By Mr. ZIHLMAN: Resolution (H. Res. 334) providing for the appointment of a committee to investigate the hacking laws of the District of Columbia; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 335) requesting the Interstate Commerce Commission to investigate the operations of the Adams Express Co. and report its findings to the House of Representatives; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BACHARACH: A bill (H. R. 9933) for the relief of Wilhelm Alexanderson and the members of his crew, the said Wilhelm Alexanderson being the owner of the motor boat *Spray;* to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 9934) granting a pension to Phoebe Morgan; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9935) granting an increase of pension to Frank E. Drew; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 9936) for the relief of J. M. Farrell; to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9937) granting a pension to Emma L. Pugh; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9938) granting a pension to Robert Criswell Pollock; to the Committee on Invalid Pensions.

By Mr. JEFFERIS: A bill (H. R. 9939) authorizing the Treasurer of the United States to pay to Henry J. Meyers the sum of $785.10 as full compensation for services rendered as a member of local draft board No. 1, city of Omaha, State of Nebraska; to the Committee on Military Affairs.

Also, a bill (H. R. 9940) granting an increase of pension to Alzina S. Swobe; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9941) granting an increase of pension to William N. King; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 9942) granting a pension to Rosa McPhetridge; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9943) granting an increase of pension to Frank H. Read; 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 the SPEAKER (by request): Petition of sundry citizens of New York, favoring the impeachment of President Woodrow Wilson on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

Also (by request), petition of B. J. Sutherland and others of Missouri, favoring the impeachment of Woodrow Wilson, President of the United States, on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

By Mr. BACHARACH: Resolutions adopted by the Lithuanians of the State of New Jersey in re recognition of Lithuania as a free and independent State; to the Committee on Foreign Affairs.

By Mr. OSBORNE: Memorial of Association of Business Organizations of Los Angeles, Calif., representing 22 principal commercial organizations of that vicinity, requesting that because of the entirely different operating and other conditions electric railways be eliminated from legislation affecting steam railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *October 15, 1919.*

(*Legislative day of Tuesday, October 14, 1919.*)

The Senate met at 11 o'clock a. m.

The VICE PRESIDENT resumed the chair.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Calder	Dial	Frelinghuysen
Ball	Capper	Dillingham	Gay
Bankhead	Chamberlain	Fall	Gerry
Beckham	Colt	Fletcher	Gronna
Brandegee	Culberson	France	Harding
Harris	La Follette	Page	Sterling
Harrison	Lenroot	Penrose	Sutherland
Henderson	Lodge	Poindexter	Swanson
Hitchcock	McCumber	Pomerene	Thomas
Johnson, Calif.	McKellar	Ransdell	Trammell
Jones, Wash.	McNary	Reed	Underwood
Kellogg	Nelson	Robinson	Wadsworth
Kendrick	New	Sheppard	Walsh, Mass.
Kenyon	Newberry	Simmons	Walsh, Mont.
Keyes	Norris	Smith, Ariz.	Watson
King	Nugent	Smoot	Williams
Kirby	Overman	Spencer	Wolcott
Knox	Owen	Stanley	

Mr. DIAL. I wish to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. NEWBERRY. I wish to state that the Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and the Senator from Colorado [Mr. PHIPPS] are absent on business of the Senate.

Mr. FRELINGHUYSEN. I desire to announce that the Senator from Iowa [Mr. CUMMINS], the Senator from Michigan [Mr. TOWNSEND], and the Senator from Maine [Mr. FERNALD] are absent in committee.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] is detained from the Senate by illness in his family. The Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Georgia [Mr. SMITH], the Senator from Maryland [Mr. SMITH], the Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

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

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the War Finance Corporation in response to a resolution of the 1st instant, which will be inserted in the RECORD.

The communication is as follows:

WAR FINANCE CORPORATION,
Washington, October 11, 1919.

The SECRETARY OF THE UNITED STATES SENATE,
The Capitol.

SIR: In response to Senate resolution No. 203, the War Finance Corporation respectfully submits the following:

1. The activities of the War Finance Corporation in respect to the promotion and development of the foreign commerce of the United States are confined exclusively to making advances in order to promote commerce with foreign nations through the extension of credits:

(a) To any person, firm, corporation, or association engaged in the business in the United States of exporting therefrom domestic products to foreign countries, if such person, firm, corporation, or association is, in the opinion of the board of directors of the corporation, unable to obtain funds upon reasonable terms through banking channels.

(b) To any bank, banker, or trust company of the United States which after the passage of the amendment to the act shall make an advance to any such person, firm, corporation, or association for the purpose of assisting in the exportation of such products.

2. The act of March 3, 1919 (Public, No. 328, 65th Cong.), conferring these powers on the corporation expressly provides that advances may be made until the expiration of one year after the termination of the war, as fixed by the proclamation of the President. It will be seen, therefore, that the powers conferred upon the War Finance Corporation in respect to promoting foreign commerce are of an emergency character only.

3. It is manifestly impracticable to estimate the cost of such work, as the work in connection with the foreign trade authorized to be carried on by the War Finance Corporation is done by the regular employees of the corporation in connection with their general duties.

The amount of time devoted by such employees to the promotion of foreign trade is negligible as compared with the general duties performed by them.

The total number of employees engaged in the general business of the corporation, including secretary-treasurer, counsel, expert examiners, bookkeepers, statisticians, clerks, stenographers, messengers, and charwomen, is at the present time 28, but this number is being gradually reduced.

The total amount of compensation paid such employees amounts, in the aggregate, to the sum of $6,229.83 per month.

It is suggested that the expense of carrying on the work of the War Finance Corporation relating to foreign commerce can not be said to be a "cost to the Government," for the reason that all of the expenses of the corporation are paid out of its earnings, and the earnings are greatly in excess of expenses, so that in the liquidation of the assets of the corporation it is believed that a substantial amount will be returned to the Treasury over and above operating expenses.

4. It is respectfully suggested that the activities of the War Finance Corporation in respect to foreign trade are special in their character and in no sense a duplication of the work performed by other agencies or bureaus of the Government.

5. Inasmuch as the work of the War Finance Corporation in respect to foreign commerce is essentially of an emergency character and of an entirely different nature from that carried on by the other departments set out in the Senate resolution, the corporation is unable to submit any suggestions and recommendations looking to the closer cooperation and coordination of the various agencies of the Government for the effective promotion of the foreign commerce of the United States.

Respectfully submitted, by order of the board of directors of the War Finance Corporation, this the 11th day of October, 1919.

ANGUS W. MCLEAN,
Acting Managing Director.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

HYGIENIC LABORATORY, WASHINGTON, D. C. (S. DOC. NO. 134).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon General of the United States Public Health Service submitting a deficiency estimate of appropriations in the sum of $30,000 for the purchase and installation of additional furniture and equipment for the new additions to the Hygienic Laboratory, Washington, D. C., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6810. An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries;

H. R. 7972. An act to improve the administration of the Postal Service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands; and

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River near Arthur City, Lamar County, Tex.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a memorial of the Friends of Irish Freedom, of New Haven, Conn., remonstrating against the ratification of the proposed league of nations covenant and praying for its separation from the treaty of peace with Germany, which was ordered to lie on the table.

He also presented petitions of the Local Grange of West Hartford, of the Young People's Society of the Christian Endeavor of the First Congregational Church of Somers, and of the Archdeaconry of the Episcopal Church of Bristol, all in the State of Connecticut, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition signed by the governor of Connecticut and sundry citizens of Hartford, Conn., praying for an investigation in the recent race riots and lynching, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Church of Christ of Orange, Conn., and of the First Congregational Church of Bloomfield, Conn., praying that immediate steps be taken by the United States Government to prevent the extermination of the Armenian people by the Turks, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry Lithuanian citizens of New Haven, Conn., praying that the United States Government take steps to aid the Lithuanian Government in defending itself from Polish, Russian, and German imperialism, which was referred to the Committee on Foreign Relations.

Mr. MOSES presented a petition from the United Baptist Convention of New Hampshire assembled at Manchester, N. H., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

BILLS INTRODUCED.

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

By Mr. CALDER:

A bill (S. 3231) to make unlawful the unauthorized manufacture and wearing of insignia of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3232) granting an increase of pension to Anna Higgins; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3233) regulating the education and naturalization of aliens and the children of aliens, and for other purposes; to the Committee on Education and Labor.

By Mr. SUTHERLAND:

A bill (S. 3234) granting an increase of pension to Enoch F. Blackwell; to the Committee on Pensions.

THE SHANTUNG QUESTION.

Mr. FLETCHER. Mr. President, on August 30, 1919, there appeared in the Living Church an editorial which deals very forcefully with the Shantung question. I ask to have it printed in the RECORD.

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

[From the Living Church, Aug. 30, 1919.]

"THE HONOR OF THE AMERICAN PEOPLE IS AT STAKE.

"The American people ought seriously to realize that if the United States Senate should carry the recommendation of its Foreign Affairs Committee into effect, amending the pending treaty of peace by providing for the transfer of Shantung to China instead of to Japan, it would involve three things—a national dishonor to ourselves, an act of perfidy toward three of our allies—Great Britain, France, and Japan—and an irritant to at least the latter that might be deemed a casus belli and would certainly be viewed (quite rightly) as a very unfriendly act. On the other hand, since we would be powerless, on our own motion, to effect the transfer to China unless we chose to make the attempt by declaring war against the three nations mentioned and should win the war, the proposed change in the language of the treaty would be of not the slightest value to China; while, by repudiating the treaty, as we should thus do, we should relieve Germany of all the obligations relating to ourselves which she has been forced to assume, and should dissociate ourselves from the forces of civilization that are now compelling Germany to make some form of restitution for her misdeeds in the past.

"For it must be remembered that the chief issue involved in this Shantung matter, so far as the powers are concerned, is the sanctity of treaties. And the Senate committee is deliberately demanding that Great Britain and France make of their treaty with Japan a 'scrap of paper,' with the penalty that the United States will withdraw from the association with these powers in making peace with Germany if they refuse to do so.

"As representing the conscience of some considerable part of the American people, we unhesitatingly declare that position to involve national dishonor for the American Nation.

"Whatever wrong was done to China—and it was a genuine wrong—was done by Germany when, in 1898, she forced the treaty which gave her the 'lease' of the Kiaochow Bay section of the Province of Shantung; and it was a wrong in which Russia, England, and France immediately afterwards participated by seizing other desirable portions of the China coast and forcing similar 'leases' in their respective interests. If the United States had protested against this wrong at the time it was committed she would have some color—though not much—for the present demand of the Senate committee that Japan, as successor to the 'rights' of Germany, should be deprived of those 'rights,' while no such demand is made upon England or France. The United States made no such protest. The world has acquiesced in the wrong then committed. No nation, unless it be China herself, can intervene now, 20 years too late, and say that the lease to Germany can not be taken over by Japan, who ousted the Germans from their possessions in China precisely as Great Britain and her dominions ousted them from other German colonies, as incidents in the World War.

"That long before we entered the war Great Britain and France made a secret treaty with Japan guaranteeing to the latter her succession to the German lease on condition that she oust the Germans from it is regrettable to us, who do not believe in secret treaties, though entirely in accordance with the general practice of other nations than our own. But as we were holding ourselves carefully aloof from the nations that were straining their resources to repel the German invasion, we have very little right to criticize these for making the engagement. The fact that the treaty was a secret one does not relieve the signatory powers from their obligations under it. Moreover, even if these powers were bound by Mr. Wilson's denunciation of secret treaties made three years later, which, of course, is a preposterous position, it still remains that Mr. Wilson, in his 14 'points,' never demanded that secret treaties already made should be repudiated but only that in future there should be no more of them.

"Mr. Wilson's attitude at Versailles with respect to Shantung, if we understand it aright, was an earnest plea to Japan voluntarily to recede from the rights she had won in China, in order to cooperate in the beginning of a new world era in which weak nations should no longer be despoiled by stronger nations. It would have been a magnificent thing for Japan if she had voluntarily accepted that principle. It would have given her the confidence of the world. It would have guaranteed to her such a moral influence in Chinese affairs as would have been of lasting value to her. It would have cemented her friendship with America. It would have made her the world's leader in dealing with the problems of territorial reconstruction.

"But Japan did not. She insisted upon her rights under the treaty. She had every legal right thus to insist upon them. Great Britain and France fulfilled their obligation to guarantee those rights to her. These nations would have shared in the

perfidy of Germany if they had violated their obligation. And if Mr. Wilson had insisted that they do so on pain of refusing American assent to the treaty of peace, he would have committed the American Nation to a demand that Great Britain and France, having profited by their treaty with Japan, now repudiate their obligations under that treaty.

"That is precisely what the United States Senate will have done if it amends the treaty in accordance with the recommendation of Mr. LODGE's committee. But the Senate, in that event, will also adopt a peculiarly discourteous method in doing that which is in itself dishonorable. Instead of negotiating with Japan, England, and France in diplomatic manner in an attempt to undo their own treaty on the ground that we (whom it does not concern) disapprove of it, the Senate is asked by its committee to use its own constitutional power of force—for we will not call it a right—to refuse assent to the treaty of peace except on the condition that these nations comply with our demand.

"The United States, as the disinterested friend of Japan and China, was entirely within her rights in urging the former of these to recede from her rights under that treaty; but she has not the faintest color of right to demand that Japan do so. To formulate such a demand, even in a diplomatic manner, would be a national impertinence which would be, and ought to be, indignantly resented by Japan. And now, from being, two years ago, an appreciated friend of the nations that were in distress, we shall become, if this committee recommendation shall be made the action of the Senate, an international bully, selecting the most offensive way in which to accomplish that which is in itself dishonorable. And the absolute futility of the action is as conspicuous as its impropriety.

"Do the American people realize that this position has been deliberately avowed by a Senate committee, and that there is grave danger that it will be accepted by the Senate itself?

"This is not a political issue; it is an issue in which the honor of the American people is involved, and it is the paramount duty of religious leaders of the Nation to demand that the Senate act both honorably and courteously toward those nations that have solemnly entered into treaty obligations with each other, which obligations now they must fulfill.

"And it should be made perfectly clear to those who are promoting this act of national perfidy in the Senate that the religious sense of the Nation will hold them personally responsible and any political party which may uphold them politically responsible, for what will have become the blackest chapter in American history.

"All that our boys have won in France for American prestige and American honor is now being seriously imperiled by the men who bear the responsibility of the American people in the Senate.

"We shall hope that this may be thoroughly understood throughout the country, and that the conscience of the American people will assert itself in demands upon their Senators that they emphatically reject the amendment which has been proposed by their Committee on Foreign Affairs."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. COLT. Mr. President, before voting upon the Shantung amendment and the Johnson amendment I wish to call the attention of the Senate to the vital distinction between a textual amendment to a treaty and a reservation.

A textual amendment changes the treaty as to all the parties.

A reservation changes the treaty only as to the reserving party.

A textual amendment in fact makes a new treaty, which must be submitted to all the signatories for their approval.

A reservation does not make a new treaty, because it leaves the treaty intact as to all the other signatories and merely changes it as to the reserving party.

Hence it has become a settled rule of international law that in a treaty between more than two parties a party may make certain changes in the treaty which are expressed in the form of reservations, and may ratify the treaty with these reservations as a part of the instrument of ratification. In such a case there is no resubmission to the other parties, as in the case of a textual amendment. Upon the ratification of the treaty with these reservations, if the other parties to the treaty remain silent they are presumed to have acquiesced in these reservations.

Oppenheim states the rule as follows:

> If, however, a party to a treaty concluded between more than two parties signs it with a reservation as regards certain articles, such party is not bound by these articles, although it ratifies the treaty.

Oppenheim also cites the case of the antislavery conference, of July 2, 1890, in which France excepted certain articles from her ratification, and, the other powers having "acquiesced," France was not bound by these articles.

We are all familiar with the fact that it is common for the United States to make reservations in ratifying treaties, as, for example, the treaty of Algeciras and The Hague peace conferences; and in these instances the reservations were acquiesced in by the other parties. It is well to remember in this connection that it is usage or custom which makes international law.

Let us now apply this distinction between a textual amendment and a reservation to the pending Shantung and Johnson amendments. The Shantung amendment changes the text of the treaty by substituting China for Japan in certain articles. With this textual change we have made a new treaty which must be submitted to all the signatories for their approval. This requires new negotiations with every signatory and opens a wide door for controversy. Would England or France, not to mention Japan, accept this new treaty? Looking at the existing international conditions, is it not apparent that this treaty would fail if this amendment were adopted?

But suppose now we express our dissent to the Shantung articles in the form of a reservation; suppose we adopt a reservation in effect that the United States withholds its assent as to these articles and reserves full liberty of action with respect to any controversy which may arise under these articles between China and Japan. The effect of this reservation is simply to change the treaty so far as the United States is concerned and to leave it in full force as to the other powers. In this way we will have accomplished the same end as by an amendment, and in a manner which will not defeat the treaty.

Now, all we have said in regard to the Shantung amendment applies with equal force to the Johnson amendment. The Johnson amendment provides that the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of a member of the league and its self-governing colonies and dominions. In its practical application this means that the United States shall have a vote equal to the aggregate vote of Great Britain, Canada, Australia, New Zealand, South Africa, and India. Under this arrangement Great Britain and her self-governing colonies and dominions would have six votes; the United States, without any self-governing colonies and dominions, six votes; and the other members of the league only one vote each. If there is an inequality in giving the British Empire six votes, do we remedy this evil by giving the United States six votes and leaving France and Italy and some twenty-odd other members of the league with only a single vote?

While there are equitable grounds for giving votes to the British self-governing colonies and dominions by reason of the part they took in the war, we must not overlook the fact that this is an association of sovereign nations and that these colonies and dominions are far from being sovereign States. The Imperial Parliament of Great Britain is the real sovereign over the whole British Empire. As Dicey says, in The Law of the Constitution:

> No lawyer questions that Parliament could legally abolish any colonial constitution, or that Parliament can at any moment legislate for the colonies and repeal or override any colonial law whatever.

I can not conceive that the other members of the league would be willing to adopt a new treaty containing the Johnson amendment, and to my mind this amendment would certainly defeat the treaty.

Conceding that there is an inequality in giving the British Empire six votes, the way to cure that inequality is not by extending it to the United States, but by reducing the British Empire's voting strength to one vote, which can be done by reservations. In doing this we are only carrying out the great principle which underlies all international organizations, that each sovereign State, great or small, has an equal standing and is entitled to a single vote. It is not difficult to frame a reservation that the United States assumes no obligations to be bound by any election, decision, or finding of the council or assembly in which any member and its self-governing colonies or dominions have had in the aggregate more than one vote; and also a reservation that in the case of a dispute from which the parties are excluded from voting the word "party" includes the dominant member and all its self-governing colonies and dominions. I am not undertaking to give the exact form of these reservations. I am saying, however, that it is a comparatively easy matter to frame reservations which will give Great Britain and her self-governing colonies and dominions only one vote in all matters in which the United States is interested, and that this is the only just solution of the inequality problem.

The three most popular objections which are urged against the ratification of this treaty are the transfer of Shantung to

Japan, the six votes of the British Empire, and the charge that the United States under the covenant is called upon to intervene in every European war. I have outlined how in my opinion the first two objections can be overcome by reservations, and I would like to state how, in my opinion, the last objection should be met.

Article 10 of the league is the only article in which the United States obligates itself to declare war or to intervene by force of arms in European quarrels. Under article 10 this country agrees to preserve the territorial integrity and existing political independence of the members of the league against external aggression. We have here a solemn contract which the United States must fulfill. We obligate ourselves to preserve against external aggression the territorial boundaries of the members of the league, and this means war or armed intervention. There is no element of judgment or discretion in the matter—we must do the thing we covenant to do. The fact that Congress alone under our Constitution has power to declare war in no way relieves us of this obligation. This contract being within the treaty-making power, Congress is under an obligation to carry it out whether it approves of the war or not. Some confusion of thought has arisen from the assertion that the obligation under article 10 is a moral obligation, and hence that the United States or Congress could exercise its judgment in any given case. This position will not bear examination. There is no difference in the binding force between a moral and a legal obligation. The only difference lies in the sanction or the means by which the obligation is enforced. A legal obligation is enforced by the sanction of compulsion or by the courts; a moral obligation is enforced by the sanction of the conscience or public opinion; but the binding force of the obligation to do the thing you agreed to do is the same in either case. All international laws rest upon moral obligations, because there is no compulsory sanction to enforce them. If you admit the principle that the obligations arising under international law are matters of judgment or discretion, you undermine the whole structure and admit the justification of Germany in invading Belgium.

Taking this view of the sacredness and binding force of our obligation under article 10, I believe that the United States should be relieved of this obligation and the whole question of armed intervention under the covenant should be left for Congress to decide in each case as it arises; and this can all be accomplished by a reservation.

Mr. President, I have always been in favor of the ratification of this treaty with reservations safeguarding American interests. I am in favor of a reservation exempting the United States from the Shantung articles. I am in favor of a reservation equalizing the voting strength of the United States and the British Empire by giving the British Empire only one vote in all matters in which the United States is directly or indirectly interested. I am in favor of a reservation relieving the United States from its obligations under article 10 and leaving it to the judgment of Congress whether in any given case the United States will intervene to preserve the territorial boundaries or the political independence of members of the league. I am in favor of a reservation which makes it clear that the United States can withdraw from the league upon giving two years' notice under article 1. Under that article I think each sovereign State is the judge as to whether it has fulfilled its international obligations and its obligations under the covenant, because no power to pass upon this question by either the council or the assembly is found in the covenant. At the same time, as this article is open to another construction, I would correct this ambiguity by an interpretative reservation.

I am in favor of a reservation clarifying the article dealing with the Monroe doctrine and making it certain in case of any dispute that the United States is to be the judge as to whether it is within that doctrine. It must be made clear and certain that the Monroe doctrine is outside the jurisdiction of the league.

I am in favor of taking away from the council the power to decide whether a dispute relates to domestic questions and expressly reserving that right to the United States; and also of amplifying the fact that all internal and domestic questions are outside the jurisdiction of the league.

Mr. President, I deem all these reservations essential for the protection of America and that they should be incorporated in the instrument of ratification as the conditions upon which we ratify the treaty. The United States occupies a peculiar and unique position in the family of nations, and we should protect in all essential respects our domestic and foreign policies.

Mr. President, these reservations leave unimpaired the great principles underlying the league of nations. We still have an association of free nations cooperating to secure the present and future peace of the world. We still have obligatory conferences, the provisions relating to compulsory arbitration and inquiry, the reduction of armament, and other kindred provisions—all aimed at the great object of lessening war and preventing a repetition of the frightful scenes through which the world has just passed.

Mr. OWEN. Mr. President, it is my purpose to offer an interpretative resolution to the treaty with Germany, to which I wish to call the attention of the Senate, as follows:

Interpretative resolution.

Resolved: 1. The United States, in ratifying the covenant of the league of nations and the treaty with Germany, does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement set forth by the Secretary of State on November 5, 1918, in his communication to the minister of Switzerland in charge of German interests in the United States, upon which as a basis the German Empire agreed to the armistice of November 11, 1918, and laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1918, and in subsequent addresses, as a world agreement binding on the great nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that the covenant provisions, including article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

2. Article 147, under which Germany recognizes the protectorate proclaimed over Egypt by Great Britain, is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

Mr. President, on page 183 of the treaty of peace with Germany, article 147, it is provided:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

And when this treaty is agreed to by all the nations parties thereto it might appear to be a commitment in favor of the protectorate proclaimed as a war measure in 1914 by Great Britain over the Egyptian people.

In considering the rights of subject peoples throughout the world—the people in Shantung, where the sovereignty properly belongs to the Chinese people; in Egypt, where the sovereignty properly belongs to the Egyptian people; in Ireland, where the sovereignty and the right of self-government belong to the Irish people; in Poland, where the sovereignty belongs to the Polish people; in the Philippines, where the sovereignty belongs to the Philippine people of right—I want to call the attention of the Senate to what the agreement was on the part of the Entente Allies, entered into by the Lansing statement of November 5, 1918. I regard it as the most important agreement ever entered into by modern nations. It is binding on all the belligerents as a solemn covenant of august dignity with which they bought the peace of the world on the battle field.

It is a solemn pledge to recognize the rights of all nations and peoples, subject or not subject, to self-government, and that no government may be exercised over one people by another without the consent of the governed. It is a pledge to give the people of Ireland and of Porto Rico, of Egypt and of the Philippines, and of the world self-government whenever they are competent to exercise it, and in any contingency to govern the weak peoples as a sacred trust for the benefit of the governed in fullest good faith.

On November 6, 1918, the Secretary of State, Mr. Lansing, published the following to the world:

From the Secretary of State to the Minister of Switzerland, in charge of German interests in the United States.

DEPARTMENT OF STATE,
November 5, 1918.

SIR: I have the honor to request you to transmit the following communication to the German Government:

In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that if those Governments were disposed to effect peace upon the terms and principles indicated their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such armistice as would fully protect the interests of the peoples involved and insure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.

The President is now in receipt of a memorandum of observations by the allied Governments on this correspondence, which is as follows:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of the armistice.

Accept, sir, with renewed assurances of my highest consideration.

(Signed) ROBERT LANSING.

Mr. HANS SULZER,
Minister of Switzerland.
In charge of German interests in the United States.

This agreement refers to the statement of the President and the so-called 14 points, which all relate to the establishment in some respect of liberty and the maintenance of freedom and self-government of the various peoples of the world.

Mr. President, upon the basis of that instrument, committing the allied Governments to the principles laid down by the President of the United States in his address of January 8, 1918, and subsequent addresses, including those of February 11, 1918, July 4, 1918, and September 27, 1918, the German Government and armies agreed to the armistice. They laid down their arms. They practically put themselves where they were compelled to submit to a dictated peace. It was a contract; it was a world contract; and therefore these addresses of the President of the United States of January 8, of February 11, of July 4, and of September 24, 1918, became supremely important as a part of the contract. The principles which are laid down in those addresses of the President of the United States, accepted by the entente belligerents, became the basis of the treaty with Germany, and the treaty with Germany must be construed in the light of the contract set forth November 5, 1918, on the battle field by which this war was ended. There is no contract which can surpass it in dignity or in force. Therefore, in considering Shantung and the sovereignty to be exercised by the Chinese people over themselves and their own right of self-government, in considering the question of Egypt to the right of self-government and the question of Ireland and the right of the Irish people to self-government, in considering the question of any of these subject peoples and their right of self-government, I feel justified in calling the attention of the Senate and calling the attention of the world to what that agreement was, that it may not be overlooked when we deal with the democratization of the world, for that is what this war was intended to accomplish, and that is what this war has accomplished.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. OWEN. I will.

Mr. KING. I am not quite sure that I understand the position the Senator takes, and for that reason I am making this inquiry. Does the Senator contend that under the addresses to which he refers, delivered by the President upon those various dates, and under the communication which was made by the Secretary of State to Mr. Sulzer, representing the German interests in the United States, we agreed that when we entered the peace conference every belligerent would submit to the peace conference the question of the political rights and boundaries of all of the dominions and provinces and territorial possessions of the belligerents? Does the Senator think that the contract, as he has denominated it, meant that at the peace conference the right of self-determination of the Hawaiian people, of the Porto Ricans, of the Cubans, of the Filipinos, of the Egyptians, of the Indians—I am referring to those who reside in British India—would be the subject of consideration and determination by the peace representatives? Or does not the Senator think that the clear implication of what he denominates the contract was that the peace conference should determine the disposition which should be made of the colonial and other possessions of the Central Powers, whether or not Poland should be set up as an independent nation, whether or not Alsace-Lorraine should be ceded back to France, whether a Czecho-Slovak republic and a Jugo-Slav government should be set up, carved out of the Governments of the Central Powers?

It seems to me that if the Senator places the former construction upon what he calls the contract he might challenge objection to that construction.

Mr. OWEN. Mr. President, I think the Senator in the terms he uses goes further than the language which I used would imply. At the peace conference only the principals could speak while they drew the terms of the German treaty and drafted the covenant, but the covenant provides a mechanism which will afford the means of carrying out the principles referred to, and I am interpreting the meaning of the covenant in the light of the agreements referred to of November 5, 1918. The language of the allied Governments' agreement was that they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of government enunciated in his subsequent addresses. These principles most emphatically were not to be applied to the Teutonic powers and their colonies, but to all the nations of the world, as, I think, is clearly demonstrable. Now, I am going to point out what the principles of these addresses were, so that the language shall speak for itself.

In his address of January 8, 1918, he said:

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:

I. *Open covenants of peace, openly arrived at, after which there* shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.

II. *Absolute freedom of navigation* upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

III. *The removal, so far as possible, of all economic barriers* and *the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.*

IV. Adequate guaranties given and taken that *national armaments* will be *reduced to the lowest point consistent with domestic safety.*

V. A free, open-minded, and absolutely impartial adjustment of *all* colonial claims, based upon a strict observance of the principle that in determining *all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims* of the government whose title is to be determined.

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an *unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy* and assure her of a sincere welcome into the society of *free nations under institutions of her own choosing;* and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

VII. Belgium, the whole world will agree, must be evacuated and restored, *without any attempt to limit the sovereignty which she enjoys in common with all other free nations.* No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

VIII. *All French territory should be freed* and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly 50 years, should be righted, in order that peace may once more be made secure in the interest of all.

IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

X. *The peoples of Austria-Hungary,* whose place among the nations we wish to see safeguarded and assured, should be accorded *the freest opportunity of autonomous development.*

XI. Roumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and *international guaranties of the political and economic independence and territorial integrity of the several Balkan States should be entered into.*

XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but *the other nationalities* which are now under Turkish rule should be assured an undoubted security of life and an absolutely *unmolested opportunity of autonomous development,* and *the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guaranties.*

XIII. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured *a free and secure access to the sea,* and whose *political and economic independence* and *territorial integrity should be guaranteed by international covenant.*

XIV. A general association of nations must be formed under specific covenants for the purpose *of affording mutual guarantees of political independence and territorial integrity to great and small states alike.*

We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to *all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.* Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this, the culminating and final war for human liberty, has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

On February 11, 1918, the President of the United States, in addressing a joint session of Congress, in answer to Germany and Austria, said:

It is gratifying to have our desire so promptly realized that all exchanges of views on this great matter should be made in the hearing of *all the world*.

And he said:

We are indomitable in our power of independent action and can in no circumstances consent to live in a world governed by intrigue and force. We believe that our own desire for a new international order under which reason and justice and the common interests of mankind shall prevail is the desire of enlightened men everywhere. Without that new order the world will be without peace, and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

* * * I have spoken thus only that the whole world may know the true spirit of America—that men everywhere may know that our passion for justice and *for self-government* is no mere passion of words, but a passion which once set in action, *must be satisfied*. The power of the United States is a menace to no nation or people. It will never be used in aggression or for the aggrandizement of any selfish interest of our own. It springs out of freedom and is for the service of freedom.

At Mount Vernon, on July 4, 1918, the President said:

This, then, is our conception of the great struggle in which we are engaged. The plot is written plain upon every scene and every act of the supreme tragedy:

On the one hand stand the peoples of the world—not only the peoples actually engaged, but many others also who suffer under mastery, but can not act; peoples of many races and in every part of the world—the people of stricken Russia still, among the rest, though they are for the moment unorganized and helpless.

Opposed to them, masters of many armies, stand an isolated, friendless group of Governments, who speak no common purpose, but only selfish ambitions of their own, by which none can profit but themselves, and whose peoples are fuel in their hands; Governments which fear their people and yet are for the time their sovereign lords, making their choice for them and disposing of their lives and fortunes as they will, as well as of the lives and of every people who fall under their power—Governments clothed with the strange trappings and the primitive authority of an age altogether alien and hostile to our own. The past and the present are in deadly grapple, and the peoples of the world are being done to death between them.

There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace.

I invite the attention of Senators to this language, because these are the addresses which were before the associated and allied Governments when they entered into this agreement which closed the war with Germany, upon which the terms of surrender by Germany were provided.

The President said:

1. The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world; or if it can not be presently destroyed, at least its reduction to virtual impotence.

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

Mr. REED. What is the Senator reading from?

Mr. OWEN. I am reading from the address of the President of the United States on the Fourth of July, 1918, at Mount Vernon, which was made a basis upon which Germany surrendered, and upon which the German people have a right to stand; upon which the allied peoples have a right to stand; upon which the people of the whole world have a right to stand; upon which the people of Egypt, who went into this war and shed their blood on the side of liberty, have a right to stand; upon which the people of India, who sent 2,000,000 troops to this war, have a right to stand. They shed their blood and treasure on the battle fields on the side of the Entente Allies, and this contract of November 5, 1918, must not be overlooked or forgotten or neglected in the future arrangements of governments on earth. The President said further:

III. The consent of all nations to be governed in their conduct toward each other by the same principles of honor and of respect for the common law of civilized society that govern individual citizens of all modern States in their relations to one another; to the end that all promises and covenants may be sacredly observed, no private plots or conspiracies hatched, no selfish injuries wrought with impunity, and a mutual trust be established upon the handsome foundation of a mutual respect for right.

IV. The establishment of an organization of peace which shall make certain that the combined power of free nations will check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that can not be amicably agreed upon by the peoples directly concerned shall be sanctioned.

"These great objects," continued President Wilson, "can be put into a single sentence: What we seek is the reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind."

Mr. President, on September 27, 1918, further setting forth the principles which were accepted by the Entente Allies on November 5, 1918, as set forth by the Secretary of State, the President used these words, of profound significance, not to be underestimated, not to be passed by:

We accept the issues of the war as facts, not as any group of men here or elsewhere has defined them, and we can accept no outcome which does not squarely meet and settle them. Those issues are these:

Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule except the right of force?

Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?

Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force or by their own will and choice?

Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress?

Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?

No man, no group of men, chose these to be the issues of the struggle. They are the issues of it; and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all and with a full and unequivocal acceptance of the principle that the interest of the weak is as sacred as the interest of the strongest.

Mr. President, the Entente Allies, desiring to find their peace on the battle field, agreed to these principles.

Mr. McCUMBER. Mr. President——

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

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I want to ask the Senator a question so that I may get definitely his view, and it would help me to understand his argument. I will simply preface it by saying that I am very much in agreement with the Senator upon the rights of the nations that are capable, at least, of self-government to govern themselves.

Mr. OWEN. I will say to the Senator that I draw a line between those who are incompetent and those who are competent; but even the rights of the incompetent are a sacred trust to be exercised in the interest of the people themselves as the covenant declares in arranging for mandatories.

Mr. McCUMBER. What I want to put to the Senator is this: Does the Senator contend that the American people, for instance, understood, from the acceptance of the 14 points which the Senator has enumerated, that when we came to the peace table the question of the right of the Philippines to self-government might come before that conference, or that in the case of Great Britain the right of India or of Egypt to put in their claim for self-government was understood by Great Britain to be one of the things that might be discussed?

Mr. OWEN. No; the principals alone met at the peace table, but they were under the binding force of the agreement to respect the rights of all subject peoples.

Mr. McCUMBER. Or that France understood, when they accepted these 14 points as the basis of a peace settlement, that Morocco or any of her South African possessions might put in their claim for self-government and have those things decided by the peace conference?

Mr. OWEN. No. When we came to the peace conference it was necessary, first, to set up a mechanism by which to carry out the principles that were agreed upon. It was impossible at that time to deal with questions such as I am now discussing. When the peace conference was brought together, it was for the purpose of settling the terms of peace definitely with Germany, with Austria, with Bulgaria, and with Turkey. These adjustments were so complicated that it was entirely inexpedient to go into these other questions. I am merely pointing out that the nations agreed to certain principles as the basis of the treaty with Germany, and have now provided a mechanism in the covenant of the league by which those principles can be carried out, and that the covenant itself ought to be interpreted in the light of the agreement of November 5, 1918—that is all.

Mr. McCUMBER. I think I understand the Senator's position. His position clearly is that those matters should not be settled at the peace conference——

Mr. OWEN. No; they could not be settled at the peace conference. It was not anticipated that they should be settled by the peace conference. It was impossible to settle them at the peace conference. The peace conference at that time was face to face with difficulties that were almost beyond the power of flesh and blood to settle, and it took them a long time, and a great many expert men, to try to work out the complicated settlement now before us in the German treaty. The amazing thing is that they worked it out as well as they did. I do not altogether approve of the treaty with Germany, but, taking it as a whole, it is the best that could be done, and I am content to take the work which was done by the representatives of the Entente Allies and of the belligerent powers at Paris, and make

the most of it. If it be found defective hereafter, I should expect the powers of the world to make the necessary corrections.

Now, Mr. President, of course I am in entire accord with what the Senator from North Dakota said with regard to the different classes of people. Take the people of the Congo, who are absolutely unenlightened, who are uneducated. They are not qualified to safeguard their own lives and their own self-government, but nevertheless the time will come that, even in the Congo, those people can be educated and brought to a point where they may exercise the right of self-government, and the right of self-government inheres in all people whenever they are in a position by education to exercise it. The reason why there are mandatories is because of the backward character of so many people, their lack of education, their lack of understanding of the art of government—and government is an art. It is more than an art. There is such a thing as the science of government, and it was the defects of the structure of government, of the science of government in Europe, that brought on this war, through the rule of the few and the denial of the right of the many to self-government.

The abuses of the poor people of the Congo under Leopold, where great cruelty was practiced on them for commercial advantages, caused an international investigation and correction of the abuses. The Congo is a precedent justifying the right of the people of the world to demand justice for weak and oppressed people anywhere.

Abolition of slavery in the United States is another wonderful precedent.

The President further said, in speaking of this matter:

And with a full and unequivocal acceptance of the principle that the interest of the weak is as sacred as the interest of the strongest.

This is what we mean when we speak of a permanent peace, if we speak sincerely, intelligently, and with a real knowledge and comprehension of the matter we deal with.

* * * * * * *

If it be in deed and in truth the common objects of the Governments associated against Germany and of the nations whom they govern, as I believe it to be, to achieve by the coming settlements a secure and lasting peace, it will be necessary that all who sit down at the peace table shall come ready and willing to pay the price, the only price, that will procure it; and ready and willing also to create in some virile fashion the only instrumentality by which it can be made certain that the agreements of the peace will be honored and fulfilled.

Mr. President, in my opinion the covenant of the league provides the mechanism by which this can be accomplished.

The President said—

That price is impartial justice in every item of the settlement—

And that applies to the people of Germany, Austria, Bulgaria, and Turkey as well as to others. They have a right, too, to ask that the price that they pay—and they were required to pay a price and they ought to be required to pay a price; they ought to be punished for what they did—should be limited by justice. There is a limit to which the people may be punished in justice for the faults of their leadership or even for their own faults.

The President said:

That price is impartial justice in every item of the settlement, no matter whose interest is crossed; and not only impartial justice but also the satisfaction of the several peoples whose fortunes are dealt with. That indispensable instrumentality is a league of nations formed under covenants that will be efficacious. * * *

But these general terms do not disclose the whole matter. Some details are needed to make them sound less like a thesis and more like a practical program. These, then, are some of the particulars, and I state them with the greater confidence because I can state them authoritatively as representing this Government's interpretation of its own duty with regard to peace:

First. The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice which plays no favorites and knows no standard but the equal rights of the several peoples concerned.

Second. No special or separate interest of any single nation or group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all.

Third. There can be no league or alliances or special covenants and understandings within the general and common family of the league of nations.

Fourth, and more specifically, there can be no special, selfish economic combinations within the league and no employment of any form of economic boycott or exclusion except as the power of economic penalty by exclusion from the markets of the world may be vested in the league of nations itself as a means of discipline and control.

Fifth. All international agreements and treaties of every kind must be made known in their entirety to the rest of the world.

* * * * * * *

* * * It is now plain that they are issues which no man can prevent unless it be willfully. I am bound to fight for them and happy to fight for them, as time and circumstances have revealed them to me and to all the world. Our enthusiasm for them grows more and more irresistible as they stand out in more and more vivid and unmistakable outline.

And the forces that fight for them draw into closer and closer array, organizing their millions into more and more unconquerable might as they become more and more distinct to the thought and purpose of the peoples engaged. It is the peculiarity of this Great War that while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is that they are fighting for. National purposes have fallen more and more into the background and the common purpose of enlightened mankind has taken their place. The counsels of plain men have become on all hands more simple and straightforward and more unified than the counsels of sophisticated men of affairs, who still retain the impression that they are playing a game of power and high stakes. That is why I have said that this is a people's war, not a statesmen's. Statesmen must follow the clarified common thought or be broken.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield.

Mr. GRONNA. I am very much interested in the Senator's analysis of the treaty and the covenant. He has read from several speeches of the President, among them the one made on January 8, 1918, including the 14 points. As I understand the Senator, it is his opinion that the so-called 14 points are not included in the covenant or in the treaty?

Mr. OWEN. The Senator is mistaken.

Mr. GRONNA. Then I misunderstood the Senator. My colleague [Mr. McCUMBER] asked a question, to which the Senator from Oklahoma made a reply, of which I can not give the exact language, but in substance it was that it was not practical for the peace conference——

Mr. OWEN. That was one feature of it only. That was the question of adjusting the rights of all subject peoples by the conference at Paris.

It was impossible to do that. They did deal with the subject peoples of the Teutonic Governments, but not with their own subject people. It was impossible to do that at Paris because the principals were then engaged in settling the war itself with Germany and, as principals, laying down the terms with the German Government. They recognized the principles I am describing in dealing with the subject peoples of Germany of necessity. The question of adjusting their relations as principals with their own subject peoples afterwards, in the light of what they agreed to during the war, is another question. The covenant of the league provides the mechanism.

Mr. GRONNA. The Senator, then, as I understand him, believes that these 14 points——

Mr. OWEN. I am only emphasizing one point, and that point is the right of liberty to men everywhere on earth.

Mr. GRONNA. That includes a great many.

Mr. OWEN. Yes; it does.

Mr. GRONNA. That would include all the 14 principles enunciated by the President.

Mr. OWEN. They have some bearing on it.

Mr. GRONNA. Is it the Senator's opinion that these addresses of the President and the 14 points ipso facto become a part of the treaty, and that the league of nations and the council must deal with it in accordance with the principles as they were laid down by the President?

Mr. OWEN. My opinion is that it constitutes an agreement on the part of the Governments of the Entente Allies to carry out the doctrine of liberty and self-government throughout the world. That is the point I am making, and that is the only point I am making, and I want to confine myself to that point.

Mr. GRONNA. The Senator has read considerably from the addresses made by the President.

Mr. OWEN. It all goes to the one point.

Mr. GRONNA. I was very anxious to know if we are to understand that these principles are to be recognized by the assembly or by the council in dealing with the peoples of the different nations of the earth, if the treaty becomes effective.

Mr. OWEN. I think the principle of freedom has been clearly set up as the issue of this war—freedom for all people to govern themselves where they have sufficient education and knowledge of government to be able to accomplish it and that the Entente Allies are fully committed to the principle.

Mr. GRONNA. I believe, as one Member of this body, I can name at least one principle which has not been made clear in the treaty, according to the 14 points, and that is the principle of the freedom of the seas. We must deal with these questions in a practical way.

Mr. OWEN. I am dealing with one question at a time, if the Senator will permit me, and I should like to confine myself to that question.

Mr. GRONNA. Of course, I shall not press the inquiry.

Mr. WADSWORTH. Mr. President——

Mr. OWEN. I yield to the Senator from New York.

Mr. WADSWORTH. Will the Senator be willing to read again the words of the President which he read but a moment ago and which, as I recollect it, declared that national purposes

were being submerged or were on the decline, or something to that effect? He had just finished reading it when he was interrupted by the Senator from North Dakota [Mr. GRONNA].

Mr. OWEN. The President was criticizing the attitude of individuals in charge of governments who, under the idea that they were serving national interests, were ignoring the principles of liberty. This is what he said:

It is the peculiarity of this Great War that while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is that they are fighting for. National purposes have fallen more and more into the background, and the common purpose of enlightened mankind has taken their place.

Mr. WADSWORTH rose.

Mr. OWEN. If the Senator will just wait a moment, I desire to state that what the President is pointing out is that the mass of men in this war were fighting for liberty and for the overthrow of arbitrary force. The Senator from New York does not intend to take issue with that, I am sure.

Mr. WADSWORTH. No; the Senator from New York does not intend to take issue with that in particular, but he does ask the permission of the Senator from Oklahoma to suggest that the events since November 11, 1918, do not bear out the assertion of the President that national purposes are going further and further into the background. I venture to state that there has never been a period in the history of the whole world when nationalism was more vigorous than it is at this time.

Mr. OWEN. I think that is true with regard to every nation in the world; that is the very thing that the President was pointing out—the right of individual nations and individual communities to govern themselves, government by "the consent of the governed"—and when you have government by the consent of the governed, of course you have what would be called in that sense nationalism, for it is the right of self-control, of self-direction, and self-government of each nation.

Mr. POINDEXTER and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and if so, to whom?

Mr. OWEN. I yield to the Senator from Washington.

Mr. POINDEXTER. I desire to make an inquiry as to whether or not the principle to which the Senator from Oklahoma is confining his remarks has been applied in a practical way in the peace treaty, not only in the German peace treaty but as reflected by the attitude of the American delegation in regard to the Austrian treaty? I should like to ask the Senator whether he thinks it is carrying out this principle to give practical control—economic and industrial control, at least—of Shantung to Japan, or to place the Italian population of the Adriatic and Dalmatian coast under the control——

Mr. OWEN. I will say to the Senator that I do not want him to make a speech in the form of a question. I will answer the purport of the question he is asking.

Mr. POINDEXTER. Will the Senator allow me to complete the question?

Mr. OWEN. Certainly.

Mr. POINDEXTER. Is it in conformity with the principle referred to to give the Slavic nation control of the Italian population of Fiume, or to give Bulgaria, the traditional enemy of the Greek people, control of the Greeks of Thrace? There are other similar instances that might be mentioned.

Mr. OWEN. The Senator from Washington is making statements of fact in which I do not concur, and he is making a statement of principle in which I do concur; that is to say, I am not in favor of giving control of any people to any other people or handing them around as chattels any more than is the Senator. We are in perfect accord about that. It is a question of whether or not the facts are as they are supposed to be.

Mr. POINDEXTER. Will the Senator allow me to ask him another question?

Mr. OWEN. Yes; I yield.

Mr. POINDEXTER. The Senator does not deny, as a fact, that the peace treaty gives control of Shantung to Japan, does he?

Mr. OWEN. I do, most emphatically.

Mr. POINDEXTER. Does the Senator deny the fact——

Mr. OWEN. Just a moment, if the Senator please, because I am not going to be diverted from my argument by these side issues any further than to answer a question, and I will dispose of that, if the Senator will permit me.

Mr. POINDEXTER. I should like to complete the question, and then I will cease, and the Senator can answer it altogether.

Mr. OWEN. I will yield further to the Senator.

Mr. POINDEXTER. I will ask the Senator if he denies the fact that the President or the peace delegation, if we choose to so designate it, representing the United States, used the influence of that delegation to take away from the control of the Italians the city of Fiume and turn it over to some other control? Furthermore, if the peace delegation——

Mr. OWEN. Just one question at a time, if the Senator please. He comes to his "furthermores," but I want him to stop and ask one question at a time, so that I may answer it.

Mr. POINDEXTER. But this is part of the same point.

Mr. OWEN. I will yield further to the Senator.

Mr. POINDEXTER. Whether it is not a fact that the American peace delegation, which was responsible for the principle of which the Senator is speaking, did not advocate turning over Thrace and its Greek population to Bulgaria?

Mr. OWEN. The Senator from Washington has asked me five questions in rapid succession—one with regard to the Austrian treaty, another regarding Shantung, the Dalmatian coast, Bulgaria, and Thrace; and one with regard to Fiume, which he asserts was under the control of the Italian people. My answer to that is that Fiume was not under the control of the Italian Government, although there was a large Italian population there; and that Fiume, being a seaport from which the hinterland occupied by the Jugo-Slavs must find access to the sea, it was thought desirable to preserve that port for that purpose, since it would make but little difference one way or the other what the local management of the city was, for, after all, the city's own inhabitants would control the city.

The Dalmation coast does not belong to Italy. Shantung will be soon under the sovereignty of the Chinese.

Mr. President, I am not now going to discuss the question of Thrace, except that I favor the right of the Greek people to govern themselves. With the permission of my colleague, I will resume my argument. I have called attention to these addresses by the President because they relate directly to the agreement entered into by the Entente Allies referred to in the Lansing communication to the German Government. Now, I again call the attention of the Senate to what the Entente Allied Governments agreed to do. The Entente Allied Governments agreed to this—these are the words used by the Secretary of State in addressing Hans Sulzer, the minister of Switzerland, in charge of German interests, for the information of the German Government:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses."

Mr. President, this is no new doctrine on the part of the Entente Allies; it is not something new. Both Lloyd-George and Clemenceau had expressed the same principles long before. I wish to call the attention of the Senate to what Lloyd-George said on June 29, 1917, and on July 20, 1917. On June 29, 1917, Premier Lloyd-George, after extensive consultation, journeyed to Glasgow to make a speech setting forth the Government's position, and he said:

In my judgment, this war will come to an end when the Allied Powers have reached the aims which they set out to attain when they accepted the challenge thrown down by Germany to civilization.

These terms were set out recently by President Wilson with his unrivaled gift of succinct and trenchant speech. As soon as these objectives are reached, and guaranteed, this war will come to an end. But if it comes to an end a single hour before, it will be the greatest disaster that has ever befallen mankind. * * *

Europe is again drenched with the blood of its bravest and best, but do not forget these are the great succession of hallowed causes. They are the stations of the cross on the road to the emancipation of mankind. Let us endure as our fathers did. Every birth is an agony, and the new world is born out of the agony of the old world. My appeal to the people of this country, and, if my appeal can reach beyond it, is this—that we should continue to fight for the great goal of international right and international justice, so that never again shall brute force sit on the throne of justice, nor barbaric strength wield the scepter of right.

On July 20, 1917, the premier, Lloyd-George, in the course of a lengthy speech in Parliament, said:

Germany is not going to drive Great Britain out of the fight until liberty has been established throughout the world.

Mr. President, the French Government was equally idealistic. On June 4, 1917, the Chamber of Deputies, by a vote of 453 to 55, declared:

Repudiating all idea of conquest of foreign populations, it (the Government) expects that the efforts of the armies of the Republic and of the Allies shall make it possible to obtain lasting guaranties of peace and independence for all peoples, great and small, in an organization of the Society of Nations (Confederation of the World) to be formed at once.

So that the principles laid down by the President of the United States were not new, and they were not at variance with the opinions which had been previously set forth by the authorities of France and of Great Britain. They are the matured opinions of the great American people.

I wish to call attention to what Lord Asquith, the British Liberal leader, said on December 20, 1917, in the House of Commons:

We ought to make it increasingly clear by every possible means that the only ends we are fighting for are liberty and justice, for the whole world, through a confederation of great and small States, all to possess equal rights. A league of nations is the ideal for which we are fighting, and we shall continue fighting for it with a clear conscience, clean hands, and an unwavering heart.

The British Labor Party on January 16, 1918, expressly voiced a demand for free peoples everywhere and the formation of a league of nations, specifying, too, the needed territorial readjustments in Europe.

In France the federation of labor at its national conference adopted by an almost unanimous vote the war aims set forth by President Wilson, and stated that the purpose of the Russian revolutionaries at that time was virtually the same. The executive officers of the French Federation of Labor were instructed to do their utmost to induce the French Government to clearly enunciate these aims.

Mr. President, long before these events the Democratic Party had held a convention in 1916, and they declared practically for a league of nations, and laid down the very principles which free men everywhere on earth now believe in and insist on, as follows:

INTERNATIONAL RELATIONS.

The Democratic administration has throughout the present war scrupulously and successfully held to the old paths of neutrality and to the peaceful pursuits of the legitimate objects of our national life which statesmen of all parties and creeds have prescribed for themselves in America since the beginning of our history. But the circumstances of the last two years have revealed necessities of international action which no former generation can have foreseen. We hold that it is the duty of the United States to use its power, not only to make itself safe at home but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the right to choose the sovereignty under which it shall live; that the small States of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and unhindered use of all nations.

The present administration has consistently sought to act upon and realize in its conduct of the foreign affairs of the Nation the principle that should be the object of any association of the nations formed to secure the peace of the world and the maintenance of national and individual rights. It has followed the highest American traditions. It has preferred respect for the fundamental rights of smaller States even to property interests, and has secured the friendship of the people of such States for the United States by refusing to make a mere material interest an excuse for the assertion of our superior power against the dignity of their sovereign independence. * * *

PAN AMERICAN CONCORD.

We recognize now, as we have always recognized, a definite and common interest between the United States and the other peoples and Republics of the Western Hemisphere in all matters of national independence and free political development. We favor the establishment and maintenance of the closest relations of amity and mutual helpfulness between the United States and the other Republics of the American continents for the support of peace and the promotion of a common prosperity. To that end we favor all measures which may be necessary to facilitate intimate intercourse and promote commerce between the United States and our neighbors to the south, and such international understandings as may be practicable and suitable to accomplish these ends.

The naval appropriation act of August 29, 1916, before President Wilson made his statement, expressly declared that the naval program would be set aside in the event of universal disarmament. Without taking the time to read it, I will, with the permission of the Senate, insert the extract from that act in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The extract referred to is as follows:

If at any time before the construction authorized by this act shall have been contracted for there shall have been established, with the cooperation of the United States of America, an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, and which shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals may be suspended, when so ordered by the President of the United States.

Mr. OWEN. There the United States Congress provided that if arrangements were made for disarmament, in that contingency, the program of naval expansion might be set aside, showing the humane and enlightened view of the people of the United States. In an address to Congress on January 22, 1917, 12 days after the sending to us of the joint note by the allied coalition Governments, President Wilson said:

No peace can last, or ought to last, which does not recognize and accept the principle that Governments derive all their just powers from the consent of the governed. * * * These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail.

Then when the United States announced that we recognized the existence of the state of war which the Imperial German Government was waging against us, the President announced:

The world must be made safe for democracy. Its peace must be planted upon the tested foundation of liberty.

