnesota, having reserved a point of order—

Mr. KNUTSON. I will reserve the point pending the consideration of it.

The CHAIRMAN. That can not be done.

Mr. KNUTSON. I make the point of order.

The CHAIRMAN. What is the point of order? The gentleman will state it.

Mr. KNUTSON. That it is legislation.

Mr. GOOD. The gentleman only makes his point of order now as to the last paragraph, which is the proviso. I doubt if a point of order would lie from line 9 down to line 16. I hope the gentleman will withdraw his point of order in regard to this item, because that is the provision where we are calling for a showing.

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Is the point of order against the whole paragraph or against part of it?

The CHAIRMAN. The Chair understood the gentleman from Minnesota to make a point of order against the paragraph.

Mr. KNUTSON. I desire to make a point of order on the paragraph down to line 8, page 13.

Mr. GOOD. We have passed that. It is too late.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Where does the paragraph begin and where does it end?

The CHAIRMAN. The Chair will state for the benefit of the gentleman from Pennsylvania that the paragraph begins on line 9, page 13, with the words "in all" and ends with the words "of efficiency," in line 16.

Mr. BUTLER. I earnestly hope the gentleman will not press his point of order.

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. Is not the phrase "in all, \$9,300,000," a part of the paragraph?

The CHAIRMAN. The Chair thinks not.

Mr. GREEN of Iowa. If the Chair will permit, I desire to call attention to the fact that it is only separated by a semicolon and not by a period.

Mr. DOWELL. This seems to be a part of the succeeding paragraph. As I read it, I would take it that the entire preceding part is a part of this main paragraph.

Mr. KNUTSON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order. The gentleman from Indiana [Mr. KRAUS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KRAUS: Page 13, line 16, after the word "efficiency," change comma to colon and insert:

"*Provided further*, That the following unexpended balances of appropriations for the support of the Naval Establishment for the fiscal year 1920, as hereinafter set forth, shall be carried to the surplus fund and covered into the Treasury immediately upon the approval of this act,



namely, Bureau of Navigation, 'Pay of the Navy,' \$6,700,000; 'Provisions, Navy,' \$2,000,000; total appropriations recovered, Bureau of Navigation, \$8,700,000."

Mr. KRAUS. Mr. Chairman, I have no desire to take up the time of the House if the chairman of the committee will accept the amendment. I call the attention of the House to the fact that the testimony and the letter of Secretary Roosevelt show that the total sum of \$18,000,000, part of which was appropriated for the pay of the Navy, \$4,000,000 for provisions, Navy, is entirely unnecessary and can not be expended.

Now, in these days when we are practicing economy, and when we are requiring the Treasury to finance enormous appropriations, it is certainly the part of wisdom to withdraw at the very earliest moment possible any amount heretofore appropriated that can be withdrawn without detriment to the service; and there is no question, if anyone will read the hearings on this branch of the bill, that the department asserts and admits that \$18,000,000 can be spared from these appropriations. As a matter of fact, this legislative provision is a mere transfer of \$9,300,000 of that \$18,000,000, and at this time I am asking that this committee approve this amendment, which will cover into the Treasury the sum of \$8,700,000.

Mr. GOOD. Mr. Chairman, the amendment is not drawn in the proper form. The gentleman from Indiana [Mr. KRAUS] is mistaken in regard to the bureau. As I heard the amendment read, it referred to the Bureau of Navigation. These appropriations are carried under the head of Bureau of Supplies and Accounts. We realized that there would be a surplus there, but the year is so young and so many things might happen that it might be necessary in the future to do what we have done here in this bill by permitting a transfer of funds. I doubt the wisdom of covering anything into the Treasury just now. I will say to the gentleman from Indiana that we are all anxious, of course, that not a dollar shall be paid out that can be saved; but if there is any place in the Navy where they can not squander money, it is in the payment of the men, because they can not pay that money out for any purpose other than to compensate the men, and the men are not enlisted. The amount of the expenditure depends upon the personnel of the Navy. If the personnel is small, as it is now, the expenditures are small, and the money will necessarily have to be covered back.

But I will say to the gentleman that since this matter came up there has been a matter presented, but too late to come before the committee, asking that a million dollars of this fund be made available for the purpose of permitting the Navy to bring coal out of Alaska. They say that they have not a dollar now that can be used for that purpose, and they are anxious that some of this money shall be transferred for that purpose. While ordinarily I think that money should be covered into the Treasury as rapidly as possible—and I have not very much of an opinion about this—it seems to me it might be as well to let the matter go over until a little later in the year.

Mr. KRAUS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. KRAUS. On that theory, why not make enormous appropriations, knowing that the bureaus can not spend the money, while at the same time, as the gentleman must concede, we are compelling the Treasury to finance excessive appropriations?

Mr. GOOD. This money can not be paid out, and money appropriated for this purpose can not be used except for the payment of the men. It can not be used for building purposes or repair purposes.

Mr. KRAUS. But that does not relieve the Treasury from the necessity of selling bonds or procuring funds in some other way to meet increased expenditures.

Mr. Chairman, I ask permission to modify my motion by substituting "Supplies and Accounts" instead of the word "Navigation" where it occurs.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment. Is there objection? There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. KRAUS: Page 13, line 16, after the word "efficiency," change comma to colon and insert:  
"Provided further, That the following unexpended balances of appropriations for the support of the Naval Establishment for the fiscal year 1920, as hereinafter set forth, shall be carried to the surplus fund and covered into the Treasury immediately upon the approval of this act, namely: Bureau of Supplies and Accounts, 'Pay of the Navy,' \$6,700,000; 'Provisions, Navy,' \$2,000,000; total appropriations recovered, Bureau of Supplies and Accounts, \$8,700,000."

Mr. PADGETT. Mr. Chairman, I think it would be hazardous to pass that amendment. We do not know how many men we will have between now and the 30th day of June. This appropriation is for the pay of the men, and I think it would be very hazardous to cut down the appropriation \$8,000,000. The ships are tied up, and we are short of men now, and we are putting forth every effort to get men. I hope the amendment will be voted down.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. I am going to ask my esteemed colleague [Mr. KRAUS] on the committee not to press his amendment. I agree with him that we ought to try to save money, and we are trying to save money. But we have already taken \$9,000,000 out of this fund, and I do not know what the Secretary of the Navy will say about it when he returns home. I do not think he knows anything about it. It was done without his knowledge or consent. If the point of order had been made at the right place, it would have gone out. Nevertheless they need for this purpose some of this money to be taken from the Bureau of Supplies and Accounts, and I would be afraid, my friends, to reduce it any further. I would be afraid it might interfere with the force. I promise I will join in the attempt to save money and return it to the Treasury when opportunity offers. The gentleman from Indiana, however, is right when he says that the officers of the Government will have to finance the Treasury according to the appropriations that are made. And although this money may not be used, they have got to raise the \$9,000,000. I would be afraid to cut this down any more. The gentleman is right, if we could be sure about it.

Mr. KRAUS. Is the gentleman from Pennsylvania aware of the fact that the testimony shows that the personnel of the Navy will be down to 115,000 by the 1st of December?

Mr. BUTLER. Yes.

Mr. KRAUS. While our appropriation takes care of 170,000. This appropriation is much in excess of the amount that is required.

Mr. BUTLER. My friend is entirely right; but the enlistments may start up in the spring of the year, and before the end of the year we may have the men in the service. It is true it looks as though we would have this fund left over, but we may not.

Mr. KRAUS. Does not the gentleman know that even if we recruit the Navy up to 170,000 by the 1st of December and keep it up to that figure until the 1st of next July, even if we reduce this amount we will still have ample funds to pay these two items, and, as a matter of fact, there is no justification to-day for giving them a single dollar of this money.

Mr. BUTLER. The gentleman has given me information that I did not have. I did not understand that this surplus would exist over and above the pay of the 170,000 men. I thought it would require this amount of money to pay the 170,000 who were authorized to be enlisted up to the 1st of next July.

Mr. PADGETT. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. PADGETT. The gentleman will recall that in making the appropriation originally we cut it \$8,000,000 under the estimated amount.

Mr. BUTLER. I know we did.

Mr. PADGETT. We considered that \$8,000,000 as an amount that, perhaps, would not be used in the shifting of the recruiting and demobilizing; but to take out an additional \$8,000,000 in addition to the \$9,000,000 transferable to other appropriations would be hazardous. We made an allowance of \$8,000,000 in the original report of the bill, and I think we had better not make this further reduction.

Mr. BUTLER. I appreciate as well as anybody in the House, and perhaps better—because I think I know him better—the efforts made by my friend from Indiana [Mr. KRAUS]. I know he is absolutely sincere, and I do not like in any way to protest against his effort to save money. It is a laudable effort which the House ought to approve, and were it entirely safe I would be for it, and would ask everybody in the House to vote for it; but I fear that the proposition of the gentleman might in some way interfere with the recruiting and our effort to obtain men for the Navy next year. I dislike very much to oppose the gentleman, but that is my sincere belief.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Mr. Chairman, I want to ask the chairman of the committee a question. On the top of page 13 is an item—

"Maintenance, Bureau of Yards and Docks," \$2,500,000.

Will the chairman of the committee tell me what that \$2,500,000 is to be used for? When the committee had before them



the question of yards and docks we went into the subject very closely, and we awarded to the Bureau of Yards and Docks all the money we thought it was necessary for them to use in this fiscal year. I see that by this bill they are getting \$2,500,000 more, above what we gave them in the appropriation.

Mr. GOOD. The committee went into that matter very carefully, and it was the opinion of the officers, as well as of the Assistant Secretary, that if any cut was made it should be a percentage cut, every item in the same proportion; that is, if we only gave them one-half of the \$18,600,000 which they asked for, or \$9,300,000, we should cut each of the items 50 per cent. Now, so far as the item of "Maintenance, Bureau of Yards and Docks," is concerned, their revised estimate was for \$12,500,000, and the current naval act carried \$7,500,000. We went into that matter pretty carefully, as to what this maintenance item is. As I recall, it was the maintenance of those things at the yards and at the docks that properly fall within the operation of the yards and docks to maintain them; and maintenance, as I recall the term, does not have the signification of repair, but it is to maintain in operation. It is for the replacing of the wearing out and the rusting out, and the parts that become obsolescent, like the power plant—

Mr. BROWNING. They wanted a new power plant in almost every yard, and we cut them out; and while I shall not oppose it, I call attention to it.

Mr. BUTLER. I want to refresh and revise the recollection of my friend from New Jersey [Mr. BROWNING]. We did mighty well, and I congratulate ourselves on keeping these items down to a certain point, and I want to congratulate this committee on having done equally well, too. I want to ask the Committee on Appropriations to file with the Naval Affairs Committee the statements that were made before the Committee on Appropriations, because we will remember all these things when the time comes, and next winter they will be deducted all right. If they get the money now, they will not get it then.

Mr. FESS. Good for you. I hope you will stick to that.

Mr. GREEN of Iowa. As I understand, they did not get enough from the Naval Affairs Committee to equal the amount that they wanted, and then, when they did not get it from the Naval Affairs Committee, they went to the Committee on Appropriations, and under the guise of maintenance, when it looked as if we were going to lose some Government property if it is not properly cared for, they got an additional allowance on that account.

Mr. BUTLER. No; it is not for that.

Mr. GOOD. This is not maintenance of that kind.

Mr. BROWNING. I am inclined to agree with the gentleman from Iowa.

Mr. GREEN of Iowa. It is just the same; it is an additional appropriation transferred from another appropriation.

Mr. GOOD. The word "maintenance" is not used in that sense. This is to maintain a power plant and an electric-light plant as distinct from keeping them in repair.

Mr. GREEN of Iowa. That is just what I am saying. The whole thing is an imposition on the House. The House thinks on the first blush that it is to preserve Government property, while, as a matter of fact, it is to carry on more extensive operations.

The CHAIRMAN. All time has expired.

Mr. TILSON. Mr. Chairman, I move to strike out the last two words. I feel inclined to support the gentleman from Indiana [Mr. KRAUS] in his amendment. It is admitted that the money could not be used for the pay of sailors during the next year and that there will be something like a sum of \$10,000,000 in excess of what can be expended for that purpose. Ten million dollars already appropriated furnishes a great temptation, as exemplified in this bill, where the Navy Department has come to the Committee on Appropriations and asked the committee to transfer from the items of "pay" and "provisions" to other items where it can be spent. As long as the money remains in the item of "pay" it is safe. Unless the Navy has the men the disbursing officers can not spend a dollar of it. But with a large amount like this, a large, juicy item of \$10,000,000 already appropriated and suspended in plain sight, there is great temptation to come to the committee and ask that it be transferred to other items, where it can be and will be expended.

Mr. KRAUS. As a matter of fact, the chairman of the committee has already stated that they have asked for a transfer of another \$100,000 out of the \$10,000,000.

Mr. TILSON. The gentleman's statement bears out what I said. It seems to me that sort of a thing ought to be discouraged.

Mr. SMITH of Illinois. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SMITH of Illinois. The gentleman says that there are \$10,000,000 that are not to be used.

