Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS SECOND SESSION.

SENATE.

FRIDAY, *April 9, 1920.*

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

Almighty God, in the higher regions of life there is peace, and we start to-day in the altitudes where God is and carry the influence of this precious divine moment out into the business of our daily life. Amid all the conflict of opinion and clash of interest there is one place where every heart beats in accord, where every spirit is reverent. It is in Thy presence. We ask Thee to send us forth with a spirit that comes into our hearts at this moment of our calling upon Thy name. Imbue us with wisdom and grace and power for the duties of this day. For Christ's sake. Amen.

The PRESIDENT pro tempore (Mr. CUMMINS) resumed the chair.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

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 joint resolution, and they were thereupon signed by the President pro tempore:

S. 2786. An act authorizing the sale of lands in Gregory County, S. Dak.;

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota;

S. 3779. An act to authorize the Ozark Forest road improvement district of Baxter County, Ark., to construct and maintain a bridge across the White River, near Norfork, Ark.;

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 6077. An act for the relief of the King Coal Co., of San Francisco, Calif.;

H. R. 8645. An act for the relief of Lawrence Bendich and Anthony Vezich;

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.; and

S. J. Res. 167. A joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

PETITIONS AND MEMORIALS.

Mr. NORRIS. I present a petition to the Congress of the United States signed by several hundred of the leading citizens of the State of Nebraska, headed by the governor, signed also by the members of the supreme court of the State, in which they protest against the treatment by Japanese officials of the Korean people, and ask Congress to take such action as may be necessary to bring about the proper treatment and justice. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PAGE presented a petition of sundry citizens of Vermont, praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Kern County Chamber of Commerce, of Bakersfield, Calif., praying that relief be granted to the peoples of Central Europe and Armenia, which was referred to the Committee on Finance.

He also presented a petition of the National Federation of Employees, of San Francisco, Calif., praying for an increase in the salaries of inspectors in the Steamboat-Inspection Service, which was referred to the Committee on Commerce.

Mr. KENYON presented a petition of sundry citizens of Des Moines, Iowa, praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Gowrie and Winneshiek County, Iowa, remonstrating against compulsory military training, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes, reported it with amendments and submitted a report (No. 514) thereon.

Mr. SPENCER, from the Committee on Privileges and Elections, to which was referred the bill (S. 4166) to provide for election contests in the Senate of the United States, reported it with amendments and submitted a report (No. 515) thereon.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States, reported it without amendment and submitted a report (No. 512) thereon.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 513) thereon. I give notice that I shall endeavor to bring up the bill on Monday next for consideration.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

INVESTIGATION OF RAILROAD STRIKES.

Mr. CALDER. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably with an amendment Senate resolution 346, submitted yesterday by the Senator from Illinois [Mr. McCORMICK], and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Reading Clerk read the resolution, as follows:

Resolved, That the Senate Committee on Interstate Commerce is hereby authorized and directed to conduct an inquiry, by subcommittee or otherwise, respecting any existing strike of interstate railroad employees not conducted or authorized by any recognized organization of railroad employees. For this purpose such committee, or any subcommittee thereof, is hereby empowered to sit during the recess and sessions of the Senate, at such times and places as may be deemed advisable, to require by subpœna or otherwise the attendance of witnesses and the production of books, papers, and documents, to administer oaths, and to employ a stenographer and such other clerical assistance as may be necessary. A report of the results of such investigation, including a statement of the causes and purposes of such strike and the merits of the controversy involved therein shall be made to the Senate as soon as practicable, accompanied by such recommendations as may be deemed proper. The expenses of such investigation shall be paid out of the contingent fund of the Senate.

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

Mr. KELLOGG. Mr. President, I do not want to object to the resolution, but I do not know just when the committee will get a chance to make such an investigation with all the business it has before it at this session.