And he added:

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

When the armistice was declared, President Wilson, on the morning of November 11, 1918, in a message to the American people, said:

My fellow countrymen: The armistice was signed this morning. Everything for which America fought has been accomplished. It will now be our fortunate duty to assist by example, by sober, friendly counsel, and by material aid in the establishment of democracy throughout the world.

And the premier of the British Empire, Lloyd-George, cabled his congratulations to President Wilson, as follows:

My heartiest thanks for your kindly message. I am certain that the ideals of our two countries regarding international reconstruction are fundamentally the same. I feel sure that at the peace conference we shall be able to cooperate fruitfully to promote the reign of peace with liberty and true democracy throughout the world.

President Wilson, at the session of the plenary council of the peace conference of January 25, 1919, at which it was voted that a league of nations should be established and that it should be provided for in the treaty with Germany, said:

We have assembled for two purposes, to make the present settlements which have been rendered necessary by this war, and also to secure the peace of the world. * * * The league of nations seems to be necessary for both of these purposes. * * * We would not dare abate a single item of the program which constitutes instructions; we would not dare to compromise upon any matter as the champions of this thing—this peace of the world, this attitude of justice, this principle that we are masters of no peoples but are here to see that every people in the world shall choose its own masters and govern its own destinies not as we wish, but as they wish.

We are to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of a small coterie of civil rulers and military staffs. Those foundations were the aggressions of great powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of arms. Those foundations were the powers of small bodies of men to wield their will and use mankind as pawns in a game.

And nothing less than the emancipation of the world from these things will accomplish peace.

You can see that the representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have had laid down for them the unalterable lines of principles.

And, thank God, these lines have been accepted as the lines of settlement by all of the high-minded men who have had to do with the beginnings of this business. * * *

We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the war after we had uttered our purpose; they came as crusaders not merely to win a war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purpose for which I asked them to fight; and I, like them, must be a crusader for these things, whatever it costs and whatever it may be necessary to do in honor to accomplish the objects for which they have fought.

The next speaker in the plenary council was Premier Lloyd-George, who said:

I should not have intervened at all, but it was necessary for me to state how emphatically the people of the British Empire are behind this proposal; and if the leaders of the British Empire have not been able to devote so much time during the past five years as they would have liked to this question the reason is that they were occupied with other questions that were more urgent for the moment.

Now, Mr. President, I want particularly to call the attention of the Senate to article 147 of the German peace treaty, with regard to Egypt, as follows:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

And other nations joining in this treaty might appear to be doing the same thing without explanation. I do not feel willing to have Egypt handed over to the British Empire as a chattel or to be in any way responsible for such a wrong. We were not fighting the war for any such purpose; but Great Britain, in all fairness, I think, was justified in taking drastic steps with regard to the government of Egypt at the beginning of this war, because the then Khedive of Egypt was showing an evidence of his attachment to the cause of Turkey and of Germany as

against the Entente Allies, so that it became expedient, from the standpoint of the Government of Great Britain, to set aside the Khedive and appoint his successor by force.

It might be proper to say that in 1882 revolutionary proceedings broke out in Egypt for the purpose of expelling European influences from Egypt. The British fleet, in the protection of its interests and under the claim of protecting law and order, bombarded Alexandria and practically sent armed troops into the Egyptian country, and from that time forward exercised a certain degree of control there, but with the understanding always that the powers which were being exercised were with a view to maintaining the "independence of the Egyptians." Many of the British statesmen have expressed themselves with regard to the purpose of that occupation, none of them more forcibly than Mr. Gladstone in the House of Commons on August 9, 1883, when he said:

The uncertainty there may be in some portion of the public mind has reference to those desires which tend toward the permanent occupation of Egypt and its incorporation in this Empire. This is a consummation to which we are resolutely opposed, and which we will have nothing to do with bringing about. We are against this doctrine of annexation; we are against everything that resembles or approaches it; and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt; we are against it on the ground of the specific and solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, special sacredness in this case binds us to observe. We are also sensible that occupation prolonged beyond a certain point may tend to annexation, and consequently it is our object to take the greatest care that the occupation does not gradually take a permanent character. * * * We can not name a day, and do not undertake to name a day, for our final withdrawal, but no effort shall be wanting on our part to bring about that withdrawal as early as possible. The conditions which will enable us to withdraw are those described by Lord Granville—restored order in the state of the country and the organization of the proper means for the maintenance of the Khedive's authority. * * * The right honorable gentleman, Sir S. Northcote, has treated us as if we intended to stay in Egypt until we had brought about institutions which would do credit to Utopia. We have no such views. * * * In popular language we mean to give Egypt a fair start, and if we secure it order, supply a civil and military force adequate to the maintenance of order, and with a man on the throne in whose benevolence and justice we have confidence, with institutions for the administration of justice under enlightened supervision and in fairly competent hands—if we have made a reasonable beginning toward legislative institutions into which is incorporated some seed of freedom our duty may be supposed to be complete.

The Anglo-French agreement of April 8, 1904, provides:

The Government of His Majesty declares that it has no intention of altering the political status of Egypt.

Lord Cromer's report, March 3, 1907, stated:

There are insuperable objections to the assumption of a British protectorate over Egypt. It would involve a change in the political status of the country. Now, in article 1 of the Anglo-French agreement of the 8th of April, 1904, the British Government have explicitly declared that they have no intention of altering the political status of Egypt.

In the protocol signed by Lord Dufferin, together with the authorized representatives of the five other great powers, on the 25th of June, 1882, it was agreed:

The Government represented by the undersigned engage themselves in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, not to seek any territorial advantage nor any concession of any exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain.

The authorities up to the war 1914 were unbroken in maintaining this position. Great Britain is in no position with honor to annex Egyptian territory or powers of government.

Mr. President, it is now 37 years that the British Empire has remained in possession of the Government of Egypt. I am told that the amount paid to the Khedive for his valuable services as overlord there is $900,000 a year, which would seem to be a tax on the Egyptian people for the purpose of maintaining a royal state, and of which I do not approve if the Egyptian people are discontented with it. They have long suffered a blackmail tax to Turkey of an annual payment of $3,500,000. I think the power rests in the Egyptian people to run their own affairs and to manage their own business without being taxed by the Turks or the Khedive appointed by Great Britain.

I want to call the attention of the Senate to article 148, which says that—

In no case can Germany avail herself of these instruments—

Referring to the contracts with Germany—

and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other powers.

It is obvious that Great Britain anticipates and the treaty contemplates negotiations between the Government of Great Britain and the other powers with regard to Egypt. The liberty of the Egyptians under the agreement which I have referred to and under the principles which have been laid down is a matter of immediate and urgent importance to the Egyptians and the peace of the world and should be taken up for negotiations without the embarrassment of any self-serving protectorate set up by the British Government.

Many British statesmen have from time to time since 1882 set forth their views with regard to the purposes of the British Government with relation to Egypt, which have been presented to the Committee on Foreign Relations.

Now, Mr. President, I want to print in the RECORD the action of the English Government in making a proclamation appointing a Khedive for Egypt. I do not wish to take the time of the Senate to read it. It is a proclamation putting into force the appointment of a new Khedive for Egypt on December 18, 1914.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The proclamation referred to is as follows:

In view of the action of His Highness Abbas Hihni Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, His Majesty's Government have seen fit to depose him from the khediviate, and that high dignity has been offered, with the title of Sultan of Egypt, to His Highness Prince Hussein Kamel Pasha, eldest living prince of the family of Mehemet Ali, and has been accepted by him.

The King has been pleased to approve the appointment of Prince Hussein to be an honorary knight grand cross of the Order of the Bath on the occasion of his accession to the sultanate.

The King has been pleased to give directions for the following appointment to the Order of St. Michael and St. George.

His Excellency Hussein Rushdi Pasha, president of the council of ministers of His Highness the Sultan of Egypt, to be an honorary knight grand cross of the order.

The following notice is issued by the foreign office:

"His Majesty's Government having been informed that the Government of the French Republic have recognized the British protectorate over Egypt, His Britannic Majesty's principal secretary of state for foreign affairs hereby gives notice that His Majesty's Government adhere to the Franco-Moorish treaty of March 30, 1912.

"The foreign office communicates the following letter addressed to Prince Hussein by the acting high commissioner in Egypt:

"CAIRO, *December 19, 1914.*

"YOUR HIGHNESS: I am instructed by His Britannic Majesty's principal secretary of state for foreign affairs to bring to the notice of Your Highness the circumstances preceding the outbreak of war between His Britannic Majesty and the Sultan of Turkey and the changes which that war entails in the status of Egypt.

"In the Ottoman cabinet there were two parties: On one side was a moderate party, mindful of the sympathy extended by Great Britain to every effort toward reform in Turkey, who recognized that in the war in which His Majesty was already engaged no Turkish interests were concerned, and welcomed the assurances of His Majesty and his allies that neither in Egypt nor elsewhere would the war be used as a pretext for any action injurious to Ottoman interests. On the other side, a band of unscrupulous military adventurers looked to find in a war of aggression waged in concert with His Majesty's enemies means of retrieving the disasters—military, financial, and economic—into which they had already plunged their country. Hoping to the last that wiser counsels must prevail, His Majesty and his allies, in spite of repeated violations of their rights, abstained from retaliatory action until compelled thereto by the crossing of the Egyptian frontier by armed bands and by the unprovoked attacks on Russian open ports by Turkish naval forces under German officers.

"His Majesty's Government are in possession of ample evidence that ever since the outbreak of war with Germany His Highness Abbas Hihni Pasha, late Khedive of Egypt, has definitely thrown his lot with His Majesty's enemies.

"From the facts above set out it results that the rights over the Egyptian executive of the Sultan or of the late Khedive are forfeited to His Majesty.

"His Majesty's Government have already, through the general officer commanding His Majesty's forces in Egypt, accepted exclusive responsibility for the defense of Egypt during the present war. It remains to lay down the form of the future government of the country freed, as I have stated, from all rights of suzerainty or other rights heretofore claimed by the Ottoman Government.

"Of the rights thus accruing to His Majesty, no less than of those exercised in Egypt during the last 30 years of reform, His Majesty's Government regard themselves as trustees for the inhabitants of Egypt. And His Majesty's Government have decided that Great Britain can best fulfill the responsibilities she has incurred toward Egypt by the formal declaration of a British protectorate and by the government of the country under such protectorate by a prince of the khedival family.

"In these circumstances I am instructed by His Majesty's Government to inform Your Highness that, by reason of your age and experience, you have been chosen as the prince of the family of Mehemet Ali most worthy to occupy the khedival position, with the title and style of the Sultan of Egypt; and in inviting Your Highness to accept the responsibilities of your high office I am to give you the formal assurance that Great Britain accepts the fullest responsibility for the defense of the territories under Your Highness against all aggression whencesoever coming. And His Majesty's Government authorizes me to declare that, after the establishment of the British protectorate now announced, all Egyptian subjects, wherever they may be, will be entitled to receive the protection of His Majesty's Government.

"With Ottoman suzerainty there will disappear the restrictions heretofore placed by Ottoman firmans upon the numbers and organization of Your Highness's army and upon the grant of Your Highness of honorific distinctions.

"As regards foreign relations, His Majesty's Government deem it most consistent with the new responsibilities assumed by Great Britain that the relations between Your Highness' Government and the representatives of foreign powers should be henceforth conducted through His Majesty's representative in Cairo.

"Mis Majesty's Government have repeatedly placed on record that the system of treaties known as the capitulations, by which Your Highness' Government is bound, are no longer in harmony with the development of the country; but I am expressly authorized to state that in the opinion of His Majesty's Government the revision of these

treaties may most conveniently be postponed until the end of the present war.

"In the field of internal administration I am to remind Your Highness that, in consonance with the traditions of British policy, it has been the aim of His Majesty's Government, while working through and in the closest association with the constituted Egyptian authorities, to secure individual liberty, to promote the spread of education, to further the development of the natural resources of the country, and in such measure as the degree of enlightenment of public opinion may permit to associate the governed in the task of government. Not only is it the intention of His Majesty's Government to remain faithful to such policy, but they are convinced that the clearer definition of Great Britain's position in the country will accelerate progress toward self-government.

"The religious convictions of Egyptian subjects will be scrupulously respected, as are those of His Majesty's own subjects, whatever their creed; nor need I affirm to Your Highness that in declaring Egypt free from any duty of obedience to those who have usurped political power at Constantinople His Majesty's Government are animated by no hostility toward the khalifate. The past history of Egypt shows, indeed, that the loyalty of Egyptian Mahomedans toward the khalifate is independent of any political bonds between Egypt and Constantinople.

"The strengthening and progress of Mahomedan institutions in Egypt is naturally a matter in which His Majesty's Government takes the deepest interest and in which Your Highness will be specially concerned, and, in carrying out such reforms as may be considered necessary Your Highness may count upon the sympathetic support of His Majesty's Government.

"I am to add that His Majesty's Government rely with confidence upon the loyalty, good sense, and self-restraint of Egyptian subjects to facilitate the task of the general officer commanding His Majesty's forces, who is intrusted with the maintenance of internal order and with the prevention of the rendering of aid to the enemy.

"I have, etc.,

"(Sd.) MILNE CHEETHAM."

Mr. OWEN. It is for the reason that I do not wish, without some interpretative resolution, to agree to this establishment of a protectorate by Great Britain over Egypt that I propose, at the proper time, to offer an interpretative resolution that will cover it. Because I wish to see the right of self-government provided for the Egyptians, the Irish, the Philippine people, and all people capable of self-government, I have called up these records.

Mr. President, the principles which should govern the world in regard to the exercise of sovereignty must, of course, keep in mind the weakness of certain backward people. In the Kongo, perhaps, will be found an extreme example of uncultured, uncivilized people, with no knowledge of government, no knowledge of how to establish an orderly and peaceful government. The same thing might be said in some parts of the Philippines. Yet there are gradually increasing throughout the world educated men belonging to all nations, and the number of educated people is being expanded everywhere. It will be remembered that the policy which I have been advocating to-day of the right of self-government was recognized by the United States after the Spanish War, when we gladly recognized in Cuba the right of self-government, and Cuba has been governing its own affairs for many years now, peacefully, satisfactorily, and without complaint on the part of the United States or any other nation. With regard to the Philippines, we had the avowed purpose of giving them self-government as rapidly as it could be brought about with safety. One of the things which has interfered with complete self-government for the Philippines has been the question as to whether or not the Philippines would be able to maintain their independence if they were turned free without any protecting power to safeguard them; but with the establishment of a league of nations that fear will disappear and the complete independence of the Philippines can be brought about without any great delay.

The same thing is true with regard to Porto Rico. The United States has shown its good disposition there by giving to the people of Porto Rico citizenship in the United States; but Porto Rico ought to have the right of self-government, and Porto Rico ought not to be subjected to the exploitation of those who desire to use the powers of the United States Government in Porto Rico to their own private advantage in any way.

The same principle applies to Shantung. The Chinese occupy Shantung. They are entitled to self-government. It may not be as good a government as they might have established for them by some other power but it would be self-government. Japan has no purpose of maintaining any sovereignty over Shantung and has no right to do so. The very treaty which is before us itself provides that—

Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow.

And Japan has agreed definitely to turn these over to the Government of China, and not to interfere any longer with the sovereignty of China in the government of Shantung.

Mr. REED. Mr. President——

Mr. OWEN. I do not intend to discuss the commercial rights which Japan desires to retain in the Province of Shantung further than to say that if China, in the exercise of sovereignty, becomes discontented with the management of the railroads in Shantung by Japan, China, being the sovereign power, can take up the question of taking over the commercial property upon making a satisfactory liquidation with Japan.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I yield to the Senator.

Mr. REED. The Senator made the statement that Japan had definitely agreed to turn back Shantung to China.

Mr. OWEN. I have made that statement.

Mr. REED. Where is that to be found?

Mr. OWEN. It will be found in the CONGRESSIONAL RECORD in a speech which I made some time ago; and the Senator will excuse me if I do not go into an elaborate discussion of it, because I do not want to be diverted.

Mr. REED. I do not want to divert the Senator. I simply wanted to know whether it was in any official document that is on file.

Mr. OWEN. I answered the Senator.

Mr. REED. If the Senator wants to refer me to his other speech, I will, of course, turn to that.

Mr. OWEN. I do refer the Senator there.

Now, Mr. President, the covenant of the league provides a world forum in article 11, which says:

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.

Under this article a forum is provided where any nation deprived of its right of self-government would have a right to be heard. I take it that the Irish people would have a right to come before the council and before the assembly and to urge their case and to show the reasons justifying their right of self-government.

If they are subjected to commercial exploitation, as I understand has been charged, they have a right to bring that question up, so that the peace of the nations should not be disturbed by any excitement over Ireland or by the constant appeals of the Irish to public opinion throughout the world to sustain Ireland against the British Government.

More than that, I think the matter could be brought up as a dispute in the assembly, as a matter affecting the peace of the world, under the agreement entered into by the Entente Allies, as set forth in the declaration of Secretary Lansing on November 5, 1918. If men are denied their liberty and their right of self-government contrary to the purposes for which this war was fought, contrary to the declaration of principles made on the 5th of November, they have a right to bring that question to the assembly, representing the powers of the world, where it may be heard. That is one of the great purposes of establishing the covenant. It is not to give the covenant the power of overlordship. Overlordship or tyranny is impossible under the league.

I remind Senators that any representative sent to the assembly is subject to immediate recall. He has no tenure of office. He is not appointed for 5 years, or 10 years, or 20 years, or 1 year. He goes as the representative of some power, and that power has the right to fix his tenure. He has no salary fixed. He has no continuity of office. He has no basis upon which to carry on personal intrigue, and neither the council nor the assembly has legislative power. Neither has an army or a navy or a treasury, except such as may be afforded it by contributions of the several nations, as long as they approve, and the nations can withdraw when they wish on reasonable notice.

Many have thought that this covenant established a world association too weak in its power to make effective its purposes. But I hold that the purposes will be made effective by world opinion, by the moral force of mankind, when you take the world forum established in conjunction with the various methods by which those things which would tend to war are prevented from reaching war. One door after another is closed against war, by conciliation, by arbitration, by the negotiations of the council, by the advice and opinion and report of the assembly, and by delays. It is true that the report of the assembly can not be enforced. It is true that the report of the assembly is only persuasive at last. If it is carried out by a nation, however, that nation can not be subjected to war; and if a nation refuses to carry it out, the nation refusing to carry it out can not be invaded under article 10. Such a nation may be

subjected to war after three months' notice (art. 12) but not to invasion (art. 10). But at present nations can go to war with each other without having any adequate method of international arbitration, international conciliation, or international settlement of disputes by world opinion. They can go to war now without notice.

The disarmament provided by the covenant of the league, the universal boycott against an outlaw nation (art. 16), and, above all, the pledges of article 10, where every one of the 50 nations of the world agree to respect the territorial integrity of every other nation, where every one agrees to take part in preserving the territorial integrity and existing political independence of other nations, is sufficient to make war practically impossible, because it is incredible that any nation would have the temerity to face the world in arms. Any nation that would do a thing of that sort would become immediately an outlaw nation, subject to world boycott and subject to the armed forces of mankind. The quick fall from power of such a government would be absolutely certain.

Senators say they do not want to bind the United States or join in preserving the territorial integrity of other nations. I say, on the other hand, that I think the wisest and best policy for the United States is to cooperate with other nations in pledging its power to preserve the territorial integrity of other nations, and when it does give that pledge it will suffice to prevent war, not make war. There is no nation in the world that would have the impudence or folly to face the whole world in arms.

The most powerful of all the nations—Germany, Austria, Bulgaria, and Turkey, with their combined power—would not have dared invade Serbia if this rule had been in force. Every prudent, thoughtful man knows that that is the truth. Germany anxiously sought to ascertain from Lord Grey whether or not England would go into the war if Germany should become embroiled in the war with Austria and Serbia. I have always thought it was a fatal error not to have conveyed to the German authorities, in some way that was convincing, the idea that Great Britain would not stand for the invasion of Belgium and France.

We stood for such invasion as neutrals; we talked peace after it happened. We justified ourselves and thought we were doing a fine thing for quite a while, until at last we discovered that our fortunes and our welfare were inexplicably bound with the peace of the world and that we could not at last escape the cataclysm brought about by arbitrary force in invading the peaceful nations of the world.

We have learned the lesson. The world has learned it. The covenant is before us to prevent another World War.

I am in favor of declaring a war of external aggression an international crime of the first magnitude. I am in favor of pledging the power of the United States to forbid it, and to be ready, if necessary, to reduce to subjection any outlaw nation that dares in the future to invade the world.

We have declared that principle in effect by the Monroe doctrine on the Western Hemisphere, and our statement that the United States would regard it as an unfriendly act for any power anywhere in the world to interfere with the rights of the Republics on the Western Hemisphere has been sufficient for a hundred years to protect the Western Hemisphere, except on one occasion—Mexico—when the United States was having a bloody fratricidal strife of 1861 to 1865, the European military powers attempted to set up an empire in Mexico under an Austrian prince. But immediately the war was over the United States served notice on these foreign powers and they withdrew. Maximilian was put before a firing squad, and that ended that controversy.

The United States has never fought a war except for liberty.

In 1776 for the liberty of the Colonies.

In 1812 for liberty on the high seas.

In 1846 for the liberty of Texas.

In 1866 for the liberty of the African slaves in America.

In 1898 for the liberty of Cuba.

In 1917 for the liberty of the world. America demands the fruits of this last Great War.

Mr. President, in every government there are those who divide according to the point of view—the Tories, reactionaries, and conservatives, who favor concentrating power in the hands of the few, and the liberals and progressives, who believe in placing the governing power in the hands of the people. These divisions often defy party lines.

One class of men, the reactionaries or stand-pat element, think favorably of special privilege and in terms of acquisition, while the liberals or progressives think first in terms of human life and think second in terms of property as merely contributory to life.

In all of the Governments of Europe the contest everlastingly goes on, as well as with us.

As a rule, the progressives have faith in the common sense and common honesty of mankind, while the conservatives have little or no faith in either.

But all of the world is now under a profound movement as powerful as the tides toward liberty and justice, and the progress of mankind can not be stopped by any man, any party, or any nation. So far the United States has led the way.

I have faith to believe that the people of the United States will not relinquish the moral leadership which they have gloriously assumed, but that her ideals of justice, liberty, peace, and human happiness may soon, very soon, be established among the sons of men.

THE COVENANT POINTS THE WAY.

I favor the covenant without amendments or destructive reservations, but with interpretations that shall safeguard our rights and prevent the possibility of our views being misinterpreted.

Mr. SHIELDS. Mr. President, the amendment to the proposed treaty with Germany, commonly called the Shantung amendment, now under consideration by the Senate, has not challenged my attention or interested me as have other amendments and the several reservations reported by the Committee on Foreign Relations. This, perhaps, grows out of my opinion that its importance to the American people, compared to those, is inconsiderable.

I am not oblivious to the argument that it involves national honor, which the American people should always cherish and never suffer to be tarnished, nor do I overlook the fact that the practical annexation of the Shantung territory and its 40,000,000 of people will add greatly to the strength of the Empire of Japan, the most autocratic and aggressive Asiatic nation, with the ambitions of which many well-informed Americans believe at some time this country will have to reckon. The disposition of the Shantung territory is a controversy in which America is not directly interested, and a contention solely between two Asiatic governments, with both of whom we are at peace, and who were our allies in the recent war with Germany.

In my opinion, relatively speaking, the Senate has devoted too much time to this controversy, and I sincerely hope that the debate is now drawing to a conclusion, and that the proposed amendment may speedily come to a vote.

The Senate should, I think, give its attention to those provisions of the treaty believed by the majority of the Senators, and as I believe, to vitally affect the sovereignty and independence of the United States, the honor of our Nation, the liberties of the American people and their right to govern themselves in their domestic and internal affairs free from the interference and control of any other nation or all the nations of the world.

What I have to say about this amendment will be brief and confined to what I think affects the interests of the American people and the established policies of our Government.

The provision of the treaty proposed to be amended is found in part 4, article 156, and is as follows:

> Germany renounces, in favor of Japan, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables—which she acquired in virtue of the treaty concluded by her with China on March 5, 1898, and of all other arrangements relative to the Province of Shantung.
>
> All German rights in the Tsingtau-Tsinanfu Railway, including its branch line, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.
>
> The German State submarine cables from Tsingtau to Shanghai and from Tsingtau to Chefoo, with all the rights, privileges, and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

The amendment proposed is to strike out the word "Japan" and insert "China."

The United States is not mentioned, directly or indirectly, in this article, and it purports to be entirely a contract or stipulation between Germany and Japan, and the amendment proposes to make it one between Germany and China.

The position of those who favor the amendment is that the United States is a party because of the fact that it is a signatory to the treaty as a whole.

The proposed treaty is between the allied and associated powers, aggregating 32 different nations, and Germany, and contains many matters in which only one or more of those several powers and Germany are solely interested.

Such is the character of the provision now under discussion. The United States is not interested in it and is only a party by construction, if at all.

These being the facts, Mr. President, I shall vote against the amendment regardless of the merits of the controversy between Japan and China.

The Shantung Peninsula was ceded by China to the Imperial Empire of Germany by treaty in 1898, and Germany remained in possession until by force and conquest it was wrenched from it and occupied by Japan.

Japan was in possession of the sovereignty and the property rights which Germany had there acquired when the armistice was declared and the treaty formulated.

Germany by the treaty renounces all the rights which it acquired under the treaty with China to Japan.

The United States is at peace with both Japan and China, and is under no treaty obligations to either of them concerning the territory now in question.

It has no obligations, legal or moral, concerning the respective rights of either of these powers in this territory.

The fact that the conquest and retention of this country and these people by the Empire of Japan may be conceded to violate the rules of self-determination and government by consent of peoples which our Chief Executive promulgated before we went into the war, when we had nothing to do with it, that should control the terms of peace among nations, does not, in my opinion, call upon the United States to take part in this controversy, or to uphold the sovereignty and property rights of Japan or those of China.

Wherever may be our sympathies in this controversy, we, as a nation, have no right to intermeddle in it.

The proposed amendment, in my opinion, conflicts directly with the long-established policy of the United States forbidding intervention in the intrigues, political affairs, and resultant wars of foreign countries, which is undertaken to be abandoned and destroyed by section 10 of the proposed league of nations contained in part 1 of the treaty, and which the majority of the Senate I hope and believe will obviate by the reservations reported by the Committee on Foreign Relations for that purpose, or one similar in effect, to which and other reservations in line with it I will give my hearty support.

I am unable to reconcile the support of the Shantung amendment, a matter solely between the Empire of Japan and the Republic of China, with the proposed reservation to section 10; and, in my belief, those who support the amendment and this reservation are occupying absolutely inconsistent positions.

I shall oppose all provisions of the proposed league of nations and the treaty which violate or tend to abandon the policy of the United States proclaimed by Washington and reiterated in messages and other public documents by Jefferson, Madison, Monroe, Jackson, Cleveland, and by President Wilson in public addresses as late as 1914, 1915, and 1916 that this country should not form any entangling alliances or involve itself in the jealousies, strifes, political intrigues, and resultant wars of foreign countries, and support such amendments and reservations as may be necessary to preserve unimpaired that policy.

This policy has redounded to the glory of the American Government and contributed to the happiness of the American people. Under it we have grown great, rich, and powerful. That it is founded upon the soundest principles of statesmanship and public safety is conclusively demonstrated by the history of our Nation and by the experience of a century.

It, like its corollary, the Monroe doctrine, was adopted for the safety and preservation of the American Government and American liberties, and they are so interwoven and interdependent that they must stand or fall together.

They are both so definite and clear in their terms and have been so long and so uniformly adhered to that they have become fixed rules for the government of our country in its foreign relations and practically a part of our fundamental law—yes, a very limitation upon the treaty-making power of the President and the Senate which they have no power to wantonly violate.

This rule and policy was followed in the only general peace treaties for the prevention of war this country has been a party to.

The procès-verbal of The Hague peace conference, 1897, had a reservation in these words:

> The delegation of the United States of America on signing the convention for the pacific settlement of international disputes, as proposed by the international peace conference, makes the following declaration:
> "Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

Again, at the conference in 1907 the American delegates made this reservation:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Again, in the only other conference for the prevention of war which I can now recall, by settling the controversy between Germany and France in regard to Morocco, the Senate, in giving its consent to that treaty and its reasons for being a party, inserted the following reservation:

> *Resolved further*, That the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts, in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government; and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope.

It will be noted that the reservations in The Hague conferences apply to the whole world, not to Europe alone.

Mr. President, there is one other declaration upon this subject that I desire to read at this juncture. While primarily the question of the Monroe doctrine was involved—that is, so interwoven and related to that of forbidding this country to involve itself in the troubles and controversies of foreign nations that it applies to the proposition I am now trying to enforce—I am going to read from the message of President Cleveland, a Democrat and an American, to the United States Senate in regard to the Venezuelan controversy with Great Britain. Mr. Cleveland said:

> Such reply is embodied in two communications addressed by the British Prime Minister to Sir Julian Pauncefote, the British Ambassador at this Capital. It will be seen that one of these communications is devoted exclusively to observations upon the Monroe doctrine, and claims that in the present instance a new and strange extension and development of this doctrine is insisted on by the United States, that the reasons justify an appeal to the doctrine enunciated by President Monroe are generally inapplicable "to the state of things in which we live at the present day," and especially inapplicable to a controversy involving the boundary line between Great Britain and Venezuela.
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> Without attempting extended argument in reply to these positions, it may not be amiss to suggest that the doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and can not become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the Old World, and a subject for our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.
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> Assuming, therefore, that we may properly insist upon this doctrine without regard to the "state of things in which we live," or any changed conditions here or elsewhere, it is not apparent why its application may not be invoked in the present controversy.

President Cleveland concludes that message in these patriotic words, which most forcibly showed the position of the American people in relation to the proposed treaty:

> In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.
>
> I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national respect and honor beneath which are shielded and defended a people's safety and greatness.

The true course, in my opinion, to be pursued, if the United States can be construed to be a party to the provision of the treaty in question, is to adopt a reservation withholding our consent to this article and declining all participation in the controversy between these two foreign nations, with both of whom we are on terms of amity and peace, reserving the right to do what we think just in the future.

There can be no justification for us becoming involved in this controversy, and possibly in honor bound, to go to war to maintain the rights of one or the other of these countries.

We are not directly parties to this article of the treaty now; but if we adopt this amendment we will be parties to it and in honor bound to sustain all guaranties which we enter into in relation to it.

Mr. President, I again express the wish that this amendment can be disposed of without much further debate and that we can reach and dispose of the amendments and reservations which are vital to the American Government and the American people.

There are several of these amendments or reservations, as they are variously styled, which I propose to vote for and which I hope will be adopted without much delay. I will not now discuss them, but merely announce my position upon them.

I am unwilling to create a supergovernment to dictate or even advise the United States in its foreign or domestic affairs and policies.

I am unwilling to obligate the United States to guarantee the territorial integrity and existing political independence of some 45 nations, found in every part of the globe, populated by all the different races of peoples and nationalities, including the far-flung possessions of the powerful British Empire, as well as the smallest and weakest nations of the world, some unable yet to stand alone and others verging on collapse and dissolution, whereby our country would be constantly embroiled in expensive and sanguinary wars.

I am unwilling, Mr. President, to vote for a conscript law, to send young men of this country, like Hessian mercenaries, into foreign countries to take part in a war in which our country is not interested, and I shall never do so. An army can not be raised for that purpose in any other way than by such legislation; and I now predict if this treaty is ratified that Congress will fail to observe it, although it is in honor bound to carry out any treaty that the constitutional treaty-making power may enter into within the authority conferred upon it by the Constitution.

Mr. REED. Will the Senator yield for an interruption?

Mr. SHIELDS. I will.

Mr. REED. I merely wish to call the Senator's attention to the fact that the pending military bill makes conscription automatic the moment a war is declared, the President having the right to call out the troops by the draft process, just as he had during the last war, and that bill is now submitted to us as a part of the scheme of world peace.

Mr. SHIELDS. I have so understood the provisions of that bill, although I have not carefully read it. I announce now that if such provisions are in the bill when it comes before the Senate, it shall not have my support.

Mr. REED. They are in the bill.

Mr. SHIELDS. Mr. President, I am unwilling to support a treaty which, by the remotest implication or possible construction, authorizes a supergovernment or a council of foreign nations to interfere with and control our internal affairs and domestic relations of any character, sacred rights cherished by all nations, and now secured to them by both national and international laws. I will favor reservations which will absolutely and unequivocally exclude such interference and control.

I am unwilling to commit this country by treaty obligations which do not clearly and beyond controversy preserve and perpetuate the Monroe doctrine.

The United States is a sovereign and independent Nation, the political equal of all other nations, and the sovereignty and equality which Washington compelled Great Britain to concede and recognize and which Jackson sustained at New Orleans can not be constitutionally surrendered or impaired in the slightest degree, regardless of whether it affects our material interest. There must be reservations which will protect our honor and sovereign equality.

I will not consent to the British Empire having 6 votes in the league of nations to 1 vote for the United States. I have too much pride in my country to approve any treaty that concedes precedence to the British Empire or reduces the United States to political equality at home or abroad with a colony or subordinate division of that Empire.

Our flag, with my consent, shall never float lower than that of Great Britain or any combination of nations.

Mr. President, we must not be guilty of such delay in the consideration of this treaty as the peace conference at Paris was in formulating it.

It is to the interest of the world, and particularly America, in which I am primarily interested, that final action be had in the matter as soon as possible.

The American people do not, in my opinion, care so much about the proposed league of nations as they do about the conclusion of the war and the restoration of normal conditions. I know that such is their interest.

I do not mean to charge that there has been any unwarranted delay by the Senate in its deliberations.

There are questions involved which concern the American people more deeply than any other treaty that was ever presented to this body, and they merit and require the fullest deliberation and maturest consideration.

The responsibility and duty of the Senate in advising and consenting to the treaty is imposed by the same high authority that authorizes the Chief Executive to negotiate treaties, is of equal dignity and force, and must be met by the Senate and discharged patriotically and wisely, free of all possible extraneous influences.

The Senate, as I remember, was the last legislative body of the great powers to which the treaty was submitted for approval, and it has not consumed more time than other parliamentary bodies in its consideration.

Great Britain, as I understand, is the only signatory power which has fully ratified it, and this was to be expected, for in it, as in every treaty made following great commotions and wars in Europe, the British Empire has secured the lion's share of territory and commercial advantages.

France and Italy have practically, but not entirely, completed the ratification of the treaty, and they are the nations benefited next to Great Britain.

The United States Senate is not to be censured for its deliberate consideration, when it is remembered that under the treaty we get nothing not common to the smallest nations, but the United States assumes great and practically permanent obligations to harass its people with further burdensome taxation and to send its young men to foreign countries to fight and perchance to die in foreign wars, the right or wrong of which they know not and in which their country has no material interest.

Mr. President, when the other amendments and reservations, to which I have alluded, come before the Senate, I hope to be able to express my views and my reasons for supporting them, or others substituted for them, more logically and with some elaboration. There are reasons which have prevented me from doing so before this time.

Mr. LODGE. Mr. President, before the Senator from Tennessee yields the floor, if he will allow me, I desire to call attention to one slight omission which I think he made. He referred to the reservations made by our delegation at The Hague in 1907; but I think the Senator did not mention that those reservations were made a part of the resolution of ratification by the Senate. The resolution was submitted by Mr. Carter, and was considered by unanimous consent and agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference, held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes subject to the declaration made by the delegates of the United States before signing said convention, namely:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention, to exclude the formulation of the "compromis" by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the "compromis" required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the "compromis" required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

Then they reserved to the Senate of the United States the right of ratifying and passing upon the provisions made in each treaty of arbitration.

At that same conference at The Hague a convention concerning the rights and duties of neutral powers in naval war was negotiated, and on April 17, 1908, this occurred in the Senate:

April 17, 1908: On motion of Mr. Bacon, the Senate proceeded to consider the same as in Committee of the Whole; and no amendment being proposed, it was reported to the Senate; and no amendment being proposed, Mr. Bacon submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the adherence of the United States to a convention adopted by the second international peace conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war, reserving and excluding, however, article 23 thereof, which is in the following words:

"A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"If the prize is convoyed by a warship, the prize crew may go on board the convoying ship.

"If the prize is not under convoy, the prize crew are left at liberty."

Resolved further, That the United States adheres to this convention with the understanding that the last clause of article 3 implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

It will be observed that that reservation excluded entirely one article of the convention.

I ask pardon of the Senator from Tennessee for interrupting him, but the matter was so pertinent that I thought he would not object.

Mr. SHIELDS. I inadvertently failed to mention that the Senate embraced that reservation in the resolution ratifying the convention, and I am very glad the Senator has supplied the information and read the resolution of ratification in full.

Mr. LODGE. I intend to have all reservations adopted by the Senate to any treaty printed. I have nearly completed the compilation, and I am going to have it printed in pamphlet form, and also in the RECORD.

Mr. BRANDEGEE. Mr. President, I read a document by Maj. Louis Livingston Seaman, M. D., LL. D., F. R. G. S., president emeritus of the China Society of America, entitled "An Appeal to Members of the Senate of the United States—Shall the Treaty of Peace be one of Justice or one of Infamy?"

"SHALL THE TREATY OF PEACE BE ONE OF JUSTICE OR ONE OF INFAMY?

"That is the question the United States is now called upon to consider, and the destiny of nations hangs on the decision. America entered the Great War as the champion of smaller nations—to preserve the independence of imperiled countries, and to rescue civilization from barbarism. From its birth our Republic has stood for the rights of the oppressed. Our ideals have been for liberty and justice. Our great civil conflict removed the blot of slavery from our land—our Spanish campaign gave freedom and prosperity and happiness to an enslaved people in Cuba and in the Philippines, and our compensation for the sacrifice was the gratification of our ideals. We acknowledged no masters, and we do not propose to.

"The problem to-day is the ratification of the peace treaty with the Huns and the creation of a league of nations. Shall the Fourth of July, 1919, pass into history as the last anniversary of American independence? Shall we, by agreeing to article 10 of the covenant of the league of nations, surrender our sovereignty gained in 1776 to Great Britain, who by a vote of six to one can impose upon us the incalculable obligation of preserving the territorial integrity and political independence of herself or any member of the league of nations in any part of the globe? Are we prepared to submit our traditional attitude regarding purely American questions to a tribunal in which we are in such a hopeless minority or in which the vote of New Zealand could count as equal to our own? Shades of Washington and Jefferson! What would be their verdict if they could witness the depths to which our land has been dragged in order to gratify the personal ambition and egotism of the 'too proud to fight' pacifist who in the peace conference at Paris has been so hopelessly outwitted by trained European and oriental diplomacy that to-day he is the laughingstock of European statesmen, and whose refusal to prepare for the inevitable resulted in a prolongation of the war for more than a year, the loss of more than a million lives, the destruction of property inestimable, and suffering and misery that can not be described or measured. And poor China—whose Government, in the opinion of many competent authorities, has given more happiness and individual liberty to a greater mass of humanity than any other Government in the world; whose representatives were promised by our President that if their country entered the war in 1917 their territorial integrity would be preserved—where will China stand if this unholy alliance is consummated, and Shantung, the birthplace of Confucius, sacred to the Chinese, with its 40,000,000 inhabitants turned over to the tender mercy of the Japanese, whose policy of territorial aggrandizement rivals that of the European nations, as witnessed in Korea, Manchuria, and the Pacific Isles, and whose threats of aggression, made at the point of the bayonet, prevented China's entrance in the war in its earliest days?

"On August 20, 1914, I cabled Wu Ting Fang, secretary of state of China, from Ostend, Belgium, imploring China to sever diplomatic relations and declare war on Germany at once—to immediately seize all territory in China then occupied by Germany, to refuse further payment of indemnity for the Boxer uprising, and to demand repayment of all indemnities already paid, together with substantial damages for German occupation of Chinese territory. All this I then regarded, and still regard, as the moral right of China, for there would have been no Boxer uprising had it not been for Germany's policy of barbarism and aggression, when in carrying out the Kaiser's order 'to behave like Huns' they committed acts of 'kultur' and cruelty that challenged those since perpetrated in Belgium and Poland. Now is China's opportunity to regain her lost Provinces and obtain justice, and the people of the United States who are familiar with the conditions and know the truth demand that the United States Senate shall secure this result.

"It was hoped that the carnival of territorial lust, which for centuries caused untold bloodshed the world over, had culminated in the partitioning of Africa—the last of the continents to be parceled off by the world's looters, who, in the division of the spoils, followed, as the robber barons of feudal days—

"The good old rule, the simple plan,
That they should take who have the power,
And they should keep who can.

"But look at China to-day—that grand old country, with its great wall which for over 20 centuries protected it from the hordes of Tartars and Mongols on the north, while its Tibetan ranges on the west and impenetrable forests on the south permitted it to live in peace and tranquillity thousands of years, with no fear of molestation by 'foreign devils' from land or sea. And in this time the beautiful but fallacious philosophy of Confucius, which taught the rule of moral suasion rather than that by might, grew until its essence was expressed in the proverb, 'Better have no child than one who is a soldier'—this, too, in a land where it is considered a disgrace to die childless.

"And what was the natural result of pacifism? A condition of insecurity, of defenselessness, of inability to enforce that first law of nature—self-protection—followed, which, when realized by the occidental nations, resulted in their seizing great sections of her domains upon trivial excuses, and wringing most valuable concessions from her rulers.

"As a direct result of this spoliation, the worm at last turned, and the Boxer uprising of 1900 followed, having for its declared purpose the forcible expulsion of all foreigners from the country, and the recovery by China of her despoiled possessions. I say, without fear of contradiction by those who are familiar with that issue (and I was there), that that uprising was one of the most splendid exhibitions of patriotism witnessed in modern times. The methods pursued by the Chinese, due to the ignorance of their misguided leaders, and the horrors that followed, have afforded the theme for many a tragic tale and numberless explanatory theories. But the plain fact can not be gainsaid, nor too strongly emphasized, that the essential motive of that propaganda was the freeing of the land from the hated foreigners, who, in current phrase, had 'robbed the people of their country.'

"It was then, that in reprisal and revenge, the so-called civilized world turned against them. The eight allied armies of the 'great powers' marched to their capital, slaughtered their people, raped their women, looted their temples, their treasure, and their habitations, committed brutalities that rivaled those of the Huns in the recent great tragedy, and created a sentiment in China which fairly crucified Christianity, and which should redound to the shame and humiliation of the Christian nations whose forces participated in the outrages; but which, instead, secured monstrous indemnities and subjected China to the most humiliating terms of peace that were ever inflicted upon a nation, and that have kept her poverty-stricken ever since. America, however, has some reason for pride in that she waived claims to over half the indemnity, whilst her great statesman, John Hay, succeeded temporarily in preserving the integrity of the country by his splendid policy of the 'open door.'

"Never shall I forget that winter at Ching Wan Tao, following the war, where detachments of the allied army were gathered awaiting the fate of China. They reminded me of a pack of hungry wolves around the carcass of a dead animal—each fearing to set his fangs in the carcass, lest while so engaged his neighbor might do the same with him. And so during the long negotiations that finally led to the declaration of peace the situation continued.

"Four years later I again visited that scene, and there, in smaller numbers, were found the troops of many nations, still waiting, ready to seize the first opportunity to partition the country and to secure their share of the spoil. But more pressing engagements were then imminent, involving the attention of some of the powers. The Russo-Japanese struggle was on and China was given a temporary respite. From that time until the outbreak of the revolution which led to the establishment of the Republic, China paid the indemnity claims with such regularity that no opportunity was found for interference.

"For more than three-quarters of a century, beginning with the unrighteous opium war, and even later, China has been subjected to a series of squeezes and despoilment of her territory to an extent unequaled in history. The iniquitous indemnities wrung from her as the result of the Boxer campaign would have been reversed, and the countries now receiving them would be paying for the outrages committed had right instead of might prevailed. The powerful governments and financial institutions doing business in the Orient have become obsessed with the idea that it is legitimate business to 'squeeze' the country, regardless of right or justice, and in transferring the so-called German rights in Shantung to Japan the Big

Three are to-day continuing that policy, and making our country, the United States, underwriters to the unholy deal.

"The effect upon China of the spoliation of her territory and finances created among the leading minds of her people an appreciation of her weakness and of the necessity for the adoption of occidental methods for self-protection. They saw the absolute imbecility of continuing the policy of the Manchu dynasty and the necessity for a change of government, and the Chinese Republic became a reality. The character of the revolution which made it possible was remarkable. It obtained the maximum of liberty with the minimum of bloodshed. It was an evolution rather than a revolution, the most potent factors of which were those of peace and not of war. They were the results of trade with foreign nations, the importation of modern inventions, railroads, telegraphs, newspapers; the work of Christian missionaries, schools and colleges established by them; but, most of all, the influence of Chinese students who had been educated in foreign universities, and who carried back to their native land the high ideals of occidental government. In comparison with the epoch-making wars for freedom in occidental lands—the French Revolution, England's fight for the Magna Charta, or our own great seven years' struggle for independence—the Chinese revolution was almost bloodless. It is stated that the total mortality of the war which secured the emancipation of 400,000,000 of people was less than the number lost in the Battle of the Wilderness or in single conflicts in the war just concluded.

"The moderation shown by the successful leaders to their late rulers was another striking characteristic. Instead of the guillotine or exile, they were retired with liberal pensions and allowed to retain their empty titles. The leaders enjoined upon their followers the protection of life and property, both commercial and missionary, and these orders were strictly obeyed.

"A people who carried to a successful termination such a revolution deserve the respect and recognition of the world in their present great crisis. The enemies and looters of China today forget the traditions of the race—that China was old when Chaldea and Babylon were young; that she saw the rise and fall of Grecian and Roman civilization; and that she has maintained the integrity and honor of her Government ever since; that her scholars discovered the compass and invented the intellectual game of chess when the Huns of Europe and the Japanese were groveling in the darkness of medievalism; that she produced her own science, literature, art, philosophy, and religion, whose founder, Confucius, 500 years before the birth of Christ, expounded the doctrine of Christianity in the saying, 'Do not do unto others what you would not have others do unto you." They forget that for nearly a thousand years China has been nearer a democracy in many features of its government than any other government then in existence. The fundamental unit of democracy, the foundation upon which our own Government rests, is embodied in the principle of the New England town meeting. All authorities on democracy—De Tocqueville, Bryce, and the Compte de Paris—agree in this, and in China all local government for centuries has been controlled by local authorities.

"The Chinese have never sought territorial aggrandizement but have loved the paths of peace, where the law of moral suasion, and not of might, ruled. They possess qualities of industry, economy, temperance, and tranquillity unsurpassed by any nation on earth. With these qualities they are in the great race of the survival of the fittest to stay. They are to be feared by foreign nations more for their virtues than for their vices, and in their present struggle for the maintenance of their territory they deserve our earnest sympathy and support. Will America, the champion of justice, now desert that grand old country and witness its vivisection when we have the power to prevent it?

"The Japanese claim their country is overcrowded and they require more room for their increasing population. Is this a legitimate reason that the 450,000,000 Chinese should be crowded out of the land in which they have lived for 6,000 years? Is China to become a second Honolulu, where 60 per cent of the population are Japanese?

"Japan has already been rewarded many times for her contribution to the victory of the Allies in being relieved of the threatening danger from Germany, which when in possession of Kiaochow strategically commanded the Japanese Sea, and where a strong navy would be a perpetual menace, and also by the award of the rich islands north of the Equator, which seem to be forgotten when this subject is discussed.

"Dr. David Jayne Hill, our former ambassador to Germany, stated in the North American Review that the Senate 'can ratify the treaty of peace and at the same time can reject a compact for the league of nations.' We hope the Senate will exercise its constitutional right and defeat the creation of any league which is founded upon such monstrous injustice to a land which so richly deserves our protection, but which Mr. Wilson, who recognized it as a republic, has deserted.

"Defeated and made a laughingstock by the diplomacy of Lloyd-George and the Japanese, who, to use the language of the street, 'put it all over him' while I was in Paris in the last days of the peace congress through the bluff of recognizing no color distinctions in the league of nations—Wilson, after urging the participation of China in the war, deliberately reversed his position—granted rights that never existed to Japan and, to save his face, now seeks to have his action indorsed by the American people. Was such a travesty of injustice ever attempted before, and does he think he can 'fool all the American people all of the time,' including the United States Senate?

"The covenant of the league of nations is presumed to be based upon equity. When I studied law, the first axiom in that court was, 'He who comes into equity must come with clean hands.' Does Japan, after her treatment of Korea and her secret treaties won by bribes and threats, come into this court with clean hands? Germany had no more rights in Shantung than a robber who forcibly enters a house at night and whose expulsion could not be enforced by its owner. I was in Shantung at the time these so-called rights were claimed, and the whole world knows how baseless they are. It also knows how much value the hypocritical Hun places on a so-called 'missionary.' And now Japan, for the insignificant part she played in the war, where her entire mortality amounted to about 800, demands these so-called rights of Germany and many others as her share of the swag. And she further demands the stamp of approval of the peace commission and league of nations. And America's self-appointed representative, Mr. Wilson, and his rubber-stamp associates approve these demands. What would Lincoln and Burlingame and Hay, who won the respect and confidence of China through honest treatment and the establishment of the policy of the 'open door,' say if they were here? Would they not with one voice damn a document whose initial act was of such monstrous injustice, and will the United States Senate do less?

"China's contribution to the victory of the Allies was far greater than that of Japan. With 100,000 men in the trenches in Belgium and France—and I was there and saw many who will never return—and another 100,000 in the munition plants of England, China did her part in defeating the Hun. She did this at the instigation of the United States; and unless something is done to dissociate our name from the proposed Shantung settlement of the peace treaty the Chinese people for generations to come will regard America and Americans with suspicion and contempt.

"If the whole structure, erected for safeguarding the peace of the world and preventing a 'breaking of its heart,' depends on the rape of a nation of 400,000,000 innocent souls who trust to the honor of America for justice, then let the structure undergo reconstruction or let America refuse to be a party to such a crime. A structure founded upon treachery or injustice is not one to receive the indorsement of a nation whose inheritance of freedom was bequeathed as a rich legacy by a once hardy, brave, and patriotic, but now lamented and departed, race of ancestors, and whose duty it is to transmit it to coming generations 'unprofaned and undecayed by the lapse of time.'

"And just here it might be pertinent to ask who requested Japan's assistance or intervention in driving the Huns out of Kiaochow? Did China? Oh, no! Japan began hostilities when China was not at war with Germany. She landed her troops more than a hundred miles north of Tsingtau, and marched them through Chinese territory, subsisting them largely on the country through which they passed, thus committing what is usually called a trespass, and with the assistance of the British and Chinese the 4,000 Germans were defeated. But let it be distinctly understood that with the British fleet blockading the harbor of Kiaochow the Chinese could have accomplished the same result without assistance from Japan or any other power.

"In discussing the Shantung question Prof. Jeremiah W. Jenks, research professor of government and public administration and director of the Far Eastern Bureau, says:

"'In laying plans for the control of Shantung Japan has been playing for a big prize—for the control of Kiaochow and the railroads of Shantung practically means the control of the capital Province of China and of the chief normal shipping port for all of North China. The war gave her an excuse to seize Kiaochow, which she did on November 6, 1914. Her next step in China was to present, in January, 1915, a secret series of demands, which if granted would in the near future enable Japan to dominate the policy of China from the military, financial, and political viewpoints. The Japanese Government at

first falsely denied that such demands had been made, and when it saw it could not conceal the fact it gave out a list of "requests," suppressing altogether those that most endangered China's sovereignty. Under threat of war, China acceded to all the demands but group 5, which would have made her a subject nation. Japan stated that group 5 would be reserved for further consideration. From the time that Japan seized Kiaochow she has treated Shantung as a conquered Province, occupying the German buildings for military and administrative purposes, placed guards along the railway line to the capital, has assumed military control of property, and has instituted civil government over the sections she occupies. Confirmation by the big three of Japan's claims in this territory, with the unwritten understanding that Japan shall eventually return it to China, has roused a storm of indignation among Chinese everywhere, and there are reports that the Chinese will resort to their most effective weapon—a boycott against all things Japanese'—which, if not successful, may be followed by war.

"Senator BORAH stated the case admirably when he said, 'The Shantung provision should come out of this treaty definitely and conclusively. It is no different in principle from the arrangement with reference to Alsace-Lorraine 50 years ago. It is, in fact, no different in principle from the dismemberment of Poland nearly 200 years ago. Both of these transactions planted the seeds of future wars and both went far to impeach and destroy the moral prestige of all nations responsible for these crimes. The mark of Cain has been upon them ever since.'

"As already stated, the question the Senate has to determine is whether it will indorse the decision of the peace conference in the Shantung controversy and thereby make America an underwriter of that outrage? If it decides that the fictitious claims of Japan to the so-called German rights in Shantung shall be transferred from China to Japan, it will compound a felony, it will commit an act of perfidy unsurpassed in American history, and it will be an act of injustice to China that is destined to bring about another war in the near future in which the brutality and mortality are likely to far exceed the record of the great tragedy just ended. Instead of proving an instrument for the preservation of peace its first result is likely to provoke a just and righteous war. In case China should decide to fight for the retention of her rights, on which side will America—ordered by Lloyd-George—array her armies? The Chinese have long memories. I well remember a conversation with His Excellency Li Hung Chang in his Yamen in Peking during the Boxer War, when we were discussing the danger from the prolonged presence of the allied armies in China. 'Oh,' he said, 'they will not stay long.' 'Well,' I replied, 'the Manchus remained some time—nearly 300 years.' 'What is 300 years in the life of China?' was his answer. And in that time the Manchus had been absorbed.

"In the comparatively recent Ty Ping rebellion the mortality amounted to over 15,000,000. If the military awakening of China occurs as a result of the wrongs to which it has been subjected by the peace commission the war that will follow and the mortality that will result will be without precedent.

"Query: As a starter for perpetual peace, is the United States prepared to assume this responsibility? And is a league of nations based on such a damnable, fraudulent, and iniquitous foundation likely to serve as an inspiration for humanity and to bring about 'Peace on earth and good will toward men'?