Mr. TILSON. Eighteen million six hundred thousand for these two items. This bill calls for a transfer of half of that amount to other items, and that leaves in the items of "pay" and "provisions" \$9,300,000.

Mr. SMITH of Illinois. But suppose it becomes necessary to use \$5,000,000 of this money?

Mr. TILSON. It can not be used for any other purpose than that for which it is appropriated, which is pay for the Navy and provisions.

Mr. SMITH of Illinois. But suppose the Navy was recruited up where you wanted \$5,000,000, where would you get the relief?

Mr. TILSON. If the Navy was recruited up to that number we might need a part of the sum.

Mr. SMITH of Illinois. If it is not available, where could you get relief?

Mr. TILSON. In a subsequent deficiency bill.

Mr. GOOD. Assistant Secretary Roosevelt says that they will not need this \$18,900,000. I think there will be no embarrassment, as far as that is concerned, if it should be covered into the Treasury if it was so desired.

Mr. DOWELL. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. DOWELL. The Naval Committee appropriated more money than was needed in this particular department.

Mr. BROWNING. Oh, no; the gentleman is wrong. We appropriated what we thought would be needed, but the recruiting has not come up to the expectations.

Mr. DOWELL. But just the same, the committee appropriated more than is needed, and now the Navy wants to use it somewhere else.

Mr. TILSON. Evidently the officials of that department have expressed a desire to have it transferred to other accounts in which they can expend it.

Mr. GOOD. During the last quarter they can not under any circumstances, unless there is a change in the law, recruit more than 170,000 men. So I do not see how there can be any embarrassment, as far as that part is concerned.

Mr. BYRNS of Tennessee. Mr. Chairman, I rise to oppose the amendment. I hope the amendment will not be adopted. It seems to me that the House ought not to adopt an amendment of this sort, at least until we have some information from the Navy Department as to whether or not it can be done without serious embarrassment to that department. We did have some hearings, and Assistant Secretary Roosevelt did say that \$18,600,000 could be transferred for certain specific purposes. The committee finally decided to recommend that half of it be transferred. But now to come here with an amendment covering in this sum offered on the floor, without consulting the naval officials as to whether it is wise to do it, or whether or not it can be done without embarrassing the Navy Department, seems to me to be unwise. The money will remain in the Treasury, whether it is covered in or not, as the gentleman from Iowa has stated. Unless they have the enlisted men to pay the money will not be paid out, and therefore the United States Treasury can not lose anything if the amendment is not carried, and I hope the amendment will not be adopted, especially since we have no information from the Navy Department.

Mr. KRAUS. Mr. Chairman, if the committee had approved of the request of the Assistant Secretary of the Navy to transfer the \$18,600,000 which the Secretary stated he could not use for the purpose appropriated, you would not have embarrassed the Navy.

Mr. BYRNS of Tennessee. I think we would have run a chance of doing it.

Mr. KRAUS. The only reason why you did not transfer the \$18,600,000, you were afraid to embarrass another part of the Navy.

Mr. BYRNS of Tennessee. I do not say that. The Assistant Secretary, Admiral Benson, and others came before the committee and said that it was exceedingly important that those ships which are to remain permanently in the Navy and are now in the navy yards should be repaired, and that he felt that these sums could be properly transferred for that purpose. Their original idea was that an appropriation should be made directly for this purpose. But when they found that was impossible, they said that the seriousness of the situation was such that they were willing to concede that the amount named could be transferred.

The Naval Committee originally considered this matter and, as the gentleman from Tennessee [Mr. PADGETT] states, cut this appropriation down \$8,000,000, and now in the face of what the chairman of the Committee on Naval Affairs [Mr. BUTLER] has



said, backed up by what the gentleman from Tennessee [Mr. PADGETT], the ranking member on that committee, says, and in the face of the fact that the Navy Department has not been consulted about the covering in of this money to the Treasury, for the House to adopt this amendment, it seems to me, would be exceedingly hazardous, and I hope that it will not be done.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the debate upon this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate upon this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I regret very much that I did not fully understand the situation with reference to this item of transfer at the time it was passed over. Otherwise I would have at least made a motion to reduce it, if not to strike it out entirely. The situation appears to be this: The Naval Committee went over this matter very carefully, and on part of the items at least allowed the Navy Department every nickel they thought they ought to have. Then the Navy Department subsequently finding it had some surplus in the matter of pay goes around to the Committee on Appropriations and succeeds in getting the sum that the Naval Committee would not allow them. This situation is the more peculiar because at this time our greatest competitor, the only nation that has a larger navy than ours, is laying aside almost one-half of its ships, has actually agreed to scrap 150 of them, and has suspended entirely the construction on her major ships and has very much decreased the work on other ships.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BUTLER. The gentleman is stating something that I should like to listen to, but I am afraid that some one has been giving him wrong information about the Englishmen having dispensed with the construction on large ships. We get quite the contrary information in the Naval Committee.

Mr. GREEN of Iowa. The statement was made in the daily papers just the other day.

Mr. BUTLER. I hope it is true, but we get information just the other way.

Mr. GREEN of Iowa. I suppose the gentleman is aware that there is very much complaint in England about the unnecessary amounts that were expended upon the navy?

Mr. BUTLER. There is no doubt about that.

Mr. GREEN of Iowa. And in view of this complaint, action has been taken by the English Admiralty toward cutting down expenses. Of course, the largest cut that has been made is in the matter of dirigible flying machines, where the cuts have been tremendous, but the daily newspapers have carried the statement that they have suspended the work on their major ships for the present. I am inclined to think the statement is correct. I know, of course, that we can always hear from the Navy Department about what great preparations are being made for war and what extensive additions are being made to the navies of other nations, but I have no reason to doubt this statement. In any event, so large a sum ought not to have been allowed the Navy Department for items that had been passed upon by the Naval Committee, and the least that we can do now is to adopt the amendment of the gentleman from Indiana [Mr. KRAUS] and put these unexpended balances where there will not be any temptation on the part of the Navy Department to expend them. Here is this great amount of over \$9,000,000 that has not been spent, and if there is ever any money appropriated that a department has not spent, it seems that the department officials feel rather bad about it. They are always in here as soon as possible finding some other way to spend it. They can always find a way to do it and to impress the necessity for it upon the committees. I think the amendment of the gentleman from Indiana ought to be adopted.

Mr. SANDERS of Indiana. Mr. Chairman, I think the amendment of the gentleman from Indiana [Mr. KRAUS], who is a member of the Committee on Naval Affairs, ought to be adopted, and the argument for its adoption appears more clearly perhaps from the statements made by those who are opposing than by those favoring the amendment. It is claimed that the Assistant Secretary of the Navy wanted over \$18,000,000 for these purposes; that he first asked for an original appropriation for that amount. He was willing to cut it in two, and asked for an original appropriation. Then it is stated when he found that could not be done, that he was willing that all of the funds should be transferred. Thereupon, because of this argument, there was placed in this bill an appropriation amounting to \$9,300,000. It is clear from all of the statements that have been made that there is no possible chance of this money

being used for the purpose for which it was originally appropriated by this House. This is a golden opportunity when the House can again cover into the Treasury of the United States money which it has appropriated and which will not be used for that purpose. If there shall ever be a need created for additional appropriations to pay for the personnel, there will be no difficulty in getting it. I think the amendment of the gentleman from Indiana ought to be adopted so as to remove all temptation from the Committee on Appropriations to take that fund and appropriate it for any other purpose, because if those other purposes are so worthy as to appeal to the committee, they will then make an original appropriation.

Mr. GOOD. Mr. Chairman, the Committee on Appropriations met a serious question in determining what to do with regard to this estimate for repair of ships in the Navy, for that is practically what was desired to be accomplished. At first it was the thought of the committee, and I am frank to say that thought still lingers in our minds to some extent, that this provision was to take care of some of the men in the various yards who will have to be discharged, and on that theory the committee was unanimous that nothing should be allowed. But Admiral Benson and the Assistant Secretary of the Navy came before us and told us of the condition that many of the ships are in—so much worse condition than they had anticipated or had reason to expect when the estimates were made, in worse condition than they had advised the Committee on Naval Affairs, and the necessity was strong for putting some of these vessels in repair immediately, or as soon as possible, for it is stated that in their present condition deterioration would go on much more rapidly than if they were placed in repair.

The committee did not want to take the responsibility of having a great many battleships tied up because of a lack of funds for repairs. The committee would not act upon this question without going to the committee that is composed of experts on the subject, and so called in the members of the Committee on Naval Affairs. This provision would not have been put in the bill at all if it had not been with the consent and even the advice of that committee, because we recognized what we reported out was in the nature of a supplemental appropriation rather than a deficiency appropriation, but when the members of that committee said they did not want to take the responsibility of denying this fund for fear the Navy might be needed for some reason or other and if needed many of the vessels tied up because we had not appropriated the money, it seemed to us we could not take that responsibility. The gentleman from Pennsylvania [Mr. BUTLER] and other members of the committee—the gentleman from Tennessee—were freely consulted, and I am frank to say we not only followed their advice, but all the information which the committee received will be gladly turned over to the Committee on Naval Affairs.

Mr. BUTLER. Will the gentleman yield?

Mr. GOOD. I yield.

Mr. BUTLER. I thank the gentleman for yielding. I was agreeable to this appropriation when the gentleman suggested the proviso should be added. I never would have agreed to it had it not been—that is, I would not have advised the committee to have reported the appropriation if it had not contained the proviso that no part of this fund shall be expended upon repairs to any vessel which is not to be retained permanently in the Navy.

Mr. GOOD. Absolutely. With that placed in there, not a dollar of this fund shall be expended on ships that are to be sold as junk. We put in another proviso that the Secretary of the Navy shall report the number of men employed in each yard and station and the number of such men who are below a fair standard of efficiency. It is to be regretted that the efficiency of the men in the navy yards has fallen 35 per cent since 1914. Only 65 per cent efficient is the testimony of the officers who have charge of these yards, and some yards ought to be closed. [Applause.] Some yards ought not to be permitted to run at all, because some yards are so inefficient to-day that there is no reason why they should be continued to exist with the low standard of efficiency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Mr. Chairman—

The CHAIRMAN. The gentleman from Minnesota is recognized for three minutes.

Mr. KNUTSON. Mr. Chairman, speaking of efficiency I would like to call to the attention of the committee the trouble that is being experienced by discharged naval service men in collecting the additional one and a half cents a mile voted them by Congress last February. A number of cases have been called to my attention where boys put in claims for additional mileage last April, May, and June, and these claims have not



been disposed of yet. Their discharges were sent in with the claim at the time, and I suggest that the Committee on Expenditures in the Navy Department investigate this particular phase and see if it is not possible to get a little action from some of the bureaus down at the other end of the Avenue. I yield back whatever of my time may remain.

The CHAIRMAN. The gentleman from New York [Mr. MACCRATE] is recognized for two and a half minutes.

Mr. MACCRATE. Mr. Chairman, I desire to say for the men employed in the Brooklyn Navy Yard that the efficiency there has been maintained at as high a standard as at any private shipyard in the locality. As a matter of fact when the twin hospital ships, the *Comfort* and *Mercy*, of the War Department were to be repaired, one was sent to the Brooklyn Navy Yard and one to a private concern for repair and overhauling, and the total cost for overhauling paid at the Brooklyn Navy Yard was about one-half the amount that it cost the Government at the private yard. Not only that, Mr. Chairman, but some people say they will not vote money simply to keep men in a job. Of course none of us will vote money only to keep men in useless jobs. But it is a fact that England granted 13 weeks' pay to all men and women who were employed in munition factories in order that they might adjust themselves to conditions after the war. I am not advocating and I am not asking Congress to vote money to keep men in employment without regard to the need for those men. But I do say we ought not to curtail and cut down the money necessary to run the navy yards so that the lay off will be great and sudden and these men thrown into the world without occupation or place to get occupation, especially when ships in fact need repairs. And I submit that for the present this limited appropriation is justified.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to speak for two minutes on this question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes, exclusive of the time fixed. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, I know that all members of the Committee on Naval Affairs realized last spring the urgent necessity of cutting down appropriations wherever it was possible, and when the estimates came before our committee from the various bureaus of the department, in order to practice rigid economy we cut down practically every item that was submitted to us. When our bill was reported to this Congress it contained only such items which we thought absolutely necessary for the peace maintenance of the Navy. After that it developed that there were certain items that the department had not correctly estimated. We are now confronted with the fact that owing to decrease in the personnel all the money appropriated is unnecessary, but, on the other hand, we are confronted with the positive fact that unless we do provide money for certain repairs and maintenance of ships those ships will deteriorate in value. I desire to pay my respects to the chairman of the Committee on Appropriations for the able way in which he has presented the subject this afternoon. Some members of the Committee on Appropriations asked my own opinion about it, and in my humble way I said I felt that \$18,600,000 additional asked for by the department was not justified, but when the money comes by transfer, without taking one dollar from the taxpayers of the country in addition to the amounts appropriated, and placing it where that money is absolutely needed for the upkeep and maintenance of our Navy, where every patriotic American wants it to be, I feel that every dollar asked for in this bill should be granted, and I therefore oppose the amendment offered by the gentleman from Indiana.

Mr. DOWELL. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair announced the ayes seem to have it.