Mr. McCORMICK. Mr. President, may I say, by way of reply to the Senator from Minnesota, the resolution specifically provides that a subcommittee may make the inquiry? I do not doubt that the investigation can not be as searching as a sociological survey, but what is needed now, in default of the appointment of the wage board, is some body of men which may bring the facts to public attention. There is no other possible means of mobilizing that public opinion which may induce the men to return to work pending the ultimate arbitrament of the dispute.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. KELLOGG. There is no objection to that, but the committee spent a great deal of time during last autumn, as the chairman knows, in investigating strikes and the labor question pertaining to the railroads, and made recommendations to Congress which Congress did not approve of.

Mr. NORRIS. May I interrupt the Senator from Illinois?

Mr. McCORMICK. Certainly.

Mr. NORRIS. I understand that, under the law which we passed, when the board provided for therein was appointed, there would be a court that would have jurisdiction and whose duty it would be to investigate this very thing.

Mr. McCORMICK. There would have been a board appointed if the executive branch of the Government had been functioning with full energy.

Mr. NORRIS. The Senator has introduced this resolution for the reason that no such board has been appointed.

Mr. McCORMICK. Precisely.

Mr. NORRIS. And at the present time there is no official instrumentality by which the people of the country may be informed as to what the facts are in this particular case.

Mr. McCORMICK. And so lend their support. The responsible elected officers of the brotherhoods have been deprived of that.

Mr. NORRIS. Exactly. I am entirely in sympathy with the resolution, although I might not be in favor of it if the proper officials had been selected and were functioning. But the people of the country ought to know what the truth is about this matter, and, as an educational proposition, I believe the investigation should be made. I understand that is the object of the resolution, and it seems to me that the investigation ought to be made.

Mr. McCORMICK. There are facts which I could lay before the Senate, but they are ex parte, prejudiced, if you please, by the judgment of the persons who have brought them to me. We are confronted with a very grave situation, brought about, I think, by the unhappy failure to appoint the wage board provided by the law. No hurt can be done that I see, and I feel that some great good may flow from prompt action by the Senate. If action be not prompt, action will be useless.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, on page 1, line 12, after the word "stenographer," to insert the words "at a cost not exceeding $1 per printed page."

The amendment was agreed to.

The resolution as amended was agreed to.

ARMY REORGANIZATION.

The PRESIDENT pro tempore (at 12 o'clock and 10 minutes p. m.). The morning business is closed.

Mr. WADSWORTH. I move that the Senate proceed to consideration of Senate bill 3792, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Borah	Dillingham	Kirby	Phipps
Brandegee	Elkins	McCormick	Pomerene
Calder	Frelinghuysen	McKellar	Ransdell
Capper	Gay	McNary	Sheppard
Chamberlain	Gronna	Nelson	Smoot
Comer	Harrison	New	Spencer
Culberson	Jones, Wash.	Norris	Wadsworth
Cummins	Kellogg	Nugent	Watson
Curtis	Kendrick	Page	
Dial	Kenyon	Phelan	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is detained by illness in his family. I ask that this announcement may stand for the day.

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. HALE], the Senator from New Hampshire [Mr. KEYES], the Senator from Delaware [Mr. BALL], and the Senator from Florida [Mr. TRAMMELL] are absent in attendance at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. McKELLAR. The Senator from Kentucky [Mr. BECKHAM], the Senator from Rhode Island [Mr. GERRY], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Maryland [Mr. SMITH] are absent on official business.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent, due to illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. COLT, Mr. POINDEXTER, and Mr. WARREN answered to their names when called.

Mr. LENROOT, Mr. GORE, Mr. TOWNSEND, Mr. KNOX, Mr. HARRIS, Mr. MOSES, Mr. McCUMBER, Mr. SMITH of Arizona, Mr. HITCHCOCK, Mr. LODGE, and Mr. GLASS entered the Chamber and answered to their names.

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

Mr. McKELLAR. Mr. President, in reference to the Frelinghuysen amendment I wish to read from an article in the Washington Post of this morning:

> When Chairman WADSWORTH and the advocates of compulsory training finally were forced yesterday to concede defeat some adroit political maneuvers were necessary.
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> An effort was made to prevent a direct vote, in order to save certain Senators from the embarrassment of committing themselves. For the time being the effort has proved successful.
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> Senator FRELINGHUYSEN, an advocate of compulsory training, offered an amendment providing for "voluntary" training instead of "compulsory" training as being better than nothing. Senator LODGE, also a supporter of compulsory training, admitted the certainty of its defeat, and, being unable to obtain what he preferred, would take the substitute.