"The following resolution was passed at a recent meeting of the American Defense Society:

"*Resolved*, That the American Defense Society requests the Senate not to ratify those provisions in the peace treaty which convey to Japan the rights, interests, and privileges heretofore held in the Province of Shantung by the Empire of Germany, and that a copy of this resolution be transmitted to the chairman of the Committee on Foreign Relations of the Senate of the United States."

Mr. President, the Committee on Foreign Relations took some testimony about this question, not as much as I wish they could have procured, but there were three witnesses, I think, whose competency will not be questioned by anyone. They are Mr. Thomas F. Millard, Dr. John C. Ferguson, and Prof. Edward Thomas Williams. I shall read a few extracts from the testimony of these witnesses. Mr. Millard, on page 431 of the hearings before the committee, under date of August 18, 1919, stated that he was a writer, a journalist, a publisher of newspapers, and an editor of newspapers. Then the following appears on page 432:

"Senator BRANDEGEE. Do you know what was the ground of that advice that they should not employ American counsel?

"Mr. MILLARD. The explanation given to me by the Chinese was that our Government felt that China's position over there was somewhat that of the ward of the United States. I am not saying that they used that term; I am using that term as descriptive of the situation. There had been preliminary consultations with the Chinese delegation at Peking before they left for Paris, in which they had submitted to our legation at Peking a list of the matters which they wished to bring up at Paris. On the suggestion of our Government, communicated through the minister at Peking, certain matters were eliminated. That is, China was advised that our Government considered that it would be inexpedient and would embarrass matters or complicate matters to raise those questions at Paris, and that led to the elimination of those questions. China did not raise those questions.

"Then the matter of employing some expert American advisers was brought up at that time, but, I think, was deferred for later consideration.

"After the peace conference had met at Paris, as I understand it, the matter was brought up again. I meanwhile, and others, had advised them in a perfectly informal way, myself acting merely as a sort of general friend of China and a man who was known to be a friend of China and familiar with the political questions out there, that they employ a couple of American advisers. I had suggested Mr. John Bassett Moore and Dr. W. W. Willoughbee, who at one time had been employed out there, but neither of those gentlemen went, and I did not know until after I arrived at Paris why they had not gone. Then I was told by the Chinese over there that it had been intimated to them that our Government would prefer that no Americans be officially connected with the Chinese delegation.

"Senator BRANDEGEE. Was it stated at any time that the embarrassments to which you refer if they did employ American advisors would be because the plans of our Government or the intention of our Government or of our peace commissioners to protect China would be interfered with if they had American counsel connected with them?

"Mr. MILLARD. I could not say that. I could only conjecture about it. That was the explanation given me when I got over there. I asked Mr. Wong and I asked Dr. Ku, because I had had some correspondence here in America with Dr. Willoughbee, in America, as to whether he was going over there or not. I said, 'Why didn't you get any of these gentlemen? Their counsel would have been valuable in these circumstances.' And then they told me they had not done so because it had been intimated to them that our Government would prefer that they did not. I do not know what the motives of our Government were.

"Senator BRANDEGEE. These Chinese gentlemen to whom you refer as having told you these things, were they officially connected with the Chinese delegation?

"Mr. MILLARD. They were official envoys of the Chinese Government at Paris.

"Senator BRANDEGEE. And your services, as I understand you, were without compensation. Simply your expenses were paid?

"Mr. MILLARD. My expenses were paid."

The testimony of Mr. Millard begins on page 430 and continues quite voluminously; the testimony of Dr. Ferguson begins on page 567, and is under date of Wednesday, August 20, and continues at length; and that of Prof. Williams, under date of August 22, begins on page 617; and it all shows what the effect upon China will be of the transfer of the rights in the Province of Shantung to a foreign empire. Nobody can read that testimony without seeing that it is a perfectly fatal thing to do, so far as the territorial integrity or the political independence of China is concerned, because the covenant of the league and this much-disputed article 10 of the covenant of the league are based upon the theory that the league is to preserve the territorial integrity and the political independence of all members of the league, and the first thing which the treaty does, which guarantees territorial integrity and political independence, is to dismember the weakest and most populous and most inoffensive nation of the whole world and turn its most important part over to a foreign empire, because he who controls the Province of Shantung, its seaports, its converging lines of railroad, upon which all exports and imports and, of course, also the domestic distribution depend, controls the life blood of the Chinese Republic and its 400,000,000 of inoffensive and innocent souls, who are to be exploited because we weakly ratify two secret treaties made by two foreign powers with Japan against one of their own allies, after Japan had tried to keep China from becoming an ally and China had become an ally in spite of the efforts of Japan to hold her off.

Dr. Ferguson, on page 567, among other things, in reply to an inquiry from me, stated as follows:

"Senator BRANDEGEE. Do you know anything, either from reading oriental literature or from advices or from personal information, as to what the feeling of the Chinese people generally is about the concession of Shantung to Japan?

"Mr. FERGUSON. I know from actual experience. I left China, I might state, at the end of April, and I know from personal experience up to that time what the feeling in China was, and since that time I have had official communications and also read constantly the daily press of China, and I know what the opinion there is. I think it is not too strong to say that the feeling is a feeling of outrage that China has not only in this instance been forced to a specific act by one foreign nation, but that by the treaty for the first time a union of nations comes in to give sanction to a thing which she feels is wrong and is an outrage on her sovereign rights. In every former instance where such concessions have been wrung from her the balance of power among nations has always made it possible that some powers would come to her and say, 'We are sorry for you and we will help you out as much as we can.' In this instance China feels that she has been robbed of her rights in Shantung by one nation, originally by Germany, and those rights transferred to Japan, and that all the other nations have come along and have joined in approval of what seems to her an infamous act; and among those powers that are approving it is the Nation which she has always counted as her most disinterested friend, the United States. Does that answer your question?

"Senator BRANDEGEE. Yes. I want now to follow that up by asking you, are you still acting in an advisory capacity to the President of China?

"Mr. FERGUSON. Yes; I am still acting as adviser to the President of China. I came here on official work for the Government of China, and I expect to return at the end of October."

They are giving him a banquet in Boston to-morrow night, at which the principal citizens of Boston will meet to do him honor.

"Senator BRANDEGEE. Are you able to state whether the opinion that you have described as being prevalent among Chinamen is the opinion of the President of China?

"Mr. FERGUSON. Unquestionably; and of the premier, and of practically every member of the cabinet, of all the governors of the Provinces whom I have met, of the chairmen of the Chinese Chamber of Commerce at Peking, at Tientsin, and Shanghai and Hongkong, all of whom I have met in the last six months.

"Senator BRANDEGEE. You speak of reading the native press. Do you speak Chinese as well as read it?

"Mr. FERGUSON. Yes, naturally. All my official dealings are in the native language. I never use interpreters.

"Senator BRANDEGEE. So that you are able to ascertain at first hand the opinions of prominent men in China?

"Mr. FERGUSON. Yes; when I meet the President of China no one else is present, and I talk directly with him as I would with the President of our own country, and without intermediaries."

Mr. President, there are 400,000,000 people waiting to see whether the United States Senate will set the seal of its approval upon this infamous dismemberment of that ancient Empire. For myself I shall not so vote as to have that blot rest upon my record. If, in this present war, Great Britain and France thought it necessary to betray and sell out their ally and transfer 40,000,000 of its citizens to the Empire of Japan, if they want to take the credit for that transaction, I prefer to leave it to them alone. I shall vote to support the amendment proposed by the committee, and instead of voting to transfer the Province of Shantung to an alien Empire, Japan, I shall vote to restore it to the Republic of China, which rightfully owns it and has, in my opinion, legally and morally come into possession of it.

The original agreement of China with Germany was obtained by force. The declaration of war by China against Germany, of course, destroyed any validity of the original German-Chinese agreement, even if it had not been obtained by force. And now, for the first time in history, as Prof. Ferguson so well says, the dominant powers of the world, coming together under a league of nations—32 nations of the world—are to guarantee that Japan shall have possession of these rights in Shantung upon the mere verbal promise of the Japanese that at some day they will surrender to China the sovereignty and will keep all the privileges which they now have. I, for one, will not be made a party to such an outrage.

Mr. OWEN. Mr. President, I observe in the afternoon edition of the Washington Times of to-day a large headline:

OWEN quits President on free nations.

I want merely to make the correction by stating that not only do I not quit the President with regard to the covenant of the league but I support him very cordially and completely, and that I have not proposed to submit an amendment or a reservation, but an interpretative resolution carrying out the principles for which the President stands.

Mr. THOMAS. Mr. President, the so-called Shantung provision of the treaty has been to me a source of great perplexity not so much as to the facts involved but as to the attitude which should be assumed toward it when all of the details are considered. I have read most of the essays and communications that from time to time have been submitted through the CONGRESSIONAL RECORD, the comments of the press, magazine articles, and the speeches of Senators since the treaty has come before us for final consideration. I have read and pondered over the treaty provisions and have reached a conclusion which is not wholly satisfactory, for it is based quite as much upon expediency as upon logic.

It is one of the gravest features involved in the treaty, and consequently one demanding familiarity with its various details, together with some consideration of consequences, possibly resulting from our action, whatever it may be. I am not at all satisfied of the expediency of voting for the amendment or for an equivalent reservation, one or the other of which is unquestionably essential. If we might reject the three articles which relate to this subject, whereby the United States would neither affirm nor deny the right of China or of Japan to Shantung, and by so doing discharge our obligations to the country and to our associates, that course would appeal to me very strongly. But inasmuch as China and Japan are among the nations engaged in the making of the treaty, and inasmuch as their interests concern and should be disposed of in some fashion by the treaty, that can not be done.

I shall not detain the Senate by extended reference to the details of the Shantung controversy. That has perhaps been done too frequently. I think, however, it may be expedient to refer to some of them.

In 1914 when Germany precipitated the war, which this treaty seeks to terminate, she was in full possession of Kiaochow, of the town which she had built there, and of the concessions which the treaty of 1898 with China had given her. She had been in possession for something like 16 years, during which time no power, great or small, had questioned her right to it, whatever their opinions regarding the morality or the justice of her demand upon China. Our own Government had recognized her possession of this territory through the exchange of notes between the Secretary of State and the German chancellor, as I now recall, in the latter part of 1898 or early in the succeeding year. Certain it is that no protest, either verbal or otherwise, was made by the United States when Germany compelled China to yield this very valuable and important concession; and I think that what is true of the United States is equally true of the other great powers. Germany had then, from an international standpoint, a grant of territory and of rights in China of which she had been in peaceful possession for about 16 years when the war began.

Whatever the view of Japan concerning the proximity of Germany to herself may have been, she gave no sign of dissatisfaction until the war had actually begun. Then, Japan, adopting the language of Germany, France, and Russia toward herself in 1895, regarding her demand for Port Arthur, declared that the presence of Germany was inimical to the peace of the Orient and required her vacation of Kiaochow within an extremely brief period of time fixed in the notice. She also declared to the world her ultimate purpose of restoring this territory to China after the Germans had been ejected therefrom. This declaration committed the Japanese Government to a definite pledge to make this restoration, although the time for performance was not specified.

After its capture and in the succeeding year, Japan, taking advantage of world conditions and feeling secure from interference, presented her celebrated 21 demands to China, and insisted upon their immediate acceptance without modification. Those demands have been referred to very frequently here, and I shall do no more now than make passing reference to them. Suffice it to say that prior to their ultimate acceptance by China, the Government of the United States served notice upon both countries that she would be bound by no agreement which transgressed her own treaty rights in China; thus assuming an attitude of antagonism to the Japanese demands, which, doubtless, caused those modifications which Japan reluctantly made before imposing them upon China.

Beyond this notification no nation voiced protest against or objection to the Japanese policy; doubtless because their hands were then full and they could not, if they would, have done more than protest, something to which Japan, under the circumstances, would have given little heed. Moreover, Japan was then in alliance with those of the great powers which were arrayed against Germany and they could not afford to take any position that might result in Japan's estrangement.

I regard the conduct of Japan in 1915, to which I have just referred, as having contributed more to that feeling of resent-

ment and distrust, in this country at least, than any other or perhaps all her policies before or since that time.

The injustice of these demands is apparent upon their face to any man who has read them. The fact that they would not have been pressed under other conditions, and the helplessness of China in resisting them, appealed to that spirit of fair play which is characteristic of the American people. From that time there is no doubt, in my judgment, that the public sentiment of the United States has very properly been aroused against the Japanese foreign policy, and particularly as regards the application of that policy to China. I have shared, Mr. President, in that feeling, and I have no doubt that, as the events of the world shall unroll themselves, Japan will realize that her treatment of China in 1915 will have done more than any other event in her history to promote the interests of other countries and to justify our distrust and suspicion—one of those "imponderables" of which Bismarck warned the German people—that she will ultimately regret it, I make no question. If immediately after the war or during the discussion of the treaty at Paris Japan had abandoned or even modified her attitude toward China, as outlined in the 21 articles, there would have been much greater disposition, certainly upon the part of our people, to accept her assurances of good faith, and to take for granted the soundness of her verbal obligations to China than can now be possible.

I have tried, Mr. President, in studying the problem presented by the Shantung provision of the treaty to dissociate my mind so far as possible from all considerations of Korea, because, whatever the treatment of Korea by Japan may have been, it should not, except in a most indirect way, affect our consideration of the character or the integrity of the articles of the peace treaty referring to Shantung. If the merit or demerit of these articles is to be decided or influenced by what Japan may have done toward other peoples, by the general course of her history or by other considerations, which, however interesting and important in themselves, have only remote bearing upon the proposition at issue, then, we must expect the interests of other countries to be equally influenced if not determined by such features of their general history, either past or contemporaneous, which may involve practices or conduct that do not square with the abstract principles of justice. But, nevertheless, Korea, her people, and her protests, from the inception of this discussion, have been identified with the Shantung question; and I have no doubt that the woes of Korea, the attitude of Japan toward that unhappy people, her disregard of treaty obligations concerning them, and the protests which they have made from time to time, coupled with their attempt to reassert their independence during the current year, have powerfully stimulated public sentiment in America, and have to some extent influenced the judgment of some Senators regarding the treaty.

Here again, Mr. President, Japan's occupation of Korea and her final absorption of that ancient Kingdom preceded Germany's declaration of war. It was complete at the time of Japan's notification to Germany to evacuate Kiaochow and Shantung. When in 1907 Japan declared a protectorate over Korea, against which her people vigorously protested, and when subsequently, in 1910, Japan absorbed the Kingdom of Chosen, although we were a party to a solemn treaty with her, we made no protest, nor did any of the other great nations concerned in the execution of this treaty. By our silence we both acquiesced in and approved of the conduct of Japan in her disregard of treaty obligations and her consequent absorption of Korea.

Under the treaty to which I have referred, and which was finally proclaimed on the 4th day of June, 1883, it was provided that "if other powers deal unjustly or oppressively with either Nation, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement," thus showing their kindly feelings. If any power dealt unjustly with Korea, it was a moral if not a legal obligation with us to exert our good offices in her behalf; and if any power dealt unjustly or oppressively with us, it was in turn the duty of the Korean Government to exert similar good offices in our behalf. Korea availed herself of that covenant and appealed to the United States to perform its duty under this provision, but in vain. If my memory serves me, the United States not only lifted no finger toward exerting its good offices with Japan, never protested her domination of Korea, but declined to officially receive the representatives of that unhappy country when seeking to secure some relief or recognition of our treaty covenant in that terrible crises of their nation's history.

Having failed to comply with our treaty obligations, and acquiesced in the treatment of Korea by Japan, we became accessories after the fact to her absorption of Korea; and however flagrant Japan's violation of her treaty obligations concerning Korea may have been—and I think there is no doubt of the fact—however unmindful of the rights of this subject people she may have been, we have confirmed her title to Korea as far as that can be done by noninterference and by acquiescence.

That being so, Mr. President, I am not at all impressed by these heartrending stories, however true they may be, of Japan's oppression and persecution of the Korean people; nor am I able to perceive how these facts—and they no doubt exist—can or should influence our dispassionate judgment in determining our duty under the Shantung provisions of this treaty. I sympathize with the people of Korea as deeply as any fair-minded man can. I would gladly see that unhappy people restored to their ancient prerogatives and independence.

I would be among the first to welcome her back into the family of nations, and I would gladly join in any proper movement designed to influence the Empire of Japan in that direction. But we are complaining now upon the principle that justified the farmer in locking his barn after his horse was stolen. I have no question but that if the United States in 1907 or 1910 had acted under the moral obligation imposed upon it by its covenant with Korea, Japan would have heeded us and her conduct toward that country would in all probability have been largely dominated by our friendly interference.

Men then now in public life, now prominent in the affairs of the Nation, are more familiar with these conditions than am I, yet now inclined to consider the Korean situation as in some way identified with or involved in this very serious problem. I think, Mr. President, we did wrong then. I believe that both morally and legally the United States should have given official expression, by way of friendly interference, of its disapproval of the destruction of Korea's political existence, basing its action upon the requirements of its treaty with Korea. But that was not done; so that when Japan entered this war, and afterwards when her delegates entered the treaty convention, the status of Asiatic affairs, as regards China and Korea, with the single exception of the change of German possession to that of the Japanese in Shantung, was substantially what it had been for some years previous; and having up to that time by our conduct acknowledged this situation we should now deal with the question entirely from the standpoint of subsequent events.

Mr. President, this brings me to the time when we became a belligerent, and when China, following our example, declared war against Germany.

I think there is no doubt but that the action of China was entirely due to that of the United States. If the United States had failed to enter the war, I do not believe China would have done so, first, because she would not have had the incentive furnished by our action, and, second, because the influence of Japan would have been sufficiently powerful to have deterred her from so doing. We are responsible, then, Mr. President, for the entrance of China into the Great War; and not having repudiated the assurance of our minister then given to her, I think we are responsible for his celebrated announcement to the Chinese President, made perhaps without authority, but confirmed by our approval. China, therefore, expected, relied upon, and was entitled to the support of the United States, wherever that support could be given consistently with our obligations to other nations, in her insistence upon the restoration of Shantung.

No man contends for a moment that China approved of the Japanese policy regarding Shantung, that she was pleased over Japan's assumption of the right to capture and restore it, or that she felt it essential to her welfare that Japan should assume that attitude. She had reasons, through former experiences with Japan in Mongolia and in Manchuria, that were sufficiently grave and important to warn her of what this intervention might ultimately mean. Therefore China's entry into the war was in all probability largely influenced by the attitude which she was assured the United States would occupy regarding her interests and her welfare during and at the conclusion of the war.

Among the 21 articles was the now celebrated agreement, also forced upon China by Japan, and dated in the spring of 1915, whereby Japan covenanted to make a qualified return of Kiaochow and of the German concessions to China.

It was the one small and unsatisfactory concession which China was able to secure from Japan as a consideration for her enforced acceptance of the 21 demands. I shall not take time, Mr. President, to go into the details of that covenant because that has been done many times upon this floor. Every man who is familiar with it knows that instead of constituting a complete return it is virtually a promise the performance of

which will invest China with little more than the shell of that which Germany wrested from her.

The Senator from Massachusetts [Mr. LODGE] yesterday, in speaking upon this subject, drew one or two comparisons in other sections of the globe which aptly illustrated the conditions following the performance of her agreement by Japan. If Japan were in possession of California, and agreed to return it to the United States subject to her reservation of the city of San Francisco and the Golden Gate, retaining her joint control over the lines of railway radiating eastward and northward and southward from that great city, and the additional right to develop the mining industries of a large section of California, we readily conclude that the restoration of California to the United States would be giving the shadow only, Japan retaining the substance, such is her covenant with China, which very naturally protested against it, and hoped with our assistance to at least secure such action at Paris as would give her an opportunity to present her claims and seek there vindication before the tribunal of the league of nations.

So, Mr. President, I have reached the conclusion that we as a Nation are morally bound to aid China in this controversy, to the extent that we can do so consistently, with our own interests, our other obligations, and having in mind at all times what may be the result of our action upon this treaty.

No man can defend the attitude of Japan toward Kiaochow. No man has attempted to do so upon this floor. The President has not done so. It is one of those events which expediency alone can justify, if it can be justified at all. In his Indianapolis speech, on the 4th day of September, Mr. Wilson said:

> There is another thing in this covenant which cures one of the principal difficulties we encountered at Paris. I need not tell you that at every turn in those discussions we came across some secret treaty, some understanding that had never been made public before, some understanding which embarrassed the whole settlement.

Of course, he was referring to those secret agreements made in the spring of 1917 between Japan, on the one side, and England, France, Italy, and Russia, upon the other, under the terms of which Japan was to succeed to all German interests in China. He continued:

> I think it will not be improper for me to refer to one of them. When we came to the settlement of the Shantung matter with regard to China, we found that Great Britain and France were under explicit treaty obligation to Japan that she should get exactly what she got in the treaty with Germany, and the most that the United States could do was to urge upon Japan the promise, which she gave, that she would not take advantage of those portions of the treaty but would return to the Republic of China, without qualification, the sovereignty which Germany had enjoyed in Shantung Province.

I construe that, Mr. President, to refer to an assurance given by the representatives of Japan different from and supplementary to that of her covenants with China in 1915; for that does not restore to China "without qualification" the sovereignty which Germany had enjoyed under the provisions of her treaty, unless we concede the assertion sometimes made that China ceded no sovereignty under her treaty with Germany, a position which I think can not be reconciled with those recitals of the treaty which refer to Kiaochow, Kiaochow Bay, and the islands immediately adjacent. The President said, further:

> We have had repeated assurances since then that Japan means to fulfill those promises in absolute good faith. But my present point is that there stood at the very gate of that settlement a secret treaty between Japan and two of the great powers engaged in this war on our side. We could not ask them to disregard those promises.

I construe the repeated assurances to which the President refers to be identical with that given him at Versailles, and I earnestly hope that Japan may speedily perform them.

I regret that when the condition mentioned by the President presented itself, our delegation did not, when the treaties were insisted upon, withdraw from the conference. I believe that if it had done so they would have been withdrawn, and the United States would not only have been stronger in the subsequent conferences of that congress, but that a much more desirable treaty would have been secured from the other powers.

If we have learned anything by this war, it is the danger of secret engagements, and no one has denounced them more eloquently or more earnestly than President Wilson. I am not here to speak in judgment of the President or of the peace conference. I could not do so intelligently if I would, because I am not sufficiently familiar with all of the matters which were within their knowledge, and of which they necessarily had to take note in connection with every course pursued and every conclusion reached.

But I believe, Mr. President, that at that crucial moment the opportunity presented to our delegation justify my suggestion. The effect of these secret treaties not only ignored but seriously injured a co-ally. Such a course would have vindicated those principles of right and justice, which we flatter ourselves to lie at the very basis of American institutions. But that was not done. The treaty provides, in complete accordance with the sentiments of the secret agreements to which I have referred, that Japan shall have everything, and China only that which Japan, in an outside agreement, supplemented by an oral assurance, proposes to bestow upon her at some time in the indefinite future. This is eternally wrong.

Mr. President, what is our duty under the circumstances? Shall we strike the word "Japan" from the treaty in these four articles and insert the word "China," thus not only amending, but reversing the action of the congress of Versailles, and throw the whole subject back to the consideration of that congress? Or can we meet this condition by appropriate reservations, which not having that effect will do justice—not complete justice, perhaps, substantial justice to China? I can not with confidence determine this alternative, although I must act upon it.

No one believes for a moment that if this amendment is adopted Japan will accept its conclusions. If she returns to the congress at all, it will be a matter of surprise to me. Why should she? We are the only dissenting nation. Independently of this treaty, she has the solemn engagements of all the other great powers of the world, every one of which will observe them and observe them faithfully. She has, in addition, the full and complete possession of Kiaochow and of all the appurtenances belonging to that concession under the German treaty. She is fortunate, therefore, not only by the fact of possession, but by the covenants of the great powers, the United States alone excepted; and if her ambitions are as declared by many Senators, and as may be the case, then would she not be plausibly justified in declaring that inasmuch as the United States had officially expressed lack of confidence in the integrity of her agreement and inasmuch as there would be no interference with her projects except by the United States, ignore her engagements with China and remain where she is—in full and complete possession of everything as a permanent part of her Empire?

What would we do under similar circumstances? Would we pursue any other course or would England or France or Italy? Not unless some higher authority, the compelling force of an international public opinion, dictated to the contrary. But, however that may be, I do not believe that Japan would further concern herself with the affairs of the congress at Versailles. This might or might not be desirable. If the league is to be established, her exclusion from it might render it innocuous.

It was stated on numerous occasions, Mr. President, during the latter days of the war, with what basis I know not, that Japan was not entirely averse to a rapprochement with Germany; that Japan's policy and her institutions in the East were a duplicate of Germany's policy and her institutions in central Europe; that her army was founded and based upon the German model and her methods of government largely copied from the efficient policies of the German Empire.

I saw yesterday in a pamphlet which I received in the mails what purports to be an outline of a provisional agreement between Germany and Japan, said to have been captured at Perm, but its identity is not entirely free from suspicion. We have reason to know, however, that the attitude of Japan toward Germany was in some respects different from that of the United States, France, Italy, and Great Britain. Her institutions are not republican, her people are not democratic; they are progressing perhaps in that direction, but she is and has been since the war the sole surviving autocratic Government of any considerable dimensions. She has penetrated Siberia, thanks to our unsatisfactory course and policy toward Russia—when I say "our" I include all the Allies—she has entrenched and is entrenching herself in eastern Siberia; and, in my opinion, she will remain there, a fact which we will soon realize, and whatever regrets we may then have that our attitude toward Russia was not more effectual, they will be but vain regrets, indeed.

She is thoroughly intrenched in Mongolia and Manchuria. Between the new German Republic, which still calls itself the German Empire, and the ancient Japanese Empire, which dominates the Orient, is a vast territory occupied by 180,000,000 people—distressed, disorganized, unhappy, and bound, sooner or later, to throw themselves in the arms of the "man on horseback." Why should we expect Japan to reenter the conference at Versailles when the prospect of a combination of these three great countries is more than probable under the control of Japan herself? What more alluring to her dreams and ambitions of the future than to dominate the resources and the people in conjunction with Germany of what but a few years ago was one of the most powerful empires in the world? What better justification could she discover for such a movement than America's repudiation of the treaty by the adoption of the amendment which we are now considering?

Let us also assume, Mr. President, that China, dissatisfied with the covenants of the treaty and encouraged by our adoption of this amendment, should herself attempt to overthrow the domination of Japan in Shantung. Alone, she would be helpless. Great Britain might give her some moral support; France, perhaps, and Italy—nothing more. Indeed, under the Anglo-Japanese treaty, Great Britain might be required to furnish a contingent of troops or of ships not in behalf of, but against, China should Japan demand it. If China resorts to arms, ours is the one Nation in the world to whom she can appeal. That she will do so is inevitable, and what shall we do in that emergency? We have heard many expressions of sympathy for China, many protests against the injustice of which she will be a victim under this treaty. But does any man within the sound of my voice suppose for a moment that in the contingency which I have imagined the United States would actively interfere in behalf of China against Japan? I do not think the sentiment of the United States would justify it for a moment. We have just emerged from a great war. Its cost in men has been comparatively small, but large enough, God knows. Its cost in money and material has been appalling, and largely because we had to wage the war 3,000 miles from home and across an intervening ocean. But in this case the distance would be doubled, for it is 6,000 miles from San Francisco to China, as against 3,000 miles from New York to Brest. We there had hospitable shores upon which to embark our troops. However eager the people of China to welcome us, the navy of Japan would challenge our progress and prevent, if possible, the landing of our armies. If we succeeded, the cost of its maintenance, in addition to that which we have already encountered, would bankrupt even so great a Nation as the United States. So that I take it that interference under those circumstances is out of the question. But what is the alternative?

The Senator from Massachusetts [Mr. LODGE] yesterday expressed grave misgivings regarding the future of our relations with Japan. He outlined some of her purposes and ambitions, and no doubt many of them are well stated. We feel instinctively toward Japan as we felt toward Germany after her declaration of war in 1914; not that there is cause for any immediate difference between the two great peoples, but that the ambitions of Japan and the interests of the United States in the Orient and in the Pacific may not always parallel each other. Here are the most probable causes of future difficulty, a contingency confronting us against which we must make some preparation.

But if as a result of our action upon this treaty China should take up arms for the overthrow of Japan in Shantung, and appeal to us in vain, the attitude of Japan toward the United States from that moment on would be intolerable. Her people would in all probability regard us as not measuring up to the test of national dignity and honor, if, indeed, they should not conclude that we were afraid of testing the power of the Empire of the Rising Sun lest the result might be disastrous to the great Republic. Her aggressions in the East would then, in all probability, assume an attitude which sooner or later would reach a crisis, and that would, of course, mean war. We must not forget, Mr. President, that we have a possession in that far-flung region always vulnerable to attack from a powerful enemy. I, of course, refer to the Philippines. When we acquired them, by the way, we ourselves made the first assault upon the integrity of the Monroe doctrine. It was then that we first interfered in the affairs of the Old World, by identifying ourselves with its dominions. For it is an essential condition of the integrity of the Monroe doctrine that we should not meddle in what Mr. Jefferson called cis-Atlantic affairs, lest we encourage the nations of the Eastern Hemisphere to meddle with our own.

Mr. President, these conditions I do not think are wholly imaginary; we should therefore have them in mind in determining how to dispose of this important amendment, in some respects the most important one we are called upon to consider, and one which every Senator desires to dispose of in accordance with the best interests of the great country which he in part represents.

There has been a good deal of latter-day sentiment here regarding China and a great many crocodile tears have been shed in her behalf. We are not particularly fond of the Chinese people. We do not permit them to come here. The few who are here permanently occupy a very low social position. In some of our political campaigns in the West we allude to them as "moon-eyed lepers," and sometimes use adjectives equally opprobrious, if not more expressive. We are just now greatly concerned about the home of Confucius. That, too, is purely sentimental. We did not care anything about the home of Confucius when Germany grabbed it, nor of Mencius, possibly because Germany was a nation of white men.

But this sudden sentiment over old Confucius and the sanctity of his birthplace, however commendable, should have no place in the consideration of this most important proposition. It is quite as important, perhaps, as the consideration of the missionaries in Korea. I dislike to hear of outrages upon the Christian missionary, but I can not forget, Mr. President, that frequently he has been an advance agent for freebooting nations. We would have had no Shantung question but for the murder of two German missionaries in 1897, thus giving to the Kaiser the excuse for which he had been looking for some time, and which he at once made the basis of a demand for Kiaochow and the Shantung concessions. Great Britain herself is not entirely free from censure in this regard, for English missionaries suffering in China and elsewhere have occasionally enabled Great Britain to push her claims for compensating territory far beyond the limits of justice.

So it has been, and, I am afraid, so it will be. They are inspired by the loftiest sentiment and by the noblest aspirations of duty; nevertheless the commercial side of the foreign mission is there, and predatory nations have seldom failed to take advantage of it when opportunity came.

Mr. President, were it not for possible consequences of far-reaching character which may result from transformation of the Shantung domination from Japan to China, I should vote for the amendments. Only through them can we effectively register our protest against the wrong to China; but our adoption of them does not help China a particle. On the contrary, such action may serve to perpetuate the presence of Japan in Shantung, besides bringing us face to face with conditions which, to say the least, are portentous with trouble.

I have read very carefully the proposed reservation of the Senator from North Dakota [Mr. MCCUMBER]. We are all familiar with it. It recites the understanding of the Senate of the United States regarding this subject in our vote of ratification. In view of the President's statement at Indianapolis, I should like to see it go further and, using his language, provide for the restoration to China of her unqualified sovereignty over the entire Province, which can only be done by the cancellation of those economic advantages, and particularly control of transportation, embodied in the German concession. We can insert such a reservation, Mr. President, and at the end of two years, if Japan has made no move toward restoration, we can serve notice of withdrawal from the league, basing the reason upon her failure to comply with her agreement. I am inclined to think that if the United States ever gets into this league, and then serves such a notice, the complaint which forms its basis will be at once rectified. If not, our retirement from the league at the end of the prescribed notice will abundantly satisfy the people.

I shall, therefore, Mr. President, although it is by no means a satisfactory course, vote for a reservation, either that of the Senator from North Dakota or a stronger one, upon this subject. I should like to see inserted in such reservation, if it be politic to do so, some reference to our contemplated action in the event, within a reasonable time, this great wrong to China is not rectified.

I am not one of those who desire to reject this treaty out of hand; I shall not do this unless forced to do so by the defeat of reservations that I think absolutely essential. I wish it were possible to add that all of my objections to the treaty could be crystallized in the form of reservations. But there is at least one amendment, which will be presented later, which I feel compelled under my oath of office and my convictions of duty to support.

Mr. President, I did not intend, when I took the floor, to speak upon this subject at such length, but it is one capable of such infinite detail and presenting so many angles, every one of which sustains and supports the views of Senators regarding the wrong to China in transferring her great Province to her dominating and powerful neighbor.

Mr. BORAH. Mr. President, I have listened, as I always do, with interest to the discussion by the Senator from Colorado [Mr. THOMAS]. I agree with him practically with reference to everything he has said, except possibly some of his conclusions as to his duty under the facts. I do not disagree with him as to the main facts which he has stated; neither do I disagree with him as to what those facts properly import as to the future.

I am particularly in accord with his criticism, if it may be called such, of our failure to manifest our opposition to the annexation of Korea by Japan. Having made the treaty which we had made, I think we were under obligations to exercise our friendly offices in preventing the amalgamation or incorporation of Korea with Japan. I am very much of the opinion, Mr.

President, that that same criticism may be lodged against the Senate in the future if we do not meet this issue upon the ground of what is right and just rather than upon the ground of sheer expediency.

I am quite sure that the consideration which prevented the Government of the United States from taking action in 1910 with reference to the treaty between this country and Korea was the view that it might involve us in a condition of affairs which we were not ready to assume. We temporized with conditions and postponed our plain duty. There is scarcely any end to the road if you undertake to travel it upon the pure question of expediency rather than upon that which is deemed to be right and just in the premises.

We find ourselves in regard to this particular matter at this time in a very unhappy situation. Upon the one side is the question of expediency, of what we may properly do with the least possible sacrifice; and, upon the other hand, there is the question of right. No one is in doubt as to what is right and as to what we really should do if we were acting upon moral grounds, leaving out the question of expediency entirely.

As the Senator from Colorado [Mr. THOMAS] has stated, no one has undertaken to defend this proposition upon the question of right and the principles of justice. Every member of the Versailles conference whom I have read of as having spoken upon the subject condemns it. The President of the United States, a member of the conference, has repeatedly rather frankly and fully condemned it. Practically every Senator who has spoken upon the subject here has either condemned it or apologized for it. Everyone feels, Mr. President, that the United States is involved in a condition of affairs from which it is difficult to escape without sacrificing something of its historical reputation for honor and for fair and just dealing with the other nations of the world.

We find ourselves in that situation by reason of certain secret treaties which were made during the pendency of the war. It is believed upon the part of many—and undoubtedly it was believed upon the part of those attending the conference at Versailles—that the United States in some way, by reason of having been associated with those who had made the secret treaties, is bound to give some consideration to their existence and to their terms. It was undoubtedly by reason of a secret treaty that the President finally yielded upon the Shantung matter. He has stated many times in his addresses that it was a secret treaty which so entangled the situation as to make it impossible to do that which he and the delegates from the United States desired to do. It is that particular phase of this situation and this controversy to which I shall address myself for a very brief time.

There were certain secret treaties made between Great Britain, Italy, France, Russia, and Japan, beginning in the year 1915, or the early months thereof, and extending up until about June, 1918. I do not care to-day to discuss the proposition of whether those treaties should have been made under the exigencies under which they were made. We do know that those treaties dealt with most vital and important affairs not only with reference to the enemy but with reference to the rights of allies and associates. We know that the treaties ran counter to the policies and principles which were announced again and again as the guiding policies and principles of the war. They were treaties, whatever may have been the reason for making them in the first instance, which the makers were under every obligation to make known to the United States after it entered the war.

To fail to advise the United States of the terms and conditions of those treaties, in view of the attitude of the United States with reference to certain policies, in view of the announced principles of the United States in the conduct of the war, amounted to bad faith upon the part of the countries which withheld the information, bad faith to such an extent as to relieve the United States from any moral obligation whatever of giving any consideration to the terms of those treaties either at the peace conference or at any other time during their existence. If this information, which we were entitled to have and which good faith required us to have, was withheld, certainly when it was given under a changed condition of affairs entirely and at a time when the United States was not in a position to retrieve itself in any way whatever concerning their terms, we were under no obligation to give any consideration to them at Versailles nor are we under any obligation now to consider them.

It has been stated many times since the debate opened upon this league that the hope of the league rests in the fact that we are to have a changed Europe, a changed system of diplomacy and of international affairs. Lord Cecil said some days ago that the covenant itself would amount to practically nothing, except that it was based upon a new condition, a different world, and new principles were to obtain, and that these principles lying back of the league were the only assurance of its success.

Mr. President, these secret treaties, and the manner in which the nations have dealt with them, disclose that we have no new Europe, no new system, no change in the diplomatic policies or principles of Europe, and that we are dealing with the same condition, so far as the European system is concerned, as that which obtained prior to the war. The fact that these treaties were withheld from this Government until the last hour is, I take it, no longer a matter subject to dispute in this country.

I send to the desk and ask to have the Secretary read a statement made by the President at the time the Foreign Relations Committee visited the White House.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

"Senator BORAH. I wish to ask some questions in regard to the secret treaties. I do not feel as free about those matters as I do about the league, because there are certain things that I recognize may not be entirely open for public consideration; but, nevertheless, in so far as we can, I should like to know when the first knowledge came to this Government with reference to the secret treaties between Japan, Great Britain, Italy, and France concerning the German possessions in Shantung?

"The PRESIDENT. I thought that Secretary Lansing had looked that up and told you. I can only reply from my own knowledge, and my own knowledge came after I reached Paris.

"Senator BORAH. We did get a reply from Mr. Lansing to the same effect so far as he was concerned. When did the secret treaty between Great Britain, France, and the other nations of Europe with reference to certain adjustments in Europe first come to your knowledge? Was that after you had reached Paris also?

"The PRESIDENT. Yes; the whole series of understandings were disclosed to me for the first time then.

"Senator BORAH. Then we had no knowledge of these secret treaties so far as our Government was concerned until you reached Paris?

"The PRESIDENT. Not unless there was information at the State Department of which I knew nothing.

"Senator BORAH. Do you know when the secret treaties between Japan, Great Britain, and other countries were first made known to China?

"The PRESIDENT. No, sir; I do not. I remember a meeting of what was popularly called the council of ten, after our reaching Paris, in which it was first suggested that all these understandings should be laid upon the table of the conference. That was some time after we reached there, and I do not know whether that was China's first knowledge of these matters or not.

"Senator BORAH. Would it be proper for me to ask if Great Britain and France insisted upon maintaining these secret treaties at the peace conference as they were made?

"The PRESIDENT. I think it is proper for me to answer that question, sir. I will put it in this way: They felt that they could not recede from them; that is to say, that they were bound by them, but when they involved general interests such as they realized were involved, they were quite willing, and indeed I think desirous, that they should be reconsidered with the consent of the other parties. I mean with the consent, so far as they were concerned, of the other parties.

"Senator MOSES. Were all those treaties then produced, Mr. President?

"The PRESIDENT. Oh, yes.

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"Senator JOHNSON of California. I think you answered to Senator BORAH the question I am about to ask, so pardon me if it is repetitive. It is this: Was the United States Government officially informed, at any time between the rupture of diplomatic relations with Germany and the signing of the armistice, of agreements made by the allied Governments in regard to the settlement of the war?

"The PRESIDENT. No; not so far as I know.

"Senator JOHNSON of California. So far as you are aware, was it unofficially informed during that period?

"The PRESIDENT. I would be more clear in my answer, Senator, if I knew just what you were referring to.

"Senator JOHNSON of California. I am referring to the so-called secret treaties which disposed of territory among the belligerents.

"The PRESIDENT. You mean like the treaty of London?

"Senator JOHNSON of California. Yes; like the London pact.

"The PRESIDENT. No; no, sir.

"Senator JOHNSON of California. Could you state whether or not any official investigation was made by our Government to ascertain whether or not there were any such treaties of territorial disposition?

"The PRESIDENT. There was no such investigation.

"Senator JOHNSON of California. These specific treaties, then—the treaty of London, on the basis of which Italy entered the war; the agreement with Roumania, in August, 1916; the various agreements in respect to Asia Minor, and the agreements consummated in the winter of 1917 between France and Russia relative to the frontiers of Germany, and particularly in relation to the Saar Valley and the left bank of the Rhine—none of these did we (and when I say 'we' I mean you, Mr. President) have any knowledge of prior to the conference at Paris?

"The PRESIDENT. No, sir. I can confidently answer that 'No,' in regard to myself."

Mr. BORAH. We see, therefore, that these treaties which dispose of territory, which dispose of people, which divided up people, which ran counter to every principle which the Allies had announced as the guiding principles of the war, which would necessarily have a controlling influence upon the peace conference, which would necessarily embarrass any nation not familiar with their terms, were kept a secret by our allies, including Japan and Great Britain, from 1915 and 1917 until the peace delegates met in conference at Versailles.

Under what possible theory, legal or moral, can the people of the United States be asked to do a questionable, a dishonorable thing by reason of the existence of those treaties? We are relieved not only, of course, as a question of binding obligation, but we would be relieved in the court of any man's conscience from paying any consideration whatever to them. If Japan and Great Britain saw fit to enter into a treaty in 1917 by reason of conditions which existed at that time and because of exigencies in the war, I pass it by. Although it was imperialistic and contrary to all the principles which they were announcing, that is not a matter of concern to me. I did not believe them sincere in their declarations of principle at the time, and I was not misled. I do not, therefore, care to discuss that feature of the affair. But when they concealed those treaties, their terms and obligations, from the people who were entering into the war upon a specified program and upon specified principles, they had no right thereafter at any time ever to ask the United States to give any consideration to their terms or conditions. I thoroughly agree with the able Senator from Colorado [Mr. THOMAS] that when these treaties were laid upon the table at Versailles and the insistence was made by those who had signed them that they should be carried out the United States should have rejected them out of hand and, if necessary, have quit the conference, because moral prestige is still a national asset.

But, Mr. President, they not only concealed them, but, if I may be permitted to say so, they affirmatively misled the world in regard to the fact of their concealment, and particularly the United States. I read from the debates in Parliament upon the 4th day of March, 1918:

Mr. King asked the Secretary for Foreign Affairs whether there have been communicated to President Wilson copies of all treaties, whether secret or public, and memoranda of all other agreements or undertakings to which this country has become a party since the 4th day of August, 1914; and, if not, whether copies of all such documents will be handed to the American Ambassador in London.

Mr. BALFOUR. The honorable member may rest assured that the President is kept fully informed of these facts by the Allies.

Mr. McCUMBER. Mr. President, will the Senator give the date?

Mr. BORAH. I did give the date—the 4th of March, 1918.

I am not going into a discussion of the different secret treaties, because they are not relevant here to-day; but let us apply the facts to the Shantung situation, and see if the United States is not perfectly free to deal with it just as in good conscience and honor it thinks it ought to deal with it, and see if we may not deal with it without being subject to the charge of offending Japan or any other nation if we shall do what we think is right with regard to it.

China entered the war upon the urgency of both Great Britain and the United States. I think it is a pretty well established fact—I have stated it before and have never seen it denied—that the United States sent a representative to China who spoke before public meetings, commercial clubs, and so forth, and stated to the Chinese people in terms that they could rely upon the President of the United States to see that China had a place at the peace conference, and that her rights would be protected. This was not the statement of the ambassador, although such statements were, in effect, made by him and published in the Chinese press from time to time; but it was the statement of a special envoy, as it were, sent to those people, encouraging them to do what they could for the allied cause, and assuring them that as we had ever been their friend in the past we would continue to be their friend in the future, and that their rights should be protected at Versailles.

Mr. President, of course I have no doubt that those statements were made to the Chinese people by the United States representative in perfect good faith.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. In just a moment. I do not assume for a moment that there was any intent at that time of in any wise misleading the Chinese people, or in any way—if I may use the term—of betraying their interests at Versailles. Now I yield to the Senator.

Mr. HITCHCOCK. Will the Senator kindly indicate the basis of his information that the United States made such representations or promises to China?

Mr. BORAH. I will not only indicate it but I will state it. There is a distinguished Chinese gentleman in this country, whose name I can not recall but whose name can be had, who traveled with Mr. Crane throughout China as his interpreter, and interpreted his addresses to the Chinese people, in which he stated to them that, as the representative of the United States, he was authorized to say to the Chinese people that they would have a friend in the United States and in the President at Versailles.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. In just a moment. I have also been informed that Mr. Crane feels somewhat offended that he was placed in that situation. That, however, was not stated to me by this gentleman. The other facts were stated to me by him. He is one of the leaders of the Y. M. C. A. in China. That is my authority. If it is not true, I should like to have it denied. I feel that I am stating a fact. This gentleman came with a gentleman who knew him—had known him well in China. He impressed me as thoroughly reliable.

Mr. HITCHCOCK. It seems to me that that is very vague and very unreliable. I supposed the Senator was basing his statement on the testimony given before the Committee on Foreign Relations.

Mr. BORAH. No; I was not basing it on that.

Mr. HITCHCOCK. I recall to the Senator the fact that Mr. Ferguson, who was the confidential adviser of the Chinese Government, testified before the Committee on Foreign Relations, and that his statement was far short of what the Senator has stated. If the Senator will permit me, I can read a paragraph in which Ferguson's testimony appears——

Mr. BORAH. As I have not referred to Mr. Ferguson and am not relying on his statement, I do not care to have the time taken up by reading it.

Mr. HITCHCOCK. I will not intrude on the Senator, but will he permit me to say that Ferguson being the confidential adviser of China, and Ferguson not claiming as much as the Senator claims for China, it is very evident to me that the claim could not be made with authority on behalf of China.

Mr. BORAH. Well, Mr. President, whether the charge which I have made in all its import is true or not, there is no doubt that it was well understood in China, and understood by reason of the statements of our ambassador, as well as from other sources, that the United States would undertake to be a friend of China at Versailles.

It is further true that after China went to Versailles she relied upon the United States; that by reason of the fact that the United States advised her not to employ special counsel she failed or neglected to do so; and any number of circumstances are available to show that from the very beginning the United States placed herself in such a position that China understood she was to have a particular friend who would protect her interests. Furthermore, one of the very objects of the secret treaties of 1917, so it has been stated, and, indeed, the French treaty incorporates it, if I remember correctly, was that Japan was to no longer throw any obstacles in the way of China going into the war.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield.

Mr. HITCHCOCK. Does the Senator recall what it was that the representative of China testified to before the Committee on Foreign Relations?

Mr. BORAH. No; I do not.

Mr. HITCHCOCK. All he stated was that the United States agreed to assist China in securing representation at the Paris conference, which Japan had resisted. That is the beginning and the end of his testimony.

Mr. BORAH. Very well. The Senator can have his construction of it. But I have never heard it denied, Mr. President, that

the United States attitude toward China was that of encouraging her to enter the war. I have never heard it denied that it was the attitude of the United States that she was friendly to China and intended to protect her interests at Versailles. It is a notorious fact that at Versailles she did intend and did endeavor for a time, until confronted by the secret treaties, to protect China's interests at Versailles. It is further true that the President has expressed regret time and time again that by reason of the secret treaties he was prevented from doing what he desired to do, and what I have no doubt he would have undertaken to do had it not been for the secret treaties.

Mr. President, the same attitude toward China was assumed by Great Britain. Certainly Great Britain encouraged China to enter the war, and certainly they accepted her services, and those services were of an important and vital nature to the cause. Now, at the very time she was entering the war, at the very time that China was preparing to assist the Allies, Great Britain was entering into a secret agreement with Japan, another ally and associate, by which she was to take a portion of the other ally's territory and give it to Japan. This treaty was kept secret from China by Great Britain until they arrived at Versailles. It was kept secret from the United States until our delegates arrived in Paris—a secret combination or a secret treaty by which one associate in the war enters into a combination with another to deprive a third of property and territory.

It was bad enough, Mr. President, inherently bad enough, and it became indefensible and intolerable, from the standpoint of the United States, when it was kept away from us during all the months in which we were announcing our position in reference to those policies and principles by which we were supposed to be guided.

Mr. President, what did Germany have by virtue of this leasehold or treaty? What could she transfer to Japan or what could Japan acquire as German property by reason of a treaty? The German treaty itself provided that her rights were not subject to transfer to any other power. Germany had nothing which she could transfer had she affirmatively, of her own motion, undertaken to do so. Therefore there was nothing which Japan could acquire except what she acquired or could acquire by virtue of an act of war. When she undertook to take possession of the German rights, she found nothing but a lease which was forfeitable when it ran against the claim of any other nation.

Secondly, it was but a leasehold; it was not a concession. It did not undertake to transfer any sovereignty. It expressly provided against such transfer. Therefore under every rule with which I am familiar, of either municipal law or international law, the moment China entered the war those rights were forfeited and reverted to China. Being nothing but a lease, the moment it was forfeited by reason of the act of China entering the war, all rights reverted to the original lessor. Both by reason of the fact that it was nontransferable under the treaty, and by reason of the fact that it was a lease, China's entrance into the war took away any possible property rights which Japan could acquire by treaty from Germany.

What did Great Britain and France agree to? They agreed to support Japan in her claim for the German rights under the German lease, and nothing more. They did not undertake to cover any rights which Japan might have acquired by virtue of her entering upon the possessions of China as a separate and distinct nation, as an act of war, but undertook to support Japan in her claim at Versailles for whatever rights Germany had under this treaty, and that was all.

Now, what did Germany have when they met at the Versailles conference? What property interests did she have? I do not believe that there was anything there which could be transferred; secondly, that if there was any transfer which was effectual, the United States could disregard it in view of the fact that the terms of the treaty had been concealed and kept from her attention during the entire war.

In view of this record, therefore, Mr. President, we stand in the position to-day to do what in good conscience and in justice we ought to do. We can not be charged with bad faith by Japan or by Great Britain. We are in a position to assert our honor and to protect our honor by our act here in the ratification of this treaty. We stand free of all obligations save the obligation to do justice, to deal honorably with the entire situation. What right has Japan to complain that we disregard a treaty which she laboriously concealed? Indeed, she is under the highest obligation in good conscience to affirmatively release the United States from any obligation to consider these treaties. That is even more true with reference to Great Britain. If ever one nation was under obligation to deal in open candor, in unconcealed fashion, with another, Great Britain was under that obligation to this Government after we entered the war. I let her record answer how she met that obligation.

Could Japan complain of the United States if the United States refused to recognize a secret treaty? Would she stand with any success in the public opinion of the world if she should quarrel with the United States because the United States refused to be bound by that which she concealed from the United States? Could Japan complain of the United States if the United States should write into this treaty that which international law and municipal law has already written into the treaty, to wit, the complete reversion of these rights and properties to China?

So I say, Mr. President, that neither in honor nor in law are we bound to give any recognition to the past or to past transactions between Japan and Great Britain.

Much has been said here from time to time to the effect that if we should do what is contemplated, it might lead even to a conflict with Japan. I do not think so. But if we are to have difficulty, if that can not be avoided, if the situation in the Far East is such, and made such by reason of these secret treaties, that disturbances must come, let us at least have a clean record behind our position; let us at least be in a position where the world can never assail us for doing an improper or an unjust or an unconscionable thing. If the situation in the Far East is as has been contemplated by the Senator from Colorado [Mr. THOMAS] and by others, and we must face it, we can face it with double strength, both in our own conscience and before the world, if we do right by our associate and our ally in the war. "Thrice is he armed who has his quarrel just." But in my opinion, Mr. President, that condition need not be considered.

I should think that it would be embarrassing indeed for the Japanese Government to insist against Great Britain, the United States, and France that she should have the possessions which Germany had in China, as against the undoubted legal principle that they reverted to China the moment China entered the war. Upon what foundation will she base her claim? Upon what contention will she rest it? She will rest it upon the contention which she is making now and which we are about to indorse—nothing in the world but desire and force. When you get down to the bottom of this and analyze it, the taking of Shantung by Japan is not based, except for arguments and camouflage, upon the treaty of 1915 at all. It is based upon opportunity, expediency, and force. Before she made the treaty of 1915 she had presented her 21 demands to China, presented them out of a clear sky. She was not at war with China. There was no occasion for the demands. She had had no trouble with China. She was, in effect, an ally, but these 21 demands incorporated the German rights and, in addition to the German rights, incorporated other demands which would have made China a subject nation to Japan. It was intended at the time to initiate the policy which the treaty of 1915 afterwards attempted to carry out. We will be called upon, Mr. President, to add our moral prestige and the strength of this Republic to the program which had been initiated, not by the treaty of 1915, but the wrong which had been initiated by the 21 demands which preceded that treaty.

We are becoming a party to the dismemberment of China, an ally. The initial step of this dismemberment is not the treaty of 1915, but the demands which preceded it.

I say that the United States should draw back from that proposition. There can not be anything possible in the world's situation which requires this Republic to do a dishonorable thing toward any nation, great or small. As certainly as conscience is left in the world, as certainly as there is a morality to which men will adhere, there must be in the minds of civilized and Christian people of the world a sufficient power to force justice to the front when it is so clear and unmistakable as it is in this instance.

As I said a moment ago, there is not a Senator upon the floor who defends it upon the ground of right. There is not a Senator who defends it upon the ground of justice. There is not a Senator who undertakes to put under it a basis of morality. There is not a Senator but regrets that it is here. The President regrets it. The people of the United States regret it. If to-morrow morning it could be known that the conscience of the United States was clean and clear of this "damned spot" which will stain her honor for all time, there would be an exhilaration of the public mind which has not been felt since the war closed, for we are essentially a just and honorable people. Will the United States rise to meet the situation? Will we send word to all the nations of Europe and of Asia that "you may dismember and partition and plunder and separate peoples until you get to that body which represents the people of the United States—there you must stop"? It would have a most wholesome

effect throughout the world. To do right, to do justice, that is the highest service we can now render to a doubting, distrustful, and suspicious world.