Mr. KRAUS. Division, Mr. Chairman. I withdraw that demand.

Mr. BUTLER. I ask for a division, then.

The CHAIRMAN. A division is asked for by the gentleman from Pennsylvania.

The committee divided; and there were—ayes 9, noes 33.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For maintaining registers of teachers and assisting officers of education in finding teachers for positions requiring special qualifications, including personal services in the District of Columbia and elsewhere, \$5,000.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. TOWNER. In line 6, strike out the figures "5,000" and insert "20,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 14, line 6, strike out "\$5,000" and insert in lieu thereof "\$20,000."

Mr. TOWNER. Mr. Chairman, I hesitate to ask that any item in this bill be increased. However, I think there is entire justification for asking this small increase of this small appropriation. The appropriation that has hitherto been made for the support of this branch of the Bureau of Education has been \$40,000, and the estimate made by the bureau for the continuance of this work was \$40,000. It has been reduced to the sum of \$5,000, which practically makes it impossible for the bureau to carry on this work.

Let me state very briefly the nature of the work and give an idea, if I may, of its great importance. Of course, we understand that there is a part of the educational work of the country which is national in its scope. And, by the way, let me say that it is nothing less than a crisis that confronts the Nation to-day with regard to its schools and colleges in the securing of teachers. So many of the teachers have been called to other service during the war, both in the field and in civil life, who are not returning, that there are literally tens of thousands of schools in the United States to-day unable to secure teachers. This work of the Bureau of Education in the placing of teachers, most of it, is interstate or national in its scope. For instance, a college desires a professor of chemistry or some other teacher in one of the departments. He can not be secured in the neighborhood or even in the State. It has been the work of this bureau to keep on hand schedules of the available material for teachers in the universities and schools of the land. It has been necessary, of course, to secure from them, in the form of questionnaires, a statement of the fact that they are available for places, and then applications are made to the Bureau of Education for these places by these schools and colleges and universities of the country. This work has been of very great importance. It is now more than ever of great importance.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TOWNER. I yield.

Mr. NEWTON of Minnesota. During the régime of the Employment Bureau of the Department of Labor, as my information goes, they also had quite a force of employees engaged in securing positions for teachers, and a few other departments of the Government were apparently fulfilling the same function. Is that correct?

Mr. TOWNER. They were working in harmony with each other and supplementing the work of each other. The bureau of the Department of Labor was established as a part of their employment agencies in various sections of the United States to secure positions for teachers. They took care in large measure of the neighborhood or surrounding territory.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. I ask unanimous consent to proceed for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. And that work, I will say to the gentleman, is not, as I understand it now, being continued. I think I am justified in saying that there is no other place than this whereby teachers can find places and whereby schools can find teachers.

Now, gentlemen, this is, comparatively speaking, a very small amount.

Mr. HERSEY. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman from Maine.

Mr. HERSEY. Does the gentleman think it is very practical to raise the amount above \$5,000 and not raise the pay of the teacher?

Mr. TOWNER. I will state to the gentleman that the pay of the teacher is being raised, else the school could not be supplied. I admit the gentleman is correct in one sense. You can not get teachers unless you pay them an adequate salary.

Mr. HERSEY. When you pay the teacher a reasonable wage you will have no trouble in finding teachers.

Mr. TOWNER. I hardly think the gentleman is justified in making that statement, because they have got to be found. It is not at all uncommon for a teacher to be sent from New York or Massachusetts or Maine to California or to Louisiana. And these men do not know these places; they can not know them. It is not a matter that is determined by advertisements.



There is no method of publicity for such proceedings as this for the purpose of ascertaining where a place is vacant and where the teacher is available. There seems to be no other method that has so far been devised except this being carried on by the Bureau of Education.

Mr. FAIRFIELD. What facilities has this bureau for determining that these people have special qualifications?

Mr. TOWNER. They send out questionnaires, or, rather, upon the application of the teachers or upon the applications of the schools for particular teachers inquiries are made, and then information is furnished to the schools, so that they may determine whether or not the applicant, or a person available, may or may not be secured for that purpose.

Mr. FAIRFIELD. And I would ask whether there are private agencies that are engaged in the same work, and why they would be less efficient than this Government bureau in selecting teachers? These are special teachers, I understand?

Mr. TOWNER. A great many of them. The private educational employment agencies are, of course, paid agents. Both the schools that desire to secure the teachers and the persons who desire to secure employment, as I understand it, are compelled to pay the employment agencies. And it is natural, I suppose, that the universities and colleges and schools for principalships and superintendents should send to the Bureau of Education, making inquiry if it can supply them or furnish them or put them into communication with certain teachers that they desire.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes; I yield to the gentleman.

Mr. BURROUGHS. Can the gentleman state to what extent, if he has the information, this bureau was able to furnish teachers, say, in the last year?

Mr. TOWNER. I wish I could give the gentleman the figures. They are very large and very satisfactory. They have done really a very great work in this emergency. They are doing it now. Of course, they have on hand much which could be made available. They have on hand now a great accumulation of material that could be made efficient if they had sufficient means to carry on the work. Five thousand dollars would not do more than enable them to maintain a nucleus of the department. They will not be able to carry on the work, as I understand it, with merely that amount. This increase from \$5,000 to \$20,000 for this great educational work in this particular emergency is amply justified, it seems to me, and therefore I have offered the amendment for this increase.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, my colleague [Mr. TOWNER] made a splendid address this morning, one of the best I have heard in many a day; and I was particularly gratified when he reached that portion of it wherein he stated that all of these war activities, now that the war is over, should cease, and I was somewhat surprised, therefore, when, immediately after this paragraph was reached, he offered an amendment to continue a war-time activity.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I will yield for a question.

Mr. TOWNER. Does the gentleman think that the procurement of teachers for the schools is a war-time activity?

Mr. GOOD. Well, we never had an appropriation before, within my recollection, which carried money for an agency to secure teachers for our schools. This was a war-time appropriation of \$25,000. It was from the President's fund.

Now, Mr. Chairman, the gentleman says this is a small amount. That is the hard fact that the Committee on Appropriations has to go up against every day. It is the thousands of small items that reach into the millions and even billions when it comes to summing up appropriations.

Now, the commissioner estimated for a director for this service at \$4,000. He estimated for an assistant director at \$3,000. The committee did feel, for this year at least, that some of this work should be carried on while people are getting settled and teachers are finding places. It may be possible that it will be carried on as a permanent thing, as a sort of clearing house. But as I said, \$5,000, if rightly expended, will permit them to maintain in the Bureau of Education a clearing house, with a chief clerk at \$1,800 and a couple of stenographers to answer all inquiries, to receive questionnaires, to handle the information

that teachers, directors of school boards, and trustees of colleges can supply, and to furnish such information as really ought to be available as a governmental activity.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I yield.

Mr. LAYTON. Is it not a fact that in all the States of the Union for the most part there is a great difficulty in getting teachers? There is not a surplus of teachers, but there is great difficulty in obtaining them?

Mr. GOOD. I think that is true, and I think it is because—and it is to be regretted—the salaries of teachers have not kept pace with the salaries paid to people in other positions requiring a like amount of intelligence and ability.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FAIRFIELD and Mr. CANNON rose.

The CHAIRMAN. Does the gentleman from Illinois desire recognition?

Mr. CANNON. Yes.

The CHAIRMAN. The gentleman from Illinois is recognized as a member of the committee.

Mr. CANNON. Mr. Chairman, thank God the war, while not technically over, is practically over and we are getting back to normal. We have great trouble about the high cost of living. It is very simple. The increased price of commodities and the high cost of living come from the decreased purchasing power of the dollar. It is now about 50 cents. Put in another way, 50 cents when the war broke out would buy as much as \$1 does now. If the war had kept on, God knows how far the currency would have been expanded and how much our credit would have been lowered. We have been very fortunate in keeping up the credit of the Government, notwithstanding the great increase in the currency and the liberty drives and the great issue of bonds. It is very fortunate, indeed, that the credit of the Government remains substantially unimpaired.

You may say, "What has that to do with this proposition?" The organizations authorized by war-time law—and I am not abusing any of them at this time—did much good work, and there was necessarily extraordinary demands upon the Treasury and much of waste and extravagant expenditure. If the respective States having common schools and caring for the agricultural schools and colleges—and there are a great number of colleges that do not depend upon appropriations—will perform their functions, as they are performing them now practically, in my opinion, for peace time, we will not have much trouble. As the cost of products decreases and the compensation of certain people and teachers amongst the communities increases, under the law of demand and supply we will get back to peace conditions.

I am not going to make any attack on this Bureau of Education. I will not say what some people suspect, that this is to pay very considerable salaries to monopolize the superintendence of teachers all over the country, somewhat similar to the work of the Department of Labor, duplicating to some extent the work of the Department of Education; "cooperating," they say. So far as I am concerned, I would be willing to make a motion to strike out this \$5,000 entirely. Let us get back to normal.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. LAYTON. I would like to ask whether if it is not a fact that practically all the States of the Union have an educational employment bureau to supply the public schools?

Mr. CANNON. Oh, yes. That is a fact. I hope to live to see a return to normal conditions not only touching this industry, which would increase greatly if its demands were complied with, but with respect to many other industries, centralizing in Washington the functions of the Government with high-priced employees when centralization is not needed. Great heavens! I want to get back to let the States perform their functions. [Applause.]

Mr. FAIRFIELD. Mr. Chairman—

The CHAIRMAN. The gentleman is recognized for one minute.

Mr. FAIRFIELD. I think there is no doubt that every university in this country has an agency of its own to place its own products. Every State in the Union has an educational department, and information as to men who are available is not difficult to obtain. What I object to chiefly is not the increased \$20,000 for this year; but once the nose of the camel is into the Treasury there are limitless possibilities about this whole thing; and I am quite in sympathy with the gentleman from Illinois [Mr. CANNON], who would strike out even the \$5,000, but perhaps it ought to remain in. So I think, gentlemen, it is just as well to get away from extending and increasing the centralizing powers that will take business, education, and incidentally, perhaps, re-



ligion or no religion—which is a man's attitude on the subject of religion—away from the locality and concentrate it in Washington. So, perhaps, we should look, not to the cutting out of the amount carried for this year but to the possibilities of the future.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment.

Mr. LAYTON. I move to strike out the paragraph, lines 3, 4, and 5, on page 14.

The CHAIRMAN. The gentleman from Delaware moves to strike out the paragraph. The question will first be taken upon the amendment of the gentleman from Iowa [Mr. TOWNER], which is in the nature of a perfecting amendment.

The question being taken, the amendment was rejected.

Mr. BYRNS of Tennessee. Mr. Chairman, a parliamentary inquiry. Has debate been exhausted on the paragraph and the amendment just offered?

The CHAIRMAN. Upon the paragraph and all amendments thereto. The question is on the motion of the gentleman from Delaware [Mr. LAYTON] to strike out the paragraph.

The question being taken, the amendment was rejected.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROWNING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands.

#### FIRST DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

#### OUT OF THE POSTAL REVENUES.

#### OFFICE OF THIRD ASSISTANT POSTMASTER GENERAL.

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured, and collect-on-delivery mail for the fiscal years that follow:

For 1918, \$100,000;

For 1919, \$300,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to bring to the attention of the committee two items in connection with this matter of indemnity. In looking over the request for appropriations to take care of these indemnities on parcel-post matter I notice that in 1918 we appropriated \$320,000 for this item. The first deficiency bill asked for \$180,000 and the second deficiency bill for \$650,000. In 1919 the appropriation was \$670,000. The amount asked for by the department when the first deficiency bill of this year was up was \$890,000 and the estimate for this next year reaches the sum of \$2,000,000. I am interested to know why this sum is so rapidly growing, from \$320,000 last year to \$2,000,000 this fiscal year.

Mr. GOOD. I will say to the gentleman that I do not have personal knowledge with regard to the matter. The question of the necessity of making the appropriation was gone into quite fully, but I do not believe the phase of the question to which the gentleman calls attention was brought out in the hearing of the officials of the Post Office Department. These amounts are paid out in small sums. My recollection is that the average payment is not over \$5 or \$6.

Mr. FESS. Between \$3 and \$10, I understand.

Mr. GOOD. Yes; the average, as I understand it, is about \$6, or perhaps nearer \$7. Now, I do not know whether it is because of the increased use of the insurance provision by persons who send by parcel post. It is barely possible that people have commenced to insure parcel-post matter more than they did formerly. The gentleman understands that formerly the Government did not insure the packages at all. Now, with the increased use of the insurance the gentleman can well see that there would be an increase in the liability of the Government. My recollection is that the amount appropriated for this purpose is about one-half the amount collected in insurance premiums. For example, in 1913, the fees collected amounted to only \$259,000, while in 1918 they amounted to \$3,229,000, and in 1919 it is estimated that they will reach \$4,130,000. The indemnities for 1914 amounted to \$175,000, whereas in 1918 they amounted to \$1,180,000, and the estimates for this year amount to \$1,351,000. It is barely possible that we are losing more mail than formerly. I do not know. The figures I have read would indicate that it is largely on account of the increased use of the service.