Mr. President, we thus see the great cause of universal compulsory military training being slaughtered by its friends. I do not think, however, that anyone in the country is going to be misled about it. The fact that conscription in time of peace is killed by its friends, after admitting that it is going to be killed by its enemies, will not change the situation in respect to it.

The Frelinghuysen amendment provides, just as my amendment provides, that sections 56 and 57, providing for registration and for conscription, shall be eliminated from the bill, and I want to say that if any Senator who is in favor of conscription in time of peace is going to vote for the Frelinghuysen amendment on the ground that he is sidestepping a vote on conscription in time of peace, he is going to be badly mistaken, because the Frelinghuysen amendment provides in terms, just as mine does, that conscription shall be eliminated from the bill.

Mr. President, this attitude upon the part of our Republican friends who are in control of the organization is the same attitude that has been displayed throughout this controversy.

In the House the Military Affairs Committee was in favor of conscription in time of peace and by a vote of 11 to 9 authorized the favorable report on such a measure. So much opposition developed in their own party and in the country that the organization in the House was forced to withdraw that favorable recommendation, and thereupon the House passed a bill without compulsory military training.

In the Senate the situation was exactly the same, except the Republican organization of the committee reported out the bill and has undertaken to pass it. They have not passed it because there are apparently at least 40 Democrats and maybe more opposed to it, and probably at least 15 Republicans and maybe more who are opposed to fastening conscription upon the people in time of peace.

But the situation can not be camouflaged by adroit amendments. The facts are that the Republican organization in both Houses have ceaselessly worked to fasten universal military training or conscription in time of peace upon the people of this country.

I want to congratulate those Republicans who put their country before party and who have stood steadfastly against this measure which would Prussianize the American Army and would belie everything that America has stood for during all of her history.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New Jersey.

Mr. CHAMBERLAIN. Mr. President, I regret exceedingly that this great question of the reorganization of our Army—and universal military training is a part of that general scheme—has drifted into the channel of partisan politics. I do not know what credit the distinguished Senator from Tennessee [Mr. McKELLAR] and those who stand with him in this matter can claim by way of party advantage in this connection, because the distinguished leader of the Democratic Party has advocated it at this session of Congress.

I have been almost charged with treason by some of my friends in the days gone by simply because I differed from some others as to the conduct of some of the bureaus and departments of the Government. That was an indication of treason in the eyes of the distinguished Senator from Tennessee and some others who felt as he did—that the King could do no wrong and that no one under him could do any wrong; but here, where no departmental methods are involved, but where a great scheme of Army organization is involved, the distinguished leader of the so-called antimilitaristic Senators differs radically from our party leader on this very great question. So, from a party standpoint, I do not see what my Democratic friends are going to claim by way of party advantage, because the President has advocated military training, nor can I see anything that our Republican friends are going to gain by doing what the Senator from Tennessee charges them with doing, in deserting the proposition which they have heretofore advocated, simply for the reason that both the President of the United States and, I think, the majority of the Republicans both in the House and in the Senate favor universal compulsory military training.

Mr. President, in support of my position that the President of the United States, the leader of the Democratic Party, has advocated this proposal, I am going to call the attention of the Senate, and particularly of the Senator from Tennessee, to a letter addressed by the President of the United States some days ago, through the Secretary of War, to the leaders on the Democratic side of the House. In that letter the President said:

> I am told that a caucus of the Democratic Members of the House of Representatives has been called to consider pending military legislation, and the suggestion has been made that a resolution be adopted committing the Democratic membership of the House against the policy of general military training. In the present circumstances it would seem to me unfortunate to make a party issue upon this subject, particularly since within a few months the party will assemble in convention and declare the principles upon which it deems it wise to commit itself in a national election. The present disturbed state of the world does not permit such sureness with regard to America's obligations as to allow us lightly to decide upon this great question upon purely military grounds while the demonstrated advantages to the youth of the country which came from military service in the war plainly suggest that in the national interest, quite apart from military considerations, the moderate and carefully conducted course of military training may have the highest possible advantage.