Mr. SPENCER. Mr. President, the Shantung provisions of the treaty of peace, sections 156, 157, and 158, are shameful. They are the culmination of a long series of unjust and regrettable international arrangements, every one of which is repugnant to that sense of justice which fortunately pervades the United States and which, please God, may never be diminished or destroyed.

In 1896 and 1897 Germany indicated clearly her determined policy to acquire for herself territory in China.

In 1898 when two Christian ministers of German citizenship had been killed by a mob, Germany promptly seized the opportunity of making this unfortunate incident a basis for the peremptory demand of the desired rights in Shantung. It had no more foundation in justice than, as has been well said, would exist if as a result of mob violence in the city of Baltimore a citizen of Great Britain should be killed and the unfortunate incident should be made the demand for the cession to England of the Chesapeake Bay and its adjacent territory.

Soon after the war broke out in 1914 the Chinese Government was anxious to expel the German forces from Chinese territory, and under the circumstances was able to do so. This would have brought China directly into the war, but Japan with great vigor insisted that China should not act in the matter and prevented her entrance into the war upon the side of the Allies, while Japan herself, at an almost negligible cost of men or material resources, dispossessed Germany from her Chinese possessions. It is significant that Japan in thus dispossessing Germany did not content herself alone with the acquisition of the territory which Germany had acquired but landed her troops a hundred and fifty miles in the interior and took military control of a far greater extent of territory than Germany had ever possessed.

In 1915 Japan, by the threat of force and by dominating diplomatic insistence, compelled an unwilling China to agree that the rights of Germany should on the termination of the war be transferred to Japan. Japan with great cunning secured, owing to the stress of world conditions, an agreement from England and France and Italy that they would consent in the final treaty with Germany to the acquisition by Japan of all Germany's rights.

It is, as I have said before, inconceivable that the representatives of the United States at the peace table who have asserted that the first knowledge they ever had of any such agreement between England, France, Italy, and Japan regarding Shantung came to them at Paris should ever have consented to proceed with the negotiations until these secret arrangements of such vital importance to the future welfare of the world were by the consent of all parties thereto entirely abrogated, so that the conference at Paris might begin their negotiations unencumbered by secret arrangements of which the United States had no prior information. One would have thought that the President would promptly have said to his associates:

"Gentlemen, I learn for the first time of the secret treaty which you have made between yourselves. I do not impugn the motive or the necessity which may have been the cause of its original creation, but as we now come together to consider the welfare of the world, and to consider it alone upon the principles of honor and of justice, I say to you in the name of the United States that before we enter upon this conference that secret treaty, by the consent of every one of you who formed it, must now be laid upon the table and canceled, in order that we may proceed, unfettered by secrecy, to do now what is right in the matter. I will not enter into a conference with my hands tied by a secret arrangement concerning which I had no information whatever."

But such action was not taken at Paris. The treaty of peace was negotiated with provisions which did give to Japan the very territory in China which England and France and Italy had secretly agreed with Japan should be given to her, and that treaty is now an accomplished fact and in practical operation. Germany has already ceded her rights in Shantung to Japan. Japan is in actual possession of the Shantung Peninsula, and nothing that we can do will dispossess her unless, indeed, by very force we eject her from the peninsula.

If we adopt these amendments as they are written, which expressly cede Shantung to China and take Shantung away from Japan, we ought to make it effective.

If the United States in its wisdom actually transfers territory, as these amendments do, from Japan to China, we ought to see to it that such transfer on our part is accomplished; otherwise it is nothing but a verbal bubble that by its very lack of substance suggests its insincerity.

Is it not also apparent that by these amendments, whether we proceed to enforce them by war or not, we are intermeddling in the most aggravating manner in the quarrels and disputes of the Far East? We seek to change an existing condition of territory of which we disapprove, and not only express our disapproval but actually take the disputed territory and give it to another. There could be no greater intermeddling in the affairs of the Far East than this.

If we adopt these amendments we are not helping China in the least. We do not change by a hair's breadth the existing condition of Japan's possession of the Shantung Peninsula. We do nothing more than create a diplomatic situation which renders real help to China more difficult in the future.

For my own part, I want to record my abhorrence of the Shantung provisions as they are written in the treaty; and yet I am not blind to a condition which actually exists and which for the moment the United States is helpless to remedy. If the pending amendments could accomplish the transfer to China of Shantung I would vote for them.

Before the Senate is through with the treaty I shall avail myself of the opportunity or I shall create the opportunity by my vote of expressing my views; but at the present time the amendments as they are proposed are impotent to help China unless we inject ourselves into the very center of the eastern question. Their adoption would cause the United States to intermeddle in the disputes of the Far East, from which we ought to earnestly seek to be free. Are we not wiser before the world, Mr. President—wiser from the viewpoint that has been so eloquently stated by the Senator from Idaho [Mr. BORAH]—more consistent with our established polity, and more helpful to our sister Republic of China, if, under the situation as we now find it actually to exist, we express our disapproval of the provisions of the treaty with regard to Shantung, refuse ourselves to be bound by them, and indicate in clear terms our intention of remedying the wrong at the first opportunity?

I think so, and because I think so I shall vote against the pending amendments.

Mr. REED. Mr. President, I have listened with great interest to the very forceful statement of my colleague [Mr. SPENCER], and I dislike very much to take issue with him, because he is my colleague; but I desire very respectfully to call his attention to the fact that his entire argument proceeds upon a fallacy, and I believe that I can make that so clear that my colleague will be almost, though perhaps not quite, convinced.

The Senator states that the rape of Shantung is abhorrent to him and abhorrent to the world. These are not his words, but that is their import. The Senator having laid down that proposition then proceeds to say that this is an accomplished fact because the treaty has already been signed by Germany, has already been signed or agreed to by Great Britain, by France, by Japan, and by Italy; therefore, the treaty is an existing fact; that the transfer is consequently a completed thing; that what the United States now proposes to do is to disregard and defy this existing condition; and that if she does so she takes the responsibility of summoning her armies and her navies and going to war with Japan in order to assist China in wresting from Japan this Province thus finally turned over to Japan. That is a fair statement of the Senator's position.

The only trouble with that is that it is all aside from the facts. What are the facts? We are now asked to ratify this treaty, to become a party to it, and until we do become a party to it it will not be binding upon us. If we now proceed to amend it, it will have to go back to all of the nations that have signed it, and they will then have the question put to them of agreeing to the treaty as we have amended it. So the question presented is not whether we shall undertake to upset a treaty that is concluded, but it is whether, while the treaty is under consideration, we shall insist upon a just amendment being written into it.

This treaty is not an accomplished fact, so far as we are concerned, until the United States shall act. If the United States amends this treaty by providing that Shantung shall go to China, and the other nations refuse their assent to the treaty as thus amended, then the treaty does not bind us and the treaty does not bind any other nation unless those other nations see fit to make a treaty disregarding and leaving out the United States altogether; and if the other nations see fit to make a treaty with Germany disregarding and leaving out the United States altogether, then well and good, we will make our own treaty, and when we make it we will not agree to furnish the men and furnish the money to fight the wars of these other nations.

If this treaty is already settled, as the Senator argues; if it is an accomplished fact, as the Senator argues, why do we sit

here deliberating upon a thing already done? What is there left for us to do, if it is already an accomplished thing? What reason is there for us to adopt it, if it is an already accomplished thing? Is it the position of the Senator and of those who share his views that the United States has nothing to say; that we have been put out on a limb, to use a common expression, and the limb sawed off between us and the tree; or is it a fact that this treaty is still before the world and that we are performing an important function with reference to it when we sit here deliberating and when we propose to vote upon it? What utter and sheer nonsense it is for us to spend our time deliberating about this treaty if it is already accepted! What use is there to talk about amendments or reservations if the thing is already a fixed fact? What good will a reservation be, what virtue, to a thing we can not change, an immutable, unchangeable thing already accomplished and fixed? The Senator overlooks that.

My view is that this treaty is still before the Senate of the United States; my view is that if the Senate of the United States amends this treaty it will go back; and when it goes back the other nations of the world will then either have to accept our views or they will have to make a treaty to suit themselves, and we will be at liberty to make one that suits us. So when the Senator argues in one breath that we can alter the situation by a reservation, and in the next breath that we can not alter it by an amendment because it is already fixed and settled and beyond our control, it seems to me he is not in a very logical position.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the senior Senator from Missouri yield to his colleague?

Mr. REED. I yield to my colleague.

Mr. SPENCER. Am I not right and does not my distinguished colleague agree with me in the statement that when three of the principal allied or associated powers agree to this treaty it becomes an accomplished treaty? And, even though we never acted upon it, is it not a treaty every provision of which with regard to Germany and with regard to Shantung, which the Senator is now discussing, would be actually accomplished? Am I wrong in that?

Mr. REED. The Senator is right in the position that the treaty recites that when it has been approved by three of the principal powers it shall become effective and peace shall ensue; but the Senator does not mean to say that three of the powers can bind the rest of the world to that treaty? They can bind themselves, and three of the powers have bound themselves; but the United States is not bound. She is at liberty now to take such action as she sees fit; and if the United States should disagree to this treaty altogether and reject it, there would be world peace, except that nominally there would not be peace between us and Germany, although there would be in fact. But while that is true, does the Senator differ from my statement when I say that if the United States amends this treaty now it will go back to the other nations, and that if it does go back to the other nations they will then have their option to accept our amendments or to reject our amendments, and if they do reject our amendments we still are free then to act?

Mr. SPENCER. Mr. President, I quite agree with the senior Senator from Missouri; and it is for the very purpose of preventing, unless it is absolutely necessary, such amendments as will carry the treaty back that I prefer the reservations. I think perhaps the Senator would like amendments that do carry it back, but in that I am not in agreement with him.

Mr. REED. In other words, the Senator, recognizing that this treaty is now effective as between these nations who signed it, and that it contains this enormity, does not want to send it back so that the cancer may be cut out, but he wants simply to put in a reservation saying that we are not a party to the cancer. Well, Mr. President, I want to give them a chance to cut it out, and I want to make them cut it out. What we need is a little more American nerve and not quite so much acquiescence in the demands of other countries.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further?

Mr. REED. I do.

Mr. SPENCER. I want to express, in a word, my concurrence in the cancerous nature of the situation. The difference between my distinguished colleague and myself is this: He thinks that that cancer can be best removed by an amendment, and he proposes to give the other nations the chance to cut out the cancer.

Mr. REED. To make them do it.

Mr. SPENCER. To make them do it. I think the cancer can be best removed not by sending the treaty back but by leaving the situation in such a condition that the United States itself is free to act in regard to the removal of that cancer later on.

Mr. REED. Mr. President, we will be free to act in what way? We will have ratified a treaty that expressly approves the theft. We will have breathed, or will have helped to breathe, the breath of life into the treaty that guarantees to Japan the loot. Then we propose to say, after having done that, "We reserve, for the sake of conscience, an approval of it."

Mr. President, either a reservation means something or it means nothing. If a reservation has any potentiality whatsoever, then the United States is protesting against this great wrong; and if she protests against this great wrong the time to right it is when the contract is being made, and not later.

The Senator is a distinguished lawyer. The Senator never yet was confronted with a situation where a party said to his client, "I am going to restore this property to you, but I am going first to insist that you shall sign a deed of it to me," and under those circumstances advised his client to make the deed. He has invariably said, if he was ever confronted by that situation, "If you are going to restore this property, then, instead of your requiring a deed from my client to you, you ought to make a deed to my client," and now is the time to settle these matters.

The Senator says, however—and this is the part of his argument I want to dwell on for a moment—that if the United States adopts his amendment, the United States then becomes bound, practically, to go to war to make it good. Mr. President, when the United States adopts this amendment she passes the amendment back to the other nations of the world and asks them to accept it. If they do accept it the wrong is righted. If they do not accept it the United States is bound to nothing. She has simply expressed her abhorence by an amendment. If we adopt this amendment to-day, and the other nations of the world refuse to ratify and confirm it, we are bound to nothing. The Senator surely knows that. The league of nations, the assembly of nations, this association of powers, will be bound, if they ratify it and it becomes a living thing, to see that Japan does the thing that they say shall be done; but if they do not do that, then all we have done is to adopt an amendment which is dead or dies because the other nations of the world refuse to concur in it.

Mr. COLT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. REED. I do; yes.

Mr. COLT. As I understand the situation, I might say to the Senator, if the treaty consisted of 12 articles, one of which the United States did not agree to, and we ratified the treaty as to 11 articles, it would be only a partial ratification of the treaty on our part. When we do it by a reservation it leaves the 12 articles in full force between the other parties. When, however, we make a textual amendment, we make in fact a new treaty, and it must be submitted to all the other signatories.

I thought the Senator was perhaps a little strong in the statement that if we ratify the treaty with reservations we ratify the treaty and the whole of it. That is not true. It is only a partial ratification upon our part. I so understand it.

Mr. REED. The Senator and I do not disagree. We may disagree about phraseology, but not about the thought. Of course, if we ratify the treaty outright, we have consented to all of it. If we reject it outright, we have rejected all of it. If we amend it, we have then ratified the treaty with amendments, and it must go back to the other powers for their agreement to the amendments. If we merely put in a reservation, we leave the situation in this wise—that all the wrongs and all the villany and all the crimes remain. We are no longer in a position even to protest against them. We have consented that the instrument shall be a living instrument; but we say that, as far as we are concerned, we will not be a party to the wrong, which, however, becomes consummated.

Mr. COLT. I understand that.

Mr. REED. Now, I am not willing that this treaty should contain these wrongs. I want to employ the only opportunity we will ever have to take them out. I do not want them to exist. I want the treaty to go back, and I want these nations to have the pressure of the United States put against them, so that we may prevent these international crimes.

And why should we not send it back? What is the reason why it should not go back? What is the delicacy of the situation that makes it so that the United States can not ask for the reassembling of a body that is already assembled? There has been talk about reassembling the peace conference. The peace conference is in session now. The representatives of all these nations are there, and this question or any question can be placed before them. If not, what utter nonsense it is for us to

pretend that we have any right to say anything or do anything! If it is impossible to assemble these gentlemen, then we ought to take this work as it was handed to us and swallow it, or else we ought utterly to reject it.

Why is it that Senators fear to reassemble these nations? They are assembled; I use the term "reassemble" because it has been used so often. Will it make any difference with Germany? Germany has already yielded these rights, and it is a conceded fact that Germany has nothing to say about them. It will make some difference to Japan. That is the only nation it will affect.

That brings me to a consideration of this Japanese proposition.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. Before the Senator goes to that, I think the Senator has very accurately stated the situation that would result if this amendment were adopted. If it were accepted by the other signatories to the treaty, of course the situation would be solved. If it should not be accepted, I think the Senator has correctly stated that the treaty would stand as between the three powers and Germany, and we would be perforce obliged to negotiate a separate treaty with Germany.

Mr. REED. Yes.

Mr. WALSH of Montana. I desire to inquire of the Senator whether that situation gives him any anxiety whatever?

Mr. REED. Not the slightest; not the slightest.

Mr. WALSH of Montana. I imagined as much, because I could not understand his desire otherwise to attach amendments to the treaty which would amount to a rejection.

Mr. REED. I can see no reason why it should give anybody anxiety. Let us see what we need, as far as we are concerned, in our dealings with Germany. Suppose we were to say to Germany: "We want from you, so far as the United States is concerned, in a separate treaty, everything you have agreed to give the United States in the treaty you negotiated." Now, what would it be? Not a dollar of indemnity; not a ship, except these merchant ships that we took here during the war; not a foot of territory.

Mr. WALSH of Montana. Can the Senator give us any idea of the value of those?

Mr. REED. Well, about the amount that it took us to furnish shells for five minutes in one good battle.

Mr. WALSH of Montana. That amounts to how much?

Mr. REED. Oh, I do not know.

Mr. WALSH of Montana. It amounts to something like a hundred millions, does it not?

Mr. REED. Possibly. We give that away every day here. [Laughter.] Is the Senator alarmed about that? Does my distinguished friend mean to say to me that Germany would hesitate in making peace with us, to tell us to keep these old tubs? I will not say "old tubs." They were fairly good vessels of an obsolete type.

Mr. WALSH of Montana. Yes; I think the Senator ought to revise that statement; but I will say to the Senator that, however he may feel about it, I have no disposition whatever to make a present of a hundred million dollars or $1,000,000 to Germany.

Mr. REED. I have not any disposition to do it, and I have not said so, and the Senator did not so understand me, either.

I said that Germany would not hesitate one second, in order to have peace and good will reestablished with this country, to let the ships go as they go now. There is nobody going to be deceived by that argument. Is the United States selling her birthright of honor for this mess of pottage? Are we afraid to do an act of justice to the world because, if we made a separate peace with Germany, she might say, "We will not give you this hundred million dollars," if that is the amount, when, as a matter of fact, she has no option except to do it? The good will of the United States, the fact of having peace with the United States, is worth more than a hundred million dollars to Germany in one month's time, aye, in one hour's time. There is nothing in that. Nobody will be deceived by it.

What is there, then, that makes gentlemen fear making a separate peace with Germany if the other nations of the world should refuse to accept our amendment?

Mr. WALSH of Montana. Mr. President, I will ask the Senator just one more question. All our troops, with insignificant exceptions, are now withdrawn from the seat of war. We would be in exactly the same situation if we were to negotiate a treaty of peace with Germany as if all the military forces had been withdrawn from the area of conflict immediately upon the cessation of hostilities. I inquire of the Senator whether he would be willing to proceed to negotiate a treaty of peace with Germany on that basis?

Mr. REED. Mr. President, there is no use answering a part of that question. But let us look at the situation just as it is now. All of our troops are withdrawn from Germany, and Germany has not any troops over here that I have heard of. So the two nations would stand at arm's length. We have Germany's ships, and that is all we are ever going to get, and it is all we have ever asked.

Now, the question that is presented to this bankrupt nation, this half-starving nation, to which we have had to send food, is this, "Do you want to make peace with the greatest power in the world or do you not?" Do you think that Germany would hesitate a minute because our troops are withdrawn?

Mr. WALSH of Montana. Mr. President——

Mr. REED. One moment.

Mr. WALSH of Montana. I want to correct a statement made by the Senator.

Mr. REED. I want to finish the statement; then I will submit to the correction. The Senator from Montana says our troops are withdrawn from Germany. Our troops, unfortunately, are not withdrawn, and under the treaty we are making we are to keep American troops on German soil for 15 years. They are recruiting boys now for service in foreign parts, and the contract expressly specifies it.

Mr. WALSH of Montana. I do not care to answer that statement, Mr. President; but I desire to correct the statement of the Senator that the ships we took from Germany are all we have asked for or all we get.

Mr. REED. What else do we get?

Mr. WALSH of Montana. We get $750,000,000 worth of property which the Alien Property Custodian has taken from German citizens.

Mr. REED. We have that.

Mr. WALSH of Montana. Yes; we have that.

Mr. REED. And Germany has not any army to come and get it back.

Mr. WALSH of Montana. No; she has not; but we have it.

Mr. REED. Yes. Does the Senator from Montana mean to tell the Senate and the country that for those considerations the United States ought to hesitate, for fear that Germany will not make peace with us? Germany stands with her arms extended begging peace. We are not the people who need fear Germany. If there is any hitch in the making of peace with Germany, it is not the United States that need be fearful; it is France and England and Italy, the countries that are near by. That is one of the reasons why I think those countries might accept our amendment. We alone of all the nations stand in a position where we can not be hurt, unless we enter into a compact that hurts us.

Mr. WALSH of Montana. Just one more interruption and I will not trouble the Senate further.

Mr. REED. Certainly; I yield.

Mr. WALSH of Montana. I agree fully with the Senator that we are in a most advantageous position from financial and other similar considerations in negotiating a treaty of peace. But why does the Senator want to throw away every advantage that we acquired by reason of the military victory over Germany?

Mr. REED. We are not throwing away a single advantage. What advantage are we throwing away? I am speaking from the standpoint of the United States. You tell me that the treaty is already in effect. You say that Germany has already made her peace with all the other nations of the world, and you say that the treaty is acceptable to her. If the United States were not to sign that treaty, it would still stand. But if we send it back with an amendment, and the other nations see fit to accept that amendment, then there will be that much good done to the world. Let us see. Germany has not a thing to say about that. That was admitted by the President. Germany is not a member of the league of nations. Germany has signed away Shantung. What we are asked to do is to dispose of Shantung and to ratify and confirm the transfer to Japan. There is nothing in those arguments.

It was argued here by a Senator, for whom I have the most profound respect, that if we refuse to consent to this transfer and to ratify and confirm it Japan may refuse to come into the league of nations; she may refuse to become a partner in the regeneration of the world. That is to say, in order to get Japan to join in this effort to uplift the world, in order to get her to be a partner in this association that proposes to wipe out all international inequalities and injustices and to produce a reign of equity, we must bribe her by turning over to her her ill-gotten gains and guaranteeing them to her. What kind of a partner is that going to be? If I am going to organize a

church I do not want any gentleman to join only upon the consideration that he shall be bribed into his membership. That is not the kind of men to make churches with.

If you are going to organize a partnership of the nations of the world for the purpose of producing universal justice, then you can not bring into this partnership any nation that is so debased that it will not join unless it is guaranteed its ill-gotten wealth. I would rather have a pirate nation outside than a pirate nation inside. I do not want to sit at the same table and consult with and submit to the votes and the decisions of a nation that will only join provided it is allowed to have its crimes recognized and justified and guaranteed.

It is a strange sort of argument that we are hearing here. If that nation is so selfish, so brutalized, so criminal as it has been pictured, then instead of admitting it into the household we ought to bar our gates against it. We ought to preserve our own councils against it. You can not take a lot of savages and transform them into saints by bringing them into this compact, and certainly you can not when they tell you that they will not come in unless they are permitted to keep their international stealings.

Now, we are asked to sanctify this proposition; we are asked to justify it, and we are told that if we do not do it Japan may stay out; that she may join Germany; that she may join Russia. If Japan is that sort of treacherous thing, then in the name of Heaven why should we take her into partnership? Do you gain anything by admitting the enemy and the traitor and the conspirator into your own councils and your own home? That argument ought to exclude Japan as an undesirable and a dangerous factor in the life of the world.

Then we are told that we are powerless to help China. Mr. President, if we sign this treaty without amendment, we will be powerless to help China. Now is our one chance to help China, and to help her without a great and bloody war. Now is our chance to say that the United States refuses to concur in this treaty unless at this time, at the moment of signing and as a part of the exchange of documents, Shantung shall be delivered back to China. If we do that, it does not involve us in war. If the other nations accept, then this great wrong is done away with and all cause for war in the future between China and Japan will have been removed and all cause for war between us and Japan or any other nation concerning that great wrong will have been removed.

But if you sign the treaty as it is now and turn this great Province over to Japan, then you have that question before you, you have that great world irritant fastened in the international body. You have the certainty that if China is ever able to rise from the dust she will strike, and when she does that many nations may be drawn into the conflict. For the safety of the world, for the preservation of peace, for the settlement of this controversy when it can be settled—for all those considerations, the amendment ought to be adopted.

Now, what is the amendment? The amendment proposes that Japan shall do now what she professes she is going to do to-morrow or some other day in the near future. She has never made a statement yet that binds her Government, but she has made statements to control the opinion of the world. She says in those statements, "Give us a good title, then we will graciously give it back some day." If she is in good faith about that, now is the time to do it, when the contract is being made. If we do not do it now, then the question is an open one. Then comes the question, What can the various nations of the world do about it? If we accept the league of nations that is adopted, we will assume that China files her complaint before the league of nations, and the league undertakes to deliberate upon it. Japan will lay down as her muniment of title a solemn treaty confirming her in the possession of this property, and when China undertakes to reply she will be able to put in evidence only the oral statement made by some Japanese statesman. Japan has not by an official act declared what she will do, so China will lose her case for that reason, and, as I said yesterday, she will lose it for another reason, that the most potential nations represented on the council will be the nations who have signed the secret pact, who themselves are responsible for this situation.

But suppose, sir, that the league of nations, just as it stands now, would undertake to decree that Japan should turn this property back to China, then what? I am speaking now of the possibilities of war. If Japan is now in such temper and is made of such material, if she is ready to conspire with Germany against her associates, if she is ready to conspire with Russia against her associates, she will, in the case I have supposed, carry out that conspiracy, join those great nations who are outside of the league. There are over 50,000,000 more white men outside of the league than are inside of it, and she will join in an alliance and in an agreement with them. Then look for a world war indeed!

If Japan will not do justice now, we can not trust her in the future. If, with their armies and their navies intact, and if, with Japan now having great gains to be made through this war outside of Shantung, with Japan professing unofficially to do justice to-morrow or the next day or next year, we can not now secure from Japan a fair deal and a fair understanding, then beware of what we will be able to do under the league of nations; beware of the conduct of Japan in the future.

Mr. President, Japan can be handled to-day. I say to you that if you consummate this robbery Japan can not be handled to-morrow. Why do I say that? She has approximately 50,000,000 people. She has taken over Korea with 20,000,000 people. If she acquires Shantung she gets 40,000,000 more of people, making 110,000,000 of people drawn under the authority of this—and I use the oft-repeated expression—Prussian of the Orient, with her fatalism, with her cruelty, with her indomitable will, with her towering ambition. Not only does she gain control of these 40,000,000 Chinamen, but she gains practically the key to all China, and you have opened there for her an empire of conquest and a sphere of influence such as the world has hardly dreamed of before.

Fifty years is a short time in the life of nations. Give to Japan 50 years to work upon that material, with the power to Japanize—if I may use that adjective—these Chinese populations, and you will have created a yellow peril indeed. You will have brought together this mighty host of yellow men—I am assuming that Japan is successful in holding these possessions—and you will have created a menace that will cause not only Europe but the United States to have great reason for fear.

The proposition is that Japan to-day is so powerful that we can not make her do justice at this time, hence we will make her much more powerful in the hope that at some future time, by a tribunal that we are setting up, we can get her to do justice. The long line of international treachery which the world has witnessed ought to give us a lesson. When England entered this war Lloyd-George said England did not propose to demand a single foot of territory; but Great Britain has absorbed more territory through this war than Rome ever gained in a similar period of time. When England entered Egypt she protested to high heaven that she did not intend to acquire that territory. The language was read here to-day. But in a few years' time England's clutch grew tighter and she had taken over the control of Egypt. She has now entered upon a similar course of conduct with reference to Persia. England, through this war, with her other possessions, now drives her railroad from the cape to Cairo on English soil. Possibly that may not be a bad thing for the world; but it illustrates how little confidence can be placed in the statements that nations do not propose to take territory or that they propose to yield the territory already in their possession.

Japan has repeatedly promised to restore the possessions she has taken, and she has broken every promise that she has made to China or made to the world. The history of mankind is that when nations gain possession of lands they keep them, if they have the power to keep them.

When we gave Cuba the right of self-government—we came very near giving her complete self-government—we furnished about the only example in modern history at least of a nation ever relinquishing territory. In that case we had not gone in as conquerors, but simply as friends. We have not been able to let go of the Philippines yet. The spirit of keeping ground is strong in the human heart.

If Japan intended to give back this property to China, she would give it back now. Only children are really fooled by the professions of a man or of a nation that says, "We propose to give back the thing we are taking, but before we give it back you have got to certify a title to us." If she is going to give it back, why does she need the title certified? Why does she need to have it sanctified and sanctioned and made pure?

If we make this amendment, it may be that when the treaty goes back Japan will snap her fingers and say to all the world that she disregards their will, that she proposes to keep this land and these people. If so, one of two courses will be open. One will be for the nations to undertake to enforce by war the liberation of China. I do not think any such obligation rests upon us. We did not make the conditions and we are under no obligation to send troops there to carry them out. The other course would be, or at least the result would follow, that we would know the heart of Japan; we would know what is her purpose now, and the world would stand on guard against them.

It is a singular thing to find the Senate of the United States solemnly debating the question whether it ought to do what is right for fear that it might offend a nation by not according to that nation the privilege of keeping its stolen property. So far as I am concerned, I do not fear Japan to-day, but if you make her the monarch of the Orient, her Emperor the master emperor of all the yellow men she can gather by force of arms, you can create a force there before which the world may well tremble.

Mr. President, I only intended to reply to my colleague. I have talked too long on this matter, but I protest that it is a shameless thing to stand here and say that this is a great wrong and yet vote for that wrong.

Mr. LENROOT. Mr. President, the appealing arguments of the senior Senator from Missouri [Mr. REED] and of the Senator from Idaho [Mr. BORAH] for the adoption of these amendments are not very persuasive to me when I consider the fact that, even though these amendments and all of the other amendments and reservations proposed by the committee shall be adopted, if I understand the position of those Senators correctly, they will then vote to reject the treaty. It seems to me their position is that during the consideration of this treaty as in Committee of the Whole they are very solicitous for the protection of China, but when it comes to the final act of voting upon the resolution of ratification they will abandon China to her fate.

I thoroughly indorse everything that has been said in denunciation of the articles of the treaty with respect to Shantung; I indorse what the Senator from Idaho said, that we were not in honor bound to give any recognition to the secret pacts out of which these articles in the treaty grew. I will go further, Mr. President, and say that, in my judgment, we are in honor bound to refuse to give any recognition to these articles in the treaty; but I do not believe that it should be done in the manner it is now proposed to do it. I believe it ought to be done by the Senate declaring in the resolution of ratification that it withholds its assent from all of the provisions in the treaty relating to Shantung and reserves to itself full liberty of action with respect to all matters that may arise thereunder. I want to assure the Senate that they will later on have an opportunity to vote for such a reservation. If no other reservation is proposed, I shall offer a reservation substantially in this form: The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy that may arise under said articles.

It is immaterial to me what form the reservation takes, provided that when we come to vote upon the resolution of ratification we do not vote to agree to these articles with respect to the cession of Shantung and reserve to ourselves full liberty of action with respect to any matter that may arise under these articles.

Mr. THOMAS. Mr. President——

Mr. LENROOT. I yield to the Senator from Colorado.

Mr. THOMAS. Will the Senator again read his proposed reservation?

Mr. LENROOT. As I stated, I am only suggesting the substance of what I believe would be a proper reservation—that the United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy that may arise under said articles.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Yes.

Mr. BORAH. I have very great respect for the Senator's judgment in regard to this matter. As I understand the Senator, he takes the position that the United States by some process should relieve itself wholly and absolutely from any obligation to enforce this portion of the treaty?

Mr. LENROOT. We certainly should do that; but, in addition, we should be perfectly at liberty to assist China at some time in the future if we saw fit to do so.

Mr. BORAH. The question which I desire to ask the Senator is this: What is the difference, then, so far as the substance is concerned, between the position which the Senator takes and that taken by me? His reservation is, in effect, an amendment, is it not?

Mr. LENROOT. It is not.

Mr. BORAH. Of course, technically it is not; but the moral effect of it must be the same.

Mr. LENROOT. Well, let us see—and that is what I was about to discuss——

Mr. BORAH. Very well.

Mr. LENROOT. Let us see the difference between that kind of a reservation and the amendment proposed by the committee. The amendment proposes to strike out in the articles the word "Japan" and to insert the word "China," so as to make the cession from Germany to China instead of to Japan. As the junior Senator from Missouri [Mr. SPENCER] has said, the treaty during the present week has come into full life, so far as the parties are concerned who have ratified it. The treaty at this moment is in full effect between the British Empire, France, Italy, and Germany, and it is safe to say that before the treaty passes out from the Senate, whether it be ratified or rejected, Japan also will have ratified it. Whatever may be said with reference to the cession from Germany to Japan being effective at this date—which is a question I do not care to argue to-night—it certainly will be effective just as soon as Japan ratifies the treaty, so that every concession that Germany has in Shantung will have passed to Japan before the Senate votes upon the resolution of ratification.

What is proposed, then, by the amendments? Although the title of Germany will have passed from Germany to Japan, the amendments would provide that Germany shall agree to cede to China something that she has already ceded by quitclaim to Japan. I insist that this amendment can not be accepted by the British Empire, by France, or by Italy without the consent of Japan.

Mr. BORAH. What, then, is the legal effect of the Senator's reservation? What does it accomplish? What does it do with reference to this territory? Where does it leave us?

Mr. LENROOT. The reservation leaves the United States not a party in any way to that which I believe is correctly denominated a crime. If we do not become a party to it, we will be at liberty in any way that the American people and the United States Congress may determine at any time in the future to assist China in her claims to Shantung.

Mr. BORAH. In any event the result is that Japan is left in absolute possession of Shantung. The reservation does not change the status at all.

Mr. LENROOT. It does not; and neither does the amendment, if adopted by the Senate.

Mr. BORAH. In other words, we simply refuse to hold the lantern while the burglary is taking place.

Mr. LENROOT. But the burglary has taken place, and the amendment does not change that fact, unless Japan consents to it.

Mr. BORAH. Precisely so; but the Senator's reservation does not require the treaty to be sent back for the action by anybody.

Mr. LENROOT. It does not.

Mr. BORAH. So it is a moral certainty that the situation will remain permanent, and the only thing we will accomplish by the reservation is to say that we do not like the transaction.

Mr. LENROOT. That is true; that we do not approve it and are not a party to it. The Senator, I am very sure, is convinced, as I am convinced, that if this treaty is sent back, with the British Empire having agreed to this cession—I am not speaking of secret treaties, for I indorse wholly what the Senator from Idaho has said with reference to them; I believe that every one of them was abrogated by the acceptance of the 14 points—the British Empire, France, and Germany, by signing and ratifying the treaty, having agreed to this cession to Japan, they can not undertake honorably, after having made that agreement in this treaty, to accept any amendment changing the status unless Japan is willing to accept it. Does the Senator from Idaho think that Japan, being in possession, having the assent of the great powers named, having the title that Germany had to Shantung, is going to assent to such an amendment?

Mr. BORAH. Perhaps not; but, Mr. President, the only possible way by which we can force Japan, Great Britain, and the other countries to reconsider this matter is by an amendment.

Mr. LENROOT. But those countries can not honorably reconsider the matter without the consent of Japan.

Mr. BORAH. But being as they were not honorable in doing the thing, they may be willing to do an honorable act by reconsidering a dishonorable act.

Mr. LENROOT. Then the Senator's position is that, having done a dishonorable thing in insisting upon the Shantung provision, they might be expected to do another dishonorable thing in disregarding the word they have given in the treaty.

Mr. REED. Mr. President, will the Senator permit a suggestion?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. Yes.

Mr. REED. If it is true that the nations are now so far committed that they will not at this time, when the question is

still open, do justice to China, what chance does he think China will have in trying the case before the league of nations on her appeal to have Shantung restored to her?

Mr. LENROOT. I would prefer that the Senator ask some Senator who has more confidence than I have in the efficacy of the league of nations with respect to such a controversy.

It is true, Mr. President, that the United States and all of the other nations may later insist upon Japan carrying out her agreement to restore Shantung to China; but, with the reservation that I suggest, we do not participate in this crime; we are exactly, sirs, in the position which some Senators have asked us to occupy when you asked us to reject the treaty and make a separate peace with Germany, or pass a joint resolution declaring the war at an end. Where would Shantung be then?

The fact is, and we might as well face it very frankly, that we are confronted with the proposition that if we adopt these amendments the United States is out of the treaty entirely; that is the issue. I can not give my consent to the position that I am unwilling to make peace with Germany unless Shantung is restored to China. Other Senators may take that position if they choose; but I will not do so.

I must confess, Mr. President, that it seems to me some Senators are very inconsistent in the position they are taking with reference to these articles of the treaty. The Senator from Missouri made a most eloquent appeal concerning the duty of the United States to right this great international wrong, and, if I remember his language, he said the United States ought to use some "nerve" about it; and yet, if I recollect aright, the Senator is one of those who has steadily advocated—and I have been very much in agreement with him—that we ought not to interfere or meddle in quarrels in Europe.

Mr. REED rose.

Mr. LENROOT. Just a moment. If I remember aright, the Senator from Missouri voted for every one of the so-called Fall amendments, which were designed to prevent representation on the part of the United States on all the commissions provided for in the treaty with relation to boundaries in Europe and in connection with many other questions there, leaving to the countries in Europe perfect freedom to commit any international wrong that they might see fit to enter into without any protest or concern of the United States. Now I yield.

Mr. REED. Mr. President, just to get the matter right, if the Senator will permit me, I desire to say that I was not here when the Fall amendments were before the Senate.

Mr. LENROOT. Then I ask the Senator's pardon.

Mr. REED. But if I had been present, I was in favor of those amendments and would have voted for them. I simply make the statement for the sake of having the record complete; there is no difference in principle. But the Senator's statement of my position on this particular matter is a little inaccurate. I did not say that it was our duty to right the wrong of China in the sense the Senator puts it. I did say that it was our duty when we were making peace to try to right that wrong in the treaty, but not that we should interfere in such affairs hereafter. Now, mark you, the difference: We have here a peace treaty which requires affirmative action upon this question. Instead of taking that action so as to turn the citizens and property of China over to Japan, I am in favor of taking that action so that the citizens and property of China shall remain the property of China. That does not mean that I am trying to interfere in the affairs of Europe. I am trying to prevent this treaty being adopted as it is, and, as it is, it does interfere. So the Senator can not fairly state that I am in any contrary position. I want to keep out of the quarrels of other nations; I want to let them settle their own difficulties; but here we are making a treaty, and in the treaty we propose to deal with a certain subject. The question is, How shall we deal with it; shall we give this property to Japan or shall we try to have it retained by China?

Mr. LENROOT. I can not yield further, Mr. President.

Let us see just a moment as to whether the Senator is exactly accurate in the attempted distinction between the two positions.

He says that he wants to keep out of Europe. He says that if present he would have voted for all of the Fall amendments relating to boundaries growing out of this very war. By voting for the Fall amendments he would have said, "I want to have the United States have nothing to do with European affairs." Now, that is the position that I am taking with reference to Asia by this reservation. But the Senator, when it comes to Asia, takes an entirely contrary position. When it comes to Asia he says, "While I want the United States to keep out of Europe, I want the United States to dictate what shall be done in Asia"; and I say that is an inconsistent position. I think we ought to take the same position with reference to both, that we ought not to dictate to either; and if the United States is going to attempt to dictate boundaries, either in Asia or in Europe, it ought to be prepared to use the force that is necessary to defend the boundaries which it has dictated. That I am not willing to do, and neither do I think the Senator from Missouri is, and that is why I am not going to vote to dictate what shall be done with Shantung. I propose, however, that the United States keep out of that, not assenting to it, refusing to assent to it, leaving the United States free to take such action in the future with reference to that question as to it may seem just.

Mr. LODGE. Mr. President, before the Senator takes his seat, I think he did not quite state the difference between the effect of an amendment and the effect of a reservation. I am not going into an argument as to whether or not we ought to interfere in Shantung, although I draw a distinction between Asia, where we are an Asiatic power, holding the Philippines, and Europe, where we have no interests whatever; but my point is this:

Suppose we adopt this amendment. Either they would have to agree to that amendment, or we should not be parties to the treaty.

Mr. LENROOT. That is true.

Mr. LODGE. They would have to choose between us and Shantung.

Mr. LENROOT. Yes; they would; and that leads me to say, Mr. President, that it seems to me it ought to be clear to every Senator in the present situation that the adoption of this amendment means the killing of the treaty, because it ought to be plain that Japan is not going to consent to the amendment, and the British Empire and France and Italy can not consent to the amendment without the consent of Japan. I want to say, Mr. President, as I have said before on this floor, that unless the United States is protected from many of the onerous obligations that this treaty imposes, I propose to vote for the rejection of the treaty; but I prefer to do it outright, with a vote against the treaty, than to vote for an amendment that in my judgment is sure to kill it.

Mr. LODGE. Mr. President, I only want to say a word and then I am going to move a recess, because there are several Senators who want to speak on this matter before a vote is taken.

Mr. REED. Will the Senator, before he calls for a recess, permit me just a word? I want to say it before we take a recess, in about two minutes.

Mr. LODGE. I should like to finish.

Mr. REED. I simply want to say this——

Mr. LODGE. Mr. President, I rather object to being taken off the floor.

Mr. REED. Oh! I thought the Senator had yielded.

Mr. LODGE. No, Mr. President; but I will yield to the Senator in a moment. I wanted to say something in conclusion to the Senator from Wisconsin.

Mr. REED. Very well.

Mr. LODGE. That is, that he never will see the day, and we never shall see the day, when Europe refuses to let the United States come into this treaty on any terms the United States says. Without the United States it is a house of cards, and we can dictate what we think right and honorable to-day if we choose; but when we are once snarled in the league we can not do it, so that it behooves us to move carefully.

I yield to the Senator.

Mr. REED. I beg the Senator's pardon. A moment ago I thought he had made a motion with his hand for me to proceed.

All I want to say is this: The Senator from Wisconsin and I get along so well together, and he is so fair a man, that I do not want him to leave me, or try to leave me, in the position of taking contradictory positions.

Here is the great difference between the Fall amendments and this Shantung situation: In the Fall amendments we were dealing with European nations and with European peoples. We were dealing with our enemies and with our enemies' countries. The Shantung amendment is proposing to sanctify the looting of our ally, and to that ally we owe a very high duty. There is a distinction that warrants a difference of attitude.

Mr. BORAH. Mr. President, before the Senator from Massachusetts moves to take a recess, in reply to the able Senator from Wisconsin as to the apparent inconsistency of our voting for this amendment and then voting to defeat the entire treaty, I desire to say to him that in my humble way every possible vote that I can cast anywhere along the line in the hope of defeating it I am going to cast.

Mr. LENROOT. Oh, I do not question that.

Mr. LODGE. Mr. President, I ask permission to have printed in the RECORD and as a public document for the use of the Senate a compilation of all reservations placed on all treaties

hitherto by the Senate of the United States. I think Senators will find it useful for reference.

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

The matter referred to is as follows:

[Senate Document No. 135, Sixty-sixth Congress, first session.]

COMPILATION OF TREATY RESERVATIONS.

A compilation of all reservations placed in all treaties hitherto by the Senate.

Treaty of peace, amity, commerce, and navigation with Korea concluded May 22, 1882.

January 9, 1883: Reported by Mr. Windom.

On motion of Mr. Windom, and by unanimous consent,

The said treaty was read the second time and considered as in Committee of the Whole, and, no amendment being made, it was reported to the Senate.

Mr. Windom submitted the following resolution for consideration:

"*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States and the Kingdom of Korea, or Chosen, concluded on the 22d of May, 1882.

"*Resolved*, That it is the understanding of the Senate, in agreeing to the foregoing resolution, that the clause 'Nor are they permitted to transport native produce from one open port to another open port,' in Article VI of said treaty, it is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Korea, or Chosen, to receive Korean cargo for exportation or to discharge foreign cargo; and

"*Resolved*, That the President be requested to communicate the foregoing interpretation of said clause to the Korean, or Chosen, Government on the exchange of ratifications of said treaty, as the sense in which the United States understand the same.

"*Resolved further*, That the Senate, in advising and consenting to the treaty mentioned in the foregoing resolutions, does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power unless such person shall have been appointed for such purpose or clothed with such power by and with the advice and consent of the Senate, except in the case of the Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate; and it makes the declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

"*Resolved*, That the Secretary communicate all the foregoing resolutions to the President."

The Senate proceeded, by unanimous consent, to consider the said resolutions, and,

On the question to agree thereto,

It was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

General act for the repression of African slave trade, signed July 2, 1890.

January 11, 1892: Mr. Sherman * * * reported it without amendment, accompanied by the following resolution:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the general act signed at Brussels July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African slave trade, and for other purposes.

"*Resolved further*, That the Senate advise and consent to the acceptance of the partial ratification of the said general act on the part of the French Republic and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2, 1892.

"*Resolved further*, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that Continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said general act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of ratifications of this treaty on the part of the United States."

On motion by Mr. SHERMAN, and by unanimous consent,

The said general act (having heretofore been read the second time) was considered as in Committee of the Whole and no amendment being made it was reported to the Senate; and

On the question to agree to the resolution reported from the Committee on Foreign Relations,

It was determined unanimously in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Supplementary industrial convention concluded April 15, 1891.

March 8, 1892: Mr. Hiscock * * * reported the same without amendment, accompanied with the following resolution, viz:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of protocols 3 and 4, signed at Madrid April 15, 1891, by the United States and other powers, amendatory to the convention of March 20, 1883, for the protection of industrial property, subject to the reservation of the plenipotentiary of the United States in the international conference for the protection of industrial property at Madrid, as follows:

"The share allotted to the United States to contribute to the dotation of the international bureau is not to be augmented until the Congress of the United States shall have approved the augmentation.

"That articles 3 and 4 of the fourth protocol shall not go beyond what shall be established by the legislation of the United States."

On motion by Mr. Hiscock and by unanimous consent,

The protocols were read the second time and considered as in Committee of the Whole, and no amendment being made thereto, they were reported to the Senate.

On the question to agree to the resolution reported from the Committee on Foreign Relations,

It was determined unanimously in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Algeciras convention of 1906.

December 12, 1906: On motion by Mr. Cullom, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Cullom submitted the following resolution for consideration:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the general act and an additional protocol, signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs."

Which, by unanimous consent, the Senate proceeded to consider.

Mr. Bacon reported from the Committee on Foreign Relations the following resolution:

"*Resolved further*, That the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government, and without purpose to depart from the traditional American foreign policy, which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

After discussion,

On motion by Mr. Hale that the resolution reported by Mr. Bacon be added as an amendment to the resolution of ratification,

It was determined in the affirmative.

On the question to agree to the resolution of ratification as amended, it was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative. So the resolution as amended was agreed to.

Ordered, That the said resolution be laid before the President of the United States.

Convention for the settlement of international disputes signed at The Hague, 1907.

April 2, 1908: The Senate proceeded, as in Committee of the Whole, to consider the same, and no amendment being proposed,

After discussion,

It was reported to the Senate, and no amendment being proposed,

Mr. Carter submitted the following resolution, which was considered by unanimous consent:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the second international peace conference, held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes, subject to the declaration made by the delegates of the United States before signing said convention, namely:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.'

"*Resolved, further, as a part of this act of ratification*, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention, to exclude the formulation of the 'compromis' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the 'compromis' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the 'compromis' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise."

On the question to agree to the said resolution,

It was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Convention concluded at the second Hague peace conference held at The Hague, 1907, concerning the rights and duties of neutral powers in naval war.

April 17, 1908: On motion by Mr. Bacon, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Bacon submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the adherence of the United States to a convention adopted by the second international peace conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war, reserving and excluding, however, article 23 thereof, which is in the following words:

"'A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"'If the prize is convoyed by a warship the prize crew may go on board the convoying ship.

"'If the prize is not under convoy the prize crew are left at liberty.'

"*Resolved further*, That the United States adheres to this convention with the understanding that the last clause of article 3 implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction."

Ordered, That the Secretary lay the said resolution before the President of the United States.

Convention respecting the limitation of the employment of force for the recovery of contract debts signed at The Hague, 1907.

April 17, 1908: On motion by Mr. Carter, the Senate proceeded to consider the same as in Committee of the Whole.

And no amendment being proposed, it was reported to the Senate; and no amendment being proposed in the Senate,

Mr. Carter submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, respecting the limitation of the employment of force for the recovery of contract debts.

"*Resolved further*, As a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute."

Extradition convention with Portugal, signed May 7, 1908.

May 22, 1908: The Senate resumed consideration of the same as in Committee of the Whole, and, no amendment being proposed, it was reported to the Senate.

Mr. Carter submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of an extradition treaty between the United States and Portugal, signed at Washington on May 7, 1908.

"In giving this advice and consent to the ratification of the said treaty, and as a part of the act of ratification, the Senate understands that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty."

Ordered, That the Secretary lay the said resolution before the President of the United States.

Ship canal treaty with Panama signed January 9, 1909.

March 3, 1909: On motion by Mr. Cullom, the Senate proceeded, as in Committee of the Whole, to resume consideration of the same, and no amendment being proposed it was reported to the Senate; and no amendment being proposed in the Senate,

Mr. Cullom submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a treaty between the United States and the Republic of Panama relating to the Panama Canal, signed January 9, 1909.

"*Resolved as a part of this ratification*, That the United States approves the treaty between the United States and Panama, with the understanding that so far as the United States is concerned no question shall be submitted to arbitration herein provided for which in any way affects the vital interests of the United States in the protection, operation, maintenance, sanitation, and protection of the Panama Canal."

Ordered, That the Secretary lay the said resolution before the President of the United States.

Agreement with Russia regulating the position of corporations and other commercial associations, signed June 25, 1904.

May 6, 1909: Reported favorably by Mr. Root:

On motion by Mr. Root, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the said agreement, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Root submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of an agreement (Ex. D, 58th, 3d) between the United States and Russia to regulate the position of corporations or stock companies and other commercial associations, signed at St. Petersburg on June 25, 1904.

"*Resolved*, That the Senate advises and consents to the ratification of the said agreement with the understanding that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under the authority of the several States of the Union."

Arbitration treaty with Great Britain, signed August 3, 1911.

March 7, 1912 (in open executive session): The treaty was reported to the Senate, and the amendments recommended in the Committee of the Whole were concurred in.

Mr. LODGE offered the following substitute resolution of ratification:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, with the following amendments:

"On page 3, line 4, after the word 'tribunal,' insert a comma.

"In the same line strike out 'may' and insert in lieu thereof 'shall.'

"On page 4, strike out the paragraph commencing on line 28 and ending on line 35."

Mr. BACON. I offer as a substitute for the proviso the one I now send to the desk.

The VICE PRESIDENT. The Senator from Georgia offers an amendment in the form of a substitute for the proviso, which will be read.

The SECRETARY. In lieu of the proviso insert:

"*Provided*, That the Senate advise and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia to the resolution of ratification.

The yeas and nays were ordered, and Mr. Bacon's amendment to Mr. LODGE's resolution was agreed to—yeas 46, nays 36, not voting 9.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

The yeas and nays were ordered, and the Secretary called the roll. The result was announced—yeas 76, nays 3, not voting 12.

The VICE PRESIDENT. Two-thirds having voted in favor thereof, the resolution as amended is adopted.

International wireless telegraph convention concluded July 5, 1912.

January 22, 1913: On motion by Mr. Root, the Senate proceeded to consider the same.

The convention was read the second time and considered in Committee of the Whole; and no amendment being proposed,

Was reported to the Senate.

The convention was considered in the Senate; and no amendment being proposed,

Mr. Root submitted the following resolution for consideration:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the radiotelegraphic convention signed at London on July 5, 1912, with the final protocol and service regulations connected therewith: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding to be expressed as a part of the instrument of ratification that nothing in the ninth article of the regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering or clearing from her ports."

The resolution was considered by unanimous consent and unanimously agreed to.

Ordered, That the said resolution be transmitted forthwith to the President of the United States.

Convention signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903.

February 19, 1913: On motion by Mr. LODGE, and by unanimous consent, the Senate as in Committee of the Whole proceeded to the consideration of the said convention, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a convention between the United States and other powers, signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing contained in article 9 thereof shall be deemed to prevent the United States from carrying out any special quarantine measures against the infection of its ports which might be demanded by unusual sanitary conditions."

Ordered, That the Secretary lay the said resolutions before the President of the United States.

Mr. PHELAN. Mr. President, I wish to give notice that to-morrow, at the convenience of the Senate, I shall submit some remarks on the pending Shantung amendment.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Thursday, October 16, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 15, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, our Heavenly Father, we thank Thee for the gift of choice which Thou hast bestowed upon us and which lifts us infinitely above the brute creation and makes us indeed Thy children; yet we realize the awful responsibility it brings with it and we most earnestly pray for strength, that we may resist the temptations which are round about us and submit our will to Thy will. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolution (S. J. Res. 112) continuing temporarily certain allowances to officers of the Navy and Marine Corps, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the bill (S. 3190) to authorize the construction of a bridge across the Pocomoke River at Pocomoke, Md., in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the joint resolution (S. J. Res. 46) extending until July 1, 1920, the

effective date of section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, in which the concurrence of the House of Representatives was requested.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River at Pocomoke City, Md.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 46. Joint resolution extending until July 1, 1920, the effective date of section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6810. An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries;

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.; and

H. R. 7972. An act to improve the administration of the postal service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DUNBAR was granted leave of absence for one day, on account of important business.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the roll of committees.

The Committee on the Merchant Marine and Fisheries was called.

ESTABLISHMENT OF LOAD LINES FOR CERTAIN VESSELS.

Mr. SCOTT. Mr. Speaker, I call up the bill H. R. 3621.

The SPEAKER. The gentleman from Michigan, on behalf of the Committee on the Merchant Marine and Fisheries, calls up the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3621) to establish load lines for certain vessels.

Mr. SCOTT. Mr. Speaker, I think under the rule the House automatically goes into the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3621, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3621, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3621) to establish load lines for certain vessels.

Mr. BLANTON. Mr. Chairman, in view of the fact that the bill has not been read, may we have it reported in full?

The CHAIRMAN. The Clerk will read the bill in full.

The Clerk read as follows:

Be it enacted, etc., That this act shall apply to the following vessels:

(a) Cargo-carrying vessels of 500 gross tons or over loading at any port or place within the United States or its possessions for a foreign voyage by sea.

(b) Cargo-carrying vessels of the United States of 500 gross tons or over loading at any foreign port or place for a voyage by sea.

(c) Other vessels loading at any port or place in the United States or its possessions, whenever, in the judgment of the Secretary of Commerce, the safety of such vessels and their crews requires the establishment of a legal load line.

SEC. 2. That the Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 1 (a) and (b) of this act and is hereby authorized in respect of the vessels defined in section 13 (c) of this act to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law.

SEC. 3. That it shall be the duty of the owner and of the master of every vessel subject to this act and to the regulations established thereunder, to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking such load line or lines, issue a certificate in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this act and to said regulations to depart from her loading port or place without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

SEC. 4. That it shall be unlawful for any vessel subject to this act and to the regulations established thereunder to be so loaded as to submerge, in salt water, the load line or lines marked pursuant to this act and to the regulations established thereunder, applicable to her voyage; or so as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this act and of the regulations established thereunder; or so as in any manner to violate the said regulations.