Mr. FESS. I would say to the chairman of the committee that I made a little investigation along this line, due very largely to some complaints that had come to my office about the difficulty in collecting indemnities; and in going into the matter I noticed this rapid increase in the amount of appropriations, which it seemed to me called for some explanation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FESS. It occurred to me that in addition to the increased business under insurance there might also be an increase of the losses, due to the Government handling of the business.

Mr. BLACK. Will the gentleman yield for a moment?

Mr. FESS. I will yield to my friend from Texas.

Mr. BLACK. When the Post Office Department made their estimate to the Committee on the Post Office and Post Roads on this particular item there was some discussion about the increase in the amount appropriated to pay these losses, and it was brought out that the number of insured parcels had very greatly increased, and, of course, also the losses had naturally increased in proportion, and that in addition to that the large amount of mail matter sent to the different cantonments had caused more losses than there would be in the ordinary course of the service.

Mr. FESS. I will say to my friend from Texas that I also asked about that particular item, and that there had been a great many parcels sent to cantonments, and that the possibilities of loss were greater in that connection than in the regular service. I want it very clearly understood that my queries are based upon a full realization that it is not altogether proper to do nothing except find fault, because the public not having settlements made readily would at once become irritable. It is not that, it was to get at why this was growing. I was attempting to find just how we adjudicated the cases. It seems to me, if I may be permitted to make the statement without seeming to criticize, that we ought to have a little better plan for some sort of record in the department of the transportation of the articles insured. I have tried to find whether there is the name of the one to whom the package is addressed, whether the name of the sender is kept, whether the amount that is being sent is known, whether when a claim is made we might get at it to ascertain whether the Government is being in any way defrauded on misrepresentations by the sender. I have not been satisfied myself that the Government is guarding its own rights along that line. I have understood that there is a general order that expedites the settlement of smaller claims because they have so rapidly grown and accumulated. So that claims of about \$5 and under are rushed through rapidly, and the question is whether the Government is guarding itself against false claims so as not to lose unduly. Let me ask my friend from Texas if there is a record kept?

Mr. BLACK. I will say to the gentleman that I do not think they keep a record with the same particularity that they do of registered mail packages, but of course it is the custom of the Post Office Department to require a very definite proof of the loss. I have no doubt that in spite of that fact the department is imposed upon at times, just as the loss and damage claims against railroads are sometimes put in that are not justified.

Mr. BEE. Mr. Chairman, I want to make this suggestion. In the first place, one of the principal difficulties in matters of this kind is the incomplete and insufficient addresses often put on by the parties sending the packages.

In regard to the keeping of records, I do not know just what records are kept.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BEE. Mr. Chairman, I move to strike out the last word. Now, I want to say to the gentleman from Ohio that I do not know whether the Post Office Department here is keeping the records, as suggested by the gentleman from Ohio. Of course, a record is kept in the local post office, and when a loss occurs the Post Office Department must necessarily depend on the records in the local post office. It would be a fine system to keep the records in the General Post Office here, but it must readily occur to anyone that to do so would put an additional burden on the already overburdened employees in these places, especially in the smaller places where they are allowed a very small amount for clerk hire and insufficient compensation.

Mr. FESS. Will the gentleman permit an interruption?

Mr. BEE. Yes.

Mr. FESS. It was stated to me on inquiry that the record was not being kept because it would entail an expenditure that would not be commensurate with the advantage that would accrue.

Mr. BEE. The only way that the records could be satisfactorily kept would be for Congress by appropriate legislation to increase the compensation of postmasters all over the country, especially in the small fourth-class post offices, giving them



additional help because when a person brings a package to mail the clerk has to fill in the different blanks and memorandum and have them signed, and those are kept in his office, but to cause them to keep records for transmission to the General Post Office would require, in many instances, the services of additional clerks.

In many of these offices the clerk hire, as the gentleman knows, is only a few dollars a month, which is an addition to some one who is already employed there. I do not think there is any chance for fraud against the Government in matters of this sort, more than there is in general claims against the railroads. Of course, frauds will creep in. If the Congress desires post offices, both in local offices and the central office, to keep complete and perfect records by which all matters could be definitely and quickly traced, they would have to largely increase the force.

Mr. FESS. Let me ask the gentleman if he thinks the additional expense would reach anything like the increase in saving?

Mr. BEE. I think the additional expense would not be commensurate with the advantages that were sought to be gained because the losses are not so very extensive, there are not so many, and can most always be proven by the only record that is kept.

Mr. CANNON. Will the gentleman yield?

Mr. BEE. Certainly.

Mr. CANNON. I have an impression that the extraordinary increase in losses is through the mail-order houses in the large cities, and that when you come to the fourth-class post offices there are not many packages that originate there. A good many are received because these mail-order houses are sending packages all over the country.

Mr. BEE. I think the gentleman from Illinois is correct. In other words, the history of the smaller post offices is that it is very seldom that these packages originate there. If so, they are for the transmission of trinkets and personal things between friends. The great bulk of the parcel-post matter comes through the enlargement and enhancement of mail-order houses which send to all persons of the country. It is a fine system, but sometimes it is destructive of the little fellow who has the country store and has built up a business and the parcel post is driving him out. However, the parcel-post system is of great advantage to the people and should be maintained in its full force and effect.

The Clerk read as follows:

For additional clerical and subclerical employees in the Department of Justice in the District of Columbia, \$12,000.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. I am a member of the Committee on Expenditures in the Department of Justice. When appointed to that committee I well understood that it was not expected to concern itself with appropriations, but was expected to concern itself with expenditures that had been made. I further understood that it was not likely that this committee would extensively function. In this expectation I have not been disappointed. I wish to take this opportunity to call to the attention of the chairman of the committee in charge of the matter now before us, in connection with his study of methods for improving the financial methods of our Government, the fact that inevitably I have contrasted the method here in use with that in use in a legislative body with which I am very familiar through somewhat long service. I have no grievance, no hobby to ride, no complaint to make, but venture the observation that there may be found merit in the system in use in my own State and in some other States, wherein a preliminary study of appropriations is made by a specialized committee whose judgment is then put at the command of the finance committee. For instance, in the few States that use this method, the judiciary appropriations now under consideration would have gone, first, for the study of a specialized committee. Its recommendations, if favorable, would then have been passed on by the Committee on Appropriations. The advantage of this system is that it secures weeding out of a great mass of trivial or worthless proposals which otherwise would take the time of the committee on finance; and in the second place it brings to the subject the study of men who, by year after year of service on the specialized committee, acquire a familiarity with the topics which makes their advice of value. Inasmuch as this method has been found of great service in the States to which I refer, is not a novel proposal, has been tested by long experience, I trust that the gentleman so much interested in reforming our financial procedure, and in charge of recommending to us new methods accompanying a budget proposal, will give the possibility of following the example of these legislative bodies serious consideration. I withdraw the pro forma amendment.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, \$200,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 17, line 5, after the semicolon, strike out the balance of line 5, and also lines 6, 7, 8, and 9, and insert: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products or associations of farmers or organizations, corporate or otherwise, of farmers and others who organize and cooperate in an effort to and for the purpose to prepare for market and market and obtain and maintain a fair price for their products or the products of the members of any such association or organization.

Mr. BARBOUR. Mr. Chairman, my purpose in offering this amendment is to broaden somewhat the scope of the language of the bill and at the same time include farmers' marketing organizations, which I believe it was intended to include within the scope of the language. In the western part of the country there are organizations of farmers, or farmers' marketing organizations, which do not consist entirely of farmers, and I want to say to the Members of the House that I believe they are the most successful farmers' marketing organizations in existence. They are to-day the models that are followed by farmers' marketing organizations all over the United States. For 20 years the farmers and fruit growers of California tried to market their products by means of cooperative marketing associations. Year after year those organizations failed, not the same organizations, necessarily, but one was succeeded by another, and each was a failure until finally the scheme was adopted of incorporating and having capital stock. When this scheme was adopted the farmers' cooperative marketing associations in that part of the country were just about as far below par as they possibly could be in the estimation of the farmers. But, in order to help the cause along, bankers, business men, and professional men put money into these associations and bought stock for the purpose of helping the farmers in their communities and thereby helping their communities. Every one of those associations is to-day successful. As I say, they stand as the models of farmers' cooperative market associations throughout the country. They have established credit.

I know of my own knowledge that the first association of fruit growers that was organized along these lines in the year 1913 found it almost impossible to borrow \$60,000 from the banks in order to handle the 1912 hold-over crop of raisins in our section of the country. Only a few days ago I was reading in one of the Washington papers that the banks of New York City had combined to advance to the California Associated Raisin Co., which is the first of these organizations to be formed, unlimited credit to handle the crop of the year 1919.

My purpose, as I stated a moment ago, in offering this amendment is to broaden the scope of the language, but at the same time I believe that it follows a meaning of the language in the bill.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. LAYTON. I want to say to the gentleman that I am not opposed to his amendment if it is necessary to vote upon it; on the contrary, I am in favor of it; but I would like to know from the gentleman and from the House generally whether there is any law in this country that prevents any organization of individuals from any combination or agreement having in view the increase of wages, and so forth, or is there any law in the country that prevents producers of farm products and associations from pursuing that course in order to obtain a fair and reasonable price?

Mr. BARBOUR. I believe there is. I will say to the gentleman that I understand that the Clayton Act exempts labor organizations from the provisions of the antitrust law. It was intended at that time, as I understand, and as I am told, to exempt farmers' organizations; but the language of the Clayton amendment—

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. But the language of the Clayton amendment does not seem to exempt these marketing organizations.



Mr. LAYTON. I should support the gentleman's amendment.

Mr. IGOE. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. IGOE. As I caught the reading of the gentleman's amendment it refers to "others," to associations whether incorporated or not. How far would the gentleman go with this exemption?

Mr. BARBOUR. The last clause of the amendment limits its operation, I will say to the gentleman from Missouri, because that clause holds the organization to the marketing of the products of members of the organization.

Mr. IGOE. What does it mean by "others"?

Mr. BARBOUR. It means simply this, as I stated a moment ago—

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. I would ask for one more minute.

Mr. GOOD. Mr. Chairman, I want to see if we can agree on time for debate on this amendment and all amendments thereto. I ask unanimous consent that debate upon this paragraph and all amendments thereto be limited to—how much time does the gentleman want?

Mr. BARBOUR. Only sufficient to answer questions—five minutes.

Mr. HERSMAN. I would like to have some time.

Mr. GOOD. I will modify the request and say that all debate upon this amendment be limited to 25 minutes. I will only take 5 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the debate upon this amendment be limited to 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. IGOE. I want to find out from the gentleman whether this amendment would go to the extent—

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes. The time of the gentleman from California has expired.

Mr. IGOE. Mr. Chairman, I am trying to get the scope and effect of the amendment of the gentleman by his inclusion in the amendment of the word "others" and also the use of the word "corporate." What I am trying to get at is this: Whether people who are not farmers, who are not producers, may engage or go into combination with those who are producers or with others in a similar situation and will they secure protection from prosecution?

Mr. BARBOUR. Now, in answer to that, I will again call the attention of the gentleman to the one organization particularly which I have in mind, which exists in California, and I have no doubt that there are others similar. When this organization was first proposed they had had several years' experience with cooperative market organizations, every one of which had been a failure. The suggestion was then made, in order to establish and create an association which would have a credit, that they incorporate under the laws of the State, with capital stock, fixed capital, and all the other attributes of a corporation. The farmers had had such disastrous experiences with the old cooperative associations that some of them did not take enthusiastically to the idea. Then it was organized as a sort of a community proposition, everybody getting behind it for the benefit of the community, merchants subscribing to stock, professional men subscribing to stock, and bankers. And now the percentage of stock that these men own is very small, compared with the total.

Mr. IGORE. But suppose the packers get into some combination, what is to prevent them from being exempt from prosecution under the antitrust laws under this appropriation?

Mr. GOOD. Why should they not be exempt from prosecution just as much as any other combination of producers? If they unnecessarily increase prices—

Mr. IGOE. I am not asking that question.

Mr. GOOD. They do an unlawful thing.

Mr. IGOE. I am trying to get the effect of the gentleman's amendment. Of course, if the gentleman wants to exempt packers, I suppose he will not authorize any money to be appropriated or authorize any money—

Mr. GOOD. The gentleman is mistaken or he would not say that.

Mr. IGOE. The gentleman seems inclined to think packers and everybody else ought to be exempted.

Mr. GOOD. I would not exempt anybody guilty of violating the law, any more than any other violator of the law. Every violator of the law ought to be punished and—

Mr. IGOE. What I am trying to ask the gentleman from California is, How far he wants to extend the exemption that Congress has been writing into the laws in the past? We find

ourselves up against the proposition that producers—that dairy-men—are exempt. I am not going to argue that question, but are you going to permit the men who retail the milk in the cities, for instance, the distributors, now, to be protected from prosecution when you allow them to go and organize, to go out themselves and make a combination that will hold up the price to the people in the cities still further? I am not making any claim that this exemption is justified that is in the law now, but I want to call the attention of the House to the effect of the amendment suggested by the gentleman from California and ask if it is not worthy of serious consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Chairman, I want to be heard in opposition to this amendment. At the present time the prosecuting officers of the United States Government in the State of New York are busily engaged in an effort to reach the gentlemen who have been increasing the price of milk in the city of New York, who do not happen to be farmers but who happen to belong to some of these organizations. If this amendment goes through the very thing that the United States authorities are trying to do there is going to be stopped immediately, because it prohibits the use of any of this \$200,000 for that purpose. Now, I know the gentleman from California did not want to bring about such a condition of affairs, yet that is the effect of the language of his amendment.