That is the appeal of a patriot, Mr. President.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. HITCHCOCK. Does the Senator think that that language of the President of the United States justifies the statement made a few moments ago by the Senator from Oregon that the President of the United States was in favor of compulsory military training? It rather indicates to me that he desired the matter not to be made a question of party decision at this time, but to await the verdict of the national convention.

Mr. CHAMBERLAIN. I think it appeals for both. If I can construe the language, it appeals for the training of the young men of this country under some system; and in view of the fact that the question before the House was compulsory military training, and that was what the Democratic caucus acted upon, I think it is susceptible of the construction that the President meant universal military training. In any event, I cite it for the purpose of showing that the distinguished Senator from Nebraska [Mr. HITCHCOCK] and the distinguished Senator from Tennessee [Mr. MCKELLAR], if you please, are violating the request of the President in undertaking to make this great question a party question. They are likely to subject themselves to the charge of disloyalty to their chief, the leader of their party.

Mr. HITCHCOCK. Mr. President, I am glad the Senator read the letter, because I was shocked by his statement that the President of the United States had taken a position in favor of compulsory universal military training, because I had no such impression myself; and the reading of the letter just now confirms me in my feeling that he merely objected to having the representatives of the party take a position at this time which would bind the party before the national convention had met. He asked for a withholding of opinion, rather than to have the party go on record in favor of universal military training.

Mr. CHAMBERLAIN. I will read a part of it again for the Senator's benefit. I still claim that my construction of the President's letter is right, and it is not hard for the Senator to put his own construction on it. I am going to say here, without the fear of successful contradiction, that some of the distinguished men who are leading this fight against universal military training led the fight against conscription during the war, and would, if their views had prevailed, have led America and the Allies to defeat.

Mr. HITCHCOCK. I do not know to whom the Senator refers. I recognize no member of the minority party in the Chamber at this time or within the last few days who opposed conscription or the draft law.

Mr. CHAMBERLAIN. Mr. President, an old lawyer out in my section of the country, when he was stating a proposition of law to a justice of the peace, said, "If your honor does not believe what I say about this, I refer you to my library." I refer the Senator to the CONGRESSIONAL RECORD for the period from April 6, 1917, to the time the selective-service act was passed, May 18, 1917.

Mr. HITCHCOCK. The Senator, of course, does not refer to me.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from Oregon yield?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. FRELINGHUYSEN. I think the Senator from Nebraska only begs the question. The Secretary of War, in a public statement, has announced that he is in favor of universal military training; and most certainly he, as the representative of the War Department, could not utter such a policy without the approval of the President. The President himself has plainly stated in the public press—and it has been printed all over the country—that he is in favor of military training, and has changed his policy; and there has been no denial whatsoever from the President of those public statements.

Mr. HITCHCOCK. Mr. President, will the Senator tolerate another interruption? I think it hardly follows, because one of the Secretaries takes a position on any question, that that binds the President. For instance, the Postmaster General has taken a position for the Government ownership of telephones and telegraphs, but that did not represent and does not bind the President of the United States. Such representatives of the Government have been free to make their own personal recommendations from time to time, but they never have been considered as binding the President.

Mr. CHAMBERLAIN. Mr. President, permit me to read again a part of what the President said, and something that I did not read before:

> The present disturbed state of the world does not permit such sureness with regard to America's obligations as to allow us lightly to decide upon this great question upon purely military grounds while the demonstrated advantages to the youth of the country which came from military service in the war plainly suggest that in the national interest quite apart from military considerations the moderate and carefully conducted course of military training may have the highest possible advantage.

What did we have in the war that the President commends as having brought us great military advantage? We had a system which the Senator from Nebraska and the Senator from Tennessee both opposed, and that was the compulsory system, compelling the young men of this country to realize and to know that for the benefits which our Government and laws gave to them they owed a duty to this country that they were bound to perform when the time came that their services were needed. Oh, Mr. President, the pacifists of this country who opposed the draft law are at this time opposing anything like the training of the young men of this country, and I am not charging the Senators who are differing from my position in this matter with having been or with being pacifists.