SEC. 5. That whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this act, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

SEC. 6. That it shall be the duty of the master of every vessel subject to this act and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 5 of this act, before departing from her loading port or place for a voyage by sea, to enter in the official log book of such vessel (if any) a statement of the position of the load-line mark applicable to the voyage in question with reference to the actual water line at the time of departing from port, as nearly as the same can be ascertained.

SEC. 7. That if any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this act and to the regulations established thereunder is about to proceed to sea from a port in the United States or its possessions within his district, when loaded in violation of section 4 of this act; or that any vessel exempted pursuant to section 5 of this act is about to proceed to sea from such port, when loaded in violation of the laws and regulations of her country with respect to load line, he may by written order served on the master or officer in charge of such vessel detain her provisionally for the purpose of being surveyed. The collector shall then serve on the master a written statement of the grounds of her detention and shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him; whereupon the said collector may release or may, by written order served on the master or officer in charge of such vessel, detain the vessel until she has been reloaded in whole or in part so as to conform to section 4 of this act, or, in case of a vessel exempted pursuant to section 5 of this act, so as to conform to the laws and regulations of her own country with respect to load line. If the vessel be ordered detained, the master may, within five days, appeal to the Secretary of Commerce, who may, if he desires, order a further survey and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

SEC. 8. (a) That if the owner or master of any vessel subject to this act and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of section 3 of this act, he shall for each offense be liable to the United States in a penalty of $500. If the owner or master of any vessel exempted pursuant to section 5 of this act shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of $500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(b) If the master of any vessel subject to this act and to the regulations established thereunder or of any foreign vessel exempted pursuant to section 5 of this act, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel (if any) the statement required by section 6 of this act, he shall for each offense be liable to the United States in a penalty of $100. The Secretary of Commerce may in his discretion remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this act and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded in violation of section 4 of this act; or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 of this act to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall in respect of each offense be guilty of a misdemeanor, unless her going to sea in such a condition was, under the circumstances, reasonable and justifiable; and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed one year, or both, at the discretion of the court.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order

of detention made pursuant to section 7 of this act, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $500 or by imprisonment not to exceed three months, or both, at the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate, or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000, or by imprisonment not to exceed one year, or both, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this act, the vessel shall also be liable therefor, and may be seized and proceeded against in the district court of the United States in any district in which such vessel shall be found.

SEC. 9. That this act shall take effect six months after the date of its approval or at such earlier time as the Secretary of Commerce may fix.

Mr. BLAND of Indiana. Mr. Chairman, I would like to submit a request for unanimous consent to extend and revise my remarks on the subject on which I spoke yesterday.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks on the subject on which he spoke yesterday. Is there objection? [After a pause.] The Chair hears none.

Under the rules there are two hours for general debate. Who is to control the time?

Mr. SCOTT. Mr. Chairman, I would ask that the gentleman from Missouri [Mr. ALEXANDER] ask for recognition at this time.

The CHAIRMAN. Is there anybody on the committee opposed to the bill?

Mr. SCOTT. No.

The CHAIRMAN. Then the time will be controlled one-half by the gentleman from Michigan [Mr. SCOTT] and one-half by the gentleman from Missouri [Mr. ALEXANDER].

Mr. SCOTT. I ask that the gentleman from Missouri be recognized.

The CHAIRMAN. The gentleman from Missouri is recognized for one hour.

Mr. ALEXANDER. Mr. Chairman and gentlemen of the committee, this is a bill to establish a load line on certain vessels. The hearings on the bill were very full and complete, and the bill comes before the House with a unanimous report by the committee. Section 1 of the bill applies to the following vessels: (a) Cargo-carrying vessels of the United States and vessels under foreign flags of 500 gross tons or over loading at any port or place within the United States or its possessions for a foreign voyage; (b) cargo-carrying vessels of the United States of 500 gross tons or over loading at any foreign port or place for a voyage by sea. We have always claimed the right to inspect and determine whether or not a vessel departing from a port in the United States was seaworthy. Hence the first subdivision (a) applies not only to vessels of the United States but to foreign vessels departing from ports of the United States—that is, cargo vessels; (b) applies to cargo vessels of the United States departing from any port, domestic or foreign, and enforces against that vessel the provisions of this act.

We would not have jurisdiction to enforce the provisions (b) and regulations thereunder against foreign vessels departing from any other ports than ports of the United States, but the bill applies to all vessels of the United States, whether they are departing from ports of the United States or from some foreign port, provided they are of 500 tons or over.

Section 1, subdivision (c), applies to other vessels of less than 500 gross tons loading at any port or place in the United States or its possessions whenever in the judgment of the Secretary of Commerce the safety of such vessels and their crews requires the establishment of a legal load line. This subdivision (c) would apply, of course, to vessels not only in our coastwise trade, but in our foreign trade, if less than 500 gross tons. It is not intended at this time, nor is it made mandatory on the Secretary of Commerce at once, to enforce the provisions of this bill against vessels of less than 500 gross tons, whether those vessels are engaged in the coastwise or foreign trade.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. ALEXANDER. I will.

Mr. WHITE of Maine. Subsection (c), as I understand it—and I ask to be corrected if I am in error—applies to vessels of less than 500 tons and also applies to both vessels of American register and vessels of foreign register?

Mr. ALEXANDER. Yes.

Mr. WHITE of Maine. I wanted to ask that to be sure.

Mr. ALEXANDER. Now, section 2 provides as to vessels defined in paragraphs (a) and (b) that the Secretary of Commerce is authorized and directed, and in respect to vessels defined in paragraph (c) the Secretary of Commerce is authorized to establish by regulation from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law. Now, it will be noticed that paragraphs (a) and (b), section 1, apply alike to vessels of the United States and foreign vessels of 500 tons gross or over loading at American ports for foreign ports and are mandatory, while paragraph (c) applies to vessels of the United States of less than 500 tons gross engaged in the coastwise trade and to vessels of the United States and foreign vessels of less than 500 tons gross engaged in the foreign trade and is directory. In other words, it is left to the discretion of the Secretary of Commerce to determine when the provisions of paragraph (c) shall go into effect.

It will take some time to get this system into actual operation. The Secretary of Commerce is authorized and directed, in the first instance, to apply the law and the regulations established thereunder to vessels of 500 gross tons or over in the foreign trade and later to vessels of less than 500 gross tons in the coastwise or foreign trade. Now, this bill applies alone to vessels of the United States and foreign vessels loading at any port or place within the United States or its possessions for a foreign voyage by sea and to our own vessels without reference to what ports, whether a home port or a foreign port, those vessels may depart from.

For years past an effort has been made to secure an international conference composed of the maritime nations of the world to agree upon or to formulate a convention to determine and make uniform load lines for vessels. And that will be done sometime. Arrangements were well under way for such a conference when the war broke out, and it is desirable that it should be so. In my judgment that is the only way to treat the subject in a comprehensive manner. But in the meantime and with a view of making this law effective and that its terms may be equitable as between our vessels and foreign vessels, section 5 of the bill provides:

That whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this act, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

In other words, section 5 provides that we shall recognize the load lines established by foreign nations substantially the same as our own load lines if they in turn recognize the load lines established by us and applicable to our ships.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ALEXANDER. In just a moment.

Now, Great Britain, France, Norway, Sweden, Denmark, and Germany—in fact, most of the maritime nations—have load-line laws, although some do not; and for that reason section 5 of the bill provides that where the nations have load-line laws, and those laws are similar to our own, we will respect their laws fixing load lines on their vessels coming into and departing from our ports if they recognize the load water lines marked on our vessels that may enter or clear from their ports.

Now I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Under this section, does the Secretary of Commerce recognize the lines that are placed on our own ships, or would those foreign laws apply to markings on foreign ships? It says, "any vessel." I presume, if we have authority in this country to regulate the loading of foreign vessels in our ports, they might perhaps have authority in other countries to regulate the loading of our vessels in their ports. Would this section permit that?

Mr. ALEXANDER. If they recognize the load water lines we place on our ships when our ships go into their ports, we will recognize the load lines fixed by them on their ships if and when they enter and clear from our ports.

Mr. McLAUGHLIN of Michigan. I was thinking, however, that this section might permit the foreign authorities to fix load lines on our ships when in their ports.

Mr. ALEXANDER. No; I think not. In the absence of an international agreement they might undertake to do so, and, in turn, we might undertake to enforce our load-line law upon them, but section 5 provides for the reciprocal recognition of load lines. If the gentleman will take pains to read the report of the committee, he will find that we have set out the provisions of the British load-line law and regulations, and he will observe that this bill follows very closely the British load-line laws. The load-line laws of the maritime nations will be in a large measure uniform, but they do not have the force of an international agreement, and for that reason, and in view of the expansion of our American merchant marine, it will be

important to have the load lines on vessels leaving our ports fixed by our law until they can be fixed by international agreement.

Mr. HUMPHREYS. Will the gentleman permit me to ask him a question?

Mr. ALEXANDER. I will.

Mr. HUMPHREYS. On page 2, line 7, it says "such regulations shall have the force of law." Why is that?

Mr. ALEXANDER. Because this bill does not set out the regulations. It does not state to what depth a vessel may be loaded. It is not practicable to do so. The regulations must work out scientifically and apply to vessels of different types and different tonnage and in different trades and for different seasons of the year, but when they are once formulated and promulgated by the Secretary of Commerce they shall have the force of law.

Mr. HUMPHREYS. The reason I ask is this: They ascertain after due inquiry and examination that the mark shall be placed at a certain point on the vessel. Now, can we provide when that mark is so established that the owner of the vessel shall not load beyond that mark? I was wondering if there was not some danger, by putting in such a regulation as having the force of law, of that being a delegation of legislative authority. Of course, we can authorize any agency to establish a marking and then say the owner must not load beyond that mark, and Congress would still be legislating, but if you put this in that "such regulations shall have the force of law," I fancy it does not add anything. I would like to have the gentleman's opinion on the subject. I have no convictions on it, but I was wondering if that was not a hazardous or unnecessary thing to do.

Mr. ALEXANDER. The most important thing is to frame the rules under which the load lines shall be placed on the vessel. Hence when that is once done it should have the force of law, because after having been once formulated it is made mandatory on the captain or vessel owner to place that load line on the vessel, indicating how deep she may be loaded. And if he fails to do that, if he fails to put the mark on the vessel, or if he obliterates the mark, or if he overloads, in either one of those events he is subject to the penalty prescribed in the bill. But the most important matter, and the one that involves the scientific or technical investigation, is to formulate the rules and to determine where that load line should be placed, and that must be provided in the rules or regulations.

Mr. HUMPHREYS. Well, nothing in this act, as I see it, would be changed at all if these words were stricken out. The owner is still required to do the things that he is directed to do by the Secretary of Commerce touching this mark. He has to establish that mark, and he can not exceed it.

Mr. ALEXANDER. Before the mark is established it must be made in pursuance to some rule, and that rule must have the force of law, or else he may question the authority of the Secretary of Commerce to determine where that load-line mark shall be.

Mr. HUMPHREYS. How can he question that if we provide here that he shall be punished if he does not do it?

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. WHITE of Maine. I think that Congress has full authority to authorize the department to make the regulations for carrying out the purposes of this act, and that being so, the regulations which the department promulgates have the force of law. In that state of facts I can not see any harm in stating in the bill what is in fact in it, that the regulations do have the force of law. That is the way it lies in my mind.

Mr. ALEXANDER. We rarely pass a bill through this House that does not contain such a provision as this, so far as that is concerned, that the rules and regulations made to carry the law into effect shall have the force of law. That is true not only with reference to our revenue laws and vessel-inspection laws but many other laws I might cite.

Mr. CLEARY. Mr. Chairman, may I ask the gentleman a question?

Mr. ALEXANDER. Yes. I yield to the gentleman.

Mr. CLEARY. The object and purpose of this legislation is to promote the safety of life and property?

Mr. ALEXANDER. Yes; that is true.

Mr. CLEARY. Then, does not the gentleman think that lumber ought to be exempted, because a boat load of lumber can not sink? Some of the men carrying lumber up from the south or around to the Pacific perhaps would like to load more deeply than the general regulations would provide. I know that a boat load of lumber is in no danger, because the lumber itself sustains it. I was thinking that perhaps it might be well to have a provision to the effect that it should not apply to lumber. I do not see any sense in making it apply to lumber. A raft will not sink.

Mr. ALEXANDER. We leave that to the regulations in the department. Of course, the load line on different ships or vessels will be different and will depend upon the cargo and upon the trade in which the vessel is engaged, and whether it is in the summer or in the winter, or in the North Atlantic or in the South Atlantic. Hence these regulations must be very elastic.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. SCOTT. I suggest to the gentleman, in reply to the inquiry of the gentleman from New York [Mr. CLEARY], that it would be humanly impossible to legislate and prescribe as to the character of the ship that could be marked in consequence of its load. To explain: There might be a certain cargo of lumber on a ship which would not float. I see the gentleman from New York smiling. There are many instances of lumber and logs that will not float.

Mr. JOHNSON of Washington. They will pretty nearly float.

Mr. SCOTT. Yes; they will pretty nearly float. But it is necessary to dog them; it is necessary to dog every one of the logs in order to keep them on the surface; so that it would be impossible to legislate on the cargo that is to be carried in many particular instances.

Mr. ALEXANDER. I think that is true. But we must not lose sight of the purpose of this legislation, which is to promote the safety of the crews on cargo vessels. I think the records of the Coast Guard Service will show that most of the derelicts in the North Atlantic which menace navigation are water-logged lumber vessels that have been overloaded; that is, they are still floating and were not entirely submerged, but they were overloaded and have partially sunk and are floating around. They were not seaworthy, and in a storm were wrecked and the crew lost, if not rescued by some passing ship. They are a menace to navigation. Not infrequently have they caused the wreck of other vessels. And there is no reason why the crew on a lumber vessel should not be protected as well as the crew on any other vessel.

Now, as the gentleman from New York says, this law is intended to protect the crews of ships. He is right. That is the purpose, and we should not lose sight of that purpose. Some captains and vessel owners are so greedy of gain that they overload their ships. Every additional ton carried means additional freight money, and they do not have the proper regard for human life. The purpose of this law is to provide by law how deeply a vessel may be loaded, having regard to the safety of the crew.

Again, if this law were to apply to one class of vessels and not to another, the conscientious captain or owner who stands ready and willing to comply with the law, out of regard for his crew, would be prejudiced by the unscrupulous vessel owner who would load his vessel down beyond the limit of safety in order to increase his profits. Hence this legislation has a twofold purpose: First, the safety of the crew, and, second, to prevent unfair competition—to protect the upright vessel owner against the unscrupulous vessel owner.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes, with pleasure.

Mr. CHINDBLOM. In further answer to the inquiry of the gentleman from New York [Mr. CLEARY], the very first section of the bill limits the application of the bill to three kinds of vessels: First, cargo-carrying vessels loading at a port within the United States or its possessions for a foreign voyage by sea; secondly, cargo-carrying vessels of the United States loading at a foreign port; and, thirdly, it provides that other vessels loading at any port of the United States may be subject to the provisions of this law whenever in the judgment of the Secretary of Commerce the safety of such vessels requires it. So that it is left entirely with the discretion of the Secretary of Commerce whether a vessel not loaded for the foreign trade or at a foreign port shall require the establishing of a load line. It seems to me that covers the inquiry completely and entirely.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman.

Mr. CLEARY. Of course, a vessel loaded with yellow pine or white pine, or any kind of pine or spruce, could not sink and could not endanger the life of the crew. You could not get any better life protector than a load of such logs. I was thinking that wherever it was seemingly unnecessary to establish regulations you only hinder trade instead of helping it by establishing them. Now, a boat loaded with pig iron or any other substance of that kind goes down very quickly and is dangerous,

and I admit that there are certain kinds of lumber, such as mahogany logs and logs of that character, which would readily sink; but as to spruce and pine lumber there would be no danger. I know that any kind of a boat loaded with such lumber is in no danger, either to the cargo or the crew. According to the chairman's remarks it might endanger others. Of course, that might be true in the instance of derelicts, but there is no danger to the cargo or to the crew in a load of pine or spruce lumber, and in the case of anything to which you do not have to apply regulations you ought not to apply them, because it is bothersome and it brings about unnecessary trouble to the men who engage in that hazardous kind of business.

Mr. ALEXANDER. We assume that this law will be administered in the light of what the gentleman says, but with due regard to the safety of the crew of the vessel.

Now, just a moment more. Mr. E. T. Chamberlain, Commissioner of Navigation of the Department of Commerce; Mr. John A. Donald, commissioner, United States Shipping Board, who has had large and varied experience in the shipping business; Stephenson Taylor, commander in the United States Naval Reserve Corps and president of the American Bureau of Shipping; Capt. Charles McAllister, vice president of the American Bureau of Shipping; and Mr. Hendon Chubb, of New York, representing the American Institute of Marine Underwriters—during the war Mr. Chubb was director of insurance of the United States Shipping Board—all these gentlemen appeared before the committee and urged the passage of this bill. No one appeared in opposition to it. As I have stated, it comes from the committee with a unanimous report in its favor. It applies primarily to vessels engaged in the foreign trade. On September 1 we had 2,884 seagoing ships of 1,000 gross tons or over, making a total of 8,554,714 gross tons. Of those in the foreign trade on June 1 there were about 2,300 ships, making a total of 6,300,000 gross tons. Of these about 2,200 were cargo ships, and of the 2,200 ships about 1,377, of 4.938,000 gross tons, or about 60 per cent, belonged to the Shipping Board.

Before the war we had very few ships engaged in the foreign trade, and hence this legislation was not important; but now we have a large and increasing American merchant marine in the overseas trade, and it is important that we enact this legislation.

This bill, H. R. 3621, is identical in its provisions with the bill S. 575, reported to the Senate October 6, 1919, and therefore has the approval of Hon. William C. Redfield, Secretary of Commerce, as will be noted by the following letter addressed to Senator DUNCAN U. FLETCHER and referring to S. 575:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 28, 1919.

DEAR SENATOR FLETCHER: I have received your letter of the 26th instant, inclosing copy of S. 575, a bill to establish load lines for certain vessels, with request that I furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

I have to recommend the passage of this bill for the following reasons:

The purpose of the bill is to establish load-line regulations in the simplest and most practical form, which may be applied promptly without interfering with the prompt dispatch of ships.

Before the war preliminary arrangements had been made for an international maritime conference to consider uniform national regulation of load lines and other matters relating to cargo ships in the same manner as questions relating to passenger ships had been considered by the London international conference of 1913–14 on safety of life at sea.

The conference was necessarily delayed. At that time the United States had very few seagoing cargo ships, but for the past two years our shipyards have built cargo ships almost exclusively, and for the past 80 days we have been completing such ships faster than they were being built by the whole world before the war.

The bill, except in special cases, is limited in application to seagoing vessels of 500 gross tons or over, because the need of regulation is greater in the case of larger ships and because the administrative machinery will operate more successfully and promptly if not embarrassed by special problems raised by small ships of varying types and trades. On May 1 there were 1.513 American documented seagoing steam and gasoline vessels of 1,000 gross tons or over, aggregating 5,880,750 gross tons, and 320 sail vessels of that size aggregating 520,501 gross tons; in all, 1,833 seagoing vessels of 6,401,251 gross tons, and the output is now increasing at the rate of nearly 300,000 gross tons a month. Nearly all of these ships, including many formerly engaged in domestic trade, are now engaged in the foreign trade, and the application of the bill is limited to the foreign trade on salt water. Fresh-water load-line regulations for obvious reasons must differ from salt-water regulations, and the department deems it wise at this time to undertake the preparation of salt-water rules only.

The administrative machinery proposed by the third section is similar to that which has been in successful operation in the United Kingdom for some years. The American Bureau of Shipping occupies, in respect of American ships, a position analogous to that of Lloyd's Register to British ships, the Bureau Veritas to French ships, and other classification societies toward the ships of other civilized maritime powers, respectively. The bill will enable the Department of Commerce to make use of the American Bureau of Shipping and will incidentally aid in establishing the American classification society. At the same time it enables the department to avail itself of the survey officers of Lloyd's registry, who have cordially cooperated with the department during the war in the solution of load-line difficulties, and of the survey officers of the Bureau Veritas, the French organization, who have at all times been willing to cooperate.

The aim of the fifth section is to bring about temporary substantial accord in load-line regulations among civilized maritime powers until by international conference and agreement later they must establish such similarity, which is necessary, of course, to competition on terms of equality in this important matter.

Respectfully,

WILLIAM C. REDFIELD, *Secretary.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

The following letter, approving the enactment of load-line legislation and referring specifically to H. R. 3621 and approving same, was inserted in the hearings on the bill by Hon. WILLIAM S. GREENE, chairman:

AMERICAN BUREAU OF SHIPPING,
New York, July 29, 1919.

Hon. WILLIAM S. GREENE,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: During my hearing before the subcommittee on marine insurance, on the 16th instant, Mr. EDMONDS suggested, in the course of the investigation, that he would be pleased to have the views of this bureau concerning the advisability and importance of the enactment of load-line legislation. I therefore take pleasure in submitting the following comments thereon for the consideration of your committee:

It is quite surprising that this country has not long ago had laws governing this important factor in the operation of its merchant ships. This, however, is largely attributable to the general apathy concerning merchant marine affairs and to the logical sequence of our having but few merchant vessels in the foreign trade. Now conditions have so decidedly changed for the better the matter of load-line fixing becomes one of the most important items of pending legislation.

It is needless to go into the history of load-line fixing or to its vital necessity in the interests of the safety of the lives of passengers and crews, as well as of the cargoes and vessels themselves, as it will suffice to state for present purposes that all great maritime nations have recognized this obligation to their peoples, with the sole exception of our own country.

Prior to our entrance into the war the Secretary of Commerce, having cognizance of such matters, made earnest efforts through a conference of shipbuilders and others affected to crystallize the recognized sentiment as to the necessity of immediate action. The writer was the chairman of a committee appointed at that conference, and will here state that the consensus of opinion was then, as now, that legislation should be enacted at the earliest possible time to provide a legalized American load water line before an international committee was convened on the subject, as recommended at the international conference on safety of life at sea, held at London in 1913–14. This would put the participation of the United States in such an international committee on a much stronger basis than if, as at present, when no governmental rules for the fixing of load lines are provided by law.

The bill, H. R. 3621, introduced by Representative ALEXANDER, and now pending before your committee, will, so far as legislation is concerned, admirably answer the demands at the present time. This bill is essentially the same as was introduced in the last Congress by Senator FLETCHER in the Senate and by Representative ALEXANDER in the House. In approving that bill the Secretary of Commerce said in his letter of October 19, 1918:

"The American Bureau of Shipping occupies in respect to American ships a position analogous to Lloyd's Register of Shipping to British ships, the Bureau Veritas to French ships, and other classification societies toward the ships of other civilized maritime powers, respectively. The bill will enable the Department of Commerce to make use of the American Bureau of Shipping and will incidentally aid in establishing the American Classification Society."

The above quotation quite clearly points out the direct interest this society has in the pending measure. The designation of this bureau to act on behalf of the Department of Commerce is in keeping with that portion of the British merchant shipping act which directs the board of trade to appoint Lloyd's Register of British and Foreign Shipping to act in a similar capacity for British vessels.

Your attention is particularly invited to section 5 of the Alexander bill, which provides reciprocal relation with foreign countries concerning mutual acceptance of load-line fixing. The vital necessity for this section and for expediency in the passage of the entire bill may best be illustrated by a concrete example furnished by Admiral Bowles, formerly of the Emergency Fleet Corporation, in correspondence which he had with a foreign classification society concerning the marking of load lines of the ships built by the American International Corporation. Copies of this correspondence were furnished officially to Senator RANSDELL, of the Senate Committee on Commerce, and are appended hereto for the information of your committee in considering this proposed load-line legislation.

Briefly you will note that the direct statement is made that it would be of no use for an American classification society to fix load lines on the Hog Island ships, as they would not be recognized abroad; the only alternative suggested was to have the classification society of one of our leading maritime competitors attend to this very important function for us. I am sure that you, as well as the other members of your committee, will agree with the sentiment so tersely expressed by Admiral Bowles that "this is an intolerable situation."

I feel quite sure that your committee will recognize the importance of passing this bill at the earliest opportunity, and on behalf of this bureau I will state that the proposed legislation meets with its hearty approval, and further that so far as our participation as outlined in the bill is concerned, we have the technical talent and resources necessary for a prompt compliance with the law as soon as it may be enacted.

Very truly, yours,

STEVENSON TAYLOR, *President.*

At the hearings on the bill H. R. 3621 Mr. Hendon Chubb stated that the American Institute of Marine Underwriters of the United States, which is made up entirely of people representing American companies, passed the following resolution at their meeting on September 15, 1910:

The association desires to express its approval of the provisions for fixing load lines and freeboard, as provided for in H. R. 3621 (Alexander bill), and hope that they may be enacted into law.

The CHAIRMAN. The gentleman from Michigan [Mr. SCOTT] is recognized for one hour.

Mr. SCOTT. I yield five minutes to the gentleman from Hawaii [Mr. KALANIANAOLE].

Mr. KALANIANAOLE. Mr. Speaker, I wish in my own time to read into the RECORD a statement in correction of a statement made by one of the Members of the Senate in Washington, October 12:

DENIES JAP SUGAR PURCHASE—ATTORNEY FOR HAWAIIAN PLANTERS ISSUES STATEMENT.

WASHINGTON, *October 12.*

Judge Sidney Ballou, attorney for the Hawaiian Sugar Planters' Association, in a statement here to-day, denied that next year's Hawaiian sugar crop had been sold to Japanese interests, as stated by Senator SMOOT, of Utah, yesterday during the course of debate in the Senate on the sugar shortage.

"The entire Hawaiian crop," said Judge Ballou's statement, "has been sold to two sugar refineries in California—the California & Hawaiian and the Western. It will be refined on the Pacific coast and distributed to American consumers. No sale to the Japanese has ever been contemplated. The Hawaiian planters would consider it an act of disloyalty to divert their supplies from their own country in time of need, and there is nothing in their record of unswerving support of the Food Administration during the war which would justify the circulation of such a report."

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. KALANIANAOLE. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. The article which the gentleman has read refers to the crop of next year as not having been sold. What about the crop of this year, 1919?

Mr. KALANIANAOLE. It has been sold.

Mr. McLAUGHLIN of Michigan. The article that the gentleman read referred to next year's crop?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. At what time in the year is the crop harvested in the islands?

Mr. KALANIANAOLE. Usually between January and August.

Mr. McLAUGHLIN of Michigan. Is it true that the cane grows there all the time, in all seasons of the year about alike, and that the making of the sugar goes on at all times?

Mr. KALANIANAOLE. Yes; the cane grows the year around, but the manufacture of sugar only takes place during the cutting and grinding season, which is about eight months of the year. The plant crop of cane takes from 16 to 18 months to mature.

Mr. McLAUGHLIN of Michigan. There is some sugar produced every year, is there not?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. Is that true as to all the cane fields?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. They all run the same?

Mr. KALANIANAOLE. They all run more or less the same.

Mr. McLAUGHLIN of Michigan. Does that mean also that there will be no production of sugar from the islands this year?

Mr. KALANIANAOLE. No. It takes 18 months for a plant crop to mature, but the rattoon crop is harvested yearly.

Mr. McLAUGHLIN of Michigan. So that there will be a crop this year as well as next year?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. What has become of the crop of this year—the crop of cane cut and made into sugar in the year 1919?

Mr. KALANIANAOLE. That crop was sold in the United States, as usual; a portion, I believe, going to the refineries on the Atlantic coast and the balance was sold to the refineries on the Pacific coast, and none, to my knowledge, was ever sold to the Japanese Government.

Mr. McLAUGHLIN of Michigan. The gentleman will understand that I am asking this question because the article that he has read speaks of the crop of next year, and I was perhaps laboring under a misapprehension that that would be the crop of sugar made in 1920.

Mr. KALANIANAOLE. You are correct; the sugar manufactured next year would be termed the 1920 crop. I assume the reason Mr. Ballou did not specifically refer to the 1919 crop was because that crop was handled by the Sugar Equalization Board. The point I desire to make is that no sugar of either crop has been sold to the Japanese Government.

Mr. McLAUGHLIN of Michigan. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

Mr. SCOTT. I yield five minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen, I have always been very much interested in an American merchant marine, and I have hoped to see the day when the American flag would fly in all foreign ports and we would have a merchant marine worthy of our country. I have taken some pains to follow the course of procedure of other nations, and I have never been able to satisfy myself that we could pay our seamen $75 or $80 or $100 a month, and pay twice as much for the manufacture and construction of our ships, and still operate them in competition with those of foreign nations. I am satisfied that the ship which will do it the cheapest will carry the cargo. Now, we can not deny that a good many of the foreign laborers who work on foreign ships work for about $25 a month, or for a third or a half what our men get. We have constructed a large number of ships for war emergency, which we now have on hand. Even if our men, with their skill, are able to operate our boats more successfully than those of foreign nations, still every other nation engaged in the transoceanic mail service or in the foreign shipping trade has subsidized its vessels. As far as I have observed, there is only one way to meet competition; and unpopular as the subsidy is, if we are going to get this foreign trade and build up an American merchant marine, there is only one way to do it, and that is to meet other nations upon an even footing and operate our ships the same as other nations operate them. Then we will get our share of this trade. Every one of us is in favor of forming closer relations with the nations of the Western Hemisphere, and I am in favor of a league of nations of the Western Hemisphere; but outside of that I do not want to commit myself without clear and strong American reservations.

In this Western Hemisphere I am for building up a merchant marine that will obtain its share of the trade with the western nations in competition with any other nation on earth. I am looking forward to the day when we will establish closer relations with Mexico. It occurs to me that anything that can be done to facilitate our carrying trade should be done. So I am strongly in favor of the American merchant marine.

Mr. SNYDER. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. SNYDER. The gentleman a little while ago got up to the point, but did not say that he was in favor of a subsidy. I would like to ask the gentleman if he favors a subsidy?

Mr. SMITH of Michigan. I favor a subsidy if it is necessary to establish a merchant marine. There is not a man who has explained how against other nations granting subsidies our ships, without a subsidy, can enter into successful competition with them. I would like to ask the gentleman from New York if, in his opinion, we can operate our ships without a subsidy?

Mr. SNYDER. I do not think we can. I favor a subsidy, and I only wanted to find out whether the gentleman from Michigan did.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. ALEXANDER. How did Germany develop her great merchant marine? She did not pay a subsidy except to the southeastern African trade.

Mr. SMITH of Michigan. My information is—I may be wrong—that they did grant a subsidy.

Mr. SNYDER. I can tell the gentleman from Missouri what they did; they made a freight rate so advantageous to the merchant marine that they did not need a subsidy.

Mr. SMITH of Michigan. Yes; they shipped all their domestic merchandise to the coast without any expense to the shipowners.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCOTT. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, I am heartily in favor of this bill, and I also agree with the gentleman from Missouri [Mr. ALEXANDER] in his remarks about the bill. I wish to go a little further and call to your attention that on September 25, 26, and 27 the subcommittee of the Merchant Marine Committee on marine insurance had hearings, and the presidents of a great many large marine insurance companies testified before it. At the opening of the session they presented a brief in connection with the marine insurance in this country, and in the last paragraph they say:

This association also desires to express its approval of the provisions for fixing load lines and free board, as provided in H. R. 3621 (Alexander bill), and hope that they may be enacted into law.

Of course, I suppose you will ask what insurance has to do with the load line, but you can very well realize that with a load line on a vessel that you do not see when you insure has considerable effect on the rate, providing you know the man that owns the ship. An unscrupulous man would overload the ship, where a careful man will see that it is loaded carefully. If the bill is passed, it will equalize the load line of all ships, and therefore the insurance man who can not see the property

he is insuring will be safeguarded in making rates that would probably be to the advantage of the American merchant marine insurers.

Following that out the committee asked a number of questions of the insurance men appearing before them. Mr. McGee, of W. H. McGee & Co., representing 10 or 12 large marine insurance companies in this country, said:

We intended to recommend, I think, that a load line would be advisable not only for coastwise, not only for deep sea but for coastwise, but that entirely different rules or lines would be used for each. The present British Board of Trade's load line is a flexible thing. The disk which they paint on the side of a ship when they fix the load line has several different marks in it. The ship may load to one line for one class of trade and at one season of the year; at another season of the year, or in another trade, she must do something else.

Further on he said:

I have had, within the past two or three days, my attention drawn to a case of a schooner, an old American schooner that has been sold to French owners, loading hard pine in Providence, I am told, and as I hear it she is loaded down to within 1 inch of her scuppers, and she has a deck load they think is within a foot of the water line; the top of the deck load is down to 1 foot of the water. Perhaps you have heard of that case.

Questioning him further, he said that that would have considerable effect on the insurance rates, because if she met bad weather she would have to throw a deck load overboard.

Further along, Mr. Parsons, of the Atlantic Mutual Insurance Co., made this statement:

I think it is a very important measure and that a determination of the load-water line on vessels of American registry is very necessary and should be adopted at once.

I asked him the question who would be the proper party to establish a load line and take care of it. He answered:

Some recognized classification society, such as the American Bureau of Shipping. There is an organization now that tends to regulate the loading of vessels in the port of New York—the Board of Underwriters of New York; but there is no plimsoll line mark, of course, upon steamers, and they go by their own rules for loading. That, of course, is a great safeguard for many of the vessels loading from this port, but there is no law which makes it necessary for the vessels to be loaded under the supervision of the Board of Underwriters of New York.

Mr. Chubb, one of the largest marine insurance men in the country, who, with his brother, is the head of the Federal Insurance Co., said:

Well, I think there should be load water-line legislation, and I think that load water-line legislation should be so drawn as not only to have regard to the enforcement of our law but also reciprocal arrangements with other countries. There is a bill now before you, which I had some part in drawing, because the Shipping Board asked me to go into it after the bill was first introduced by the Department of Commerce, and in the bill now before you, I had a great deal to do with it. I consulted with the Department of Commerce on behalf of the Shipping Board, and I believe that contains all the features necessary for reciprocal action.

Mr. Chubb, who gave up his business through the war and attended to the shipping insurance of the Shipping Board, also had a hand in the insurance of the War Risk Insurance Bureau. Mr. Chubb rendered a very patriotic service and a very successful service, as the investigation we made shows that the Government saved a great deal of money by the operation of these bureaus.

You will notice that he speaks of the reciprocal relation. It is absolutely necessary in order to make this load line a success that our Department of State arrange to have a recognition of the load line by other countries. All of the other countries have a load line, I think, with the exception of Japan, and I understand that Japan is now considering a bill in its Parliament for its establishment. All these other nations have recognized each others' load lines. This bill will force a recognition of our load line by other nations, and therefore we will be in the same position that every other nation is in this connection.

Mr. CLEARY. Mr. Chairman, may I ask the gentleman a question?

Mr. EDMONDS. I yield.

Mr. CLEARY. I notice in the hearings that insurance people were heard. Have the vessel owners, the captains, been heard?

Mr. EDMONDS. I would ask Mr. SCOTT to answer that question, because I was not on the subcommittee.

Mr. CLEARY. The reason I mention that is because I know that the insurance men are all for anything that makes it almost impossible to have any loss. That is their business. If they can make it less dangerous, of course, that is to their interest; but in the meantime you have to consider that the vessel should be permitted to load almost as much as possible in order to overcome the situation which the other gentleman just spoke about—that is, the difficulty of competition—and if you put the load line too low down, give too much freeboard, you hinder the vessel from carrying a proper cargo, because the last foot of the vessel will carry very much more than any other foot, because the vessel widens out.

Mr. EDMONDS. In connection with the insurance end of the line, I will answer that by saying that if we expect to become a large marine underwriting country, as we should with our commanding position to-day in the finances of the world, we have to be prepared to take ships to any portion of the world at any time. If a man is loading an American ship with coffee in Brazil, to go to Italy, if we have a load line, the insurance men know exactly how that ship will be loaded and whether it will be loaded safely, and they can make a rate. I would like to say that the insurance companies are preparing to do a world-wide business in insurance. They are going to try to retain more than one-third of the marine insurance business of this country in this country, and I think we ought to do everything we can to help them along. I think any gentleman will realize that we are going to get away from doing a local business between port and port and get into a world-wide business, and in doing that we must use every facility in this country to do so, and if we do not give the proper tools to aid these facilities certainly they will dry up, the same as they have in the past.

I have a copy of a letter here which was written last year by Lloyd's Register of Shipping in New York to Admiral Bowles, who then represented the Shipping Board. To show you why it is absolutely necessary to have our facilities here instead of in England, I ask unanimous consent that the Clerk may read this letter in my time.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

LLOYD'S REGISTER OF SHIPPING,
New York, September 11, 1918.

Admiral BOWLES,
United States Shipping Board
Emergency Fleet Corporation,
Philadelphia, Pa.

DEAR SIR: I am in receipt of your letter of the 10th instant, and note that you have referred the whole subject of load lines for the vessels specified in your letter of the 29th instant to the home office for instructions, but that you have arranged with your representatives at Hog Island and the Merchant Shipbuilding Corporation to make application to the American Bureau of Shipping for the assignment of load lines in the case of the *Quistconck* and *Watonwan* and *Saccarappa*.

The case of the *Quistconck* has already been dealt with by this society, and a preliminary freeboard has already been assigned, while in the case of the *Watonwan* this vessel has been measured, the final freeboard established, and the necessary instructions as to the marking of the ship issued from this office on the 24th of August last.

Your action in now making application for freeboard assignment to these vessels to the American bureau is accordingly not clearly understood.

As you are aware, freeboards are a matter in which the maritime countries of the world have established international agreements whereby the load lines assigned by the recognized assigning authorities in the several countries are reciprocally accepted for vessels trading to or from the ports of the countries in question.

The American Bureau of Shipping has not been recognized as an assigning authority by any of the maritime Governments, and as far as I am aware the freeboard which might be assigned and marked on the vessels' sides by that body would not be accepted as legally defining the line to which these vessels would be permitted to load.

Presuming that the load lines determined by the American Bureau of Shipping are to be based on the British Board of Trade tables, it must be apparent that in the absence of this country having established legislation controlling the loading of ships, and in the absence of the agreement referred to above, that vessels, bearing load-line marks other than those of a recognized assigning authority, would most certainly be liable to serious detention in foreign ports.

It is therefore considered that the interest of the Shipping Board would be best served if the assignment of load lines to the vessels for which application has been recently made by you were left entirely to this society; and it is further suggested that in view of the far-reaching experience which this society has in this particular work that where load lines are required for vessels now being constructed for the Emergency Fleet Corporation that application should be made to this society, irrespective of the classification to which these vessels have been allocated.

The advantage to the Emergency Fleet Corporation of having the minimum freeboards permissible under the tables now in force granted the various vessels of the fleet must, I feel sure, be appreciated by you, and I can assure you the services of the society's technical staff are available to you for this purpose.

I may add that according to the rulings which have been laid down in connection with the assignment of load lines, and which are recognized and accepted, applications for assignment must be confined to one, and one only, of the recognized authorities, and the suggestion made in your letter of the 29th ultimo as to the American Bureau of Shipping and this society agreeing on load lines to be assigned in each case is one which the established regulations preclude this society taking any action upon, apart from the consideration that the American bureau, to the best of my knowledge, has no status in the matter of freeboard assignment.

I am inclosing copy of the official form of application, and would direct your attention to the paragraph which I have marked and to which reference has been made in the preceding paragraph.

Yours, very truly,

R. P. HUTCHINSON, *Secretary.*

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. EDMONDS. Mr. Chairman, I ask the gentleman from Michigan to yield me some more time.

Mr. SCOTT. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. EDMONDS. Mr. Chairman, I merely call attention to that letter and say it was written by an officer of a British corporation in New York City to an officer of the United States Government, telling him that the load lines marked by the American Bureau of Shipping would not be accepted by the British authorities. If we purpose making ourselves the second largest maritime nation in the world, we must set up the tools to carry on that business. So far as I am concerned I do not propose to allow any nation to say to this Nation that we can not set up our load line and that they will not recognize it if we do, when they recognize the load lines of Norway, Sweden, Germany, Austria, and other nations. I say that they must recognize this Nation just the same as any other nation or we must know the reason why. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I hardly think it necessary to argue justification of a measure authorizing the fixing by law of a load line for our freight vessels. It not only affects the insurance of those vessels disadvantageously to have no legally fixed load line but it also endangers the lives of those who go down to the sea in ships. I think it is unjustifiable to permit private owners to compete with each other by reckless and unprincipled loading of their vessels to a dangerous point. I think we owe it to humanity to provide something reasonably safe in the loading of our vessels. It is not that a great many of these shipowners wish to unfairly and unreasonably load their vessels, but they are forced to it by the freedom of other vessel owners to unfairly load theirs. Where a shipowner might want to do right and make his vessel reasonably safe but is in competition with other shipowners who are reckless about the matter, he is forced by competition to assume further and still further risks, and, therefore, to neglect the measure of safety. So far as I know there is no person interested in either the ownership or in the insurance of ships but what agrees that there ought to be legislation authorizing the fixing of safe load lines.

Having said that much I wish to diverge a little in order to refer to some remarks that were being made when I came into the room by the gentleman from Michigan [Mr. SMITH] along the line of the difficulty of the competition by the American shipowner with others. I note that that subject comes up perennially, and we are almost always engaged in the fight for or against a ship subsidy. The gentleman referred to the practice of Germany and other nations subsidizing their ships. I would say this to the gentleman from Michigan, that I have not the remotest idea but that upon fair and equal terms the American shipowner can compete with any other shipowner in the world. I know that Germany in the way of specially favorable freight rates on cargoes brought in in her own vessels did favor her shipping. Her railroads were government-controlled, and we understand that specially low rates were made by them to merchandise that came into Germany in German ships, when these goods had to be shipped to the interior. In this way goods coming into Germany in German ships had a great advantage over goods coming in in other ships. On the other hand, we have favored our shipowners, when it comes to coastwise trade. A vessel that comes from Liverpool to New York, laden with an import cargo and can make its return trip by way of Charleston or Savannah or Mobile or New Orleans, carrying between New York and those ports another cargo and earning money, as our American ships can, where a foreign vessel under a foreign flag can not do it, has a great advantage over the ship under the foreign flag. That has been practically the only way in which we have sought to build up our shipping—that is, by excluding all ships under foreign flags from participating in our coastwise transportation.

Now, gentlemen, I desire——

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HARDY of Texas. I yield to the gentleman.

Mr. SMITH of Michigan. Is it not true that the same conditions exist in foreign countries—that they have their coastwise trade and really prohibit every other country from it?

Mr. HARDY of Texas. To some extent that is true, except as to England. They have no exclusion of foreign ships from their coastwise shipping, and England has negotiated treaties with various other nations under which she is permitted to engage in their coastwise trade. And this further thing is true, that the commerce conducted in our coastwise trade is the greatest on earth, and the privilege of engaging in our coastwise trade is a greater privilege than engaging in coastwise trade of a half dozen other nations. I want to call the attention of the gentleman from Michigan and the attention of the House to another essential in the question of competition. We are constantly being told that we can not compete in shipping because of our high wages. Do you know that wages is really a very minor consideration in the question of competition? The overhead charges are the great thing that enable or prevent our competition. I wish I had it here, but I will try to insert it in my extended remarks—a statement which I recently read, which shows the amount of time that our ships have operated on the seas in actual transportation and the amount of time that they were laid up in harbors; the lost motion, the lost time. My recollection is that this statement or report shows that our Shipping Board ships since they have been in operation have only been on the seas 42 per cent of their time. They have had 58 per cent wastage, either in ports by reason of strikes, as in Liverpool for quite a while, or awaiting cargoes or sailing dates. In other words, through failure to utilize every moment of their time. The wastage and costliness of a ship standing still is enormous. Our shipping authorities say, "An analysis shows the average daily cost of keeping a 10,000-ton vessel in port exceeds $3,000."

Mr. Chairman, there are so many things that enter into the question of shipping cost, and therefore into the question of ability to compete, that in a brief 10 or 15 minutes a man could not go over them all. I can only tell you what some of them are. In the first place, when two vessels compete it is well understood the bigger the vessel the cheaper the unit of transportation on a given voyage. With that principle well understood it would be hastily believed that big ships would run all the little ships off the ocean, but somehow they do not do it. The truth is that if you give the ship able management, under which it is arranged beforehand for the unloading of the vessel when it reaches port; if the master can reload promptly; if he can use 75 per cent of his time on sea in actual transportation, as against another vessel that used 40 per cent or 50 per cent of its time in port, the vessel that utilizes all of its time at sea has an immense advantage. In such a case no kind of lower wages could make up for the idle vessel its losses from its idleness. Now, here is the great American people, with the greatest commerce on earth. If we can get a great many of our people interested in our shipping and let them arrange it so that, having a part ownership in the ships that travel on the seas, they will aid in furnishing them with the cargoes and in avoiding delays and empty voyages, you have got the basis of a prosperous merchant marine. Let me tell you, and the gentleman from Michigan particularly, this same statement I read stated that over 50 per cent of our vessels—I may not have the exact percentage figures, but a very large percentage of our ships—went out well laden with cargo but returned home in ballast. There is again lost motion and enormous cost. The necessity for a successful shipping enterprise is that it be organized so as to cut down overhead charges and permit our ships to go and return well laden with cargoes to save expenses of empty or ballast-laden ships coming thousands of miles in order to get a cargo—and I believe that even paying wages which cost twice as much—which I am undertaking to show is no longer the case since the seamen's bill has put the laborers on the sea upon an equality by making them free—but if wages did cost our shippers twice as much as the wages paid in foreign ships, we could still compete successfully.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Will the gentleman yield me five minutes additional?

Mr. ALEXANDER. I yield the gentleman five additional minutes.

Mr. HARDY of Texas. I get so interested in this subject I can not realize how time is progressing.

Mr. WELLING. Will the gentleman yield for a question?

Mr. HARDY of Texas. I will.

Mr. WELLING. If it would not interrupt the gentleman now, I want to ask what is the gentleman's solution of the problem of having laden vessels come back from foreign ports as well as going out? I can see how we can fill our ships to go to foreign ports, but how can they always obtain cargoes on their return home?

Mr. HARDY of Texas. It is a hope I have of the policy of this Nation. English shipping is upon equal terms with that of all the world. They do not subsidize their freighters. They are expert in the operation of their ships. An English vessel generally makes a triangle. It carries its goods to South America and brings South American goods to New York and takes the goods of New York to some other port or back to Liverpool, and we must follow that example and use American ingenuity and skill in our shipping transactions, and provide that somehow our vessels will always go laden outward and inward bound.

Mr. WELLING. Has the committee found out why it is not done to-day?

Mr. HARDY of Texas. I am stating that I have just received the statement I referred to. We are practically beginners in the overseas trade. We must learn the business over again, because for half a century we had abandoned the overseas carrying. Perhaps, unless we are willing to consent to receive imports as well as to send out exports, we will never get any return cargo, and therefore can not ever have an overseas merchant marine.

Mr. BLACK. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. BLACK. I just wanted to inject that remark. As I understand it, Great Britain is practically a free-trade country, and if we follow the policy of a high-protective tariff wall, would it be possible for us ever to build up any foreign trade so that we can have return cargoes?

Mr. HARDY of Texas. I am hoping that somehow we will manage to buy and import something as well as sell and export things. That we will learn that we can not trade at all with the world unless we both buy and sell, that even our protectionist friends will learn this, and leave some kinds of merchandise not wholly excluded from our shores by their high tariffs.

That will be a handicap, unquestionably, as long as we refuse to receive imports from other countries; but ingenuity will probably find a great many imports from other countries that will come in here. Heretofore, in some way some kinds of imports have been brought here, and what we do bring in can be carried as well in our ships as in foreign ships; and furthermore, I want to say this, that in becoming a creditor Nation instead of a debtor Nation, the other nations of the world will be compelled to export to our country some of their products, or else they can not pay what they owe us. All these matters are matters that come outside of, but related to, shipping. I have heard so much about our high wages preventing our competition in shipping that I wanted to call the attention of the gentlemen here to the fact that difference in wages, if there is a difference, is one of the smallest problems in our shipping. I have been mentioning the economies and the overhead charges, and the utilizing of our shipping space, the management of our shipping overseas, and those things, with the advantage of the exclusive right of our ships in our coastwise trade, and I believe that due attention to these things will make our merchant marine a success.

Mr. SMITH of Michigan. Will the gentleman pardon another question?

Mr. HARDY of Texas. Yes.

Mr. SMITH of Michigan. Notwithstanding the fact that we have always had that coastwise trade that the gentleman thinks is such an element in building up the merchant marine, still we have lost the shipping. But the particular question I wish to ask is this: I understood the gentleman to make some remark as to the people having an interest in the shipping. Does the gentleman mean by that that it should be Federal ownership?

Mr. HARDY of Texas. Oh, no. I mean that our people at large ought to, so far as they are able, take shares of stock in the shipping interests and industry of the United States.

Mr. SMITH of Michigan. Outside of the Government?

Mr. HARDY of Texas. Outside of the Government; yes. Of course, the gentleman has not heard all of my efforts and discussions of this question.

Mr. SMITH of Michigan. The gentleman is very interesting and is well informed.

Mr. HARDY of Texas. There have been many things which have destroyed our shipping. In the first place, we by our laws provided a condition under which an American-built ship cost 50 per cent more than a foreign ship, and therefore if a man wanted to trade between Liverpool and New York on a direct line, he bought a British ship and put it under a foreign flag, and, as a consequence, we had hundreds of millions of dollars invested in foreign ships, under foreign flags.

Mr. SMITH of Michigan. It will not be true under this arrangement?

Mr. HARDY of Texas. Not if our shipbuilders enter into competition with the shipbuilders of the world. In that case we will take the trade of the world. We will have next year 14,000,000 tons of shipping, and probably can not utilize for our own people more than 8,000,000. What are we going to do with the extra 6,000,000 tons? If we tell our shipbuilders now to take contracts wherever they can and bid against the Clyde shipbuilders and all of Europe, they will do it. My opinion is that all we need is to try, and then compete. As long as we say we can not do it, we never will. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Chairman, we have had this question of load line, as applied to vessels, brought up in the committee several times for consideration during the last few years, but never have we reached that stage of action where we could bring it before the House of Representatives. Fortunately, we now have a committee that is able to bring out some legislation for consideration in the House, and we have been fortunate thus far in agreeing upon bills to be presented to the House.

I am very happy to state that on this proposition there does not seem to be a difference between the two sides of the center aisle. We all agreed that this bill was a necessity in connection with the merchant marine. A number of years ago a constituent of mine who had traveled a great deal around the world came to me and asked why the committee, of which I was a member, did not take up the question of a load line on our vessels in this country. I took up the question with the Department of Commerce, which was a place where I could get considerable information, and they replied to me then that we had a very limited number of vessels; that we could not establish the system of load lines because we had so few vessels under the American flag; our shipping had fallen off because of fierce competition and because of our inability to construct vessels for the overseas trade, because of excessive costs of construction; therefore the great American Government was not in the position whereby we could be considered in the question of establishing a load-line system.

Now we have quite a number of vessels that have been constructed since the beginning of the war, and under its stimulus our shipbuilding industry has been growing from time to time, and we have been building better vessels all the time, commencing, of course, with but a few practical shipbuilders. Consequently we could not rank as builders of remarkable ships. Some of them that were built did not prove to be as good as was anticipated; but we have now arrived at the position where we can construct vessels that can make their way on the high seas and get back home safely and be ready without a great deal of repair to continue their voyages. We hope to continue the improvements for American shipping, and with this purpose in view we have provided for a bureau of American shipping which will take the place heretofore occupied in this country by foreign interests, the same relative place that the British Lloyd's occupy in classifying vessels abroad.

We have, therefore, reached a position where we can demand an American standard. It was suggested in the debate by questions presented to the speaker who preceded me that possibly the Governments on the other side of the water would not recognize our load lines and our rules of shipping. I agree that there might be a little discussion in that line, because we have some gentlemen who have been engaged in foreign shipping for many years who have become tinctured with English notions, and by reason of their connections with the British Lloyd's quite naturally believe that our American Bureau of Shipping can never reach the high standard of Lloyd's Bureau. I am an American who does not believe anything of that kind. I believe the United States of America is equal to any other nation when they enter upon a project which past experience has proven that they are able to handle successfully. Having men qualified by long sea experience in every line of endeavor, I am willing to fearlessly state that we will take no rebuff from any nation on earth. We shall be able within a very short time to establish a load line for American shipping and thereby to send a vessel under a classification made by the American Bureau of Shipping, and no nation on earth will dare to refuse that classification. And if they should refuse, we can retaliate.

Now, I am a very peaceful man myself, but still I would show that there was still a little fighting blood left in me if anyone should attempt to override anything that was strictly American. I happen to have been born in America, and I have not left her shores, and I shall not leave unless I am deported, and I have no fear of ever being placed in such a position. I shall stand pat on the question of the American merchant marine.

I have given a good deal of attention to this question of establishing load lines. I have thought a good deal about it. And the gentleman from Missouri [Mr. ALEXANDER] was very active in his advocacy of this load line for vessels while he was chairman of the committee, and, as he reintroduced the load-line bill in the present session of the Sixty-sixth Congress, the committee unitedly joined that he should report the bill.

I have examined the report very thoroughly, and I have found it is full of good material, and it explains the bill completely, so that no man need to vote on the bill without having ample knowledge conveyed to him by reading the report. Then we

also have a communication here that was addressed to me from the American Bureau of Shipping, of which Mr. Stevenson Taylor, long in the naval service, is the president, and that bureau has laid out a proposition which by this bill, if it is passed, will enable the Department of Commerce to establish and make use of the American Bureau of Shipping, which will be an efficient aid in the creation of a proper classification society for the interest of American vessels. Everybody who knows anything about it knows that it is continually being thrown up to us that the British Lloyd's provide this or provide that, and even some Americans come before our committee, claiming to have the American spirit in them, who say, "Why, the British Lloyds will not agree to that proposition." Whether they agree or not, they will eventually have to take second place, because we shall be a larger merchant-marine nation than the British nation itself if we continue to build ships, as I hope we may.