Mr. BARBOUR. Will the gentleman yield?

Mr. SIEGEL. I certainly will.

Mr. BARBOUR. My amendment does not do that.

Mr. SIEGEL. The last line of your amendment takes in anybody who may belong to that organization. He does not have to be a farmer. He can be a manufacturer or the kind of a man who simply wants to get into an organization for the purpose of increasing the price. And that is what they have done in the State of New York, and that is why the people of the city of New York to-day are fighting hard to bring the price of milk down to a reasonable figure and not have it kept up.

Mr. BARBOUR. The last line of my amendment, the last clause, provides that these organizations, whether they are composed entirely of farmers or farmers and others—

Mr. SIEGEL. That is the point—"and others."

Mr. BARBOUR. Must market the product produced by farmers who are members of the organization. They could not go outside of the organization.

Mr. SIEGEL. I will say to you, gentlemen, that I have read the amendment very carefully. In the last line it reads:

And others who organize in an effort for the purpose to prepare for market, and market, and maintain a fair and reasonable price for their products or the products of the members of any such association.

And there is not anything in the world to prevent any Tom, Dick, Jack, or Harry, farmers or otherwise, from organizing such an association and putting up the price, as they have done in the State of New York. And I do not know of any amendment that would arouse more popular wrath than this kind of an amendment, which would permit this kind of an organization, because this is the very thing these organizations in the State of New York are trying at the present time to do, to prevent these profiteers from being sent to prison, where they properly belong. And they have put the price up to 18 cents.

Mr. PLATT. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. PLATT. Is there anything in the present law to prevent an organization being organized to handle a single product?

Mr. SIEGEL. It goes a step further. It says that no part of this fund shall be used for that purpose, and at this very minute, while we are discussing it here, the United States district attorney for the southern district of New York is engaged in preparing testimony and evidence in order to prosecute, and you take away the money from them.

Mr. LAYTON. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. LAYTON. What I would like to know is this: Do you not believe that the great agricultural interests of the country have a right to organize intelligently in order to get the best results for their labor, when you accord that privilege to everybody else in the country?

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment.

Mr. HERSMAN. Mr. Chairman—

The CHAIRMAN. The gentleman from California [Mr. HERSMAN] is recognized for five minutes.

Mr. HERSMAN. I will say that at the present time there are pending two bills before the Judiciary Committee to clarify the situation in regard to the farmers of our Nation. I think there is not a person in this Congress that, knowing the situation, does not realize that it is vital to the farmers of this Nation to



organize into cooperative associations, not only for their own protection but for the protection of the consumer. The farmer is helpless when it comes to bargaining alone. Individually he can not protect himself against his organized enemies. He has never had a thing to say as to the price at which he should sell his goods or the price he should pay for his goods. The speculators and the gamblers of this country have taken charge of the farm products of our Nation, greatly to the detriment of the farmers and to the detriment of the consumers.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. HERSMAN. I will.

Mr. NEWTON of Minnesota. Does the gentleman know of any instance where any farmer has violated the laws of the land in reference to the antitrust act?

Mr. HERSMAN. I will say that at the present time the antitrust act is in such shape that the farmer does not know what his position is.

Mr. NEWTON of Minnesota. That is right.

Mr. HERSMAN. Those that produce the milk, not the men that deliver the milk, are under indictment in three States at the present time. At the present time the raisin growers of California are directed to appear before the Federal Trade Commission to show cause why they should not be indicted. I believe the Congress of the United States wants to give the farmer a chance, not to avoid the Sherman antitrust law nor to combine in restraint of trade, nor to combine for unlawful purpose, but the Congress of the United States wants to say that when the farmer engages in collective bargaining he is not in violation of the law, because he can not bargain alone.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. HERSMAN. Yes.

Mr. NEWTON of Minnesota. Is that the way to get at it? Is not this the absolutely wrong way to get at it, to say that a thing is a crime, and then that a certain class of our communities shall not be prosecuted for violating it?

Mr. HERSMAN. Yes. I was not in here when this was first brought up, but I have heard enough to know that if the opportunity comes you gentlemen will say that the farmer, when he combines in a cooperative movement, is not in violation of the laws of this land. I want to tell you that the serious milk situation is not the fault of the farmer. Any man knows that the milk situation of this country and the high prices are controlled by world-wide conditions. The price of milk is reflected each day by the price of butter and cheese, and the farmers of this country are not getting an unreasonable price for their milk. There are 13 separate and distinct delivery wagons bringing milk to one apartment house of this city, and the waste comes not from the farmer, but from the distributing of that milk. And I will tell you, if I have time, where the farmers' cooperative marketing associations have increased production in their particular line 300 and 400 per cent. The almond growers of California were helpless under the old system. Their orchards were being neglected all over our great State, and the almond grower was getting 25 cents out of the consumer's dollar. Under cooperation he is to-day getting 75 cents out of the consumer's dollar and has never raised the price to the consumer through all these years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERSMAN. I want just one minute in which to say this—

The CHAIRMAN. The time of the gentleman has expired.

The Chair will recognize the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I represent almost wholly an agricultural district. Never have I up to this time had a farmer or a representative of a farmer say to me that he was doing anything that was questionable under the antitrust law or that he had been accused of doing such a thing. His acts had never been questioned in that regard and no one has ever asked me to support this provision. I do not know where this whole legislation came from in regard to the farmer, but when I read that provision and when the committee read it I almost had to hang my head in shame to think that this Congress or that any Congress had placed on the statute books a law that prevented the prosecution of a crime.

I am in hearty sympathy with what President Wilson said when signing the sundry civil bill on June 23, 1913. He said he approved it because there were ample appropriations for the Department of Justice without touching this appropriation. But this is what he said:

I have signed this bill because I can do so without, in fact, limiting the opportunity or power of the Department of Justice to prosecute violations of law by whomsoever committed. If I could have separated from the rest of the bill the item which authorizes the expenditure by

the Department of Justice of the special sum of \$300,000 for the prosecution of violations of the antitrust law, I would have vetoed that item, because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle; but I could not separate it.

Further on he says:

I can assure the country that this item will neither limit nor in any way embarrass the action of the Department of Justice on other appropriations supplying the department with abundant funds to enforce the law. The law will be interpreted in the determination of what the department should do by independent and I hope impartial judgments as to the true and just meaning of the substantive statutes of the United States.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. No; I can not yield.

Mr. LAYTON. I wanted to ask the gentleman a question.

Mr. GOOD. Now, gentlemen, this bill carries a provision—to do what? To increase prices? No. The country to-day is not suffering because of low prices. It is suffering because prices are too high, and is demanding that they be reduced, and we carry here a provision to give the Department of Justice every penny it asks for, not to protect the man who is violating the law, not to place him in a class by himself and say to him, "You can violate the law with impunity and go scot free," but is to say to the hoarder, to say to the profiteer, to say to the violator of the law, "You must obey the law or you will be punished." And we have given the Department of Justice all it has asked for, every dollar it has asked for, to stop this combination or unlawful conspiracy to increase prices.

Why, the gentleman's amendment would permit these associations of farmers to cooperate with the packers, and they could raise the price of meats to any limit they desired, and yet the department could not spend a dollar of this appropriation in prosecuting them. It would permit an association of farmers to enter into a combination with an association of canners to place canned goods on the market at a certain increased price, and to hold them until they got the price, and not a penny of this appropriation could be used to prosecute them. Already, as President Wilson pointed out, we have gone far afield in throwing about the violators of the law certain immunities. I am not willing to go a step further. I would go back and wipe the whole thing from the statute books if I could. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CANNON rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I, too, represent one of the best agricultural districts in the United States. I think I want to protect my constituents, whether they are engaged in coal mining or manufacturing—and there is much of coal mining and much of manufacturing in my district as there is also elsewhere in the State of Illinois. I believe in all legislation that will prevent conspiracies to increase prices beyond a reasonable limit.

Let us look at the thing a minute. Because a man, an American citizen, works in a coal mine, or works in a brickyard, or works on a farm, or is a merchant, or a packer, or what not, all the laws of the United States, like the grace of God, ought to cover every citizen of the United States, without discrimination or differentiation, rich and poor, great and small, alike. [Applause.]

Now, I am not for this amendment because I think it goes beyond the present law. Much has been said about the Clayton Act and the Sherman Antitrust Act. If the laws need amendment, let legislation amending them originate with the Committee on the Judiciary, with the proper committee under the rules of the House, rather than upon an appropriation bill. The jurisdiction of the Committee on Appropriations is confined to the recommendation of appropriations to the House of Representatives for its consideration, pursuant to existing law.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. CANNON. I have only five minutes.

Mr. BARBOUR. I would like to ask the gentleman a question. Mr. CANNON. Make it very brief.

Mr. BARBOUR. Was not practically the same language that is included in this bill, after the word "further," included in the bill which Congress passed a week or 10 days ago, to prohibit hoarding, affecting the farmers?

Mr. CANNON. I was not on the Committee of Agriculture and probably was not in the House when the bill the gentleman refers to was considered. I do not know whether it was passed or not, but I am not in favor of giving any combination of American citizens, or people that deal in America, who are not citizens, in whole or in part, exemption where it is denied to all the other citizens of the United States. [Applause.]



Now, there is much abuse of the packers. I do not know whether they are guilty or not under the law. They say that their total profits are only 2 per cent. I am not going to discuss that. But if they have unlawfully conspired to cooperate to fleece the people, then they ought to be prosecuted under the laws that exist. But I am for extending just as much protection to the packers and to the mail-order houses and to the merchants and to the coal miner and to the farmers as to any other class. They should all be treated alike. Let the laws cover all the people in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. HERSMAN rose.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 17, line 1, amend by striking out the words "or individual" and inserting in place thereof the words "other than an organization of public officers or any individual other than a public officer," so as to read:

"Provided, however, That no part of this money shall be spent in the prosecution of any organization other than an organization of public officers or any individual other than a public officer," etc.

Mr. LUCE. Mr. Chairman, two wards of the district that I represent are in the city of Boston, and therefore within the scope of the recent activities of the striking members of the Boston police department. This amendment is intended to put upon record the expression of this House, if it see fit, to the effect that the action of those policemen was what the governor of the Commonwealth has described as desertion and what the President of the United States has called a crime. [Applause.] While this amendment possibly has no direct influence or bearing upon the situation, it will, at least, tell the people that we, representing the people, agree with the President of the United States and with the governor of the Commonwealth of Massachusetts, and with all thoughtful men who have discussed this subject, that for public officers to desert their duty is a betrayal of duty. [Applause.] If time permitted and if it were of consequence, I would enter upon a discussion of the question of what is a public officer. I could recite to you at length the decisions of the courts holding that policemen are public officers—agents of the people. I could read to you a court decision showing that firemen are public officers; and I am thankful to tell you that the firemen of the city which, in part, I represent have given out the word that they do not intend to strike, that they do not intend to betray the government they have undertaken to serve, but that they will stand faithfully by the obligations of their office. [Applause.] All I ask is that you to-day shall make this particular declaration that the antitrust laws, at any rate, shall not be so treated as to exempt from their operation our officers, the agents of the people, our servants, our soldiers who have enlisted to fight in times of peace battles against crime, just as important to the safety of society as those that have just been fought on the fields of France. [Applause.]

Mr. McKENZIE. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. McKENZIE. The present law excludes labor organizations from the punishment prescribed for unlawful combinations, and the purpose of the gentleman's amendment is to take the officers of the law, such as policemen, out from under the protection of that section of the so-called Clayton antitrust law. Is that the gentleman's idea?

Mr. LUCE. That is my purpose, and my sole purpose. [Applause.]

Mr. TINCHER. Mr. Chairman, I desire to support the amendment. I have listened with great interest to the discussion of these two provisos of this bill, and it occurs to me that it is probably time that we have an understanding about the attitude of Congress toward the laws of the Nation. I favored the bill recommended by the Agricultural Committee in exempting the farmer to some extent from the charge of profiteering, believing then and now that the farmer should be his own judge as to when he should market his product and as to how he should handle his crops. But to have a criminal statute making a thing unlawful, and then an appropriation for the Department of Justice to enforce the statute, and to say to the Department of Justice, "You shall not use any part of this appropriation to enforce this law against some individual," is, it seems to me, the wrong kind of legislation. [Applause.] I think we ought to strike out both these provisos as wrong. I represent a farming community, but if any law applies to my constituents making a thing a crime, I do not want to have to go around to the De-

partment of Justice and say, "Here, you can not enforce that law against my constituents, because the appropriation which you have prevents you from doing it."

Mr. BARBOUR. Mr. Chairman, will the gentleman yield for a question?

Mr. TINCHER. Yes.

Mr. BARBOUR. Is not the language of this second proviso, after the words "Provided further," almost exactly the same as the language in the bill reported by the Agricultural Committee and passed by the House a week or 10 days ago?

Mr. TINCHER. Yes; but in the Agricultural bill we refused to make it unlawful for the men to do these things. Now, I say it is unnecessary for the Appropriations Committee to provide that the Department of Justice shall not use their money to enforce the law. I believe the action of the Committee on Appropriations in deciding what law they will permit the Department of Justice to enforce against certain classes and exempting others is wrong. I believe the committee charged with the responsibility of recommending a criminal statute should take that responsibility, and that the committee charged with the responsibility of furnishing funds to the Department of Justice should take their own responsibility; and while I can not agree with the chairman of this committee in his accord with the President with reference to the agricultural people of the United States, I do agree with him that these provisos should have been left out of this bill.

Mr. BYRNES of South Carolina. Does the gentleman know that the President was in accord with the distinguished ex-President, Mr. Taft, who vetoed a bill for the reason that a similar provision was in it several years ago?

Mr. TINCHER. I do not; but I am not surprised that he had to have some good precedent for one good act. [Applause.]

I shall offer an amendment before we pass this section to strike out both these exemption provisos, and I serve notice on the Committee on Appropriations now that when we have a criminal statute, if any class are to be exempted from penalties, that exemption should be in the law itself and not in the appropriation for its enforcement. [Applause.]

Mr. BARBOUR. If you will strike out both provisos I will vote for this; but my purpose in offering the amendment to the second proviso was not to stand here in defense of any of the trusts or of the packers. I want to say that if they had no stronger friend on the floor of this House than I am they would be in a mighty bad way; but I say we should make no exceptions whatever. That is the purpose of my offering the amendment. I am not standing here in defense of the packers or the trusts, because I hold no brief for them.

Mr. TINCHER. Or policemen, either.

The CHAIRMAN. The time of the gentleman has expired, and all time has expired.

Mr. FESS. Mr. Chairman, has all time expired?

The CHAIRMAN. On the amendment of the gentleman from Massachusetts.

Mr. GOOD. Mr. Chairman, there is an amendment pending.

The CHAIRMAN. A perfecting amendment is pending offered by the gentleman from Massachusetts.

Mr. FESS. I would like, Mr. Chairman, to be heard on the motion to strike out.

Mr. CANNON. Before the gentleman from Ohio begins, is the motion that is pending to leave the paragraph with an appropriation for the enforcement of the antitrust laws of \$200,000 and striking out the two provisos?

Mr. FESS. Yes; the motion is to strike out the two provisos only.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. FESS: Beginning at line 23, on page 10, strike out the two provisos.

Mr. GOOD. Mr. Chairman, there is an amendment pending, and I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

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

Mr. FESS. Mr. Chairman, I am not sure at the present moment whether the gentleman's amendment is not a part of the proviso, and I do not want to strike that out.

Mr. BYRNES of South Carolina. It is a part of the proviso.

Mr. PLATT. If we strike out the provisos there will be no object in the amendment of the gentleman from Massachusetts.

Mr. LUCE. The amendment offered by the gentleman from Ohio is broader and includes my amendment. If his amendment goes through, and I hope to have the pleasure of voting for it, I shall be perfectly satisfied. [Applause.]

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.



The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. The amendment of the gentleman from Massachusetts having been adopted, is it now in order to move to strike it out?

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Massachusetts was in the nature of a perfecting amendment to the first proviso, and a motion to strike out that proviso and the rest of the paragraph is in order.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I was in the House when this discriminatory legislation was first enacted. I thought there was a good deal of virtue in the Clayton bill and was anxious to support it because of its general purpose, but I was one of the few Members of Congress that voted against that bill because it wrote this particular feature in it. [Applause.] It defined a legal statute and then proceeded to exempt certain classes from its operation.

I have from the beginning thought that if we in Congress begin on a legislative program that discriminates in favor of one or against another we put ourselves in the position to being discriminated against. [Applause.] While I wanted to support the legislation known as the Clayton bill because of its value, it had one vicious feature in it, and that led me to vote against it. The fundamental basis of the American Government is that security that all are equal under the law. Any step to deny that protection is the entering wedge of danger.

There was another case that came up soon after exempting certain groups of people from the operation of the antitrust law known as the Sherman law. I voted against it and urged its defeat on the same ground that I urged against the Clayton law, that it is wrong to first define a crime and then write in the same law an exemption from prosecution of certain classes. [Applause.]

If I vote for a law that will punish one colleague and will exempt from punishment another colleague, both doing the same thing, I open the door to dangerous legislation. [Applause.] Time and time again this exemption is written into various appropriation bills. Many of us have resisted the exemption until finally everybody gave up and said what is the use to go further. Even this committee I do not believe individually or collectively favor this sort of thing. It brings it in because it seemed under the drift of legislation there was no value in objection.

I insist, Members of this House, that the time is now here, judged by the rapid drift of disintegrating forces against law and order throughout the world, for the American people to make an issue upon making laws that will apply to everybody alike and thereby exempt nobody. [Applause.] Opening the door to this sort of legislation invites classes of people with immunity or without it, and with impunity to state to us definitely, in the form of a demand, that if we do not do so and so we will hear from them. Our mails are bringing such demands. I am ready to make that issue at any time. It will first appear in the form of class legislation, and then it will come in a demand for new exemption, then it comes in making demands, as was done in 1916, that this Congress interfere with private contracts as to whether these men's wages shall be increased, and we in a humiliating way surrendered the Government to that demand, as we did in 1916 in the Adamson Act.

Now comes, under the threat, that additional and inevitable demand that unless we do so and so the whole transportation business of the country will be paralyzed. This goes not to wages but to a principle of public service which approaches a revolution, and we are given the order that we are expected to pass certain laws at the behest of special classes in spite of public interest or else we will hear from the men who are now giving us orders. These men, inspired by their success in 1916, are but advancing step by step along similar lines. Following that you will have the same thing appear in the fire departments; it will come in the police department, which is now threatening the Capital and the city of Boston. Success in these departments and it will come in the Army and then in the Navy, and then you have Russian sovietism ripened into full bloom right here in America. [Applause.]

I say to you the time has come for us to make the issue. I for one am ready for it. If it must come, it is best to let it come now and not attempt to play with it. I hope the Members of this body will prove their heritage and will have the courage to stand by the American standards of life whatever it may mean and not be dictated to by any group of men whatever be their names or station, whether capitalist or laborer, manufacturer or farmer. We must stand for the public good even though to do so invites determined opposition. [Applause.]

Mr. HERSMAN. Mr. Chairman, I take issue to a certain degree with the gentleman from Ohio [Mr. Fess], who just took his seat. The laws of this land say that when men combine in corporations they can discuss and set prices on their own

goods, and they do so combine. We have great corporations, such, for instance, as the great steel corporations of this country. They do combine, and they are not in violation of the Sherman antitrust law; but if two farmers combine in this country they are in violation of the Sherman antitrust law and the Clayton Act.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. In just a moment. If two laborers combine, unless they are specifically excepted, they are in violation of the law. I say that the only way the farmers and the laborers of this country can bargain is by combination, and if you do not exempt them you take away from the laborer and farmer their only protection.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. FESS. Combinations not in restraint of trade or in violation of law are already permitted, and I represent a farming district, and Springfield, Ohio, in my district, is a splendid manufacturing center, with a large organization of labor. I do not think either the farmers or the laborers in my district are demanding this sort of legislation.

Mr. HERSMAN. Then why at the present time are the farmers of California under indictment, and why are the farmers of New York under indictment for violation of the Sherman antitrust law?

Mr. FESS. I do not know that they are, but if they have violated the law they ought to be.

Mr. PLATT. They are not being indicted. They are only being questioned.

Mr. HERSMAN. There are two cases against them, and I tell you right now that the farmers of Illinois, the milk producers, were cited and kept in jail over night.

Mr. PLATT. Under State laws. Certainly if two farmers get together and incorporate as a selling organization, or three farmers or a thousand farmers, there is no law whatever to stop them, and they can take anybody in the city in or leave them out. They are simply an incorporation for selling purposes, and unless they are an absolute monopoly there is no law that can stop them. There is no reason for this exception.

Mr. HERSMAN. If they are not in violation of the law, why are they annoyed and assailed? Why are they cited to appear all the time, and why are the milk producers under indictment at the present time?

Mr. PLATT. In some cases they are claimed to be monopolies, and the matter comes under a State law. I do not think that they have been prosecuted under Federal law.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. SIEGEL. Only a few moments ago, in an amendment offered by the gentleman from California [Mr. BARBOUR], the situation was practically explained by the addition of the words "and others." The other gentlemen who are in with the farmers, who combine with the farmers, are being placed under indictment, and properly so.

Mr. HERSMAN. The amendment of the gentleman from California may have gone that far, but that was not his intention.

Mr. SIEGEL. I agree with the gentleman there.

Mr. HERSMAN. His intention was to say that the farmers of the country when they combine for cooperative selling are not in violation of the Sherman antitrust law. They do not want to be exempted from prosecutions for a monopoly, the farmers of this country do not want to be exempted from prosecutions for restraint of trade. They only want you to say that they have a right to combine for cooperative selling, because they have no other rights, and if they can not combine to bargain collectively they can not bargain at all; individually they are helpless.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that debate upon this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate upon this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I think the argument upon this amendment has gone far afield from the language carried in the appropriation. I want to read what the provisions of the bill are with reference to labor and farmers' organizations:

*Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That



no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. Chairman, the labor organizations which can not be proceeded against are only those which are organized solely for the purpose of bettering conditions of labor or shortening the hours of labor or increasing the wages of labor, and which are perfectly legitimate purposes; but where a labor organization undertakes to make a combination in restraint of trade, there is not the slightest thing in this provision to prevent the prosecution of that organization. The same is true with reference to farmers' organizations, which are formed only for the purpose of securing a fair and reasonable price for the product of their own labor; but where they organize in restraint of trade they are liable to prosecution. I want to read to you just what the Attorney General, the law officer of the United States Government, had to say in the hearings relative to this provision and his construction of it:

Well, the combination of wage earners which can not be proceeded against is a combination having in view the increase of wages, the shortening of hours, or bettering the conditions of labor. If wage earners enter into a trust or combination in restraint of trade, not an association for the purposes set forth in the act, the fact that they work with their hands does not make them any less amenable to the law. This is only done to make it impossible to take action under the Sherman antitrust law against the union, against the labor organization, which has those purposes in mind. If men who belong to a labor organization go into a corporation, form a corporation which violates the Sherman antitrust law, they do not relieve themselves of liability because they happen also to belong to a labor union.

What Congress meant by it was that a labor organization formed for the purpose of increasing wages or shortening hours should not be considered a trust or combination in restraint of trade. That is what they meant by it, and that an association of farmers dealing in their own products should not be prosecuted under the Federal antitrust law, and this is the only way they could meet it; and while I would not say that we would not punish all violators of the law, because we will, I would not feel that I was free to give general instructions to persons employed and paid out of other funds to prosecute the persons you have said should not be prosecuted under this fund.

The proposition is whether you want to prevent labor from undertaking to better its condition or farmers from organizing for the purpose of securing a fair and reasonable price for their product. These objects are perfectly legitimate and proper, and Congress has so recognized them by carrying this identical provision for many years. They have never been relieved from liability in the event they should violate the Sherman antitrust law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. GOOD. Mr. Chairman, does the gentleman from South Carolina desire to use the time he has?

Mr. BYRNES of South Carolina. Mr. Chairman, I shall not use the five minutes. The gentleman from Tennessee [Mr. BYRNS] has called to the attention of the committee that which I desired to call to their attention. The language of the second proviso is as follows:

That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

I remember when that proviso was first added to the appropriation bill. Its purpose was simply to express the intention of Congress as to the antitrust law, that an association of farmers organized for the purpose of obtaining a fair and reasonable price for farm products did not constitute a violation of the law. Now, certainly the Congress is not of the opinion that we should appropriate money to prosecute an association of farmers organized for the purpose of obtaining a fair and reasonable price for their products. If the association exists for any other purpose, then the exemption does not apply. An association of farmers is exempt only where it exists for the purpose of obtaining a fair and reasonable price for their products, and I hope this proviso will not be stricken out.

Mr. SUMNERS of Texas. Mr. Chairman, I agree with those gentlemen who have expressed disapproval of this method of legislating. I believe it is not good legislative policy to provide that certain things may not lawfully be done, and then to prohibit the expenditure of money for the enforcement of the law against the doing of those things. My purpose in taking this time, however, is to direct the attention of the committee to a few fundamental things with which we are indirectly dealing. It should be borne in mind, gentlemen, especially those of you who live in great cities like New York, that to-day agriculture is compelled to bid against every other industry in this country in getting the labor to produce the food that we folks who live in the cities must have to eat. The men who work in the cities are organized, and their wages are going up constantly. Every time their wages are increased, that industry for which they work increases its bid against agriculture for the men that agriculture

must try to hold on the farm to produce that which we have to eat. It must not be forgotten that when the great industrial revolution came with the application of steam and electricity to transportation and to the development of power factories, the farmer was not able to organize the selling end of his business as were agriculture's industrial competitors. The products of the factory go upon the market carrying in their initial price the cost of production, every overhead charge, and a profit. The farmer's products go to the market to the highest bidder regardless of the cost of production. When the farmer comes to exchange his products with the manufacturer, his first question is: "What is yours worth?" and the next question, "What is mine worth?" That economical disadvantage operated against the business of agriculture has drained the country districts of population and poured people into the cities. One of these days you men who stand upon the floor here representing great cities, antagonizing and defeating agriculture's effort to successfully bid against industry for population and labor, your constituents will be asking, not with regard to the high cost of living but we will slip a cog in the machinery of production, and you will be asked, "Where on the face of the earth can we get the things necessary to keep ourselves alive?" [Applause.]