We have a number of men who know how to build ships to-day, and the question between the gentleman from Michigan [Mr. SMITH] and the gentleman from Texas [Mr. HARDY] as to whether or not there would be a subsidy granted to American ships built in American shipyards need not disturb us. I can say for myself that if it should become necessary to have a subsidy in order to keep the American vessels upon the high seas, I should not fear any criticism that might arise because of that necessity. If we can not operate great ships on the great ocean without some form of subsidy in the transportation of foreign products in American vessels or American products in American vessels, that would be a subject for future consideration. But that subject is not before us now. We have a demand for all the vessels we now have. The men who run the vessels we now have know how to run them, and it would be folly to have anybody else to undertake to run them unless they do know how and are not novices in the trade. Our master mariners have been operating with foreign-built vessels when they could not get anything else. Now that they can get American vessels they will prefer to take them, so that we do not need to discuss the subject of making some provision to keep the fleet of vessels on the seas until that problem confronts us. But I believe if it becomes necessary the House and the Senate will adopt a system which will keep the American flag on the ocean That is what we really want. We want to have the American flag on the ocean, and we want to take part in the trade with foreign nations. Why? Because we produce so much in this country by means of our productive machinery and the great ability of our workmen; we produce so many products that we do not consume and which we must send out of the United States. We prefer to send out our products by American-built vessels manned by American sailors. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I wanted to take the floor just to make one observation. I agree with the distinguished chairman of the committee [Mr. GREENE of Massachusetts] that this country will become a great merchant-marine country. I think there is no doubt that we are on the sea to stay there. That was our policy declared, and I have no doubt but that it will materialize.

I am glad to hear the statement also of the distinguished chairman that if a subsidy is necessary there will be no hesitancy to adopt the method, because a subsidy would not be anything more than the difference paid for the operation of the merchant marine, and that would be a subsidy to labor. Without the necessity of covering the difference in wages paid by us and our competitors, no subsidy would be required. Consequently there will be nothing of that sort unless the difference in cost in building and operation will command it.

I want to make this further observation: Here is a committee having—I will not say the most important problem that is to come before the country, because I think the Committee on Interstate and Foreign Commerce has a problem that is equally as important, if not greater—but here is a committee that has one of the most important functions to perform in behalf of the American people, to resuscitate and to build up our power on the sea. It involves more or less differences of policy, and yet the committee has at this session been on the floor of the House three times, according to my memory, and it has been not only unanimous as a committee, but it has been very enthusiastically supported both in Committee of the Whole and in the House. And yet this committee deals with problems that do supply many angles of differentiation. The other day we amended one of the most sensitive laws that have been passed since I have been in Congress, namely, the La Follette seamen's bill.

The committee was not only unanimous in the proposal, but there was very little, if any, opposition, either in the Committee of the Whole or on the floor of the House. Here comes the same result in this proposal, and this proposal is not confined to an economic side. It goes to an extent also to the humanitarian side. It aims to secure safety. It is not only to prevent taking advantage of insurance by negligently allowing a ship to be overloaded and sunk, but it also prevents useless wastage of human life by overloading vessels. It has that humanitarian side, and I want to commend the House for not overlooking that element in legislation.

Here is another suggestion that I want the committee to note. I came into this Congress in 1913. I have been present during much of the debates on legislation, and I can not now recall any bill reported in the House by a minority Member until now. I know bills were framed in committees by minority Members, and I know that reports of committees were written by minority Members and the bills carried through in discussion by minority Members, but I have never until now seen a bill presented here on the floor, during the time I have been here, by a Member of the minority party and given control of the legislation. Here is a bill that was fathered by the distinguished former chairman of this great committee, Judge ALEXANDER. All of us greatly enjoy him, and highly appreciate his ability, having had him in charge of the bill in prior Congresses, but the bill not having reached the stage of passage, he was permitted by this great committee to still retain the fatherhood of the bill and was allowed to present it at this time. [Applause.] I want to commend the committee for that mark of respect to a distinguished member of the committee in which no politics of any sort is shown. [Applause.]

Mr. ALEXANDER. Mr. Chairman, in connection with the statement of the gentleman from Ohio [Mr. FESS], I want to say that in the last Congress the gentleman from New York [Mr. ROWE] introduced a bill to increase the pay of inspectors in the Steamboat-Inspection Service. He, by my designation, reported the bill in the House and had charge of it on the floor. Not one committee of this House has less politics in it than this Committee on the Merchant Marine and Fisheries. [Applause.]

Mr. FESS. I think the last statement of my friend is absolutely correct, and I compliment him for the generous treatment of my friend Mr. ROWE, although that had escaped my attention. [Applause.]

Mr. SCOTT. Mr. Chairman, I will ask the gentleman from Missouri [Mr. ALEXANDER] if he desires to use his time now?

Mr. ALEXANDER. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. ALEXANDER. I agreed to yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

The CHAIRMAN. If no one claims the time, the Clerk will read. The gentleman from Michigan [Mr. SCOTT] has 12 minutes. Does he desire to be recognized?

Mr. SCOTT. For years there has been a growing demand for legislation of this character. Great Britain, Norway, Sweden, France, Italy, Germany, and the other large maritime nations, excepting Japan, have had laws similar to the one which is now proposed.

This law is almost identical with the load-line laws of other maritime nations. I presume the question has presented itself to the members of the committee how we are to compete with foreign vessels which are not required to carry a load line. We do it in this way: The bill provides that all vessels, no matter under what flag, if they come to American ports, shall carry either the American load line or a load line of similar nature. You can readily see that so far as ships competing with American ships in American ports are concerned that amply protects the American ships.

It developed in the hearings that in consequence of the enormous amount of work incident to this bill it would be humanly impossible for the Department of Commerce to place the load line on transoceanic vessels, on coastwise vessels, and on the vessels engaged in the Great Lakes trade simultaneously. Mr. Chamberlain, who for a great many years has been the head of the Department of Navigation, indicated to the committee that it would probably take at least two years before the department could carry out the provisions of the act in the coastwise trade and on the Great Lakes.

Mr. DOWELL. Will the gentleman yield?

Mr. SCOTT. Gladly.

Mr. DOWELL. Does the gentleman mean that all American vessels are within the law, but the coastwise and Great Lakes will not be brought within its provisions within two years?

Mr. SCOTT. Yes; as a practical proposition. I am sure the gentleman appreciates the fact that with the number of ships that the United States Government is operating at the present time in the transoceanic business, and the number of ships that are being operated by independent concerns, the Department of Commerce, even with an enormous force, could not make the necessary investigation as to all these ships in less time.

Mr. DOWELL. But does not every ship come within the provisions of this bill?

Mr. SCOTT. Every ship does come within the provisions of this bill, but as a practical proposition it is humanly impossible to place this load line on all of the transoceanic vessels, all the coastwise vessels, and all the vessels engaged in the Great Lakes trade in less than two years.

Mr. DOWELL. Will ships that belong to private corporations be required to place this line on the side, or is the Government alone required to do it?

Mr. SCOTT. The law requires every ship operating under the American flag to carry this load line.

Mr. DOWELL. Then the owners of the ships must put it on?

Mr. SCOTT. Yes.

Mr. DOWELL. Will not this be required immediately upon the passage of this act?

Mr. SCOTT. It will; but the gentleman will understand that where the Department of Commerce can not make the necessary determination or furnish the necessary service then it can exercise the power exercised many times in the past to exonerate the persons it precludes from complying with the provisions of the act. In consequence of that fact, the Great Lakes and coastwise people who can not be served will not be penalized under the provisions of the bill.

Mr. EDMONDS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. EDMONDS. I call attention to section 9, which provides that the act shall take effect six months after the date of its approval, or at such earlier time as the Secretary of Commerce may fix.

Mr. SCOTT. The testimony in committee was that during that six months' period after the passage of the bill the great majority of the ships operating in the transoceanic business could undoubtedly be taken care of, and that was one reason why the bill was not made effective until six months after its passage.

Mr. ALEXANDER. Mr. Chairman, I suggest the reading of the bill.

Mr. SCOTT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on this bill in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 13 minutes.

Mr. ALEXANDER. I yield 10 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. SCOTT. And I yield the gentleman from Pennsylvania the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 11 minutes.

Mr. HULINGS. Mr. Chairman, when I reflect that I stand in the greatest legislative body in Christendom, that here assembled as lawmakers are the representatives of the most powerful, the freest, and the proudest people in all the world, that here in the midst of big broad-minded men, of great wisdom and experience, I am privileged to enter, I am abashed by the sense of my own limitations.

Yet when I reflect that I too have been chosen to represent a great constituency in this historic Hall I am inspired by a high sense of duty and responsibility and I am assured that my colleagues on both sides of this aisle have the same sense of obligation, for though in the battledore and shuttlecock play of partisan quip and retort differences are apparent and party zeal is always on tap, yet I am sure that underneath all that this House stands for Americanism. This is no time for pussyfooting and namby-pamby talk. We have let the radicals and the reds go too far. We have laughed at it; we have sneered at it; but the damned stuff has been preached into ignorant brains by evil men, so that it is a menace, it threatens to control the vast labor organizations with the doctrines of the syndicalist, and Americans must stand up to be counted. [Applause.] Americans must rise up and drive the men who preach such doctrines out of the country. [Applause.]

Every good Democrat is a real American, and the Republican who does not put America above party is not a good Republican.

Of course we have differences. Of course there is sparring for position, appeals to partisan prejudices, and the manufacture of campaign stuff for 1920, but we differ without rancor.

There are those two distinguished Democratic leaders, the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Texas [Mr. BLANTON]. They are the twin leaders of the Democrats. [Applause.] Both are stars of the first magnitude in the Democratic firmament. Both are gifted with remarkable powers of vociferation. [Applause.]

When the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Michigan [Mr. FORDNEY] debate a protective-tariff measure, then does Greek meet Greek, and the gentleman from North Carolina rises to such eloquent loudness that one can not hear what he says, but he has reiterated that tariff speech so often that the House always knows what is coming. [Applause.]

But he himself seems blind and deaf to what is coming.

The solid South has dammed up public sentiment with a free-trade dam, against which common sense and public intelligence has been rising until the accumulating flood threatens the whole dam construction.

Mr. KITCHIN. Will the gentleman from Pennsylvania yield before he leaves the labor question?

Mr. HULINGS. I will yield to the gentleman.

Mr. KITCHIN. I think my leader colleague, Mr. BLANTON, and the gentleman from Pennsylvania and myself have the same sympathies and understanding and agreement, perhaps, in regard to this great problem which the gentleman mentions—the labor problem. Of course, the gentleman from Texas [Mr. BLANTON] and myself are not in the inner councils of the Republicans who are in control of the House. Will the gentleman from Pennsylvania kindly indicate to the gentleman from Texas [Mr. BLANTON] and myself what steps the Republican Party in the House has taken to meet the great labor problem that the gentleman thinks threatens the country? I agree with him, and perhaps the gentleman from Texas [Mr. BLANTON] and myself and the gentleman from Pennsylvania can work in harmony together. Have there been any bills introduced to take care of the threatening labor problem? I was just reading about that very problem——

Mr. HULINGS. Let me say to the gentleman I only have 11 minutes, and, although I would be glad to hear the gentleman further, I want to say to him that I introduced a resolution in this House for the appointment of a committee whose duty it should be to map out a plan of education for these ignorant foreigners and give them a good substantial idea of what Americanism is.

Mr. KITCHIN. When did the gentleman introduce it?

Mr. HULINGS. About seven days ago. I am not sure.

Mr. KITCHIN. To what committee did it go?

Mr. HULINGS. I do not recollect.

Mr. KITCHIN. Some Republican committee has it. Has the committee reported it out or had any hearings?

Mr. HULINGS. On reflection, I believe the resolution still lies on my desk, but I shall introduce it at once.

The first trickles developed when the Democratic Party enacted in the Underwood tariff bill a bonus of 5 per cent in favor of goods imported in American bottoms and a tariff on Angora goat hair, and only recently the talented and ornate gentleman from Alabama [Mr. HEFLIN] presented a bill to impose 40 per cent duty on graphite. Yes; southern business men are beginning to see the light, and as the South devotes herself more and more to diversified industries the tide in favor of a protective tariff rises higher and higher and progressive Democrats throughout the country more and more deplore the efforts of heedless Bourbon leaders to commit the party to free trade

when they ought to be able to see that "free trade" is a dead cock in the pit and can not fight. [Applause.]

The people of the South are beginning to see the light, and thoughtful, progressive Democrats throughout the country deplore the idea that these blind Bourbon leaders of the Democratic Party insist on committing their party to free trade, when they ought to see that free trade is a dead cock in the pit and can not fight any longer against the rising flood of intelligence in this country.

Another difference is seen. During the war "party" was dropped—all parties stood together; since the war the Democrats claim everything; they wear all the plumes.

They claim the Republican Party, with its graft and stupidity and inefficiency, were incapable of carrying on war, and a merciful Almighty put the Democrats in control to save the country. Well, "God works in mysterious ways His wonders to perform" [applause], and maybe it is so, but Democrats forget that the Republican Party carried on a great war to a glorious conclusion in spite of all the Copperheads and obstruction that the Democratic Party could muster. They forget that this war was not a Democratic war. It was a people's war, and some of the Democrats in this House at heart were mighty lukewarm until overwhelmed by public opinion. They forget that at crucial moments the measures of a Democratic administration were enacted by Republican votes. They forget that the energies of the Government did not begin to function until big Republican business men were called in by the Government to furnish the ability and experience that the stupendous task required.

The Democrats have defiantly proclaimed that none of the numerous investigations will show a dollar of graft or that there was any stealing. The gentleman from North Carolina [Mr. POU] was very positive about that. But, bless his genial heart, there was no need for anybody to steal. All anybody needed to do was to get a contract from the War Department. [Applause.]

The American people won this war. Let us just assume that all loyal men, without distinction of party, did the best they knew how, and now that the war is over the American people demand of their Representatives in Congress, without distinction of party, that they do all in their power to bring the country back to normal conditions.

The initiative and responsibility is upon the Republican Party.

The railroad question, merchant marine, the labor question, rehabilitation of our soldiers, immigration, Army organization, the naval bill—all of these, for which the country is waiting for solution and looking to the Republican Party, are as yet without action.

It will not do for us to adjourn now. From a purely partisan standpoint, nothing would suit the Democratic Party better or load their mud batteries heavier than to be able to say that the Republicans adjourned Congress without even a discussion of these imperative questions. You can imagine what the Democratic orators would say next year. Could imagination soar to the flights the great Democratic leader from the "Tar-heel State" would make when with characteristic exuberance and liberality, not to say carelessness in his treatment of facts, his indignant soul would pillory the Republican Party for inefficiency and abandonment of duty. What answer could we make?

It will not do to say that the committees are holding hearings and considering what shall be presented to the House. The convention formulated the Constitution of the United States, a document pronounced by the greatest Anglo-Saxon minds as the most perfect document ever devised by the minds of men, within four months, or in less time than the committees have had to consider these bills.

Besides, all these bills will be fought out on the floor. No committee, wise as it may be, will be able to present a bill on any of these great matters that will get the approval of this House without full discussion.

Mr. Chairman, none of these bills are or ought to be partisan measures, but if they turn out well the Republican Party, which is responsible for them, will receive great credit. Of course, the Democrats will very properly scrutinize them with great jealousy. We should bring these bills out without delay.

I have offered a measure which historically is a nonpartisan measure. Whether it will ever see the light or whether it will be embalmed in the silent mold of a committee pigeonhole I do not know, but I take this opportunity to bring it to the attention of the House.

The purport of the bill is to relieve American shipping from the payment of tolls in the Panama Canal, in such a manner that even the greatest stickler for treaty engagements can not object.

The House will remember that when the Panama Canal was about finished, at a cost of $422,000,000 to the taxpayers, the Democrats, the Republicans, and the Progressives in their national platforms, and Mr. Wilson in his campaign for election in 1912, declared that the American coastwise shipping should pass through the canal free of tolls and the law was enacted.

But shortly after election the President demanded that Congress should repeal the act, because certain delicate questions had arisen that made the act embarrassing. What these reasons were have never been disclosed.

It has been suggested that the act was repealed in the interest of the great transcontinental American and Canadian railroad lines that desired to keep ocean freight rates with which they had to compete as high as possible, and it was said also that England insisted that the free-tolls act should be repealed as the price of her keeping Japan off our necks at that time. It was wildly argued that a delicate sense of honor required us to repeal the act because of the provisions in the Hay-Pauncefote treaty. The absurdity of that argument is revealed by a common-sense interpretation of the treaty, wherein it is prescribed in article 2 that the United States "shall have the exclusive right to provide for the regulation and management of the canal." Article 3 provides that the United States adopts the following rules: (1) "That the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality."

Now, of course, when the United States was making these rules how absurd it would be after building the canal that she had to include herself as one of the "all nations" in order to give herself use of the canal. If the United States is one of the "all nations" then she must charge her warships the same as warships of other nations, another absurdity of taking out of one pocket what she pays into the other.

Rule 2: "The canal is never to be blockaded nor act of hostility committed within it." Now, if the United States is one of the "all nations," how ridiculous that she should stipulate that she would not blockade nor commit hostility upon her own property. As well might she stipulate that she would not commit hostility within the city of New York.

Rule 3 prescribes that "vessels of war of belligerents shall not take any stores in the canal," so that if the United States is one of the "all nations," after having built the canal for the avowed purpose for securing a great strategical position, she has deliberately stipulated that if she should ever be engaged in war her enemy should have equal use of the canal. If Peru and England were at war each could pass through the canal on "terms of entire equality." But if Peru and the United States were at war Peru could not use the canal. Why? Because the United States owns the canal and is not one of the "all nations." When she gives the ships of all nations the use of New York Harbor on "terms of entire equality," she may give her own ships such terms as she chooses.

Rule 4 prescribes "no belligerents shall embark or disembark troops or munitions of war in the canal," and if the United States, who makes these rules, is one of the "all nations" and should become engaged in war she could not embark or disembark troops in the canal, and would not even have the right to embark her garrison there to fetch it away.

Rule 6 prescribes "that the plant shall be part of the canal and shall enjoy immunity from attack of the belligerents." Again, if the United States is one of the "all nations," we have the absurd situation that she solemnly declares she will not destroy her own property.

The only possible construction of the language of the treaty is that the United States has adopted rules for all "other" nations with respect to the use of the canal and covenanting to admit them to use her property on terms of entire equality as between them.

The Senate knew about the Hay-Pauncefote treaty; so did the House; so did Mr. Taft, who signed the tolls act; so did Mr. Wilson, who stumped the country for it.

It never entered the mind of any man, up to the time that Mr. Wilson discovered it, that England had any right to interfere in the method by which the United States shall treat her own citizens and handle her own property, except that the United States stipulated that she would treat all other nations alike.

Besides, neither Great Britain nor any other nation could be affected by American coastwise traffic going through the canal free of tolls, because no other nation is permitted to engage in American coastwise traffic, which was specifically conceded by the English Government. This seems to indicate clearly that the transcontinental railroad interests were the real parties insisting that the American coastwise traffic pay tolls. An English ship comes to the canal. The toll is so much. It is paid. An American ship goes through the canal. Must that vessel pay toll? Oh, yes; the stickler for treaty obligations says, "Yes; all nations must pay alike." Very well. He hands the canal

master a check on the United States Treasury for the amount of the toll and the check is presented to the United States Treasury, and the United States Treasurer very solemnly pays it out of one pocket into the other pocket, and the stickler for treaty obligations, I suppose, is satisfied.

But, whatever gentlemen may think of my argument, the bill which I have presented avoids all objections on the score of treaty obligations. All the people in the country were in favor of freedom of tolls for American commerce. That is what the canal was built for.

All the political parties approved it in their national platforms. The President of the United States stumped the country in favor of it. Congress passed the bill, and then, for some mysterious reasons, we got very thin-skinned about treaty obligations and said, "Yes; we built the canal, but we really have no more right in that canal than any other nation, except that we have reserved the exclusive right to pay all the bills"; and so, to satisfy these finicky people, I have introduced this bill, which simply provides that if the ships of all nations must pay the same tolls, then after our American ship has paid its tolls a receipt is given by the canal master, and on the presentation of that receipt to the United States Treasury the money is refunded.

Oh, you say, that is a subsidy! Of course it is a subsidy! England now and always has subsidized her shipping. Germany did the same thing until she fell afoul of the Yankee boys.

There must be some substantial aid given to our merchant marine or we might just as well hang our harps upon the willow, so far as that industry is concerned. We are told that the American laws concerning the employment of sailors and the management of our ships are such that every other nation will be obliged to pay the same rates of wages and furnish the same kind of accommodations, but it is not so. They do not do it.

There is no country in the world where wages and the standards of living are as high as in America.

The glory of the country and the splendor of the country is that it is so, and we need never expect that the Jap or the Norwegian, the Italian, or even the English will ever pay the same scale of wages for her seaman that we do, and ought to, pay our seaman. The Norwegian is discarding the old style of boilers and engines and using internal-combustion engines for motive power, making an enormous gain in cargo space, in cost of fuel, in reduction of the number of men employed. We are puttering along building hundreds and thousands of ships on the old plan of burning coal under a boiler and running the engine by steam.

If we expect to cut any figure in ocean transportation, we have got to get a move on. We must protect American labor aboard ship just as we do in the factory, and you can call it protective tariff or you can call it a subsidy, or what you will, it must be done in practical man fashion. Free tolls in the canal will be a step in that direction, and a very helpful step for our trade with the west coast of South America and the Orient, and nobody in the world has a right to complain except ourselves, for if the United States Government after building the canal, treating every ship that goes through that canal without discrimination, shall give to the American shipmaster a receipt that he can cash at the United States Treasury, whose concern is it? What business is it of any other nation what the United States does with her own money amongst her own people?

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act shall apply to the following vessels:

(a) Cargo-carrying vessels of 500 gross tons or over loading at any port or place within the United States or its possessions for a foreign voyage by sea.

(b) Cargo-carrying vessels of the United States of 500 gross tons or over loading at any foreign port or place for a voyage by sea.

(c) Other vessels loading at any port or place in the United States or its possessions, whenever, in the judgment of the Secretary of Commerce, the safety of such vessels and their crews requires the establishment of a legal load line.

Mr. SCOTT. Mr. Chairman, I desire to submit a unanimous-consent request. It will be observed in line 12 of the print from which the Clerk is reading, on page 1, is the word "vessel." It should be "vessels," and the last word in line 13, on page 1, is spelled "lin," whereas it should be spelled "line." I ask unanimous consent that those changes be made.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to change the word "vessel" to "vessels" in line 12, on page 1, and to correct the spelling of the word "line" in line 13.

Mr. ALEXANDER. Mr. Chairman, the print that I have is correct in both particulars.

Mr. SCOTT. I may say to the gentleman from Missouri that I have a copy of the bill which is being read by the Clerk.

The CHAIRMAN. These are evidently misprints, and without objection the Clerk will be authorized to correct them.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the measure what the reason of the committee was for making it mandatory that the Secretary of Commerce should appoint the American Bureau of Shipping as the agency to make this survey and at the same time give the shipowners the right to ask that some other agency do the work, while it reposed in the Secretary of Commerce the discretion to appoint Lloyd's Bureau or the Bureau of Navigation or something else to do the work?

Mr. SCOTT. I think the gentleman's question is very pertinent, and I will endeavor to answer it if he will bear with me. In the first place, the designation, as the gentleman has noted, is not confined exclusively to the American Bureau of Shipping, but at the present time the American Bureau of Shipping is the only concern in the country which is qualified to do this character of work. I may say to the gentleman that the American Bureau of Shipping is a concern which makes no profit.

Mr. WALSH. I understand all about the American Bureau of Shipping and have looked into some of its activities, I would say, but not along this line—along other lines where it was required to do certain things under contracts entered into by the Shipping Board. What I am trying to ascertain is why, if you are going to give the shipowner the right to call for some other bureau to make the classification, you leave it discretionary with the Secretary of Commerce to appoint Lloyd's, or if he does not want to appoint Lloyd's, then the Bureau of Navigation?

Mr. SCOTT. If I understand the gentleman, the Department of Commerce has general supervision of the subject, and in the future if some other concern of repute should be created in the country which would do this work as well as Lloyd's or the American Bureau of Shipping or some other similar concern the Department of Commerce would have no reason to object to their being selected, and unquestionably would not object; but if provision is not made allowing the owner of the ships to suggest some other concern, then the American Bureau of Shipping naturally would be the only concern which could do this work.

Mr. WALSH. The gentleman does not anticipate, after this law is passed and the American Bureau is designated as the one to make the classification, that any other bureau is ever going to be built up in this country to carry on this work, when this American Bureau has had the recognition of the Federal Government in this law?

Mr. SCOTT. Well, the gentleman's premise is not correct.

Mr. WALSH. Oh, well——

Mr. SCOTT. I know the gentleman thinks it is, but it is not. The American Bureau of Shipping is mentioned because it is the only one in the country now competent to do the work.

Mr. WALSH. Why mention them?

Mr. SCOTT. Well, for the same reason you might mention Webster's Dictionary—because it is a recognized authority.

Mr. WALSH. Why mention others?

Mr. SCOTT. Because there may be others created in the future equally qualified.

Mr. WALSH. But you make it mandatory to appoint the only bureau that exists and make it mandatory upon the Secretary of Commerce to designate a private corporation——

Mr. SCOTT. No; the gentleman is not correct.

Mr. WALSH. If the words "shall appoint" are not mandatory I would like to know how the use of language in the bill could be more so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask for five minutes in opposition to the pro forma amendment. I yield to the gentleman from Maine.

Mr. WHITE of Maine. I want to suggest in connection with the question asked by the gentleman from Massachusetts, as I understand it the Secretary is given authority to designate this American Bureau of Shipping or other corporations or associations, and my idea was that alternative was given to him because there are a great number of ships of which surveys must be made, and you might have a condition where if the authority were lodged exclusively in the American Bureau of Shipping a congestion might result if the American Bureau of Shipping were the only body authorized to do the work, and so the Secretary was given authority to designate other associations and other corporations in order that work might be done as expeditiously as possible. I understand that to be one of the considerations which moved the committee to give these alternative powers. Is that right?

Mr. SCOTT. That is right.

Mr. WALSH. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. WALSH. Now, the gentleman from Michigan, in response to the gentleman from Maine, has made it clear that it was not intended to make this mandatory. Now, I would like to ask the gentleman from Michigan if a shipowner comes in and says he would like to have this ship of his classified by Lloyd's, why you repose the discretion in the Secretary of Commerce to say, "Well, I will not designate Lloyd's to make this classification, but I will say the collector of customs or the collector of the port at New York shall make the classification"?

What benefit is that to the shipowner to give him the right to select some other agency and vest in the Secretary the discretion to say, "No; I will not appoint that agency, but I will appoint some Federal official or the Bureau of Navigation to do it"?

Mr. SCOTT. Nearly every law on the statute books could be improperly enforced.

Mr. WALSH. Well——

Mr. SCOTT. But now take the other illustration; the gentleman suggests they might want Lloyd's to do it. Suppose the man comes in and instead of suggesting that Lloyd's mark his ship he suggests some incompetent in his home town.

Mr. WALSH. Of course, if the committee is writing a law to take care of such a contingency as that, I would compliment the committee upon getting it within the scope of eight pages. But of course the gentleman can not be serious in such a contention as that. You are trying to give the shipowner the right to go to the Secretary of Commerce and say, "I prefer to have my ship classified by some corporation or association to the survey or registry of shipping."

Mr. SCOTT. I am serious. If he asks that any legitimate and qualified concern be permitted to mark his ship, unquestionably the Secretary of Commerce will grant it.

Mr. WALSH. Then, if I understand the gentleman, if he will yield——

Mr. SCOTT. Certainly.

Mr. WALSH. The purpose of this language was to vest in the Secretary of Commerce the discretion of refusing to a shipowner the right to designate some association to survey his ship?

Mr. SCOTT. That is right.

Mr. WALSH. That is the purpose of this language. And the gentleman's contention is that the language is wise to carry out that purpose?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I regret using so much of the gentleman's time.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last two words for the purpose of adding a suggestion in line with the last discussion. In the committee, one consideration which led to the approval of the provision in the bill which the gentleman from Massachusetts has been discussing with the gentleman from Michigan and with the gentleman from Maine was that if the shipowner should find himself with a vessel in a foreign port—for instance, in England or in any other foreign country—and should desire to have his ship surveyed in a foreign land and the load line established there instead of being required to return to America, then he might make application to the Secretary of Commerce for that permission.

And in order that the Secretary of Commerce should not be placed in a position to use arbitrary power, the provision was made that it should be such corporation or association for the survey or registry of shipping as the Secretary of Commerce might approve, it being assumed that the Secretary of Commerce would not fail to approve an organization or corporation which had a recognized standing in its own country. That was one of the principal considerations in the subcommittee for the adoption of this provision in section 3.

Mr. WALSH. Will the gentleman yield?

Mr. CHINDBLOM. Yes, sir.

Mr. WALSH. Certainly this language does not confine it to instances such as that.

Mr. CHINDBLOM. It does not confine it; but it would not be necessary that it should confine it to that kind of a case. It leaves the power rather broad, it is true, but still leaves it within the discretion of the Secretary of Commerce, while subject to his approval of the association or corporation which makes the survey.

Mr. WALSH. Now, that is equivalent to letting the Secretary of Commerce say, "While you selected Lloyd's to do this classification, I do not approve it, and you have got to take it to the American Bureau," does it not? And if that is true, why is it necessary to give the Secretary of Commerce authority to appoint some other officer of the Government to do it?

Mr. ALEXANDER. Will the gentleman from Illinois yield?

Mr. CHINDBLOM. I yield.

Mr. ALEXANDER. Section 2 provides that the Secretary of Commerce is authorized to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded.

Now, under section 3 it says:

The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder.

In other words, in accordance with the regulations of the Secretary of Commerce. Now, not only has the Secretary of Commerce the right to say that the American Bureau of Shipping or some other bureau, like Lloyd's, shall do this, but in the event that either one is not available he may select for that purpose any officer of the Government, who may perform such service directly for the Secretary of Commerce. In other words, they fix the mark on the vessel, but the regulations are made by the Secretary of Commerce.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CHINDBLOM] has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 1 (a) and (b) of this act and is hereby authorized in respect of the vessels defined in section 13 (c) of this act to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent, in line 4, to strike out the numeral "3," so that it will read: "In respect of the vessels defined in section 1 (c) of this act."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 4, strike out the figures "13" and insert in lieu thereof the figure "1."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. WALSH. Mr. Chairman, I move to strike out the last word just for the purpose of getting a little additional information in reference to the matter which I attempted to discuss with the gentleman from Michigan [Mr. SCOTT] heretofore. Does not the gentleman think that the first proviso, "*Provided*, that, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association," makes it unnecessary for the Secretary to have additional discretion of appointing some bureau of the Government to perform these services? If he can withhold his approval of the agency which the shipping owner selects, why is it necessary to give him the additional authority to indicate some officer of the Government to do it when he has already appointed the American Bureau to do it?

Mr. SCOTT. In the instance of a ship in a foreign port he might authorize the United States consul to perform this particular duty.

Mr. WALSH. Well, then, if he is going to have that authority with reference to ships in foreign ports where the American Bureau might not have a representative, it would seem to me that in cases such as that the shipowner should be entitled to select the agency to make that classification according to the regulations prescribed by the Secretary of Commerce, and should not be compelled to accede to the determination which the representative of the Secretary makes.

Mr. SCOTT. I will say to the gentleman that the enforcement of this legislation is left in the hands of the Secretary of Commerce. Now, I do not believe that the gentleman will argue, even to himself, that the Secretary of Commerce would not exercise common sense and decent judgment in connection with the carrying out of its provisions. It is with that view the authority was reposed in him, and, of course, if the gentleman thinks that power should have been placed somewhere else, then his ideas as to the methods of carrying out the bill are different from those of the committee. That is all there is to that. We have simply given the power to the Secretary of Commerce, and I can very readily see that if he wants to be unjust or unfairly arbitrary in carrying out its provisions he can.

Mr. WALSH. I think perhaps that may be true, but I do not think we ought to write legislation that will seek to encourage or permit that, and I think that while it is a splendid idea to have these ships marked and to encourage having it done under our law, the American shipowners have a little right; and legislation ought to be so framed as to protect them in cases of attempted unjust and arbitrary action on the part of the Government officials.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the pro forma amendment. Let me say this to the gentleman—and I am sure his objection is an honest one; I have always found his criticism to be well directed—that in many States the requirement as to automobile licenses is left largely in the discretion of the secretary of state. In many States—in fact, in most of the States—the application of certain provisions of the game laws is left within the discretion of the State game warden, such as the time of the year when the provisions of the law shall be in force. That applies not only to State laws but to Federal laws.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. WALSH. What has that to do with the question I raised?

Mr. SCOTT. It has this to do with it: In this bill the application of its provisions is left largely in the discretion of the Secretary of Commerce, and the gentleman's objection is directed to the fact that the Secretary of Commerce may unfairly and unjustly exercise that discretion.

Mr. WALSH. Yes.

Mr. SCOTT. And I am endeavoring to direct the gentleman's attention, by contrast, to a number of instances in Federal and State laws where Federal and State officers are permitted under provisions of law to apply the same character of discretion.

Mr. HULINGS. Mr. Chairman, supplementing the remarks that I made a little while ago, I wish to say that from the newspapers we have been led to believe that with the tremendous energies the Government has devoted to shipbuilding we need now only to rest easy on our oars, confident that America with her great fleet is going to do the carrying trade of the world, but from figures recently published the cold facts warrant no such assurance.

Vessels in foreign trade entering our ports in the year ending June 30, 1919, aggregated 93,000,000 net tons carrying $10,000,000,000 worth of goods.

Now, of the 93,000,000 net tons, about 41,000,000 were American ships. But of this 41,000,000 tons of American ships 33,500,000 tons were devoted to the North American trade, leaving only 7,500,000 of American tonnage devoted to the overseas traffic, which carried about $1,000,000,000 worth of traffic.

So that while we had seven and one-half million tonnage, carrying $1,000,000,000 worth of our foreign overseas trade, 52,000,000 tonnage of foreign vessels carried $7,000,000,000 worth of our overseas trade.

In other words, we are carrying only one-seventh of our overseas trade in our own ships and the stress of competition has not yet come, and if we are to deliver ourselves from paying enormous tribute to foreign ships our merchant marine must be supported and protected most jealously.

The loudly vaunted "freedom of the high seas" is as "idle as a painted ship upon a painted ocean," so far as America is concerned, if we shall supinely permit the foreigner to drive the American flag from the ocean.

And with these observations I submit to your candid judgment a measure I have proposed. It is a bold announcement that we are in the game to stay and that America is going after the proud place her merchant marine once had in the world's carrying trade. [Applause.]

I reserve the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That it shall be the duty of the owner and of the master of every vessel subject to this act and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking such load line or lines, issue a certificate in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this act and to said regulations to depart from her loading port or place without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

Mr. WHITE of Maine. Mr. Chairman, I offer an amendment on page 2, line 23, to strike out the word "shall" and insert the word "may."

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Maine: Page 2, line 23, strike out the word "shall" and insert in lieu thereof the word "may."

Mr. WHITE of Maine. Mr. Chairman, with the general purposes of this bill I am in entire accord, but this section 3 has bothered me somewhat. If gentlemen will refer to the language, they will note that in the first instance the section places the duty on the owner of the vessel to cause the load line to be marked on the vessel. Then the next sentence provides that the Secretary of Commerce shall—it is mandatory—"shall appoint the American Bureau of Shipping or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessel the load line or lines so established are in accordance with the provisions of this act." Then comes the proviso, "*Provided, however*, That at the request of the shipowner the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select," and so forth.

Now, it seems to me that that proviso, as it is reported from the committee, is mandatory. It provides that the Secretary of Commerce, at the request of the shipowner, "shall" appoint for the purposes of registry such persons or corporations as the shipowner may select. To my mind this nullifies altogether, if it is heeded at all, the main part of the section, which directs that the Secretary of Commerce shall appoint the Board of American Shipping or other corporations to do this work. The purpose of this proviso, in my view, is to grant to the Secretary an option to make certain concessions to the shipowner, and if that construction is correct, the language ought to be permissive and not mandatory. It ought to be "may" rather than "shall."

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. TILSON). Does the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. SCOTT. I think there was more question in connection with that paragraph, as was aptly said by the gentleman, than there was in regard to any other. But in connection with that statement I think it would be well to refer to the provision on the top of page 3, which reads, "Or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce." It seems to me that that particular phraseology saves the situation in so far as directing any particular concern to do the work or giving any concern a monopoly of it.

Mr. WHITE of Maine. Mr. Chairman, if you provide in the body of the section that the Secretary of Commerce shall designate the agencies named in the section to perform this work, and then by a proviso you authorize the owner to select somebody to do the work, and direct that the Secretary shall designate the person selected by the owner, you have got confusing and conflicting provisions in the same section. It seems to me that you are granting here in this proviso an option to the Secretary of Commerce to grant this concession to the shipowner.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. SCOTT. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. SCOTT. Permit me to say to the gentleman that, in so far as the phraseology is concerned, his suggestion is very good, and I intend, so far as the committee is concerned, to accept the suggestion. But may I say to the gentleman that as to the word "shall," in line 22, although under the usual interpretation the word is mandatory, it is an old axiom that the language shall be taken as a whole to determine its meaning, and the subsequent language would unquestionably indicate the interpretation of the word "shall" to be not mandatory, but permissive. I desire to say that, so far as the committee are concerned, we will accept the amendment suggested by the gentleman from Maine.

Mr. HARDY of Texas. What the gentleman has said renders my question unnecessary. In my judgment, it is a proper amendment.

Mr. SCOTT. Yes; and I had supposed that the amendment had been made. The gentleman made the identical suggestion

in the committee, and I had assumed that the amendment had been made.

The CHAIRMAN. The question is on the amendment of the gentleman from Maine.

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, in line 9, on page 3, I move to strike out the word "are" and insert the word "is." You will see that there is a singular subject and a plural verb.

Mr. ALEXANDER. The word refers to the regulations, does it not?

Mr. SCOTT. No; it refers to the certificate which shall issue.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. (a) That if the owner or master of any vessel subject to this act and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of section 3 of this act, he shall for each offense be liable to the United States in a penalty of $500. If the owner or master of any vessel exempted pursuant to section 5 of this act shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of $500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(b) If the master of any vessel subject to this act and to the regulations established thereunder, or of any foreign vessel exempted pursuant to section 5 of this act, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel (if any) the statement required by section 6 of this act, he shall for each offense be liable to the United States in a penalty of $100. The Secretary of Commerce may in his discretion remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this act and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded in violation of section 4 of this act; or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 of this act to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall in respect of each offense be guilty of a misdemeanor, unless her going to sea in such a condition was, under the circumstances, reasonable and justifiable; and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed one year, or both, at the discretion of the court.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 7 of this act, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $500 or by imprisonment not to exceed three months, or both, at the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate, or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000, or by imprisonment not to exceed one year, or both, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this act, the vessel shall also be liable therefor, and may be seized and proceeded against in the district court of the United States in any district in which such vessel shall be found.

Mr. WALSH. Mr. Chairman, I move to amend by striking out the words, on page 7, line 17, "at the discretion of the court"; and in line 1, on page 8, the words "at the discretion of the court"; and in line 11, on page 8, the words "in the discretion of the court."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 7, line 17, after the word "both," strike out the words "at the discretion of the court"; and on page 8, line 1, after the word "both," strike out the words "at the discretion of the court"; and on page 8, line 11, after the word "both," strike out the words "in the discretion of the court."

Mr. WALSH. Mr. Chairman, just a word. Of course this language is not at all necessary in writing a statute, and it is not customary to include these words, which do not at all affect the power of the court to impose either sentence or both. I think inasmuch as this committee has written laws carrying penalties before, without this language, it ought not to be carried here.

Mr. ALEXANDER. I do not see any objection to the amendment.

Mr. SCOTT. I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That this act shall take effect six months after the date of its approval or at such earlier time as the Secretary of Commerce may fix.

Mr. WALSH. I move to strike out the last word, for the purpose of an inquiry. What was the idea of giving the Secretary of Commerce authority to say that this act shall go into effect earlier than six months after the date of its approval? That is a rather unusual authority to vest in an administrative officer—to say when a law shall go into effect.

Mr. SCOTT. I will say to the gentleman that its only purpose is this: We could not make it immediately effective, because if we did there would be so many cases of remittance of fines in consequence of noncompliance with the law that it would create a very chaotic condition. But if it should develop that all the ships coming under the provisions of this act could comply with the law within six months, then the committee felt that the law should become operative and that the Secretary of Commerce should have power to so determine.

Mr. WALSH. That is equivalent to saying to the Secretary of Commerce, "You can say when this act shall go into effect."

Mr. Chairman, I move to strike out the words on page 8, line 20, "or at such earlier time as the Secretary of Commerce may fix."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 8, line 20, after the word "approval," insert a period and strike out the following words: "or at such earlier time as the Secretary of Commerce may fix."

Mr. WALSH. Mr. Chairman, I offer this amendment because I doubt if it is wise in writing a law of this importance to vest in the Secretary of Commerce the authority to say just when this law shall go into effect. I do not know that we have any Secretary of Commerce just now. I understand his resignation has been handed in; but, whether that is so or not, ordinarily if we do not state in a law when it goes into effect, it goes into effect when it is approved, or when it is passed over the veto of the President. We do say in this law that it shall take effect six months after the date of its approval. Having said that, I doubt whether we should vest in the Secretary of Commerce the authority to say, three months after the date of its approval, that this law is in effect.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Texas.

Mr. HARDY of Texas. I apprehend there is nothing in this provision except that the Secretary of Commerce may need some little preliminary preparation for putting this law into effect, which he would not be able to do right away. It was supposed that it might take him six months; but if he found sooner that he was able to put it into force, the committee wished the law to go into effect as soon as possible. If the Secretary of Commerce is able to enforce the law sooner than six months, he himself will know it.

Mr. WALSH. Then why did not the committee write the language so as to provide that the law shall take effect when the Secretary of Commerce says it shall? I do not believe this is a good way to write a statute under which criminal penalties may be imposed. The Secretary of Commerce has no particular way of notifying the people of the United States when this law takes effect. He is not authorized to issue a proclamation, the same as the Secretary of State would be.

Mr. HARDY of Texas. It seems to me we have incorporated the substance of what the gentleman last suggested. It will go into effect just as soon as the Secretary is able to put it into effect.

Mr. WALSH. He has no way of letting the people of the country know when the law shall take effect. If he decides to put the law into effect sooner than six months, how will he notify the people who are concerned?

Mr. HARDY of Texas. How does he let people know of the promulgation of any of the regulations provided for by the department?

Mr. WALSH. The Secretary of Commerce issues regulations, and they are sent out through the various bureaus.

Mr. HARDY of Texas. Why can not he issue notice as to the law going into effect the same as the regulations?

Mr. WALSH. I think my friend from Texas will agree that that is not a good way to notify people or the vessel owners of the country that the Secretary of Commerce hereby notifies you that a certain statute shall now take effect.

Mr. SCOTT. Mr. Chairman, I am sure the committee has no particular pride in the phraseology of this law. However, I hesitate to accept the last amendment offered by the gentleman from Massachusetts. I am sure the House only desires to formulate a sensible law. Let me suggest this, that if you strike out the words "or such earlier time as the Secretary of Commerce may fix," the provision will leave the act so that it will

take effect six months after the day of approval. What is the situation? Every shipowner will take his good time to comply with the provisions of the law, up to the very last minute. He will say, "I have six months, and there is no occasion to hurry; I can do it next month or the month after." The result will be that at the last minute, the last hour, you will find 1,500 or 2,000 ships, that have not complied with the law, appealing for remittal of penalty.

Mr. GARRETT. That will be the fault of the shipowner and not ours.

Mr. SCOTT. Yes; it will be his fault, but I may say to the gentleman that if you say to the shipowner the law shall become effective in six months——

Mr. GARRETT. Thereby putting him on notice.

Mr. SCOTT. He will figure that there may not be such a crowd of work and that he can get his ship in.

Mr. GARRETT. We can not help that.

Mr. SCOTT. My thought is that the Department of Commerce will simply be flooded at the end of the six months with plausible excuses from shipowners asking for a remitment of the fine.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. ALEXANDER. The committee would have made the bill operative at once after its approval if it did not involve the formulation of rules and regulations by which load lines on vessels shall be fixed. For that reason we say that the act shall not go into effect until six months after its passage unless an earlier time is fixed by the Secretary of Commerce. In other words, before it can become operative these rules and regulations must be made. When they are formulated they will be promulgated in the usual way and shipowners will have notice and a reasonable time to comply with them. The shipowners have knowledge of this legislation, and everybody in interest, so far as I am advised, agrees that this is all right except the gentleman from Massachusetts——

Mr. GARRETT. I do not.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DOWELL. Mr. Chairman, I wish to suggest to the gentleman from Missouri that there are others who agree with the gentleman from Massachusetts that it is not proper legislation, and I am one. It seems to me that it is certainly very bad form to pass a law and then designate some one to put it into effect.

Mr. SCOTT. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. SCOTT. In the gentleman's State of Iowa at the present moment you have a game law which provides that the State game warden shall designate the particular periods each year when the law shall become operative.

Mr. DOWELL. That is an entirely different proposition from this. This applies to all vessels, and it says if six months is not a proper time, the Secretary shall fix the time when it shall go into effect. I am not in favor of allowing any administrative officer to say when a law shall go into effect.

Mr. WELLING. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. WELLING. The Secretary of Commerce is to establish and provide when the regulations shall go into effect. That is written all through the law, that certain regulations are to be made for the execution of this act.

Mr. DOWELL. Those are the regulations provided for in the law.

Mr. WELLING. Why, if he can designate the time that the regulations go into effect, can he not designate the time the law should go into effect?

Mr. DOWELL. We ought to say when it shall go into effect ourselves and not designate some officer to tell shipowners when it goes into effect.

Mr. ALEXANDER. I suppose if we pass this law we will say when it goes into effect, and that is six months after its approval, unless sooner designated by the Secretary of Commerce. Ordinarily it would go into effect at once. But it is not practical for it to go into effect at once, although it is very desirable that it should, because the rules must be formulated and published.

Mr. DOWELL. If the gentleman wants it to go into effect at once, it should so provide, and then provide for the regulations going into effect. I am not in favor of submitting to any officer of the Government the right to put a law into effect without any provision as to what notice shall be served, or whether anybody will ever have a notice or not. That would be very dangerous indeed. I am heartily in favor of the amendment offered by the gentleman from Massachusetts and hope it will be adopted.

Mr. HARDY of Texas. Mr. Chairman, this whole question of the load line as administered by Great Britain was for a long time a matter for the board of trade regulations. Now, this law can not be administered in a day. The committee did not know how long it would be before the regulations could be made. Regulations have to be formulated and notice given to the shipowners. As stated by the gentleman from Michigan, there is no more reason against permitting him to provide when the law shall go into effect and become operative than there is against his saying when the regulations prescribed under it shall become operative.

That can only be done when he makes the regulations and notifies the party. The Board of Trade of Great Britain for a long time administered their load-line law by virtue of rules and regulations which they made and notified the shipowners of. It is simply impossible for the committee to tell just when this act should be complied with, and we want it complied with as soon as possible. Is not that the substance of the whole thing?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I would like to join my voice in protesting against this form of legislation. It is a pernicious form to say that a penal statute shall go into effect and become operative when some administrative officer says it may do so. The act provides a penalty. It is the duty of the committee to ascertain when the act ought to be made operative. If a reasonable time must be allowed, then make that the time in which it shall become operative, and let the legislative function be exercised by this body, and not delegated to an administrative officer. Every man in this House will understand that there is a marked distinction between making rules and regulations and saying when a criminal statute shall become operative. Rules and regulations apply only to the administration of the law, but the statute itself, which imposes the penalty, ought to be fixed as to time and made definite and certain.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3621, and had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SCOTT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will continue the calling of the committees.

EXTENSION OF PASSPORT CONTROL.

The Clerk called the Committee on Foreign Affairs.

Mr. ROGERS. Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The SPEAKER. The gentleman from Massachusetts, by direction of the Committee on Foreign Affairs, calls up the bill H. R. 9782, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for its consideration, and the gentleman from Ohio [Mr. FESS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9782, with Mr. FESS in the chair.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, shortly after the United States declared the existence of a state of war with Germany the officers of the Government who were charged with controlling seditious and unlawful practices in this country, especially by the declared enemies of the country, found themselves very much embarrassed by the absence of any law which enabled them to exercise the necessary control. By means of the existing regulations with reference to passports, they did what they could to exclude undesirable persons from overseas who sought entry into this country, and similarly to some extent to exert control over persons in this country who desired to go abroad for unlawful purposes. That control really began under Executive order in July, 1917. It was found exceedingly unsatisfactory and inadequate, and as the war progressed and as problems of this nature increased in number and in importance the officers of the Government found themselves continually handicapped and embarrassed in seeking to achieve the results necessary for the adequate protection of the United States.

Therefore, in the spring of 1918, the gentleman from Virginia [Mr. FLOOD], who was then the chairman of the Committee on Foreign Affairs, introduced a bill, H. R. 10264, for the establishment by law of a passport-control system. The Committee on Foreign Affairs held hearings upon that bill in February and in March, 1918. It was a noteworthy and an interesting fact, in the judgment of the committee, that at those hearings appeared the representatives of six of the executive branches of the Government, all calling the attention of the Congress to the emergency, and all asking that for the common welfare legislation of this kind should be enacted. Those departments which were directly concerned in securing legislation included the Department of State, the War Department, the Navy Department, the Department of Justice, the Treasury Department, and the Department of Labor. All joined in urgent representations as to the necessity for the legislation.

A bill was presented to the House as a result and was passed by the House and later enacted into law on the 22d of May, 1918. I think that in the main the workings of that law have been beneficent. Doubtless in times of stress like those of the last year and a half there have been individual cases of hardship, perhaps individual cases of injustice, which have resulted from the administration of the law. But on the whole, speaking very generally, I doubt if any Member of this House will question the extreme usefulness of that law during the days of war.

The law, however, by its terms, becomes inoperative with the promulgation of the treaty of peace. We hope that that day is not far distant. The question is whether Congress shall continue the law to a period beyond the promulgation of the treaty of peace or whether it shall allow the law to lapse and thus permit a return to previous conditions, during which there was no law whatever to control the movement of persons entering and leaving the United States. The Secretary of State and the President of the United States have both urged upon Congress that there should be a continuance of that law for a period of at least a year, in so far as persons coming to the United States are concerned. The old law—the existing law—provides a passport-control system, roughtly speaking, in the case of four different classes: First, outgoing Americans—that is, Americans leaving the United States; second, outgoing aliens; third, incoming Americans; and fourth, incoming aliens. The old law, as I say, covered the four classes. The recommendation of the State Department is that, in so far as the first two classes were concerned, namely, the outgoing travelers, whether alien or American, the law could safely be allowed to lapse; but the State Department recommends that the law be continued for one year in so far as persons coming into the United States are concerned, whether they be aliens or Americans. On that question the Committee on Foreign Affairs felt a good deal of doubt. There were undoubtedly administrative difficulties in the way of requiring passports of aliens entering the United States and of allowing to enter free of passports American citizens returning to the United States. But on the whole, and recognizing these difficulties, the committee felt that it was wiser to abrogate altogether when peace came any restriction over the movement of Americans who sought to leave the United States or who sought to enter the United States. The committee felt, in other words, that when the war came to an end it was important that we should get rid of all the vexatious, embarrassing, and technical requirements which it was possible to avoid. And we felt that if we adopted a restriction as to incoming aliens we were doing all that was necessary for the common safety.

It is probably true that for a long time to come American citizens who seek to travel in foreign countries will find it almost essential to supply themselves with passports before they leave, because, as the Secretary of State and others testified, the other nations of the world, and especially the great belligerent powers of Europe, will deem it necessary to continue a very strict supervision of tourists within their shores and will therefore require any American citizen who comes to visit them to equip himself with a passport. In other words, just as before the European war an American traveler going to Russia or Turkey found it necessary to have a passport or be refused admission to those countries altogether, so for the next year or two an American citizen who desires to go to Great Britain, or to France, or to Switzerland, or to Spain will probably find himself confronted with the requirements local to those countries which will make it essential that he should have an American passport in his possession in order to secure ingress and egress.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ROGERS. In just one moment.

But admitting that situation, it seemed to the committee that as far as our law was concerned, it was better to free American travelers from that necessity. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I entirely agree with the gentleman though perhaps I would go further. I wanted to ask upon what the State Department based its conclusion that this passport regulation would still be in force after the conclusion of peace?

Mr. ROGERS. The Secretary of State asserted that conclusion as a result of his conference with the representatives of the other powers in Paris. He expressed his opinion as to which he said he could not make any positive prediction, that regulation of travel by foreign countries would continue in effect at least for two years after the treaty of peace.

Mr. GREEN of Iowa. The gentleman is aware, of course, of how much time, restraint, and hindrance this puts upon the rapid transaction of business. The gentleman, I have no doubt, has had occasion to have passports attended to. Did the committee take that into consideration?

Mr. ROGERS. The committee took into consideration the inconvenience which has undoubtedly confronted American travelers in the past in seeking to get their passports and the delay that has been attendant upon the procuring of those passports. The gentleman should, I think, in that connection bear in mind this fact, that in the past, and especially during the period when we were actually at war, it has been necessary to scrutinize with very great care every application for a passport that was presented to the State Department. The necessary investigation frequently took a considerable period. But within the last few weeks, say within the last 60 or 90 days, the preliminary investigation required has been practically abrogated by the State Department. The Director of the Division of Passport Control of the Department, who testified before the committee in connection with this bill, said that at this time the department is issuing passports within a period of three days after the application is received. And I think the gentleman's experience, certainly my own experience, has been that when there was a real emergency and when a Member of Congress was consulted by a constituent, we could get action within three days. That was true even at a time when a longer period was normally necessary than we are informed is now requisite.