Gentlemen, this is not the way to legislate, I agree. I am willing to strike out both of these provisions, and let us come in here and legislate right. I have been trying since I have been a Member of Congress to have Congress enact legislation which will give the farmers of this country an opportunity to get their commodities to the market. But with each farmer competing against every other farmer, with his stuff going to the market to the highest bidder, with agriculture thus handicapped, having each man in its service offered higher and higher wages by the industries of the city, it becomes my concern and your concern that agriculture be given the necessary help to enable it to raise its bid to meet the higher bid of industry. I would like to know how, in the name of common sense, we can expect to maintain equilibrium of population as between the city and the country, with wages in the city going up and prices to the farmer going down. Nobody is compelled to farm. The free schools have liberated the country youth from ancestral vocation. He auctions himself off to the highest bidder. Do you want him to stay on the farm? Then agriculture must meet the bid of industry! That is all there is to it. In order for agriculture to meet that bid before the decimation of its population shall have progressed far beyond the danger point—it has already reached the danger point—and before its margin between current production and imperative necessity shall have been further reduced, something must be done to remove the economic handicap now resting upon agriculture, growing out of its disadvantage in the exchange of commodities. Any human activity which can put into its initial selling price the cost of production, every overhead charge and a profit, regardless of what its labor costs, can get more than its share of productive energy, when its competitor for this energy is compelled to accept the highest offer made, regardless of whether that offer covers even the cost of production.

To regard the difficulties of agriculture encountered in the sale of its commodities as being of vocational concern only is a narrow view which, if pursued, will bring us to the penalty of our folly. Cooperative associations, reducing economic and food waste in distribution, are in accord with the soundest public policy. They contribute to the individual and collective economy of those who purchase. Those who purchase must reach over beyond every waste, every intervening charge and profit, and give to the producer enough out of every dollar paid by the consumer to make the producer's total net profit as great as any other vocation offers to him. Personally I do not consider the dealing with these great problems of special vocational concern, through a comprehensive organization of those engaged in the vocation, as the best method. It is not a wise governmental policy which forces groups of citizens to organize for industrial warfare. Such a policy makes for industrial anarchy. It is a better policy for government to provide for the individual those facilities and that protection which is now being sought for through organization along vocational lines. Small marketing groups are not dangerous. Community organization is helpful, but at the point which marks the limit of community efficiency government should begin to function. The Agricultural Department should come into the same definite grapple with the problems of sale and distribution of farm products as with the problems of production and preservation of soil fertility, for these constitute the three big problems of agriculture.

Ever since I have been in Congress I have been trying to bring this about, and I warn you now, gentlemen, that either the Government must provide a marketing machinery through which the economic sale and distribution of farm products may be



effected by small communities and small merchants, or great organizations and great businesses must do the work—organizations so great and comprehensive that they can dictate prices and policies, and businesses so great that they may fix their charges for services rendered through their power to levy toll rather than upon the basis of the economic value of the service rendered. And this in turn will lead, as it is leading, to an irresistible demand for bureaucratic control.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, this provision exempting labor unions and farmers' organizations from prosecutions under antitrust laws was first adopted in the sundry civil act approved June 23, 1913. Shortly prior to that time the same provision was incorporated in the sundry civil bill and passed the House and the bill containing it was vetoed by President Taft and came back, as I recall, and was passed over his veto. After that it was again placed in the sundry civil bill and the bill was approved by President Wilson June 23, 1913, but at the time he approved it he appended to his approval the note I have read, in which he said he would have vetoed this provision in the bill if it could have been separated from the bill. He regarded it as vicious legislation. Now conditions have greatly changed since that time. They have changed right along the line of the suggestions of the gentleman from Tennessee and the gentleman from South Carolina. The Clayton Act was enacted on October 15, 1914, more than a year after this provision first became law, and that act in section 6 provides:

SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

That is the law, and since the enactment of that law it has been a waste of paper to place on the appropriation bill this limitation, for the limitation simply says that the money shall not be expended for prosecuting persons for that which the law says is not an offense. Now, I submit while we may continue to carry it just at this time when we are asking for the prosecution of every criminal, of every man who is a profiteer, of every man who is hoarding, of every man who is wasting or destroying the necessities of life in order to increase the cost, I wonder whether or not we do not hold out to some one an invitation to violate the law by saying that he, because perchance he may be a member of some organization, is immune from prosecution under the law by reason of such membership.

We may talk all we please about the fair-price provision, but who is to determine what price is fair? The seller will say it is fair, but the buyer will say it is not. I will guarantee you this, that the farmer who is profiteering, and some of them are, will not say that the price he receives is unfair. The man that is selling shoes down on Pennsylvania Avenue at 100 per cent profit will say his price is fair. The man that is selling clothing at 100 per cent in advance of what he pays will say, "Oh, look at my expense; my advertising cost, my rent, my clerk hire, and all that. My price is fair." The question of whether a price is fair depends altogether upon all of the facts surrounding each individual case. And yet we hold out here an excuse for a man to violate the law, to profiteer, on the theory that perchance while the price of his produce is not fair, it will be impossible to prove that fact. I know that to strike this out will mean the raising of a political issue by some. There will be an attempt to make a political issue out of it. When, however, under present abnormal conditions we are appropriating money to enforce the criminal laws of the United States, both sides of the House ought to stand as a unit, insisting that every law, every criminal statute, should be enforced against the big criminal and the little criminal alike. [Applause.] And unless we do enforce these laws we will get no relief in the near future in the way of a reduction in the price of the necessities of life. Let us leave no excuse for the enforcement of the law against every criminal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, may I be recognized? Let me read the first two lines:

Enforcement of antitrust laws: For the enforcement of antitrust laws, \$200,000.

Now, then, in comes the two provisos. If they are stricken out, does it take from or confer any additional power in the expenditure of this appropriation?

Mr. GOOD. I do not think it makes any particular difference. I think this matter is all provided for in the Clayton antitrust law. The law has been changed since those provisos were enacted, and the Clayton law expressly states that mem-

bership in such organizations, and so forth, are not violation of the Sherman or any other antitrust law.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HERSMAN. I would like to ask the gentleman one question. I noticed in the reading of the Clayton Act it says, "Farm organizations without capital stock."

Mr. GOOD. Yes.

Mr. HERSMAN. But, as a matter of fact, practically all of the farm organizations found themselves in a position where they had to have capital stock in order to exist. And they have provision in here that, with or without capital stock, the farm organizations would be protected.

Mr. GOOD. It is stated in the alternative, not having capital stock or conducted for profit.

Mr. HERSMAN. But when you have capital stock you are conducting for profit. You can not assume any other position, because you have to pay dividends on your capital.

Mr. GOOD. They ought not to be permitted to pay dividends out of profits made in violations of the law.

Mr. HERSMAN. You have to pay dividends on your capital stock or you can not sell your stock to anyone.

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from Ohio [Mr. Fess].

Mr. GARD. Mr. Chairman, I ask that the amendment be again read.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. MARTIN) there were—ayes 53, noes 19.

So the amendment was agreed to.

The Clerk read as follows:

Transportation of aliens: For expenses incident to the transportation of alien enemies to places of internment and to the return or removal of said aliens from places of internment in the United States to the countries of which they are citizens, or to their places of residence, or, in the discretion of the Attorney General, to such other places in the United States as they may elect; and for expenses of maintaining aliens in hospitals or otherwise outside of internment camps, \$200,000, to be available also for expenses heretofore incurred for said purposes.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent, in connection with this appropriation, for permission to insert in the RECORD a statement regarding the signing of the warrants, after a delay of 20 years, for the deportation of Emma Goldman and Alexander Berkman as anarchists.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Department of Agriculture.

Mr. EAGAN and Mr. JOHNSON of Washington rose.

The CHAIRMAN. The gentleman from New Jersey [Mr. EAGAN], a member of the committee, is recognized.

Mr. EAGAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 21, after line 22, insert a new paragraph, as follows:

"To enable the Secretary of Agriculture to meet the emergency caused by the recent and sudden spread of the Japanese beetle in the State of New Jersey and to provide means for the control and prevention of spread of this insect in that State and to other States, in cooperation with the State of New Jersey and other States concerned and with individuals affected, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, \$25,000: *Provided*, That not exceeding \$1,500 of the foregoing amount may be used in the discretion of the Secretary of Agriculture to reimburse owners of infested land for such damages as may occur by burning or any other action which may seem desirable in controlling the Japanese beetle.

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BLANTON. I make the point of order, Mr. Chairman.

The CHAIRMAN. Will the gentleman from Texas please state his point of order?

Mr. BLANTON. I make the point of order that there is no legislation authorizing the matter, and it is not proper in an appropriation bill, where there should be no legislation authorized.

The CHAIRMAN. The Chair will ask the gentleman from Texas if that is the sole ground upon which he bases his point of order?



Mr. BLANTON. Well, it is not germane to an appropriation bill, especially where there is no legislation authorized.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on the point of order?

Mr. EAGAN. I wish to say that a small amount has been set aside for that purpose, Mr. Chairman, and this is simply to enlarge it, because of the very rapid growth of this pest in a limited area in New Jersey, which threatens to spread, according to the experts of the Department of Agriculture, all over the country. The State of New Jersey has appropriated \$10,000 for this work, and an allotment of \$25,000 has been made by the department to prevent the spread of this pest out of the appropriation of \$105,780 for the investigation of insects affecting deciduous fruits, orchards, and vineyards. It is clearly in order.

The CHAIRMAN. The Chair desires to ask the gentleman from New Jersey if this is a deficiency appropriation?

Mr. EAGAN. I do not know that it is a deficiency appropriation, but it is to meet a very serious emergency.

The Japanese beetle, according to information secured from various sources, is one of the worst insect pests occurring in Japan, and observations made on the infestation in New Jersey bear out this estimate of its dangerous character. The beetle attacks a very large list of plants, including many crops, ornamental plants, shrubs, and so forth, and attacks the foliage of apple and other fruit trees, and certain berry bushes, as well as canteloupes, watermelons, asparagus, rhubarb, sweet potato, and other vegetables. It also attacks ornamental and shade trees and vines.

It was introduced into New Jersey about 1911, probably in iris plants imported from Japan. Since its introduction the insect has become well established and has spread with considerable rapidity. The Department of Agriculture declares that "unless energetic measures are taken immediately to eradicate it, it will without doubt continue to spread eventually over the entire United States." At present the infestation is confined to a comparatively restricted area in Burlington County, in the State of New Jersey. State and Federal authorities are cooperating in the eradication and suppression work.

Mr. BLANTON. Mr. Chairman, this is clearly a deficiency appropriation bill, and the appropriation suggested by the gentleman from New Jersey [Mr. EAGAN] is clearly not a deficiency. I submit to the Chair that his amendment is clearly subject to a point of order.

The CHAIRMAN. The Chair desires to ask the gentleman from New Jersey if the printed matter submitted with his amendment was taken from the Agricultural appropriation bill?

Mr. EAGAN. No; it was not. It was taken from the estimate submitted by the department for this particular item. As I have already stated, the sum of \$25,000 has been allotted by the Department of Agriculture out of the \$105,780 appropriation for the investigation of insects affecting deciduous fruits, orchards, and so forth.

The CHAIRMAN. The Chair will state in reference to the point of order that the purpose for which the expenditure is to be made is apparently to prevent the spread of injurious insects which are ravaging vegetation or crops in different sections of the United States. The proviso provides that in the discretion of the Secretary of Agriculture the owners of infested lands may be reimbursed for damages which may occur by burning or destroying vegetation or property, presumably in eradicating this pest. In the opinion of the Chair—

Mr. EAGAN. Mr. Chairman, I have no desire to insist upon that particular proviso. I ask unanimous consent to modify my amendment accordingly.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to modify his amendment by eliminating the proviso.

Mr. BLANTON. I object, Mr. Chairman.

Mr. EAGAN. Then I will offer the amendment with the proviso eliminated.

The CHAIRMAN. In the opinion of the Chair the purpose for which this paragraph is offered is covered by the basic law under which the Department of Agriculture is administered; but the Chair is not advised definitely as to the right of the Department of Agriculture to enter into agreements for the reimbursement of individuals for damages caused, and inasmuch as the proviso is a part of the amendment as offered, and the proviso seems to be out of order, the Chair will sustain the point of order.