There is a typical class of travel which has been very seriously embarrassed by passport restrictions during the last year and a half or two years, and that is the travel to Cuba. Cuba in many respects is almost a part of the United States itself, and certainly the geographical nearness of Cuba is such as to make it desirable to have the utmost facility of travel.

If this law should be continued so to apply to American citizens, it would be necessary in the future—as far as the law went, at least—to exact a passport from every American leaving the United States for Cuba. Cuba, on the other hand, will not exact these strict passport requirements in the future, which, as I have said, will be characteristic of the European countries. And so by abrogating the provisions of the law, in so far as American citizens are concerned, we shall be able to restore the freest possible communication on the part of Americans desiring to go to Cuba and on the part of Cubans desiring to come to the United States. That reason, it seems to me, is an additional one for departing from the recommendation of the Department of State and for freeing all American citizens leaving or entering this country from the necessity of providing themselves with a passport.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. YOUNG of Texas. I see from a press report—how true it is I do not know—that at as early a date as possible there are 10,000,000 German citizens who will make an effort to come to this country as quickly as they are permitted to come. Is

there anything in this legislation by which our Government will have control over that situation and to deny to those people, if we decide we do not want them here at this time, the privilege of coming to this country and becoming citizens, or will we have to go through the Immigration Committee and pass additional immigration legislation?

Mr. ROGERS. This law will give the State Department power to exclude every one of those men.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. JOHNSON of Washington. I think that after the treaty of peace is signed this law will give the State Department the power to check and hold back, for the purpose of investigation, all those men. The real holding of them out of the country is under the immigration laws of the United States.

Mr. ROGERS. I said, in answer to the inquiry of the gentleman from Texas [Mr. YOUNG], "this law." I should have said "this bill," because the existing law completely lapses when the treaty of peace is proclaimed. But this bill requires that every alien who seeks to come to the United States shall do two things, at least. First, he shall supply himself with a passport from his own Government. That Government may grant it or withhold it, as it sees fit. Second, he must present that passport, after issuance, to the American consular officer at the port whence he seeks to depart for the United States. That American consular officer can grant a visé on that passport, and thereby give him permission to embark, or he may, at his pleasure, withhold that visé, and prevent him from departing. But if he gets the opportunity to start for the United States and crosses the ocean, then when he presents himself at our port of entry, New York, or Galveston, or Boston, or wherever it may be, he must then pass the usual exactions of the immigration law, just exactly as if this law had not been in effect. And in point of fact, in a great many cases during the existence of this law, the immigration authorities at our ports have turned back men who had been granted the visé by the American consular officers abroad. What this proposal does, in other words, is to apply two sieves to the alien who wants to come to the United States instead of one.

Mr. JOHNSON of Washington. Will the gentleman yield for a further statement?

Mr. ROGERS. Yes.

Mr. JOHNSON of Washington. The question asked by the gentleman from Texas would indicate that 10,000,000 Germans were seeking to come to the United States. Perhaps certain printed reports have indicated that. I think it ought to be made clear in that regard that reports indicate that a great number of Germans desire to emigrate as soon as permitted to do so, the number being estimated at 10,000,000. They are seeking to come to the American Continent, including three South American countries and the United States.

Mr. ROGERS. The South American countries to which the Germans are said to want to come as soon as the opportunity presents itself are Peru, Chile, and Argentina.

Mr. JOHNSON of Washington. Yes; and both Peru and the Argentine Republic have established severe passport systems for incoming aliens.

Mr. EMERSON. I notice that this bill does not really legislate, but it gives the President authority to create rules. Why is it the committee could not have written some regulations in the bill?

Mr. ROGERS. The position of the committee was this: That this passport-control law had been in effect something over a year; it had depended, as the gentleman from Ohio suggests, upon administrative regulations to make it effective; that those administrative regulations had been applied and had proven effective; that the situation in the future, while it will be extremely important to control the class of people that shall be allowed to enter our country, necessarily will be less critical and crucial than in the war months that have already gone by; that the proper function of the Committee on Foreign Affairs was not to attempt to establish an immigration policy through the recommendations in this bill, but simply to tide over the existing law until such time as the Committee on Immigration and Naturalization of the House, which is already engaged upon this problem, should have an opportunity to report and present its recommendations to Congress.

Mr. KING. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KING. Under the law suggested by the gentleman from Ohio, does not the gentleman think we are going somewhat afield in giving up our powers to legislate and passing them over to the Executive in this country, and was there not any way in which the committee could keep this matter within the control of Congress? I have just been reading a book by George Kennan on Siberia, and I find this bill is like a Russian bill. It used to be that if the Secretary of the Interior should find the public safety required, he should do so-and-so. It seems another brush being piled on the power of autocracy.

Mr. ROGERS. In answer to the gentleman from Illinois, I desire to point out that this is simply a makeshift, after all. It does not purport to be anything more. It extends a law that has worked well for a period of one year, unless Congress shall see fit to take action in the meantime.

I do not think that the gentleman need entertain any fear that this law will be applied too strictly by the Department of State. My own fear is that the law will not be applied strictly enough. [Applause.] I am very much more concerned with the apprehension that the department will let in people that they should not admit than that it will exclude people who ought to come in.

Mr. KING. I agree with the gentleman on that.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. JOHNSON of Washington. Let me make a statement right there. I would like to make it very clear here that the emergency passport control extended for one year is not intended to actually supersede the immigration laws. The State Department desires to act in accord with these laws. I will make this still more clear by reading from the instructions of the State Department to its consuls. I read from paragraph 14:

(14) Aliens to be informed of regulations: In order to prevent or avoid, so far as possible, the hardships and dangers involved in deportation under present conditions, the diplomatic and consular officer to whom a passport is presented for visé shall ascertain to the fullest extent practicable whether the holder is a member of any one of the classes excluded from the United States by provisions of section 3 of the immigration act of February 5, 1917. If in the judgment of such official the alien is a member of such a class, he shall so advise the alien, informing him of the serious risk he is assuming in attempting to enter the United States; but if the alien, nevertheless, insists on proceeding, the officer shall visé the passport, if it is valid, and if there is no evidence that the alien is inimical to the United States, but shall place upon the alien's declaration the notation, "Advised that he will probably be rejected and deported." In such a case the consul making the notation shall write upon the declaration, to be sent to the proper immigration official in the United States, a statement of his reasons for making it.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HUDSPETH. I would like to ask the gentleman this question: During the period of the war the Secretary of Labor permitted certain aliens to come into the United States for purposes of agriculture.

Mr. ROGERS. Yes; "seasonal" immigrants.

Mr. HUDSPETH. Recently he permitted them to come in until the 1st of January, or until peace was declared. He permitted them to come into Texas and Arizona and New Mexico. What effect will this bill have on the order of the Secretary of Labor, or will he under his discretion permit aliens to come in from Mexico? I will ask the gentleman, Will that be left with the Secretary of Labor or with the Secretary of State?

Mr. ROGERS. The discretion under this bill will be exactly as it has been since May, 1918. In other words, this bill does very little more than reenact almost verbatim, and with certain exceptions which I will explain in a moment, the existing law.

Mr. HUDSPETH. Will that permit the Secretary of State to allow aliens to come from Mexico into Texas and Arizona and New Mexico, not permanently, but for a short time?

Mr. ROGERS. I can only repeat that it will leave the situation exactly as it is now.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. WILSON of Louisiana. What facilities have our diplomatic and consular representatives for ascertaining and finding out the qualifications and character of these people who apply for passports?

Mr. ROGERS. During the European war the so-called intelligence side of the Department of State was developed just as the intelligence side of the War Department was developed and that of the Navy Department. In other words, it has been the business of the Secretary of War and his subordinates and the business of the Secretary of the Navy and his subordinates, to acquaint themselves with intelligence matters, to procure information concerning the character of the people in this country and in other countries. Similarly, it has become a function of the State Department to supply itself with information concerning the character of persons living in or coming from other countries of the world and their danger to our institutions. The State Department has built up an elaborate intelligence organization. I may say to the gentleman that, in my judgment,

that has been one of the great safeguards during the war which has enabled the department to withstand the applications of men who have sought to come to the United States but who were not worthy to come to the United States.

Mr. WILSON of Louisiana. According to the information we have, there is going to be a flood of applications for passage to America from probably every country in Europe, and especially from central Europe. Is it the opinion of the gentleman that they have sufficient force to get at the character of each immigrant as he applies for a passport?

Mr. ROGERS. They certainly have not a sufficient force at this time. That leads me to a point that I intended to discuss later, but which I will discuss now, and that is the importance of providing an adequate appropriation for carrying on this work. If we pass this law and do not give a sufficient fund for its administration, it would be better if we had not passed the law at all, because the law will simply be winked at and there will be no effective way to enforce it.

Mr. WILSON of Louisiana. It would be absolutely essential to make the law effective?

Mr. ROGERS. It certainly would be. The testimony before the committee is that it will cost something like $75,000 a month for the proper enforcement of this law all over the world, because, gentlemen, bear in mind that at every port from which men and women emigrate to the United States we must have this system of passport control. It has cost a great deal of money in the past, but it will cost more in the future, because immigration has very materially increased already and will increase still more. In the month of July, 1918, only 12,800 aliens entered our shores. In the month of August, 1919, which is the last month for which I have figures, 32,000 aliens arrived in the United States. That means something like 375,000 aliens in a year. We all know that before the European War began there were a million and a quarter immigrants coming annually to the United States. That condition, if it is not kept in check, will be repeated in the future.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I will yield to the gentleman from Iowa.

Mr. RAMSEYER. I want to ask the gentleman if this bill, when it becomes a law, will empower the Secretary of State to restrict in any way Americans who desire to leave the jurisdiction of the United States or prevent American citizens who happen to be in some other country from coming back to the United States?

Mr. ROGERS. This bill has nothing whatever to do with American citizens.

Mr. RAMSEYER. Another question: Will it empower the Secretary of State to restrict the emigration of aliens now in this country back to their home country?

Mr. ROGERS. This bill has nothing to do with the departure of anybody from the United States. It refers simply to incoming aliens.

Mr. RAMSEYER. Now, are there any other classes of people that the committee is after except dangerous propagandists and that class of people?

Mr. ROGERS. That is primarily the class at which this bill is aimed.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KELLY of Pennsylvania. I am very much in favor of the purpose of this bill, but I want to get some information as to just how far the Secretary of State can go in giving our consular agents instructions to go into the record of passport applicants and passport holders.

Mr. ROGERS. The Secretary of State can give any kind of instructions he wants to give to our consular agents. He can refuse visés for any reason or for no reason. But in that connection I think it is important to notice what the policy of the Secretary of State will be, and I call attention to the testimony of the Secretary of State himself, which is reprinted on page 5 of the report:

The CHAIRMAN. * * * Assuming that this act is limited to incoming aliens, what would be the policy of the department, if you are prepared to indicate, as to dealing with immigrants who apply for visés from the various parts of Europe? Would you expect to grant a visé to everyone who could prove himself not dangerous to public morals or society, or what would be the scheme by which visés would be granted or withheld?

Secretary LANSING. Of course, so far as the Department of State is concerned, it would be, as far as could be determined, the character of the individual and whether he was a proper one to admit to entry into this country.

The CHAIRMAN. His political character or his personal character?

Secretary LANSING. Well, it might be both. For example, if I were considering an anarchist it would be his political character, or if I were considering the case of a criminal, that would be his personal character. So both enter into the problem.

The CHAIRMAN. And the State Department would deal with both?

Secretary LANSING. As far as possible. But, of course, the immigration authorities would have the ultimate say when he reached this country.

The CHAIRMAN. Would you attempt to exercise that control as part of a general policy indicating how much immigration should come to the United States?

Secretary LANSING. Not at all, unless we had a request from the immigration authorities. I assume, so far as that is concerned, we would adopt in general their rules.

The CHAIRMAN. Of course, this law would give you the power to choke immigration off completely if you chose to exercise it?

Secretary LANSING. Of course; and that is the very thing I wanted to point out, that that is a matter for Congress and not a matter for the Department of State, and we would adopt very closely the immigration rules, I think.

The CHAIRMAN. In other words, you would simply aim to exclude the unfit?

Secretary LANSING. Yes, sir; the unfit.

The CHAIRMAN. You will not try to regulate the rise and fall of the immigration tide through the medium of this act?

Secretary LANSING. Not at all.

Mr. KELLER. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. KELLER. I should like to ask if the gentleman has any information about the 32,000 who came in last month—from what country most of them came?

Mr. ROGERS. A very large part of them came from Canada. The gentleman from Washington [Mr. JOHNSON], who is going to address the committee later, has these figures more in detail than I have, and very likely he will give the gentleman the information he desires.

Mr. PARRISH. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. PARRISH. Does the gentleman think it will be the policy of the State Department to prohibit immigration from the countries with which we have been at war during the period that this bill is effective?

Mr. ROGERS. I am voicing only my own opinion when I say that I think the Department of State will look askance at immigration coming from Germany for some time to come.

Mr. PARRISH. Does not the gentleman as a member of the committee think that immigration from Germany ought to be prohibited absolutely for a certain period of time?

Mr. ROGERS. Irrespective of what I think, the committee apprehended that this bill is not the place to do it. As I said a few minutes ago, the Committee on Immigration and Naturalization is preparing a general scheme of amendments to our immigration laws, and the Committee on Foreign Affairs thought that in that bill should be carried the legislation which the gentleman recommends.

Mr. PARRISH. Another question: Has the gentleman any information as to when that committee will give the House a chance to vote on a general bill that will control immigration?

Mr. ROGERS. The gentleman from Washington [Mr. JOHNSON], chairman of the committee, the author of the bill which originally brought this question to the attention of the Committee on Foreign Affairs, is to address the committee in a few moments, and I have no doubt he will be able to deal very satisfactorily with that point.

Mr. PARRISH. I thank the gentleman. As a Member of Congress I feel that we ought to take hold of this immigration question at once, especially of immigration from the enemy countries, and protect America while we have the opportunity to do so. [Applause.]

Mr. BOX. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. BOX. In answer to a question by my colleague [Mr. HUDSPETH], the gentleman said this act would leave the present law unchanged as to the right of the Secretary of Labor to admit Mexicans across the Texas border, or across other borders, for present industrial uses.

Mr. ROGERS. That is true.

Mr. BOX. The right to do that is exercised now under the claim of a war power. Are we to understand that this act will continue or extend that so-called war power, so that it can be done next year, for instance?

Mr. ROGERS. This bill extends the law so as to exclude incoming aliens, if in the discretion of the Secretary of State they ought to be kept out. The Secretary of State testified before the committee that the relations between the State Department and the Labor Department in enforcing this law had been of the friendliest possible character, and that they would doubtless work completely in harmony in the future. If the Secretary of Labor has in the past been willing to acquiesce in the gentleman's contention, I should suppose he would continue to do so in the future.

Mr. BOX. I am opposed to that action, and wanted to know that it was soon to be discontinued. The other gentleman from

Texas takes the other view of it. But the question I wanted to have settled, if it could be settled, is whether or not this will continue in the Secretary of Labor the power to admit these aliens across the border as an exercise of the war power?

Mr. ROGERS. The right to keep out anyone is with the Secretary of State. The permission to admit anyone is also with the Secretary of State, both in the present act and in the proposed extension.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Maryland.

Mr. LINTHICUM. A minute ago the gentleman said it had cost about $75,000 a month to enforce this law.

Mr. ROGERS. I said it was estimated that it would cost about $75,000 a month.

Mr. LINTHICUM. Does not the gentleman think he ought to state also that that amount will be fully covered by the fees collected under the law, so that it is actually no expense to the Government?

Mr. ROGERS. I am glad to have the gentleman make that statement. The fact is that this service is completely self-supporting. Every passport issued by the department costs the person obtaining it $2, including in the $2 the fee for the application and the fee for issuing the passport. Every visé that is granted on a passport of an alien brings in $2. The testimony is that for the last two years, even when the tide of immigration was very low, the total receipts from the passport service amounted to between $700,000 and $800,000. With a larger tide of immigration, of course, that amount will be very materially increased. In other words, the more money we expend wisely and reasonably under this legislation the more money we shall have returned in the form of fees for passports and visés.

I reserve the remainder of my time.

Mr. FLOOD. Mr. Chairman——

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. FLOOD. I am not.

The CHAIRMAN. If no one opposed to the bill wishes to speak the Chair will recognize the gentleman from Virginia.

Mr. LINTHICUM. Mr. Chairman, it seems to me the law which we propose under bill H. R. 9782, a continuation of the existing law regarding the further entrance of aliens into the United States, is essential at this time, especially when we recognize the amount of anarchy and socialism and unrest throughout the countries of Europe, to say nothing of our own country. One can readily see how essential some law by which discretion can be exercised is to the peace and comfort of our people. The law which we have been acting under and which was passed in May of 1918 has worked exceedingly well. A splendid organization has grown up under that law, and many undesirable people have been kept from our shores. It is true that the immigration officials might have turned some of them back, but when you realize the cost of transportation, when you realize when a person once gets into the country the damage he can cause, even though he has not landed except at the immigration station, we can readily see that it is highly essential that he be not allowed to board the ship for America.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WILSON of Louisiana. What is the gentleman's opinion of making a provision like this permanent?

Mr. LINTHICUM. I do not see the necessity for a law of this kind being permanent. When we approach the termination of this law I think we can better decide whether we want to prolong it. The Secretary of State has certain discretionary power aside from this law now on the statute books which we propose to prolong for another year by this bill. I do not think Congress would be willing to put on the statute books a law of this nature for a longer period of time than one year. Congress can find out at the expiration of that time whether it is necessary to continue it longer. It is true that the Secretary of State is given wide discretion under this law, but we must also remember that the Secretary has had this wide discretion for the past year, during the war, and that he has exercised it wisely and well. I do not believe there has been complaint from anyone that the Secretary has excluded any person who should have been allowed to come to our country, and I am quite sure that there will not be during the coming year.

There has been some little change made in the law to which I do not think attention has been called. In section 2 we have reduced the fine from $10,000 to $5,000 and the imprisonment from 20 years to 5 years. The committee thought that was sufficient, now that we are not at war, and we thought the other rather heavy.

I want to say to the committee, in reference to allowing our people to come in without showing their passports, that I do not agree with some of the members of the committee upon that for several reasons. I believe it is not harmful to an American citizen to show his passport when he comes back to this country. When he goes to France he can not enter without a passport, and he can not go to England or Belgium or any other country without a passport. Therefore he must necessarily take a passport with him.

Then what is the trouble with showing his passport when he comes home? It is a heap easier and better, it seems to me, for him to show his passport than to be questioned as to whether he is an American citizen or how long he has been away or have any doubt cast upon his coming in. I think it would be better and easier and more comfortable and pleasant for him just simply to show his passport and pass on than perhaps for him to be under suspicion as to whether he is an American citizen or not.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. RAMSEYER. Are not there citizens of the United States who have been in foreign countries, in South America, Canada, China, and European countries for years in business, without passports?

Mr. LINTHICUM. Absolutely so; those people are there without passports. I hope they have all conducted themselves well. I hope none of them have become socialists or anarchists or disturbers; and any man, if he wants it, can get a passport from the consul in those countries, and it will be no trouble to show it.

Mr. RAMSEYER. But if a citizen of the United States has gone wrong in a foreign country while living there, is it not our duty to take care of the American citizen who has gone wrong rather than to force him upon some friendly people to take care of him?

Mr. LINTHICUM. If he has gone wrong in another country, I think I would like for him to stay there in the country where he went wrong.

Mr. RAMSEYER. That country may not be responsible for his going wrong and——

Mr. LINTHICUM. Well, I think if the Secretary of State had to rule on a case of that kind, he would be treated right. However, the majority of the committee thought it would be a hardship upon many Americans who are abroad to compel them to show their passports and the committee adopted this bill, I believe, unanimously. There is one thing I want to speak of before I close, and that is the appropriation of $600,000.

The Secretary of State asked for $850,000, and the committee cut it down to $600,000. I do not know for what reason, except perhaps that they think these departments always ask for more than they expect, so that they will get what they need; perhaps that is the reason. However, I do want to say that the work which is required of this passport division in Paris and of the consuls in the other countries has become enormous. One can not realize what they are up against, as a fellow would say, unless he sees them. It was my pleasure to be in Paris this summer at the passport division in Paris. I went there one day to visit the director, Mr. Reed, and the stairway and the second floor were so crowded and the hallway leading to the stairway so crowded that it was a matter of absolute impossibility for me to reach him. I would not have reached him during the whole day had it not been for the janitor, who kindly took me to a back stairway and carried me through the janitor's kitchen to the corridor and finally landed me in Mr. Reed's office. That only goes to show what these men are doing in granting passports and viséing passports for people going to other parts of Europe and to return. It seems to me that an appropriation of $600,000 is certainly not too much, and I hope the committee has not made a mistake in making it too low, because we need more people; we need a larger force, longer office hours, and Congress should grant them some leeway in these matters. I have seen people come there for several days before they could finally reach the clerk to get a passport or have one viséed, and when you realize you can not go from one country to another without having a passport and having it viséed, and you can not come back to the country you left without having it viséed, you can readily see what these men have to do and how they have to work. They certainly need more clerks and need a larger force and need shifts. This is not a bad investment for the United States Government, because the fees which are derived from the viséing of passports more than cover the entire expense. I am told they more than covered it last year by something over $2,000,000, so that the sums collected from people who want to come to the United States and want to go abroad, and received from other bureaus of the department and other fees which are collected, more than pay the expenses. I think it is a very good bill, and I think it should be passed as quickly

as possible to grant the relief which those people are crying for and which the State Department needs so badly. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, early in September I introduced House joint resolution 205, to provide that the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," are, so far as they relate to entry into the United States, continued for one year after peace has been concluded with the Central Powers of Europe.

The present bill from the Committee on Foreign Affairs is the development of that resolution, and I beg to say that the resolution itself was not introduced until after much inquiry.

When this session of Congress organized on the 19th day of May and I found myself honored with the chairmanship of the Committee on Immigration and Naturalization, I asked the State Department as to the necessity for the enactment of a law which would continue the present passport system in relation to incoming aliens. That resulted, commencing on June 6, in bringing reports from United States diplomatic and consular agents throughout the world to the Committee on Immigration.

These reports have been extremely interesting. You will find some of them in the report made accompanying this bill. But there is one report on the condition in Vienna, Austria, which clearly shows the situation in that country. Austria has been reduced in size and left with about 6,000,000 population, of which 2,400,000 are in Vienna. Chances for work there are greatly lessened. Military officers are without any kind of work, clerks without employment. Skilled workers in many lines of industry find no demand for their labor. Unrest is general. It is apparent that those will seek other homes. Some regard South America as promising, others look to the Near East, some will probably go to Czechoslovakia or to Jugoslavia, but the great bulk of this dissatisfied population looks toward the United States with hopefulness. The report says:

> It is saddening to feel compelled in duty bound to call attention to this possible exodus, and to suggest that Congress should consider whether America is to be a place of refuge for thousands of war sufferers, technically still our enemies, or whether our own interests require us to prohibit such immigration. Much of the human material available for immigration is of the most promising kind, but some of it is permeated with Bolshevism, with radical revolutionary ideas that will not graft on American civilization, and some are otherwise unsuited to become settlers.

Reports from Germany coming out by way of Stockholm indicate that a great number of German citizens intend to emigrate as soon as permitted to do so. The best estimates place the number at 10,000,000. Reliable information indicates that the Swedish Legation in Berlin and the Swedish consulates in Hamburg and Lubeck together recently refused to file 60,000 applications to visé passports in one month. These 60,000 applications were made by heads of families and included whole families. The Swedish Government has perfected a plan of restriction, which, while applying generally to all foreign nationalities, has been devised with the purpose of controlling the forthcoming exodus from Germany.

It is stated that the requests in Berlin for permission to leave indicate a desire to go to Argentine, Chile, and Peru, and to the United States. I have reports which show that Peru and the Argentine have recently passed laws requiring passports to be held by all who come in, and designed to check immigration.

Of course, it is not possible for any considerable proportion of the estimated 10,000,000 emigrants from Germany to get out in one year or even two years. Steamship accommodations are not available. Nor is it likely that the bulk of that number could reach the United States.

However, it is interesting to note that so many applications by Italians are on hand for passports from Italian ports and other parts of the world, including the United States, that all ships available will be used by Italy and that German emigration will most of it go out via Holland.

Reports from London indicate that Bolshevik authorities in Russia are acquiring genuine American passports, intending to use them to send their agents to the United States and elsewhere. British authorities will retain certain control over persons leaving England.

The minister to The Hague believes that agitators—Bolsheviks and propagandists—will continue actively at work. It is likely that other countries will try to get rid of these persons and that the worst of them will go to the country to which the entry is easiest and where there is the least to explain. Still another report says that hundreds of soldiers from enemy countries, especially those of the reserve who were called into the war from civil life and whose previous occupations are lost by the war, will if permitted to do so emigrate to America and avail themselves of the opportunity denied to them in their own country.

The United States may be said to have suffered less economically and her labor less disturbed by the war than any other country. She has in part retained her status quo ante.

Consequently, unless the countries of Europe prohibit the emigration or unless the United States prohibit the immigration, we may expect a large influx of aliens who should be provided with passports with their photographs attached thereto as now and the continuation of the viséing by a United States diplomatic officer at the country where issued, also at the port of embarkation, in order to enable the Government to be sure that the alien seeking admission is the person he represents himself to be.

The return to the United States of enemy aliens or those who have been forced to leave the United States since the beginning of the war is undersirable. Hundreds of these men are known to our secret service and to the military and naval intelligence bureaus. Many of them are under assumed names.

A report from Tokyo, in part, is as follows:

> Labor conditions in America, together with financial prosperity, are attracting large number of alien workers, political theorists, and undesirables which in various warring countries will undoubtedly increase upon demobilization.

I have received some reports from Yokohama which indicate that several thousand aliens from all parts of the world are there awaiting the signing of the peace treaty so that they can make their way to the United States.

Many of these aliens in Yokohama and elsewhere are Russians and a considerable number are evaders of military service, both in their own country and in the United States, who have lived in the United States for varying terms of years without attempting to become citizens. Those people most certainly should not be allowed to return to the United States after deserting it in time of war. [Applause.]

A further report says Japan is being used as the center for spreading Bolshevism and Bolshevik propaganda. Russian musical artists are among those used as agents. The number of refugees reaching Japan is increasing rapidly, and a great influx of aliens from Siberia is expected as conditions there become worse.

Most of the above who have sufficient money are trying in every way possible to reach the United States, and as many of them are politically active and are dissatisfied with any form of organized government it would be disastrous to allow them to gain admission to the United States. It is further reported that the Japanese Government is much concerned over the situation.

And here is one report which I think should be printed in every newspaper of the land for the benefit of certain people who have been giving ear to the vicious doctrine that individual opportunity is lost in the United States. The American ambassador at Madrid reports under date of June 7:

> There are many Bolsheviks, other agitators, Germans, and other undesirables in Spain who can best be prevented by control at point of departure from going to what is generally considered the land of opportunity.

Oh, my friends, they know, just as we know, that the United States is the land of opportunity. Why these agitators want to come here from all the disturbed countries of Europe and help destroy us is more than I can say. But I do know why it is that when they once get here and we try to deport them they resist to the last going out, because they know that this is the land of the greatest opportunity in all the world. [Applause.]

Mr. COOPER. Will the gentleman yield?

Mr. JOHNSON of Washington. In one minute; after I get through with one more report. Dispatches from the American Legation in Switzerland make the following recommendation and say that the supervision of passports for aliens is vitally necessary. This legation adds:

> The ease with which aliens from the Central Powers and elsewhere may become naturalized in Switzerland and the danger that they are seeking to go to the United States render restrictions in the United States necessary for a long time to come.

Mr. COOPER. Will the gentleman yield now for a question?

Mr. JOHNSON of Washington. For just a brief one.

Mr. COOPER. Can the gentleman tell the House why it is that some of these alien agitators who are here now, like Emma Goldman and her stripe, are not deported by this country?

Mr. JOHNSON of Washington. The authorities have been trying for many years to deport Emma Goldman. Actual proceedings are now pending.

House joint resolution No. 205, to extend war passport provisions for one year, did not go to the Committee on Immigration and Naturalization, but because the previous war act had been

passed by the Committee on Foreign Affairs it went there. The present bill went to that committee also, although its title would indicate that it was a bill for the Committee on Immigration. But no matter. The Department of Labor is in full accord with this proposed act, and the regulations which are issued for the incoming of aliens under passports are issued jointly by the State Department and the Department of Labor.

With regard to forthcoming immigration legislation, I am asked every day by Members when we can expect some kind of restrictive legislation. I would like to say that the committee is working hard on matters of both immigration and naturalization, and that the bills which have been introduced carry many varying ideas and refer to many difficult problems. Amendments are necessary to the present naturalization laws. In the last Congress, Members will remember, Representative Burnett, then chairman of the Committee on Immigration and Naturalization, reported out a bill providing for the suspension of immigration for four years, and it was thought then if it could be reached on the Calendar it would be passed without great opposition. That was the feeling then. But an analysis of that bill disclosed that the exempted classes were so many that we might go through the form of making a suspension of immigration for four years, and that after we had admitted all of the exempted classes, including relatives of those now here, we would have suspended only a limited number. I introduced at the beginning of this session a bill suspending immigration for two years, and found it subject to the same objections.

Now, then, since Judge Burnett reported to the Sixty-fifth Congress the four-year suspension act nearly one year of the four-year period has passed into history. Since I introduced the two-year suspension bill six months have rolled by. The present war passport extension act which we are passing will be in effect for one year following the treaty of peace, or, in other words, for probably about two years from the signing of the armistice, thus we hope bridging the critical period. At any rate, we will have a reasonable period of time for the consideration of sane and practical additions to our present immigration legislation.

I believe that this war passport extension to be but the forerunner of a permanent passport plan for the admission of aliens into the United States. I think that the House Immigration and Naturalization Committee can perfect and present to the House a bill which the Members will be glad to support—a bill to admit the present exempted classes only with passports from their countries, with visés from our consular agents as to business and length of stay in the United States, and that we can develop a plan by which all others who come shall come only on probation and remain only on a system of registration. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of no quorum. The Chair will count.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ROGERS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and Mr. ROGERS and Mr. LINTHICUM took their places as tellers.

The committee divided; and the tellers reported—ayes 5, noes 75.

The CHAIRMAN. A quorum is not present. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Davis, Minn.	Greene, Vt.	Langley
Andrews, Md.	Dempsey	Hamill	Larsen
Anthony	Dent	Hamilton	Lea, Calif.
Barkley	Donovan	Harrison	Lee, Ga.
Bell	Dooling	Haskell	Little
Benham	Doremus	Haugen	Longworth
Black	Dunbar	Heflin	Luce
Blackmon	Eagan	Hill	McAndrews
Bland, Mo.	Eagle	Houghton	McClintic
Booher	Ellsworth	Hulings	McKenzie
Brand	Esch	Hull, Iowa	McLaughlin, Nebr.
Britten	Evans, Mont.	Ireland	MacGregor
Brumbaugh	Evans, Nev.	Jacoway	Maher
Butler	Ferris	Johnson, Miss.	Mann
Caldwell	Fields	Johnston, N. Y.	Mansfield
Campbell, Kans.	Fitzgerald	Kahn	Mason
Cantrill	Foster	Kelley, Mich.	Mead
Caraway	Frear	Kendall	Merritt
Carew	Fuller, Ill.	Kennedy, Iowa	Montague
Casey	Fuller, Mass.	Kennedy, R. I.	Mooney
Clark, Fla.	Gallivan	Kettner	Moore, Pa.
Collier	Gandy	Kiess	Moore, Va.
Copley	Ganly	Kincheloe	Moores, Ind.
Costello	Godwin, N. C.	Kinkaid	Morin
Crago	Goldfogle	Kitchin	Mudd
Crowther	Goodwin, Ark.	Kraus	Murphy
Cullen	Goodykoontz	LaGuardia	Neely
Nicholls, S. C.	Reber	Sinnott	Treadway
Nichols, Mich.	Reed, N. Y.	Sisson	Upshaw
O'Connell	Riordan	Slemp	Vaile
O'Connor	Robsion, Ky.	Smith, Ill.	Vare
Ogden	Rowan	Smith, N. Y.	Venable
Olney	Rubey	Steele	Voigt
Overstreet	Rucker	Stephens, Miss.	Ward
Paige	Sabath	Stephens, Ohio	Williams
Parker	Sanders, Ind.	Stevenson	Wilson, Ill.
Peters	Sanders, N. Y.	Strong, Pa.	Wilson, Pa.
Porter	Sanford	Sullivan	Winslow
Pou	Saunders, Va.	Summers, Wash.	Wise
Purnell	Scott	Swope	Wood, Ind.
Radcliffe	Scully	Taylor, Ark.	Wright
Rainey, H. T.	Sells	Taylor, Tenn.	Young, N. Dak.
Rainey, Ala.	Sherwood	Tincher	Zihlman
Reavis	Sims	Tinkham	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. FESS, 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. 9782) to regulate further the entry of aliens into the United States, had found itself without a quorum, whereupon he had caused the roll to be called, when 246 Members, a quorum, had answered to their names, and under the rule he reported the names of the absentees to be recorded in the Journal.

The SPEAKER. A quorum is present, and the names of the absentees will be recorded. The gentleman from Ohio [Mr. FESS] will resume the chair.

The committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, does the gentleman from Virginia [Mr. FLOOD] desire to use some time?

Mr. FLOOD. Yes. I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, this bill, as those who were here prior to the roll call know, is a bill to extend the present law on the question of passport control for another year, with the exception that that portion placing restrictions upon the issuance of passports to American citizens is eliminated.

There seems to have arisen some confusion over this measure, in the thought that it is a limitation or modification of the immigration law. Such is not the case. This measure will in no wise interfere with the present immigration laws, nor will it in anywise preclude the Committee on Immigration and Naturalization from bringing in and reporting to this House any measure that it may see fit to introduce still further limiting and restricting immigration to this country. This bill gives to the State Department the right to keep a double check on people desiring to enter the United States. As has already been pointed out by some gentlemen on the floor, immigrants who are aliens desiring to come to the United States under the present immigration laws, unless this measure is adopted, can only be held and examined at ports of entry. Those to whom admission is refused must then be retransported to Europe or to the point of origin by the steamship companies. But this bill will empower the Secretary of State, through his agencies in the various countries of Europe, to conduct examinations and investigations regarding aliens who are seeking passage to the United States before they embark, thus keeping out in a great measure the many thousands, and perhaps millions, of aliens who may be found to be undesirable and who are waiting in various ports of Europe now, hoping for passport regulation and the embargo on immigration to be lifted in order that they may emigrate to the United States.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. GALLAGHER. What redress has a man here who wants to get friends in here who have been prevented from coming by the State Department?

Mr. CONNALLY. If he is an alien he has no way of getting into the United States under this bill, providing the Secretary of State, after making an examination in the country of his residence, declines to visé a passport issued by a foreign Government.

Mr. GALLAGHER. Then it is wholly optional with the representative of the State Department abroad?

Mr. CONNALLY. Yes. In reply to the gentleman from Illinois I will say that his conclusion is exactly right, provided the person is an alien. The bill as originally introduced contained a provision continuing the control by the Secretary of State of passports to American citizens. But the committee took the view that, so far as American citizens are concerned, whether they are now abroad and desire to return to the United States or are in this country and desire to travel in foreign countries, they should have the unrestricted right to do so without the requirement of passports. While it would be much more

convenient to American citizens who may travel in Europe to possess passports, there is no requirement under this bill which will force American citizens to procure passports.

Mr. Chairman and gentlemen of the committee, there was evidence before the Committee on Foreign Affairs that succeeding the war many millions of aliens throughout Europe are awaiting the moment when they may emigrate to the United States. Necessarily a great horde of those immigrants will prove to be undesirable immigrants under our laws and according to the views of this Congress on the subject of immigration. In this period of world-wide unrest, in this period of confusion, in this period when it seems that the world is being made over again and shaken from center to circumference, I take it that the American Congress should place additional restrictions to those now provided by law upon the immigration to the United States of those aliens who seek to enter the United States, and I for one, Mr. Chairman and gentlemen of the committee, trust that the Committee on Immigration and Naturalization will at a very early date report into this House some measure placing still further restrictions upon immigration to the United States. [Applause.]

The Committee on Immigration informs me that testimony adduced before that committee discloses that there are thousands and perhaps millions of aliens residing in the United States who have made no effort to become citizens and who are ignorant of our form of government, our institutions, and our language.

So I take it, with the great mass of aliens already residing in the United States, many of whom know nothing of our institutions, many of whom are ignorant of our laws and do not desire citizenship, and many of whom come here purely for the purpose of obtaining a competence and then returning to the land of their birth, it behooves the American Congress to give serious consideration to the question raised by foreign immigration. It is the duty of the Congress of the United States to see that those who come to the United States are of that timber and of that quality out of which American citizens can be made; and it is its duty to see that they do not bring with them the seeds of anarchy and Bolshevism, and to see to it that while they have their feet on American soil their hearts are not in a foreign land. [Applause.]

I believe that no Member of this House who will study this measure can with reason oppose its provisions. It simply empowers the Secretary of State, through our consuls and our embassies in foreign countries, before viséing passports to aliens allowing them to travel to the United States, to compel them to bring themselves within the immigration laws of the United States, and to convince the authorities that they are of that character and that type that when they reach America they can be assimilated into our civilization and can adjust themselves to our laws and our regulations, and that they can breed within themselves an admiration for and an adherence to the institutions and laws of the United States of America. [Applause.] We should neither desire nor permit other kinds of immigration.

Mr. EMERSON. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Ohio.

Mr. EMERSON. Does not the gentleman think that after the alien has arrived in this country it is the duty of the people of this country to see that he is assimilated? Have we not been a little negligent ourselves about that?

Mr. CONNALLY. The gentleman from Ohio propounds the question as to whether the people of this country have been negligent in not assimilating aliens and if it has not been the fault of the people of the United States. That question is rather a broad one and brings into it many considerations; but I would suggest to the gentleman from Ohio that the United States has given to aliens the advantages of our public-school system. It has given them practically every benefit and every right vouchsafed to the people of the United States under the Constitution and laws; and if by giving to aliens these rights and privileges they do not learn to respect and admire our institutions, I can hardly conceive of a course that would lead them to do so.

Mr. CANNON. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Illinois for a question.

Mr. CANNON. In most of the States, so far as I know, children get a common-school education, which is compulsory, whether they are the sons and daughters of aliens or citizens.

Mr. CONNALLY. Yes.

Mr. EMERSON. But nothing is done about the education of the grown-up alien.

Mr. CONNALLY. I will say to the gentleman from Illinois [Mr. CANNON] that I am sure a great many of the States have systems of compulsory education open to aliens and citizens alike. I know that the State of Texas has such a compulsory system of education, which includes everyone, regardless of race, color, or previous condition of servitude.

Mr. COOPER. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Ohio.

Mr. COOPER. Does not the gentleman believe that if our Government had taken the precautions against aliens years ago that we have provided for in this bill our country to-day would not be overrun with a lot of anarchists and Bolsheviks, preaching the doctrines of hate and the overthrow of our Government by force?

Mr. CONNALLY. I will say, in reply to the gentleman from Ohio, that it is doubtless true that a very large percentage of those who are advocating anarchy and Bolshevism in the United States are aliens. As to what might have been had the Government of the United States imposed regulations of that kind heretofore I hardly feel called upon to make answer. [Applause.] I may say to the gentleman that this bill is temporary and to permanently reach the situation the Immigration Committee must report amendments to the present law on immigration.

Aliens who are intelligent and are of good character, who come to America with a sincere desire to become citizens, who come here because they admire this Government and seek its protection, and who forsake their allegiance to foreign Governments and kings and emperors and potentates, who come with respect for and obedience to our laws in their hearts, and who qualify under the present immigration laws, will not be injured by this legislation; but the aliens who seek to come here breathing defiance to ordered government and law, or who come saturated with thought and purpose hostile to the forms of constitutional institutions which we hold dear, or who come merely to compete with our own citizens in the opportunities to make money which America offers, and then intend to return to foreign lands to enjoy their savings, or who are content to remain foreign to all that America symbolizes and typifies, or who come to destroy and tear down—as to such as these, by the enactment of this legislation the Congress of the United States gives to our consuls and ambassadors in foreign lands the solemn injunction, "They shall not pass."

Mr. FLOOD. Mr. Chairman, I yield eight minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman and gentlemen of the committee, it has occurred to me during this discussion that if this act which we are about to pass continuing the war-time passport control for one year after the conclusion of peace works well it should be made permanent, and that we should continue the double check for which it provides as to the political and personal character of immigrants seeking our shores, and that our diplomatic and consular offices in foreign countries should have the means and facilities to cooperate with the Department of Labor in this country for that purpose.

The gentleman from Alabama [Mr. HUDDLESTON] has just said that our present immigration laws are altogether ample and sufficient to take care of this problem and to keep out of this country undesirable and dangerous aliens. It may be that the provisions of our immigration laws are ample, but I respectfully submit that they have not been effective. I believe there are more Bolsheviki, more anarchists, more I. W. W.'s, more wavers of the red flag among the immigrants, among the foreigners who come into this country, now than ever before. At least they are more evident, more active, and bolder in their plans and propaganda for the undermining and destruction of our institutions.

It is estimated that there are now in this country 250,000 agitators who term themselves either Bolsheviki, I. W. W., or radical socialists, and who seek to tear down our present form of constitutional government, with its guaranty of personal and property rights and privileges, and set up in its stead a soviet government such as now exists in Russia, where anarchy, lawlessness, and red terror prevail, and loot and murder is the order of the day. These forces, which formerly worked in secret, are now in many places working openly. There are also 500 papers and magazines published in foreign languages, all devoted to this revolutionary propaganda. It is getting high time that we were bringing everything down to the basis of the Stars and Stripes and the English language or in the words of Col. Roosevelt:

"One flag, the American flag; one language, the language of the Declaration of Independence; one loyalty, loyalty to the American people."

It is now well known that a majority of those who are carrying on the soviet government in Russia were foreigners in this country and went from the United States to Russia after the outbreak of the war. It is also well known that these parties

and those who cooperate with them, both here and abroad, have a well-formed plan for dumping into this country on the conclusion of peace, or at the first opportunity, a vaste horde of the most undesirable element of foreign countries. It has been stated on the best of authority and reported to us that there is a flood of immigration from Germany and Austria, as well as South Europe, seeking entrance to this country as soon as the doors are opened.

During this discussion the chief thought that seems to have developed in the minds of Members here in reference to this matter is what the Committee on Immigration is going to do in relation to this question and when it is going to act. Just before the close of the last Congress a bill was brought in from that committee which, as its chairman has just told you, prohibited all immigration to the United States for four years. This bill was never considered by the House. Since the special session has been called the Immigration Committee has prepared and the House has passed a bill providing for the deportation of all undesirable interned aliens now in this country. That bill has not been considered by the Senate, and, of course, I can not give any information as to when it will be considered. We now have pending before the Committee on Immigration a great many measures, one of which absolutely prohibits immigration into this country for a number of years. In my judgment, until we can get our industries properly adjusted and get back to a normal business basis, and our returned service men placed in good employment, such a measure ought to be passed and made effective. It is stated on good authority that at least 10,000,000 are seeking our shores from the Central Powers, our former and present enemies. We know from past experience that these will be of the most undesirable and dangerous element from those countries, and absolute prohibition is the only way that the matter can be effectively controlled. We have bills pending before the Committee on Immigration to deport aliens who withdrew their first papers in order to avoid military service. I am heartily in favor of that measure. We also have a bill before the committee to delay for five years all proceedings looking toward the naturalization of those aliens who claimed exemption from military duty on account of their alienage. The American Legion, an organization of our discharged soldiers, which at every turn has displayed a very fine quality of Americanism, has advocated the passage of these measures, and in my judgment they should be passed. The United States district court for the eastern district of Louisiana has held that an alien who withdrew his first papers in order to avoid military service under the draft is forever barred from becoming an American citizen, and this construction of the law, which meets the approval of every American citizen, certainly strengthens the position of the American Legion asking for their deportation.

Mr. ALMON. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. ALMON. Can the gentleman give us any intimation as to when the Committee on Immigration will report a bill?

Mr. WILSON of Louisiana. Of course I can not. The committee is conducting hearings every day. If I had control of the matter I might give gentlemen a positive answer. I believe it is the disposition of the committee to act as early as possible.

Mr. ALMON. Can the gentleman give his individual opinion as to the time, whether two years or four years?

Mr. JOHNSON of Washington. Will the gentleman from Louisiana permit the statement that it is hoped to consolidate a number of the bills pertaining to immigration and naturalization and bring out an omnibus bill?

Mr. ALMON. Can the gentleman tell us when we can expect a report on that bill?

Mr. JOHNSON of Washington. If the extraordinary session of Congress adjourns in season I think the committee will ask to sit during the recess and have the bill ready at the beginning of the next session.

Mr. WILSON of Louisiana. I think the House is fortunate in having an opportunity to pass this bill in order to bridge over the time until the Immigration Committee can act. Because in my judgment it is going to be necessary to strengthen our immigration laws in every respect, and it is absolutely necessary that we have a system by which we can keep the undersirable element in Europe from coming into the United States. We have not been able to assimilate those that are already here, many of whom should be sent back.

There are now 10,000,000 aliens in this country who have never made any attempt whatever to become American citizens. They have never even expressed any desire to become American citizens. They are here with our population, and if you have read the reports of the various strikes going on in the country you can see that this element has been the chief cause in many cases of the disturbances that have come about in our industrial life.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. BANKHEAD. I would suggest to the gentleman that there are about 4,000,000 of that 10,000,000 who can not speak the English language.

Mr. WILSON of Louisiana. I thank the gentleman for that information. The majority of the 10,000,000 have been over here for a number of years. The present bill under consideration from the Committee on Foreign Affairs will enable the State Department to effectively control the admission of aliens to the United States for a period of one year after final conclusion of peace. During this period a most solemn duty rests upon Congress to enact legislation for the protection of the American people and for the security of American ideals and American institutions. Our immigration laws should be framed so as to exclude the dangerous element of all classes. The literacy test in the Burnett bill has to a great extent proved effective against the illiterate, but our experience during the war has made it very clear to us that the educated alien may be more dangerous. Leon Trotski, the soviet and anarchist leader in Russia, was a teacher and an editor in this country before the outbreak of the war. Ninety per cent of the I. W. W., an organization that teaches and advocates the destruction of our Government, are aliens, and many of its leaders have sufficient education to influence the unthinking mass in such a way as to make it a very dangerous force. In this period of unrest and discontent throughout the world, when those forces that are opposed to all forms of lawfully established government are at work in every land, it is our duty to see that the American people are protected, and that our institutions are made safe against the attacks of enemies both from without and from within. One of the greatest problems in this country to-day is that of law and order, respect for and obedience to legally constituted authority. Upon this our Government must depend for its life and continued existence, and we should here and now avoid the danger of adding to the already too great number of those who are opposed to our form and plan of government.

Mr. FLOOD. Mr. Chairman, how much did the gentleman from Illinois [Mr. CANNON] desire?

The CHAIRMAN. Two or three minutes.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I shall vote for this bill. I heartily approve it. Yet when I say that, I want to say one other thing. The trouble is not alone among the ignorant who come from abroad or among the ignorant who are good American citizens in the United States to-day. The trouble lies with many of the most highly cultured people, who have influence from their positions and who hold positions in our colleges, in our universities as instructors, and in some of our high schools also. [Applause.] I read an account, and I believe it to be true, of an individual whose name now escapes me, but whose name no doubt the presiding chairman of this committee would know, who, on a Chautauqua circuit while lecturing—a professor in a university founded by Rockefeller, and from there graduated to Harvard, a German by birth, though I presume naturalized—advocated, in closing his address, trial marriage. I have great respect for the German people who are honest and patriotic, who are willing to live in the sweat of their faces, who are law-abiding and patient and desire to become good American citizens. We have had much of good from that kind of immigration, as we have had from Ireland, and Sweden, and Norway, and England, and France, Germany, Denmark, and many other countries. I shall vote for this bill, because, under existing conditions, it gives the Secretary of State power to make full investigation before any alien can enter the United States, and gives him that power for a year. That is time for the other legislation to mature and be provided for.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. DAVEY. I would like to ask the gentleman from Illinois what he proposes to do with the Bolshevists who are in our colleges and universities.

Mr. CANNON Oh, God knows; I do not. Many of these are citizens and instructors of the youth of the country, and they constitute a very dangerous element. Carl Marx was a very great man, as I am informed and believe, but he and his kind have spread the doctrines that they taught and they have made much of the trouble in Germany and much of the trouble all over this world in civilized countries to-day. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, the conditions abroad to-day are extremely bad. Every country in Europe is now loaded down with taxes. The business conditions there are almost hopeless, and it will be the desire of practically every man in Europe

who possibly can get out of the country to do so. The most obvious goal for them to make for is the United States. There will be millions of all sorts who will want to come to this country, especially from the more undesirable parts of Europe, from the parts that have suffered the greatest losses, where at the present moment starvation is almost universal! These men will want to come here in great numbers. It has been the theory in the past that this country should be the haven of the oppressed of all nations. We need not continue that policy if it should appear unwise to do so.

It seems to me that the provisions of this bill which would make it necessary for the would-be immigrant to prove affirmatively that he is a fit person to remain in this country is a very excellent principle for the United States to inaugurate. In the past it has been up to us to prove that the man should not be admitted. According to this law, it will be necessary for the man himself to prove that he is fit to be admitted into this country.

Now, in the very near future American conditions are going to be bad. We are going to see hard times in this country. It is ridiculous to think that poverty throughout the world can be accompanied by prosperity here. It seems to me that we have got enough Bolshevists in this country at the present moment. We are going to face a serious situation that is being caused to a great extent by the almost numberless ignorant foreigners who are here to-day, who do not know anything of the structure of the American Government, who do not care anything for our institutions, who are here for their immediate profit without any permanent interest in the country, for whom those great principles for which our ancestors fought and for which we have worked mean nothing. Now, it seems to me that our first duty is not to any would-be laborer in this country, but to ourselves, to those institutions which we have inherited. This country has been preserved by great effort and by great danger, and it seems to me we should protect ourselves here. This law will be no bar to decent men who will make good citizens, but it will be and it should be a bar to him who will be a drag on our civilization. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and seven gentlemen are present, a quorum.

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, this bill "to regulate further the entry of aliens into the United States" is the most drastic measure for restricting immigration that was ever suggested. I have listened to a number of speeches here to-day in favor of this bill; they have the same old ring and sound like the old, old cry of "America for Americans." [Applause.] It is not a new cry; we have had it with us one time or another ever since the foundation of the Republic. The Know-Nothing Party, in its most prosperous days, never dreamed of suggesting such a restrictive measure.

What is proposed by this bill is to eventually make permanent law the war-emergency act, passed to prevent in time of war departure from and entry into the United States, contrary to the public's safety. It can be called an act to assist other Governments to keep their people at home. It is not necessary to compel all who seek entry into this country to obtain the consent of their home Government, because a few undesirables have come here, thereby imposing hardship on all because of the faults of the few. In this law you propose to compel a man to secure a passport from his home Government, a requirement that was never thought of before the war, and such passport be visèed by our consular representative in such country before he can come here. From statements that have been made in this debate it appears that it would be optional with our consular representative whether he would visé the passport or not, and there is no provision in this bill granting an appeal from such arbitrary power, and right of appeal to the United States Commissioner of Immigration here should be provided.

It will deny political refugees the right of asylum, and in a country where men are thrown into prison for political offenses on all manner of trumped-up charges they would be denied the opportunity to escape bondage and oppression on the flimsiest kind of a charge. If this law is passed, good-by immigration, good-by land of the Pilgrims' pride. I am not in favor of any such legislation under present conditions, and I am opposed to the arguments made here in favor of it.

Undesirable and dangerous radicals and agitators can now be kept out and put out of the country, under the general laws now in force, and it is unfair for honest and deserving aliens, anxious for opportunity and liberty, to suffer for the faults of a few wild dreamers. This may be another plan—growing out of the late war—of the restrictionists to control and shut off immigration, but the point to which I wish to call your attention is this: I asked the gentleman from Texas, when he was speaking, a question, and he said that it was optional with our consular representative to say whether or not an immigrant should be admitted into this country. Now, there ought to be——

Mr. CONNALLY. I beg the gentleman's pardon, I said it was optional with the Secretary of State whether he would have a passport issued to him.

Mr. GALLAGHER. I understood the gentleman to say that a man over there could be deprived of an opportunity of coming here; that it was optional with our consular representative whether he would visé a passport or not.

Mr. CONNALLY. That he could deprive him of a passport.

Mr. GALLAGHER. That would shut him out.

Mr. KNUTSON. If the gentleman will pardon me, the State Department does not issue passports to immigrants; they merely visé passports.

Mr. GALLAGHER. And if they refuse to visé passports, or the country they desire to leave refuses a passport, they can not come in; that is what I object to. This is absolute prohibition. There should be a right of appeal from the decision of our consular representatives. Expert and experienced immigration inspectors stationed at ports of embarkation could better keep out the undesirables and easily look up suspected radicals and stop them from coming here. There are thousands of people in this country who have friends and relatives in the old country whom they would like to bring over here, and they will be deprived of the opportunity to do so if this bill is made a law.

Now, then, to listen to the speeches that have been made here to-day one would think that conditions were terrible in this country and that the immigrants or foreigners were responsible for it. The fact is that many of the men who have spoken in favor of this bill to-day have very few foreigners in their districts. I represent a district that is made up of foreigners and the children of foreigners, and there are very few in the district who could be called Americans. Our public schools are crowded with pupils, and there are many private and parochial schools giving education to the youth of the district without any cost to the Government. Our night schools are continually filled with men and women far beyond the school age, anxious to learn our language, and when you talk about immigrants being ignorant and claim that all the unrest and dissatisfaction in certain sections is caused by anarchists, Bolsheviki, and undesirable immigration you are doing an injustice to the great majority of honest and worthy immigrants who are industrious, hard-working, law-abiding people. If it were not for the immigrant, the West would still be a wilderness. Through their efforts the deserts have blossomed out, our granaries have been filled, and largely by their labor food was provided for the Army and Europe kept from starving. They have bought our bonds and contributed their share to the success of the war, and if there are anarchists and Bolshevists here or other aliens who are disturbing conditions, they can now be deported under present laws, and the sooner they are the better.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUUL. I ask that the gentleman have three additional minutes.

The CHAIRMAN. The Chair is not in control; it depends on the gentleman from Virginia.

Mr. GALLAGHER. In the present crisis, with changing conditions, let us go slow and be sure that we are not interfering with existing treaties while passing new immigration laws. We are striving now for peace with all nations and to make the world a better place to live in, and it seems unfair to abuse and injure those who are anxious to help us in this great work. Let us remember that over 4,000,000 men were taken from their usual occupations during the war, and as they are now returning, let us not forget there is a noticeable shortage of labor at present in this country. It is stated by reliable authority that emigration from New York already exceeds 1,000 daily and that nearly 1,500,000 immigrant aliens are now planning to leave the United States, and no one can tell how many more are to go. [Applause.]

Mr. FLOOD. I yield the gentleman from Texas [Mr. BOX] five minutes.

Mr. BOX. Mr. Chairman and gentlemen, I think we have had a very emphatic expression of the attitude of the House as to the admission of aliens who are not and can not become Americans. I think that rule should apply as against every

interest. I think that when the farmers of Texas want illiterate Mexicans admitted across the border they ought to be denied that right. [Applause.] I think that when the Japanese come across the Pacific and try to root out Americans in California they ought to be denied that privilege. [Applause.] I think that when foreigners come to take the place of men in the factories of the North and East who have borne the brunt of battle in Europe, and when they return find their places occupied by others, they ought to be denied that privilege. [Applause.]

I have the honor of being a member of the Committee on Immigration, but when we prepare and have for consideration a bill restricting immigration I want to support that kind of a measure which applies to me and my section as well as it does to the other fellow and his section. [Applause.]

Mr. GALLAGHER, Mr. BOX, and Mr. PELL were granted unanimous consent to revise and extend their remarks in the RECORD.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER. Mr. Chairman and gentlemen of the committee, the subject matter of this bill which we are now considering constitutes, to my mind, probably the most important question that has come before this Congress. At this time we know a feeling of unrest is sweeping through our country. We can not pick up a paper but what we see that the Bolshevists and reds are trying to overthrow this Government by force. I live in one of those great industrial districts that are now suffering from the steel strike, and I have on my desk sworn affidavits to some of the statements that have been made to the workmen by these Bolshevists and agitators that have been permitted to come into our country, in which they threaten American citizens if they go to work. These agitators are not citizens of the United States, but they come here with the spirit of Bolshevism imbued in their hearts and minds, and to-day they are appearing and preaching their doctrine to the American workmen.

The time has come when every American has got to speak out for American institutions. The time has come when we have got to call a halt on the Bolshevist and agitator. We must call a halt upon this hellish doctrine that is being preached in our country by the followers of Lenin and Trotski, and I know of no better way to stop it than to prohibit these men from coming into our land. And I am glad that the Committee on Foreign Affairs has brought in this bill, for I believe it will be a step in that direction and that it will stop these agitators and Bolshevists from coming to our country and preaching their doctrine to the American workingman.

I trust the Committee on Immigration and Naturalization will bring in a bill in the near future which will prohibit for a certain length of time immigration into our land. The American workingman to-day is suffering from the influence of agitators. Have we come to that stage in our national life when an American citizen who loves his country, a man who has been a valuable asset to the community in which he lives, has built himself a little house, and is trying to educate his children along the line of true American principles, and he wants to go to work, but when he attempts to go to his employment to provide for his family one of these aliens can come up and stick a knife or a gun under his nose and say, "I will kill you if you go to work"? Where does the protection come under the Constitution of the United States? It is time we were taking some action along this line. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I shall vote for this bill. If it comes to a question, gentlemen, of expediency—if in procuring Mexican laborers, although they were only asked to be brought across for a few months and returned, they are a menace to America, I am for America first. But I want to say this to my colleague from Texas: If you were so much opposed to bringing Mexican labor across to harvest the crops you should not have loaned yourself to the committee and the Texas delegation that went down and interceded with the Secretary of Labor——

Mr. BOX. Will the gentleman yield?

Mr. HUDSPETH. No; I will not. To bring them across——

Mr. BOX. Will the gentleman yield?

Mr. HUDSPETH. The gentleman ought not to have been present if he was so much opposed to bringing Mexican labor for a few short months to harvest the crops in Texas.

Mr. CONNALLY. The gentleman does not refer to me?

Mr. HUDSPETH. No; I am referring to the gentleman who is opposed to having Mexicans sent across, but who went with the Texas delegation to ask the Secretary of Labor to lift the ban until the 1st of January.

Mr. CONNALLY. Will the gentleman make it clear that I did not go?

Mr. HUDSPETH. I am not referring to you.

Mr. CONNALLY. You said the Texas delegation.

Mr. HUDSPETH. I said a part of it. You do not compose the whole delegation, do you? Several gentlemen from Texas—and the gentleman who is so much opposed now to bringing a few Mexicans across, that were to be returned in a few months [Mr. Box], was a part of that delegation—went with the delegation from south Texas and interceded with the Secretary of Labor to bring laborers across for a few months to harvest the crops in Texas. That is the gentleman who is so much opposed now to allowing a few Mexicans to come across to save the cotton crop of Texas. [Applause.] The Texas farmer and cotton raiser is patriotic. If he believes that the Mexican laborer would be a menace to the safety of our Government he would let his crop rot before he would advise bringing him across.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. Is there any possibility of this "gentleman from Texas" being allowed any time to pour oil on the troubled waters? [Laughter.]

The CHAIRMAN. The gentleman may be able to get some time from the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. DAVEY].

The CHAIRMAN. The gentleman from Ohio is recognized for three minutes.

Mr. DAVEY. Mr. Chairman and gentlemen of the committee, my chief purpose in appearing before this committee now is in answer to the gentleman from Illinois [Mr. GALLAGHER], who referred to those speakers favoring this bill as coming from districts where there are no foreigners.

I represent a district that has a very large percentage of foreigners. The largest city of my district registered in the two draft registrations over 20,000 foreigners between the ages of 18 and 45; I mean foreigners who are aliens, outside of the naturalized foreigners, and not including women and children and alien men over 45 years of age. There are undoubtedly 50,000 aliens in this one community, including women and children but not including naturalized foreigners.

I think the time has come when we must cease pandering to these foreigners [applause] who have not assimilated the ideas of America; and I want it distinctly understood, both here and in my district, that I stand for America first. [Applause.]

If there is a man or woman of foreign extraction in my district who has a relative or a friend abroad, and that relative or friend can not pass the test that this committee shall lay down for his admittance, then I choose between my country and that foreigner in my district. Neither I nor any other American who loves his country has the slightest feeling against a foreigner as such. We welcome with outstretched arms every right-thinking, liberty-loving man who comes from other shores to this land of freedom and opportunity. No foreigner who is worthy of America will be kept out by this law. Those who can not pass the requirements ought to be kept out, whether they have friends here or not, and there are many here who ought to be sent out right quick.

The time has come, gentlemen, when we must move along a course designed to make America safe for Americans. We must choose a definite, concerted line of action, and I hope that both the great parties will look with scorn on the idea of temporizing with these dangerous elements in our midst, and that we shall seek to serve America first, last, and all the time. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman, this measure before us provides that those who desire to come to this country must secure a passport, properly viséed by an American representative, before embarking from their native land.

This is desirable from every standpoint. It means that the applicant for admission will have to prove that he is a desirable newcomer to this country. His record can be secured in his own land and necessary action can be taken without difficulty. Under the old system the burden of proof rested with the immigration authorities, and many undesirables have been admitted simply because it was impossible to secure the facts of their careers abroad.

I am heartily in favor of this measure and hope that it will be enacted speedily. However, it deals with only one phase of making America the heritage of real Americans.

There are elements already in America which are viciously un-American and their presence constitutes a menace to free institutions. They are not affected by these passport regulations; the stern remedy of deportation will alone meet their case.

Mr. Chairman, there are thousands of aliens in this country who withdrew their declaration of intention to become American citizens in order to evade military service.

There are other thousands who had made their home here for years without seeking American citizenship and who demanded exemption on that account when America called for soldiers to fight in her defense.

These aliens declared that they were outsiders. I am in favor of taking them at their word and putting them outside the confines of the country they refused to serve.

Mr. Chairman, the alien slacker was a shadow Hun. He drove a dagger into America from behind. He struck a vicious blow at American morale. He promoted opposition to the war and resistance to the selective draft. He did his best to make good the Kaiser's boast that our population was a medley of conflicting groups which would not fight in a common cause. He belonged to the most-favored class, free from military service and all obligations connected with the World War. He must pay the price now for his safety then. The alien slacker must go!

The alien slacker was a sneering ingrate. He was a gloating spectator while American lads marched forth to war. He seized the jobs left vacant by the red-blooded young manhood of America. He fattened on war conditions and thrived on war necessities. He grabbed with greedy hands at rich rewards, while the land he left was ravaged and the land he adopted was pouring out its blood and treasure. He found a safe haven under the wings of Columbia and cravenly refused to come to her defense. He lusted for American money while he despised American institutions and scorned the American flag. He was a bird of ill omen then. He must become a bird of passage now. The alien slacker must go!

The alien slacker was a parasite. He fastened upon the body and sucked the blood of America and gave nothing in return. He was a cootie on our citizenship, and requires the delousing process of deportation. He was arsenic in the body politic. He was a cancer which must be removed. He was an infected spot in a virile, sane, and sound people. He was rust on our sword, a blemish in our unity, a palsy on our purpose, a brake on our progress, a stint in our strength. He remained behind, making no sacrifice for the common welfare. His room is more valuable than his presence. The alien slacker must go!

The alien slacker was ally of the Hun, the Goth, the Vandal, and the Turk, where ruthless heels were crushing Europe and threatening the New World. He demanded that Americans fight for him in the battle line of freedom. He placed his own rightful burden on the shoulders of American patriots, who were compelled to carry a double load. He undermined the value of every citizenship paper issued by America. He flaunted his shameful escape from obligation in the face of fellow countrymen who had assumed the duties of citizenship. He was a stigma on the glory of every alien who gladly served under the Stars and Stripes. He was slag in the melting pot, and refused to fuse into the steel ingot of American purpose. He branded himself unfit for any place save the scrap heap outside the gates of America. The alien slacker must go!

The alien slacker was a sinister sign to every mother who bade her boy "good-by" with tears. He set on fire the indignation of every father who bravely told his own lad to fight for the old flag. He was drawing inflated pay while American boys fell dying in Belleau Wood. He was basking in comfort while American boys faced the hell of Chateau-Thierry. He was safely sheltered while American boys endured the agonies of the Argonne. He knew nothing of the glad meaning of the joy bells of November 11. He has no place in the new United States, reborn in the greatest war in history. The alien slacker must go!

The alien slacker deliberately chose to remain outside the American family and household in time of storm. He has no right now, in time of sunshine, to claim equality with the sons and daughters of the Republic. He seized the benefits of a free land and paid for them with brazen violation of the first principles of the return due to hospitality. His very presence now is evidence that America is not one nation with one people and one flag. He is the menace of the Black Hander, the anarchist, and the dynamiter in one, for he assails the foundations of Americanism. He can not be assimilated. He must be eliminated. He evaded service "over here." He dodged duty "over there." His journey overseas now will be hailed with delight by every red-blooded American between the Atlantic and the Pacific. The alien slacker must go!

Still, Mr. Chairman, more is necessary than the deportation of those who treacherously failed America in her hour of need. We must make sure that there will never again be built up a permanent alien class in America to sow distrust, danger, and disunion. It is high time to stop making America a collection of nationalities, each with its own ideals, standards, habits of thought, customs, and speech. America must be made a united nation, with the realization on the part of everyone that U. S. spells "us."

The World War threw a searchlight on this Nation, and we found groups which had deliberately excluded everything American and cherished everything foreign.

There is a deadly danger in such a situation. America must insist that every alien admitted to the United States for permanent residence shall not only become an American citizen but shall also become Americanized. That means knowledge of our institutions and our language. We want no man here whose love for his native land is greater than his love for the country of his own adoption. No one should be allowed to come here for any other reason than this country's good.

Mr. Chairman, no man can develop an American soul nor real regard for American institutions unless he understands the language of America. Yet there are millions of foreign-born persons in this country to-day who have not the slightest knowledge of our national language. By their very dependence upon an interpreter they become the victims of unscrupulous apostles of violence and frightfulness.

To beat back the red tide of anarchy will require constructive measures. Every alien already here should be Americanized if he desires it; and if he does not desire it he should be deported. The Nation is not entirely blameless, for the attempts to solve this great problem have been by piecemeal and in fractions. It is not a problem for groups, but for the Nation. The worthy aliens should be given the sense of membership and made to feel that Americanism is not measured by length of residence but by devotion to American ideals.

I have introduced in this House a measure dealing with certain phases of this great problem. It provides that every alien who renounced his declaration of intention to become a citizen of the United States in order to escape military service shall be immediately deported. It provides further that in the future every alien who enters this country for permanent residence must come with the purpose of becoming an American citizen. He must make sworn affidavit to that effect when he arrives. He must learn our language and study our institutions. He must register once each year with the clerk of the county in which he resides. If he fails in any of these solemn promises through which he gained admission, he shall be deported to the land from which he came.

Mr. Chairman, that measure has been widely discussed. In my district, one of the greatest industrial districts in the world, where a large percentage of the immigrants to this country have settled, there has been universal approval. The Pittsburgh newspapers have enthusiastically supported the provisions of the bill and called for its passage.

Here are sentences quoted from the large number of letters and telegrams I have received from individuals and organizations. Every one I am quoting came from the Pittsburgh district, with its great number of persons of foreign birth:

"Every alien who dodged service forfeited his right to live on American soil." "Every red-blooded American in this district wishes your bill God speed." "This country has stood for such treachery long enough. Now is the time to act." "As a soldier with a year's service overseas, I stand for America first. The alien slacker must go." "The plan to admit only aliens who desire to become citizens is heartily approved." "Your deportation bill for aliens suits every American here." "As an ex-soldier, I stand for withdrawing protection from those who deserted us in time of need." "We stand shoulder to shoulder with you for Americanism as defined in your bill." "We need Americans far more than laborers." "As a naturalized citizen proud of my country, I indorse your bill." "We unanimously indorse your bill and stand ready to help secure its passage." "Every ex-soldier in Allegheny County indorses the deportation of these alien slackers and the establishment of new rules to prevent their stripe from ever coming in in the future." "This land of the free needs men who accept obligations as well as claim privileges." "We believe this measure to be the most important before Congress."

Mr. Chairman, I could go on indefinitely giving such messages, but I do not need to add proof that the districts which know this problem best are alive to the vital necessity of making America a Nation in fact as well as in name. I am convinced that there should be no further delay. The American people are determined that in future-testing times there shall be no alien slacker class to stab America in the back.

By unanimous consent Mr. DAVEY, Mr. COOPER, and Mr. FLOOD were given leave to revise and extend their remarks in the RECORD.

Mr. ROGERS. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this act;

(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé, or other permit or evidence of permission to enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 1, line 7, after the word "thereof" insert "which restrictions shall provide that no Bolshevist, anarchist, or I. W. W. sympathizer shall be allowed to enter the United States."

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. EMERSON. Mr. Chairman, I do not think this amendment is subject to a point of order. This bill practically provides that the President shall do all the legislating, and we place a penalty on it. We provide that if he finds it necessary to make these restrictions he may do so. If that is true, I can not see why this Congress, which has the power to originate this legislation, can not also state what the restrictions shall contain.

Mr. HUDDLESTON. Would the gentleman be willing to include monarchists, and those who preach absolute government and autocracy also?

Mr. EMERSON. Absolutely.

Mr. HUDDLESTON. We seem to be applying our "un-American" epithets against Bolshevists. I am just as much against Czarites and those who believe in absolute government.

Mr. EMERSON. So am I.

Mr. RAKER. Would not the gentleman's amendment restrict the President to excluding only those named, when as a matter of fact under this legislation the President can not only exclude those named by the gentleman from Ohio but also those named by the gentleman from Alabama and all other undesirables? Instead of complicating the bill by any specifications, the way it stands now it is open for the President to exclude all of them.

Mr. EMERSON. That may be true, but we leave it discretionary with the President. I think Congress should speak loudly on this subject, and should express to the President the idea that we think these persons should be prevented from landing here. [Applause.]

Mr. GALLAGHER. Is it not a fact that under the immigration law an undesirable immigrant can now be deported?

Mr. EMERSON. Then what is the use of passing this bill?

Mr. GALLAGHER. There is no use in passing it.

Mr. EMERSON. This bill provides a double safety.

Mr. NEWTON of Minnesota. If the gentleman will refer to lines 4 and 5, on page 1, he will find that it reads:

In addition to those provided otherwise than by this act.

Now, it is my understanding of the immigration act that the persons mentioned in the gentleman's amendment are included in the prohibitions under existing law.

Mr. EMERSON. I know; but this is not an immigration act. This is an act to provide that our representatives in other countries shall visé passports given to some alien to come to this country. It is a double protection, if I understand it correctly.

Mr. NEWTON of Minnesota. Yes; but in viséing the passports they visé no passports where the applicants would come under the prohibitions of the present immigration act.

Mr. EMERSON. They might do it.

Mr. KNUTSON. If the gentleman will yield, I do not think they would.

Mr. EMERSON. It might be done. I can see no harm in this amendment.

Mr. KNUTSON. Any mistake may be made; but the intention of the State Department is not to allow any of its representatives abroad to visé the passports of undesirables.

Mr. EMERSON. That may be true; but we are going to provide that those holding these views shall not have their passports viséed. That is all we provide for.

Mr. KNUTSON. I ask that the amendment be read again.

Mr. ROGERS. Mr. Chairman, I make the point of order against the amendment that it goes outside of the provisions of the bill in dealing with particular classes, whereas the language of the bill is general.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. EMERSON. My contention is that the bill provides that the President, if he deems it necessary, may make rules, and may make the very rule for which my amendment provides. The Congress of the United States, that creates the law, creates the authority in him to make the restrictions—by my amendment notifies him that among the restrictions he shall make are those provided for in the amendment. If we have the right to give the President authority to make restrictions, we have a right to make the restrictions themselves.

The CHAIRMAN. The Chair is ready to rule. The bill is designed to prevent the admission of aliens. The amendment offered by the gentleman from Ohio adds to it other classes which may not be admitted, anarchists, I. W. W.'s, Bolshevists, and so on. The rule is clear that where a bill is limited to one class you can not by amendment add several other classes, and the Chair sustains the point of order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I shall with much earnestness support this measure. It is pleasing to note the attitude of the Members of this House upon this bill. It authorizes the President to do that which could not be done under the present law. There is no provision in the law to-day whereby you can exclude professors, doctors, artists, travelers, and others who desire to come to this country. They are permitted to enter. It is demonstrated by the report made to the War Department on the selective draft that some of these are the ones that ought to be excluded. There ought to be restrictions in the immigration laws not only prohibiting those who are in the other class of laborers who do not come within the purview, and there should be no wide-open provision as it now stands admitting those simply designated as doctors, lawyers, artists, and travelers to enter this country. There should be proper restrictions.

The provisions of this bill authorize the President for a year, until legislation is enacted, to exclude Bolshevists, anarchists, and all other undesirables, and that is what ought to be done. They are coming to this country. They are here now, some highly educated, who come here as lecturers to preach and promulgate their propaganda. Something has been said about the Immigration Committee making a report on this subject. A bill was reported out last year, and we hope within a short time that another bill will be reported out to this Congress that will not only make provision whereby the laboring men who do not come within the general law and proper rules and regulations—that there will be restrictions placed upon those now in the exempted class.

There is no need of our overlooking the fact, as has been said by the gentleman from Illinois, that in our universities—and the names have been given of men who preach against the principles of this Government. It is time that they should be stopped. It is time that we should enact legislation that will prohibit it. As has been said, irrespective of where the men come from, these undesirables should be excluded.

Those admitted from Mexico should not have been admitted. There were those from California and Texas and New Mexico who wanted them to be admitted because they did not want to pay the going price for laboring men, and they wanted cheap labor. That is the crux of the whole thing. The Secretary of Labor ought not to have been given the power to admit them, and it is the same with reference to the Japanese and the Chinese. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER had leave to extend his remarks.

Mr. BOX. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, my friend Mr. HUDSPETH referred to my attitude with reference to the legislation excluding aliens. The House heard my statement as to my position that I am opposed to the admission of aliens, Mexicans and others, who can not become American citizens. That was the position I took before the House.

With reference to the admission of Mexicans as a war measure to meet certain industrial needs, I took no action. I was present as a friendly spectator when a delegation from my State, none of them my constituents, asked for the admission of these people in that emergency. I say with reference to that class of people that they ought not to be admitted, and I am opposed to their admission. [Applause.]

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count.

Mr. ROGERS (interrupting the count). Mr. Chairman, I move that the committee do now rise, and I hope that gentlemen in favor of this bill will vote against the motion.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise.

The question was taken.

Mr. ROGERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed Mr. SEARS and Mr. ROGERS to act as tellers.

The committee again divided; and the tellers reported—ayes 2, noes 68.

So the committee refused to rise.

Mr. CLARK of Missouri. Mr. Chairman, I move that the committee do now rise.

Mr. ROGERS. Mr. Chairman, I make the point of order that that motion has just been made and decided in the negative, and that the motion of the gentleman from Missouri is therefore dilatory.

The CHAIRMAN. The motion of the gentleman from Missouri following immediately the report of the tellers on the motion of the gentleman from Massachusetts that the committee rise the Chair would think must be regarded as dilatory, and therefore sustains the point of order.

Mr. CLARK of Missouri. Mr. Chairman, for the sake of information, I would like to inquire what we are going to do—stay here and go around in a circle?

Mr. ROGERS. Mr. Chairman, if the leader of the minority will restrain gentlemen on his side who are filibustering, there will be no difficulty about passing this bill and getting away.

Mr. CLARK of Missouri. I have nothing to do with the conduct of gentlemen on this side.

Mr. MONDELL. Mr. Chairman, everybody is in favor of this bill.

The CHAIRMAN. Evidently there is not a quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Donovan	Hamilton	McKenzie
Andrews, Md.	Dooling	Hardy, Tex.	McKeown
Anthony	Doremus	Haskell	McKinley, Ill.
Aswell	Dunbar	Hawley	McLane
Baer	Eagan	Heflin	McLaughlin, Nebr.
Barkley	Eagle	Hersey	McPherson
Bell	Echols	Hill	MacGregor
Benham	Edmonds	Houghton	Maher
Benson	Elliott	Hulings	Mann
Black	Ellsworth	Igoe	Mansfield
Blackmon	Elston	Ireland	Mason
Booher	Evans, Mont.	Jefferis	Mays
Brand	Evans, Nev.	Johnson, Miss.	Mead
Britten	Fairfield	Johnston, N. Y.	Merritt
Brooks, Ill.	Ferris	Kahn	Montague
Buchanan	Fields	Kelley, Mich.	Mooney
Burroughs	Fitzgerald	Kendall	Moore, Pa.
Butler	Foster	Kennedy, Iowa	Moore, Va.
Byrns, Tenn.	Frear	Kennedy, R. I.	Moores, Ind.
Caldwell	Freeman	Kettner	Morin
Campbell, Kans.	Fuller, Ill.	Kincheloe	Mudd
Cantrill	Fuller, Mass.	Kitchin	Murphy
Caraway	Gallivan	LaGuardia	Neely
Carew	Gandy	Langley	Nicholls, S. C.
Carter	Ganly	Larsen	Nichols, Mich.
Casey	Gard	Layton	Nolan
Clark, Fla.	Garrett	Lee, Ga.	O'Connell
Collier	Godwin, N. C.	Lehlbach	O'Connor
Costello	Goldfogle	Linthicum	Ogden
Crago	Goodall	Little	Olney
Cullen	Goodwin, Ark.	Longworth	Osborne
Davis, Minn.	Goodykoontz	Luce	Overstreet
Dempsey	Graham, Ill.	McAndrews	Paige
Denison	Greene, Vt.	McClintic	Parker
Dent	Hamill	McFadden	Peters
Porter	Rubey	Steele	Vestal
Pou	Sabath	Stephens, Miss.	Vinson
Purnell	Sanders, Ind.	Stevenson	Walsh
Radcliffe	Sanders, N. Y.	Stiness	Ward
Rainey, H. T.	Saunders, Va.	Strong, Pa.	Wason
Rainey, Ala.	Schall	Sullivan	Watson, Va.
Ramsey	Scully	Sumners, Tex.	Webb
Rayburn	Sells	Swope	Webster
Reavis	Shreve	Taylor, Ark.	White, Me.
Reed, N. Y.	Sims	Thompson	Williams
Reed, W. Va.	Sinnott	Tillman	Wilson, Ill.
Rhodes	Sisson	Tincher	Wilson, Pa.
Riddick	Slemp	Tinkham	Wise
Riordan	Small	Towner	Wood, Ind.
Robsion, Ky.	Smith, N. Y.	Treadway	Woodyard
Rose	Snell	Upshaw	Yates
Rowan	Snyder	Vaile	Zihlman

While the Members in front of the Clerk's desk were being permitted to be recorded as present,

Mr. FLOOD. Mr. Chairman, has the roll been called a second time?

The CHAIRMAN. It does not have to be called a second time. That is not the rule of the House.

Mr. WINGO. Mr. Chairman, I make the point of order that the rules of the House specifically provide——

The CHAIRMAN. The Clerk will proceed.

Mr. WINGO. Mr. Chairman, I make the point of order——

The CHAIRMAN. The gentleman is out of order.

Mr. WINGO. I make the point of order, Mr. Chairman——

The CHAIRMAN. The Clerk will proceed.

The Clerk proceeded and finished calling the names.

Mr. WINGO. Mr. Chairman, I make the point of order growing out of the roll call——

The CHAIRMAN. The gentleman might state his point of order.

Mr. WINGO. The Chair, as I understand it, permitted the Clerk to call the names of the Members only once. I would like to be heard upon that proposition. The rules of the House require that they be called twice.

The CHAIRMAN. The Chair does not care to hear the gentleman on the point of order.

Mr. WINGO. I make the point of order that the rules of the House were specifically amended to meet just such a decision made by a former Chairman in 1894. Of course, if the Chair does not care to hear the rules of the House discussed and wishes arbitrarily to set aside the rules of the House, he has that power.

The CHAIRMAN. The Chair does not care to hear the gentleman on the point of order.

Mr. WINGO. That is the decision of a man who is arbitrary and has no respect for the rules, and I appeal from the decision of the Chair.

SEVERAL MEMBERS. The Chair has not made a decision.

Mr. WINGO. Yes; the Chair has made a decision.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. WINGO. The point of order is that the rules of the House require specifically the roll to be called a second time. The rules further provide that the rules of the House shall govern proceedings in the committee except where otherwise specifically provided. In 1894 the Speaker held—and the gentleman will find it in the Precedents, and I am familiar with the Precedents——

The CHAIRMAN. The gentleman is out of order; he can not discuss a point of order during a roll call.

Mr. WINGO. The point of order grows out of the roll call, and that is the only time a Member can make it.

The CHAIRMAN. The gentleman will make his point in the House and not in the Committee of the Whole House on the state of the Union.

Mr. WINGO. I appeal from the decision of the Chair just made. The committee is the only place to make it.

The committee rose; the Speaker having resumed the chair, Mr. FESS, 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. 9782, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 214 Members answered to their names, a quorum, and he presented the list of the absentees to be entered on the Journal.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it proper——

Mr. MAPES. Mr. Speaker, a point of order.

Mr. WINGO. It is growing out of the present situation.

Mr. MAPES. A point of order.

The SPEAKER. The gentleman is out of order; only one point of order can be entertained at a time.

Mr. MAPES. But the gentleman is not making a point of order.

The SPEAKER. He is making a parliamentary inquiry.

Mr. MAPES. I am making a point of order.

The SPEAKER. The gentleman from Michigan is out of order.

Mr. WINGO. I do not know whether the point of order is well taken or not, so I desired to make the parliamentary inquiry. Is it in order to raise in the House the question that the rules of the House requiring the second call of the roll were not carried out in the Committee of the Whole?

The SPEAKER. It formerly was the practice, but Speaker CLARK ruled last session when the committee rose simply to establish a quorum, in order to prevent filibuster, for which the rule was provided—and it seems to apply to the present case—that it was not in order to make any motion to adjourn or raise a point of order, but that the House automatically resolved itself into the Committee of the Whole House on the state of the Union.

Mr. WINGO. In other words, the point of order can only be made in committee. I think the Speaker is right in that. The Chairman of the Committee of the Whole [Mr. FESS] ruled otherwise.

Mr. MAPES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAPES. It is too late to do any good on this particular occasion, but I do not think it ought to be allowed to pass without calling the Speaker's attention to the fact that the ruling of Speaker CLARK in the last Congress on a similar occasion was that the Speaker would not recognize anyone for any purpose, but that the House immediately went back into committee.

Mr. WINGO. I think that is a correct ruling. I think the Chairman of the Committee of the Whole should have recognized the point of order at the time. I think the Speaker is right.

The SPEAKER. The gentleman from Ohio will resume the chair.

The committee resumed its session, with Mr. FESS in the chair.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on section 1 and amendments thereto be now closed.

The CHAIRMAN. Is there objection?

Mr. McKEOWN. I object.

Mr. ROGERS. Mr. Chairman, I move that the debate on the section and amendments be now closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 50.

So the motion was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks.

Mr. HUDDLESTON. I demand tellers on the vote.

The CHAIRMAN. If there is no objection, the request will be granted.

Mr. HUDDLESTON. I was on my feet before the Chair made the announcement.

The CHAIRMAN. It is too late. The Clerk will read.

The Clerk read as follows:

SEC. 2. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than 20 years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

Also the following committee amendment was read:

Page 3, line 7, strike out "$10,000" and insert "$5,000."

The CHAIRMAN. The question is on the committee amendment.

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

Also the following committee amendment was read:

Page 3, line 8, strike out the word "twenty" and insert the word "five."

The CHAIRMAN. The question is on the committee amendment.

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

The Clerk read as follows:

SEC. 3. That the term "United States" as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is entitled to five minutes.

Mr. SEARS. Mr. Chairman, the gentleman from Massachusetts was kind enough to state in the RECORD that I was opposed to the bill. I do not think it is necessary for me to deny the accusation, in view of the fact that I am not opposed to the bill. The gentleman also accuses me of filibustering. It may be news to the chairman of this committee that there are 238 Republican Members of this House, and that at least 100 of them could answer "present." It might be news to him also to know that this afternoon, when the point of no quorum was raised, there were more Democrats on the floor than Republicans in order to make a count of 107 Members. I do not think it is fair for the chairman of the committee to accuse another of being opposed to a bill simply because he exercises his right under the rules, and makes the point of no quorum. It is a right a man has. There is no need of haste. We all recognize the fact that months ago we repealed——

Mr. DYER. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment.

Mr. SEARS. What is the "last word"?

The CHAIRMAN. The gentleman will please proceed in order. The word is "politic."

Mr. SEARS. I had forgotten the last word, and therefore will call his attention to it. This is a beautiful word.

Mr. DYER. I have been here all day——

Mr. SEARS. The gentleman has been here all day, and we did not meet until noon, and again I apologize to the gentleman, because he got here before I did.

This word was used by a gentleman well versed in the English language and is at the end of the paragraph. I did not intend by my motion seriously to strike the word out, because if you did it would not be a well-rounded sentence. I want to congratulate this committee on adding the word to the sentence. I know of no other word that could be used where it appears at the end of the sentence. I only trust that when this bill is passed by the House that it will not receive the same fate as did the bill repealing the tax on cold drinks. Now, if we had had this last word at the end of the bill repealing the luxury tax on Coco-Cola no doubt it would have been passed by the Republican majority in the Senate long ago, and I would not be receiving letters criticizing me for not working in Congress and stating that the House was doing nothing.

Mr. PLATT. Will the gentleman yield?

Mr. SEARS. I yield to my good friend from New York if he has something to say about the last word, but I would not have the distinguished educator and my friend violate the rules of the House by departing from that last word.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the debate on this section and all amendments thereto be now closed. Is there objection?

Mr. SEARS. Mr. Chairman, I object.

Mr. ROGERS. Then, Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Massachusetts moves that the debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The debate on the section is closed, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That in order to carry out the purposes and provisions of this act the sum of $600,000 is hereby appropriated.

Mr. MADDEN. Mr. Chairman, I was wondering whether $600,000 is a sufficient amount of money to carry this law into execution. Yet I doubt whether I ought to raise the question of its sufficiency. I move that all debate on this section be now closed.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this section be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SEARS. Mr. Chairman, a division.

The CHAIRMAN. A division is called for. Those who desire a division on this vote will rise and stand until they are counted. [After counting.] On this vote the ayes are 87 and the noes 16.

Mr. SEARS. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are requested. Those who are in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number.

So the motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That this act shall take effect upon the date when the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and shall continue in force and effect for a period of one year thereafter.

Mr. ROGERS. Mr. Chairman, section 5 of this bill simply provides that when the present act ceases to be operative the bill now under consideration shall take effect and continue for one year from that time. It is the opinion of the State Department and of those who have studied the subject that at the end of the year conditions will have sufficiently clarified in Europe so that it is quite likely that we can return to the normal mode of administering our inward tide of immigration.

Mr. Chairman, I ask unanimous consent that all debate on this section be now closed.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section be now closed. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Chairman, would the gentleman object to my proceeding for five minutes out of order? I am in favor of the bill, but I want to discuss another matter.

Mr. CANNON. Many of us have other engagements.

Mr. WINGO. Yes; I appreciate that, but we could have gotten through.

Mr. MADDEN. I am sorry, Mr. Chairman, but I will have to object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS. Mr. Chairman, I ask that my request be put.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the debate be closed on this section and all amendments thereto. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise and report the bill favorably to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, 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. 9782) to regulate further the entry of aliens into the United States, had instructed him to report the same back to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROGERS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the bill and amendments to final passage.

Mr. WINGO. Mr. Speaker, I rise to a question of privilege of the whole House.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Awhile ago, in Committee of the Whole, when the committee found itself without a quorum, the Chairman ordered the roll to be called under the rules of the House. When the roll had been called once, he ruled that it could not be called the second time. When a point of order was attempted to be made, he declined to entertain a point of order. I then made a point of order against the Chair's action, whereupon the Chair ruled that the point of order could not be made in the committee, but must be made in the House. From this decision I appealed, but the Chair ignored my appeal. The Speaker took the chair, and the Chairman reported, whereupon I raised the point of order on the action of the Chairman, and the Speaker properly ruled the committee automatically resumed its sitting. Now, the House is interested in maintaining its rules governing its procedure when it is sitting in the Committee of the Whole, and I would like to read to the Speaker the rules on that point.

The first rule to which I wish to direct the attention of the Speaker is the last paragraph of Rule XXIII:

The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

Now, the rule of the House on the question of roll calls—Rule XV—is as follows:

Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State the whole name shall be called, *and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting;* and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

Now, clause 2 of Rule XXIII reads as follows:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such a call a quorum shall appear the committee shall thereupon resume its sitting without further order of the House.

Now, it does not say there in what particular manner the roll shall be called, but paragraph 8 of Rule XXIII specifically provides that—

The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

The rule of the House specifically requires the roll to be called a second time, for the purpose of recording the names of those not voting on the first call, and the rule governing the question of no quorum in Committee of the Whole provides specifically that the roll shall be called. Then how shall it be called? It shall be called in the only manner that the rules have provided for anywhere in the Manual, and that is to call it twice.

Now, I understand that the gentleman from Ohio [Mr. FESS], who was acting as Chairman of the Committee of the Whole today, made this same decision once before and based his ruling on a decision of a Speaker made on March 19, 1894, which held that in the Committee of the Whole when the roll is called on a point of no quorum the rule requires the roll to be called but once. That decision is in Fourth Hinds' Precedents. There was a subsequent decision, and in Fifth Hinds' Precedents you will find that Mr. Hinds sets out the rule:

SEC. 6046. On a roll call for a vote or a call of the House the names of the Members are called alphabetically, by surname.

After the roll has been called through once, the names of those not responding are called again.

After the roll call is completed the Speaker is forbidden to entertain a request to record a vote unless in a case where a Member's presence has been noted in ascertaining a quorum.

The Speaker is forbidden to entertain a request for the announcement of a pair at a time other than that in which such announcements are in order.

By practice founded on a former rule the names of those not voting on a roll call are recorded in the RECORD.

Then it goes on and undertakes to give the history of the rule.

Now, here is the proposition I want to submit to the Chair: There is nowhere a single decision, except the one referred to in 1894, in Fourth Hinds' Precedents, which is prior to Fifth Hinds' Precedents, which I have read, governing the number of times that the roll shall be called in the committee, but the rules of the House specifically provide that those rules shall control the procedure in the Committee of the Whole wherever applicable. It is certainly applicable, for there is the same reason why the roll should be called twice in the committee as in the House. What is the reason? It grows out of the experience of the House. If the Speaker has examined the history of this rule—and I am sure he has—he knows that it arose because of the fact that, as we saw it a few moments ago, the roll having been called only once, the pit of the House was filled with Members who had not answered upon the first roll call, and the Clerk, amidst the confusion, undertook to notice and call the names of the different Members who were standing in the pit of the House. The history of the rule and the discussion of it—what little discussion can be found in the RECORD—shows that that very condition arising was the occasion for the rule requiring the second calling of the roll, because it expedited the business of the House and was more satisfactory and was more accurate.

I submit to the Chair that the House is interested in maintaining orderly procedure and its own rules governing the Committee of the Whole.

Mr. FESS. Mr. Speaker——

Mr. WINGO. How much time does the gentleman want?

The SPEAKER. The gentleman from Ohio can be recognized in his own right.

Mr. WINGO. I rose to a question of privilege of the whole House, and I am entitled to an hour. I am perfectly willing to yield any time that the gentleman from Ohio wants.

The SPEAKER. The Chair has some question whether this is a question of privilege of the whole House, but he knows that

the gentleman from Arkansas would not abuse the privilege. The Chair thinks that the gentleman from Ohio would have the same right.

Mr. CANNON. Mr. Speaker, has the Chair any knowledge of what happened in the Committee of the Whole House?

The SPEAKER. The Chair understands that the gentleman from Arkansas did not bring it up as a question for the Chair to rule upon.

Mr. WINGO. Yes, Mr. Speaker; and I will explain why. The procedure does not affect me so much, as I am always here at all roll calls, but it is a dangerous precedent to establish, because it is contrary to the experience of the House. The Chairman having refused to entertain the point of order, the Speaker having properly ruled that he could not pass upon it when the Chairman reported to the House, the only way the House can enforce its rules on the Committee of the Whole, where its Chairman acted as in this instance, is for the House to act, as a violation of its rule is a breach of the privileges of the House. I ask for a ruling on it, and I reserve the balance of my time.

The SPEAKER. The Chair thinks it is a doubtful question of privilege, but the Chair is inclined to think that it is a question of privilege of the House, and the Chair will recognize the gentleman from Ohio.

Mr. FESS. Mr. Speaker, I will say to the House that this matter had been looked up some months ago when I was in the chair and when frequent points of no quorum were made consuming much time in calling the roll. I did not decide it offhand. The Speaker will recollect that I called him to the desk at one time and told him that I would so rule in the interest of conserving time, and I notified the committee and the House that I would rule that one roll call in Committee of the Whole is the rule, and that the second roll call is simply a permission allowed in the practice in recent years, but not recognized by the rules at all.

The precedent to which the gentleman from Arkansas refers covers proceedings in the House. Of course, two calls of the roll are required by the rule in the House, but not in the committee. However, the gathering at the well of the House, either in the House or the Committee of the Whole, is not in the rule. That is a bad practice which has grown out of the fact that since the House Office Building has been erected Members remain in their offices except when the House or committee is dividing, and are not so apt to be on the floor of the House as they used to be before that building was erected. Therefore this practice of gathering in the well to be counted was entered into without any recognition in the rules merely for the convenience of Members. So far as the gentleman's statement is concerned, that can easily be cured if the House thinks it wise to do so, because it is a practice which is not recognized except by mere permission of the House itself.

Section 841 of the Manual states specifically that in Committee of the Whole the roll is called but once, and it refers to the ruling of Speaker Crisp, in 1894, on this specific question, where a Member demanded his name be recorded because the roll had not been called twice. Hinds' Precedents, to which the gentleman refers, is the only precedent, so far as I know, on the calling of the roll in Committee of the Whole. It specifically limits it to one call, while the other precedent to which the gentleman referred, quoted as a later decision, has to do with proceedings in the House. It says that on "the call of the House," and the gentleman knows that the call of the House is never made in committee. That is made in the House. Therefore the citation which he claims is the more recent one, and which he erroneously asserts nullifies the Crisp decision, refers to a roll call in the House, while the one upon which I made the decision refers to the roll call in committee. While we have been calling the roll the second time in committee, it is a practice of comparatively recent years that all Members know is a mere permission for the convenience of Members, as has been admitted and frequently stated by different Members on the floor. The House can decide whether it will continue the practice or follow the rule. I have decided on the basis of the rule.

Mr. CRAMTON. Will the gentleman yield?

Mr. FESS. I will.

Mr. CRAMTON. The gentleman, I am sure, understands that this is a matter of some practical interest to all Members, and he also understands the practice which is not in the rule, but is universally observed, that the bell shall ring and notify Members on a roll call.

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

Mr. CRAMTON. It is the universal practice that there shall be a ring of three bells for any roll call.

Mr. BLANTON. This is a matter which can be settled to-morrow, and I move that the House adjourn.

The SPEAKER. The gentleman can not interrupt the debate.

Mr. BLANTON. Mr. Speaker, is not a motion to adjourn in order at any time?

The SPEAKER. The Chair thinks not.

Mr. CRAMTON. If the gentleman will permit, the gentleman from Ohio understands that it is customary to ring three bells to notify Members of a roll call——

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. I think we can settle this question in the morning.

The SPEAKER. The gentleman has the right to make the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. This discussion could be prolonged for two or three hours.

Mr. CRAMTON. Will the gentleman wait for a moment until I complete my question?

Mr. BLANTON. This is a discussion that could be carried on for two or three hours.

Mr. CRAMTON. I just want half a minute in which to complete my question.

Mr. ROGERS (interrupting the count). Mr. Speaker, I want to prefer a request for unanimous consent, if the gentleman will withhold his point of no quorum for a moment.

Mr. BLANTON. Why, the previous question has been ordered, and this bill will come up for a vote the first thing in the morning.

Mr. ROGERS. But the previous question has not been ordered.

Mr. WINGO. Mr. Speaker, let me suggest that we lay aside this matter until the House can vote on the previous question.

Mr. BLANTON. Very well, I withdraw my point of no quorum for the present.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that further discussion of this parliamentary point be postponed until the morning, and that the gentlemen be recognized at that time for the purpose of continuing it.

Mr. WINGO. Why, let the Chair put the question on the previous question, and then the gentleman can move to adjourn.

Mr. ROGERS. I am perfectly satisfied with that.

The SPEAKER. The question is on ordering the previous question on the bill and amendments to final passage.

The previous question was ordered.

ADJOURNMENT.

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

The motion was agreed to; and accordingly (at 6 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Thursday, October 16, 1919, at 12 o'clock noon.

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. HAUGEN, from the Committee on Agriculture, to which was referred the joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop, reported the same without amendment, accompanied by a report (No. 384), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (H. R. 8314) to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor, reported the same with amendment, accompanied by a report (No. 385), 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, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9520) granting a pension to Euphrates Huff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2468) granting a pension to S. P. Battle; Committee on Invalid Pensions discharged, and referred to the Committee on 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. TOWNER: A bill (H. R. 9944) authorizing the Secretary of the Treasury to accept on behalf of the United States the donation by Sedgwick Post, No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes; to the Committee on Public Buildings and Grounds.

By Mr. JUUL: A bill (H. R. 9945) to provide for reduced railway fares for discharged soldiers, sailors, marines, and nurses who served in the war with Germany while traveling to seek or accept employment; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: A bill (H. R. 9946) to provide revenue for the Government and to maintain in the United States the production of wheat and its products; to the Committee on Ways and Means.

By Mr. STEVENSON: A bill (H. R. 9947) to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River near the town of Cheraw, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Virginia: A bill (H. R. 9948) to amend sections 878b and 878c of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 9949) to amend sections 4 and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. BLAND of Virginia: A bill (H. R. 9950) to provide for an examination and survey of the channels in Hampton Roads, Va., and James River, Va., leading to Camp Eustis, Va., with a view to increasing the width and depth of the channels of Hampton Roads and James River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9951) to provide for an examination and survey of the channel of Little Wicomico River, Northumberland County, Va., and of the channel connecting the said river with Chesapeake Bay; to the Committee on Rivers and Harbors.

By Mr. BROWNE: A bill (H. R. 9952) authorizing the Secretary of the Treasury to build an addition to the present postoffice building at Wausau, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 9971) to repeal that part of the Indian appropriation act approved April 24, 1904, which authorizes the exchange of public lands for private lands included within Indian reservations; to the Committee on Indian Affairs.

By Mr. DALLINGER: Joint resolution (H. J. Res. 232) to authorize leave of absence for employees of the Postal Service in the Commonwealth of Massachusetts who are members of the Massachusetts State Guard; to the Committee on Expenditures in the Post Office Department

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BROWNE: A bill (H. R. 9953) granting a pension to Almera Norton; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 9954) granting a pension to Zora Schenkelberger; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 9955) granting an increase of pension to Daniel Brummett; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 9956) granting a pension to Venus B. King; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 9957) granting a pension to John M. Riddick; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9958) for the relief of Joe F. Jenkins; to the Committee on Military Affairs.

By Mr. JONES of Pennsylvania: A bill (H. R. 9959) granting an increase of pension to James Hunt; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9960) granting an increase of pension to Erastus F. Sparks; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9961) granting a pension to Martha Ann Welch; to the Committee on Pensions.

By Mr. MAJOR: A bill (H. R. 9962) granting a pension to Augustus Thompson; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 9963) granting an increase of pension to Leman Bartholomew; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 9964) granting an increase of pension to Elizabeth I. E. Duffield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9965) granting a pension to Hannah C. Ritter; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 9966) to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.; to the Committee on Claims.

Also, a bill (H. R. 9967) for the relief of Samuel Wilbur Dean; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 9968) for the relief of Thomas Debuke; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 9969) granting a pension to Charles W. Anderson; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 9970) granting a pension to Frank F. Pittman; to the Committee on Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Petition of General Synod of the Reformed Church in America, protesting against the repeal of the war-time prohibition act; to the Committee on the Judiciary.

By Mr. BRIGGS: Petition of Southern Pine Association, opposing Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL of Pennsylvania: Petition of certain citizens of Mount Oliver and St. Clair boroughs, Pittsburgh, Pa., opposing adoption of the Smith-Towner educational bill, House bill 7; to the Committee on Education.

By Mr. DYER: Petition of John M. Malang, State highway superintendent of the State of Missouri, favoring the passage of the bill now pending in Congress, giving to the State further Federal aid; to the Committee on the Post Office and Post Roads.

Also, petition of Ralston Purina Co., of St. Louis, Mo., protesting against the passage of the Vestal bill, House bill 9755; to the Committee on Coinage, Weights, and Measures.

By Mr. JOHNSON of Washington: Petition of the Industrial Welfare Commission of the State of Washington, urging Federal regulation of the hours of labor and minimum wages for women in industry; to the Committee on Labor.

By Mr. RAKER: Telegram from the wholesale grocers of northern California, favoring the passage of House bill 7482; to the Committee on Coinage, Weights, and Measures.

Also, petition of Charles D. Stark, mining engineer, of Johnsville, Plumas County, Calif., protesting against Senate bill 2896, providing for the sale and use of explosives; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Resolutions of the Nathan Goff Camp, Sons of Veterans, Clarksburg, W. Va., condemning lawlessness and urging measures to promote patriotism and encourage loyalty to American institutions; to the Committee on the Judiciary.

By Mr. YATES: Petition of the Griswald Manufacturing Co., Erie, Pa., protesting against the giving of additional power to the Federal Trade Commission; to the Committee on the Judiciary.

Also, petition of Industrial Management, New York, suggesting to the President's industrial conference: (1) Eliminate all unfair privilege of employer or employee, and make business and industry fulfill their responsibilities to the community; (2) free all industries producing socially necessary commodities or supplying public service from selfish or incompetent autocratic control; to the Committee on the Judiciary.

Also, petition of Princeton Post, No. 125, Illinois Branch of the American Legion, protesting against any effort being made to mitigate the punishment meted out to conscientious objectors by courts-martial, which they are now serving in penal institutions; to the Committee on Military Affairs.

Also, petition of Princeton Post, No. 125, Illinois Branch of the American Legion, urging the passage of bill now pending providing for six months' pay to all honorably discharged soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, petition of the American Legion of Illinois, Washington Post, No. 100, Washington, Ill., protesting against the lessening of terms now being served by conscientious objectors; to the Committee on Military Affairs.

Also, petition of Elgin Motor Car Corporation, Argo, Ill., favoring the open shop and insisting that stoppage of industrial

processes by labor will prove harmful in the long run to the interests of organized labor; to the Committee on Labor.

Also, petition of Mathias Klein & Co., Sterne & Klein Co., the Seng Co., Pheoll Manufacturing Co., and L. W. Meckstroth, president Woodstock Typewriter Co., all of Chicago, Ill.; Rowe Manufacturing Co. and Shaw, Welsh & Co., of Galesburg, Ill.; the Williams Sealing Corporation, Decatur, Ill.; J. D. Tower & Sons Co., Mendota, Ill.; and U. O. Colson Co., Paris, Ill., protesting against the closed shop; to the Committee on Labor.

SENATE.

THURSDAY, *October 16, 1919.*

(Legislative day of Tuesday, Oct. 14, 1919.)

The Senate met at 11 o'clock a. m.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Hale	McKellar	Shields
Bankhead	Harding	McNary	Smith, Ariz.
Beckham	Harris	Myers	Smith, Ga.
Brandegee	Harrison	Nelson	Smith, Md.
Calder	Henderson	New	Smoot
Capper	Hitchcock	Newberry	Spencer
Chamberlain	Johnson, Calif.	Norris	Stanley
Colt	Jones, N. Mex.	Nugent	Sterling
Culberson	Jones, Wash.	Overman	Sutherland
Cummins	Kellogg	Page	Thomas
Curtis	Kendrick	Penrose	Townsend
Dial	Kenyon	Phelan	Trammell
Dillingham	Keyes	Phipps	Underwood
Fernald	King	Pittman	Wadsworth
Fletcher	Kirby	Poindexter	Walsh, Mont.
France	Knox	Pomerene	Warren
Frelinghuysen	Lenroot	Ransdell	Watson
Gay	Lodge	Robinson	Williams
Gerry	McCormick	Sheppard	Wolcott
Gronna	McCumber	Sherman	

Mr. NORRIS. I wish to announce the absence of the Senator from Oklahoma [Mr. GORE], who is engaged in a committee hearing.

Mr. SHEPPARD. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families.

Mr. PHELAN. The Senator from North Carolina [Mr. SIMMONS], the Senator from Oklahoma [Mr. GORE], the Senator from Virginia [Mr. SWANSON], the Senator from Arizona [Mr. ASHURST] are absent on official business.

Mr. KING. The Senator from Tennessee [Mr. MCKELLAR], the Senator from Massachusetts [Mr. WALSH], and the Senator from Missouri [Mr. REED] are necessarily detained in the Committee on Education and Labor.

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

AUTOMATIC TRAIN PIPE CONNECTOR.

The VICE PRESIDENT. As in legislative session, the Chair submits a communication from the Interstate Commerce Commission, transmitting a report of the Chief of the Bureau of Safety relative to tests of the railway safety device submitted by the American Automatic Connector Co., Cleveland, Ohio, which will be referred to the Committee on Interstate Commerce, without printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the concurrent resolution of the Senate authorizing the Clerk of the House in the enrollment of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia, to make certain corrections, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 3621) to establish load lines for certain vessels; and

A joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

ENROLLED BILLS SIGNED.

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

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho; and

H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 3621. An act to establish load lines for certain vessels, was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop, was read twice by its title and referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of John McBride Branch, Friends of Irish Freedom, of Lawrence, Mass., and a memorial of sundry citizens of Latimer County, Okla., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of the Baptist Association of Worcester, Mass., praying that aid be extended to Armenia, and for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. NEWBERRY presented a memorial of sundry citizens of Coldwater, Mich., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of Hiram Lodge, No. 1, Free and Accepted Masons, of Detroit, Mich., and a petition of Bersheba Chapter, No. 9, Order of the Eastern Star, of Detroit, Mich., praying for an investigation into the recent race riots and mob violence, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. PENROSE:

A bill (S. 3235) fixing the compensation of United States inspectors of customs; to the Committee on Finance.

A bill (S. 3236) granting an increase of pension to Emma Taylor; and

A bill (S. 3237) granting a pension to James Donnelly; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3238) relating to detached service of officers of the Regular Army; and

A bill (S. 3239) to amend the Army appropriation act for 1920 so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 3240) for the relief of the heirs of Edward H. Ozmun, deceased; to the Committee on Claims.

A bill (S. 3241) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; to the Committee on Territories.

By Mr. NEWBERRY:

A bill (S. 3242) granting an increase of pension to John W. La Rue; to the Committee on Pensions.

By Mr. KING:

A bill (S. 3243) to reduce the tariff duties on the importation of manufactures of wool; to the Committee on Finance.

A joint resolution (S. J. Res. 115) to lay an embargo on the importation of raw wool into the United States until the Government stores of raw wool are disposed of; to the Committee on Finance.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SMOOT submitted an amendment authorizing the Bureau of Efficiency to investigate the methods of business of the Bureau of War Risk Insurance and to report to Congress, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.