Mr. EAGAN. Then I offer the amendment with the proviso eliminated.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 21, after line 22, insert a new paragraph, as follows:

"To enable the Secretary of Agriculture to meet the emergency caused by the recent and sudden spread of the Japanese beetle in the State of New Jersey, and to provide means for the control and prevention of the spread of this insect in that State and other States in cooperation with the State of New Jersey and other States concerned and individuals affected, including employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, \$70,000, which shall be immediately available."

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. BLANTON. I make the point of order, Mr. Chairman, that that is not germane; that it is not a deficiency matter. This is clearly a deficiency bill, and there is no legislation authorizing it.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call attention to the fact that in the gentleman's own district money is being spent by the Department of Agriculture for the eradication of the boll weevil. I can not see any distinction between the eradication of the boll weevil in the interest of the constituents of the gentleman from Texas and the eradication of the Japanese beetle, which is affecting sections of New Jersey. [Applause.]

Mr. GILLET. Mr. Chairman, I happen to remember a decision that was made once by a Chairman of the Committee of the Whole when there was an appropriation made for the eradication of the boll weevil, and I submitted an amendment asking for an appropriation for the extermination of the gypsy moth, and they held that it was out of order, which, I should think, answers the suggestion of the gentleman from Tennessee. [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman from Tennessee yield? I would like to ask him a question.

Mr. BYRNS of Tennessee. I have not the floor.

Mr. BLANTON. Then, Mr. Chairman, I ask for recognition in my own right.

The CHAIRMAN. To discuss the point of order?

Mr. BLANTON. Yes; to discuss the point of order.

In that connection I would like to state that if this were a matter which constituted a menace to the people scattered over any substantial portion of the United States I would unhesitatingly withdraw the point of order. If it were not just merely a local matter that the State authorities could take up in New Jersey and handle, I would not object. The State of New Jersey has appropriated only \$10,000 to fight it. The question of the boll-weevil menace was one that affected many of the Southern States, and the State of Texas has spent huge sums in an attempt to exterminate this pest.

Mr. JOHNSON of Washington. And none in the Northern States.

Mr. BLANTON. It affected the cotton-growing industry, upon which the United States Government and other Governments largely depend. The cotton industry is not a local matter.

Mr. BEE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to his colleague?

Mr. BLANTON. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. If the cotton districts were just a local matter, affecting just one State, clearly the point of order should have been made to that appropriation. But if the gentleman from New Jersey states that this is a matter which affects other localities, I will gladly withdraw the point of order.

Mr. EAGAN. I read from a communication of the Department of Agriculture:

Since its introduction the insect has become well established and has spread with considerable rapidity. Unless energetic measures are taken immediately to eradicate it, it will without doubt continue to spread eventually over the entire United States.

Mr. BLANTON. Since April this Congress has passed an appropriation bill specially for the Department of Agriculture, making appropriations for all matters that the Secretary of Agriculture called on Congress to appropriate for. Is not that the case?

Mr. EAGAN. The amount allotted, \$25,000, for the control of the Japanese beetle pest, is utterly inadequate.

Mr. YOUNG of Texas. Mr. Chairman, I hope my colleague will withdraw the point of order.

Mr. BLANTON. At the request of my colleague from Texas, who is a member of the Agriculture Committee, I withdraw it. [Applause.]

Mr. GOOD. Mr. Chairman, I reserve the point of order. The Japanese beetle was brought into this country by an importer of bulbs. Those bulbs were delivered to a nurseryman in New Jersey. The area involved now is about 14,000 acres.



This is a very destructive beetle. I think the item is clearly subject to a point of order, but I do not wish to make it. I think, perhaps, we could well afford to make some appropriation for this purpose. This is a bill to supply deficiencies in appropriations already made. There has been no specific appropriation made for this purpose, but an allotment of \$25,000 by the Secretary of Agriculture out of another appropriation. This beetle is very destructive to vegetable life, and it seems that some methods are being applied that promise to eradicate it. The State of New Jersey, however, has not done its full share in this matter. It seems to me that the State ought to have appropriated a great deal more than \$10,000 for the eradication of this beetle, when the Department of Agriculture had allotted \$25,000.

If the gentleman will modify his amendment, making the amount \$25,000, I will not interpose any point of order, as far as I am personally concerned; but I do feel that an expenditure of \$95,000 out of the National Treasury would be too much, with only \$10,000 appropriated by the State of New Jersey.

Mr. EAGAN. I think we ought to have at least \$35,000. I think they made out a pretty good case before the committee.

Mr. GOOD. If the gentleman will modify his amendment so that the amount will not exceed \$25,000, I will not insist on the point of order.

Mr. EAGAN. In view of the gentleman's statement I ask unanimous consent to amend my amendment by inserting "\$25,000" instead of "\$70,000."

The CHAIRMAN. Does the gentleman withdraw his reservation of the point of order?

Mr. GOOD. I withdraw the reservation.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to modify his amendment by striking out "\$70,000" and inserting "\$25,000." Is there objection?

There was no objection.

Mr. GOOD. I will ask unanimous consent to modify the amendment further by striking out the words "which shall be immediately available."

Mr. EAGAN. I have no objection to that.

There was no objection.

The amendment of Mr. EAGAN as modified was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of getting some information in regard to lines 10 and 11 on page 21. This item is to increase the salaries of guards at the McNeil Island Penitentiary. I am informed that on the 5th day of August the guards at that penitentiary were notified that their pay for the month of July had been reduced 10 per cent, and they were paid \$90, instead of \$100. They work 12 hours a day.

Mr. GOOD. That was because they got an increase under an appropriation which expired on the 1st day of July. We are now proposing to appropriate an amount that will permit the guards in that penitentiary to receive graded pay, commencing at \$70 a month for the first year, and increasing to \$80 a month for the second year, \$90 a month for the third year, and \$100 a month for the fourth year of service.

Mr. JOHNSON of Washington. It seems that these guards have been struggling along on very small pay. I think in these times \$90 and \$100 a month is too small. They were receiving \$100 a month, but, as I have stated, found that for the month of July their salaries were reduced to \$90. Under that reduction I think a majority of the guards there have quit that employment. I want to ask what this \$1,600 is for?

Mr. GOOD. That is to pay the increased compensation under the authorization which I have stated.

Mr. JOHNSON of Washington. That is, after they have served four years?

Mr. GOOD. It will give an increase, as I understand it, to all those who have served more than a year. This item is based on the actual conditions as to service.

Mr. JOHNSON of Washington. This \$1,600 does not reimburse the men who found that their July salary checks were \$10 less than they had been receiving?

Mr. GOOD. No.

Mr. JOHNSON of Washington. I thank the gentleman for the information.

On motion of Mr. Good, the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNING, for three days, on account of important business.

To Mr. CLARK of Florida, for this day, on account of sickness.

To Mr. BANKHEAD, indefinitely, on account of the illness of his daughter in New York.

#### SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

#### Senate concurrent resolution 9.

Whereas the President of the United States has called or is about to call a conference of the representatives of labor, capital, and agriculture for the purpose of discussing questions relating to these great interests as affecting each other and the public: Therefore be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress of the United States indorses the action of the President in calling such conference, and pledges to him its earnest support and cooperation for the success thereof.

*Resolved further,* That the Secretary of the Senate transmit a copy of this resolution to the President of the United States—

to the Committee on Labor.

#### ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917; and

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

#### DEATH OF REPRESENTATIVE THOMPSON OF OKLAHOMA.

Mr. MORGAN. Mr. Speaker, it becomes my painful duty to announce to the House the death of my colleague from Oklahoma, Hon. JOSEPH B. THOMPSON, a Representative from the fifth district of the State of Oklahoma.

Mr. THOMPSON passed away about 6 o'clock yesterday evening, while on a Baltimore & Ohio train in West Virginia on his way home.

I shall not at this time undertake to offer any appropriate eulogy, but at some future time either myself or one of my colleagues from Oklahoma will ask that a day be set aside in order that proper tributes may be rendered to the distinguished services which the deceased rendered to his State and his Nation.

Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Oklahoma offers a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved,* That the House has heard with profound sorrow of the death of Hon. JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

*Resolved,* That a committee of 17 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved,* That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to, and the Speaker appointed as the committee on the part of the House Mr. FERRIS, Mr. CARTER, Mr. MORGAN, Mr. HASTINGS, Mr. MCCLINTIC, Mr. McKEOWN, Mr. HOWARD, Mr. CAMPBELL of Kansas, Mr. JACOWAY, Mr. GOODWIN of Arkansas, Mr. YOUNG of North Dakota, Mr. BARKLEY, Mr. SUMNERS of Texas, Mr. DYER, Mr. KINCHELOE, Mr. RANDALL of California, and Mr. VAILE.

#### ADJOURNMENT.

Mr. MORGAN. Mr. Speaker, I offer the following resolution. The Clerk read as follows:

*Resolved,* That as a further mark of respect this House do now adjourn.

The resolution was agreed to.

Accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned until Saturday, September 20, 1919, at 12 o'clock noon.



## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, reported the same without amendment, accompanied by a report (No. 326), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5565) granting a pension to Rose E. Wicoff, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. EDMONDS: A bill (H. R. 9367) to appoint a commission to facilitate the sale of merchant ships owned by the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: A bill (H. R. 9368) authorizing and directing the removal of the office of the superintendent of the Quinault Indian Reservation; to the Committee on Indian Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases; to the Committee of the Whole House on the state of the Union.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9370) authorizing the Secretary of War to donate to the borough of Turtle Creek, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9371) granting a pension to De Witt C. Carpenter; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 9372) to pay J. H. White \$2,000 for personal injuries received at the hands of two United States soldiers; to the Committee on Claims.

By Mr. BOWERS: A bill (H. R. 9373) granting an increase of pension to Henry C. Jackson; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 9374) to correct the military record of James A. Black; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 9375) granting an increase of pension to Robert L. Chick; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 9376) granting a pension to Sarah A. Vaughn; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 9377) for the relief of the Anderson Phosphate & Oil Co.; to the Committee on Claims.

Also, a bill (H. R. 9378) for the relief of Hassie Cantrell; to the Committee on Claims.

Also, a bill (H. R. 9379) for the relief of Cecilia Rebecca Freiwell; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 9380) granting a pension to Cynthia E. Endicott; to the Committee on Pensions.

By Mr. KRAUS: A bill (H. R. 9381) granting an increase of pension to Simon H. Malott; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 9382) granting a pension to Lottie L. Tripp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9383) granting a pension to Alfred Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9384) granting a pension to Laura B. Towns; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9385) granting a pension to Frances Ann Lehman; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 9386) granting a pension to Mary L. Tarbox; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 9387) granting a pension to Charles B. Carlson; to the Committee on Pensions.

Also, a bill (H. R. 9388) granting an increase of pension to Susannah Sprague; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

By Mr. BEE: Petition of members of St. Michael's Branch, No. 887, Catholic Knights of America, opposing the Smith-Towner educational bill; to the Committee on Education.

By Mr. ESCH: Petition of Northwest Daily Press Association of Minneapolis, Minn., against the repeal of the present postal zone system; to the Committee on Ways and Means.

Also, petition of Charles B. Carter, of Philadelphia, Pa., protesting against the Longworth bill, House bill 8078; to the Committee on Ways and Means.

By Mr. HILL: Petition of residents of the city of Binghamton, N. Y., favoring the enactment of House bill No. 7; to the Committee on Education.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Pittsburgh, Pa., opposing the passage of the Smith-Towner bill; to the Committee on Education.

By Mr. MCCLINTIC: Petition of Farmers' Union of the State of Oklahoma, protesting against universal military training in times of peace; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of the Regina Co., Clarence S. Walker, and Pistonis & Kriezls, of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Northwest Daily Press Association of Minneapolis, Minn., opposing the repeal of the present postal zone system; to the Committee on the Post Office and Post Roads.

By Mr. OSBORNE: Petition of Samuel Goldwyn and 350 other citizens of the vicinity of Los Angeles, Calif., for the repeal of the taxes upon moving pictures; to the Committee on Ways and Means.

## HOUSE OF REPRESENTATIVES.

SATURDAY, September 20, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With unfeigned love welling up in our hearts, Father in heaven, author of our existence, we approach Thee in reverence and gratitude, for there is nothing stronger than faith, more inspiring than hope, nor warmer than love.

Guide us by Thy spirit through the changing scenes of a new-born day that we may prove ourselves worthy of Thy preferences. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL CANCELLATION STAMP FOR ROOSEVELT MEMORIAL ASSOCIATION.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to take the bill S. 2972 from the Speaker's table.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the bill S. 2972 from the Speaker's table and consider it. The Clerk will read the title of the bill.

The Clerk read as follows:

S. 2972. An act to extend the cancellation-stamp privilege to the Roosevelt Memorial Association.

The SPEAKER. Is there objection to the immediate consideration?

Mr. GARD. Reserving the right to object, what is the reason for taking this resolution up at this time?

Mr. RAMSEYER. Because the memorial association is going to have a drive from October 20 to October 27 to raise funds to erect an appropriate memorial to the late Theodore Roosevelt. The bill simply gives the Postmaster General authority to permit the use of cancellation stamps at such post offices as the Postmaster General may designate. In order to get any benefit of these cancellation stamps, as the drive will be on from October