Further, the President in his letter says:

> In our discussion of the subject you will recall I gave my approval in principle to the various very moderate training projects suggested by the General Staff, and I would be very glad to have you convey to appropriate Members of the House, who will attend the caucus, my strong feeling against action by the caucus which will tend to interpose an arbitrary party determination to the consideration which this subject should receive from the best thought of the Members of the House, considering alike the national emergencies which may confront us and the great disciplinary and other advantages which such a system plainly promises for the young men of the country.

What was the mild system of training that the General Staff suggested? It was a sterner system of compulsory training than is included in this bill, and that bill came before us with the approval of the Secretary of War, and it was through the Secretary of War that this communication of the President was transmitted to the Democratic leaders of the House.

But I will not undertake to say that the leaders of the House on the Democratic side were guilty of treason because they differed from their leader. I simply say that it was unfortunate that they did not follow the President's lead, and I believe he did have the majority sentiment of the Republican Party with him in the House of Representatives on that proposition.

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

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. BRANDEGEE. Will the Senator put in the RECORD the page of the RECORD on which the President's letter, which he has just read, is printed?

Mr. CHAMBERLAIN. Page 2837, volume 5, of the RECORD of this session.

Mr. BRANDEGEE. But the date? I mean the date of the RECORD which contains it.

Mr. CHAMBERLAIN. February 13, 1920.

Mr. FRELINGHUYSEN. May I also add, for the benefit of the RECORD, that the President's letter was published in the Washington Star of February 9, 1920?

Mr. BRANDEGEE. Mr. President, with relation to the inquiry of the Senator from Nebraska, whether the President's letter was a thoroughgoing indorsement of universal compulsory military training or not, it seems to me, from listening to what the Senator has just read, that it certainly was an appeal to his party not to decide against that system.

Mr. CHAMBERLAIN. There is no doubt about it. It was plainly an appeal for them to leave it to the free and frank discussion of Members of the House, without undertaking to divide on party lines.

Mr. GRONNA. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I do.

Mr. GRONNA. The distinguished Senator from Oregon was formerly chairman of the Military Affairs Committee, and I am sure he is as familiar as anyone can possibly be with the military affairs of this country during the war. Is there any record of the number of young men who served in the late war which shows the percentage of those who enlisted voluntarily, and also the percentage of those who had to be conscripted and who served in the late war?

Mr. CHAMBERLAIN. There is no doubt that The Adjutant General's Department can give the Senator that information. I can not lay my hands on it right now, but those figures are obtainable from The Adjutant General.

Mr. GRONNA. In the Senator's opinion, is it fair to assume that a large proportion of those who served in the late war were those who volunteered?

Mr. CHAMBERLAIN. No. A small proportion, as compared with over four million that were raised under the selective service, were volunteers; less than a million, I think. The Senator from Oklahoma [Mr. GORE], who has given this matter a good deal of attention, says it was something less than a million, and we raised over 4,000,000 men altogether.

Mr. GRONNA. So that although we had conscription, there were more than a million, or a million, we will say—one-fourth—who volunteered, and who did not have to be drafted. Is that correct?

Mr. CHAMBERLAIN. That is substantially correct. I do not want the Senator to understand that I am criticizing the volunteer. No man in this world has a higher regard for the young men who volunteered their services than I; and it was for that very reason that I was a strong advocate of the selective-service law, because I wanted to protect the men who had volunteered, and compel others, who owed the same duty to their country, to go to its relief.

Mr. GRONNA. Mr. President, if the Senator will permit me another remark, what led me to ask the Senator the question was his statement referring to those who were opposed to conscription, and also, in connection with that, I think, to use the Senator's language, "those who would have led our country to defeat." That was, of course, a rather broad statement. The Senator evidently had reference to some Member of this body.

Mr. CHAMBERLAIN. Oh, no; oh, no. The Senator misunderstood me. I had no intention of suggesting that any Senator here would intentionally do anything that would have led our country to defeat; but I say that the policy of raising an army simply by the volunteer system would have led our country to defeat. It must have done it. We could not have raised 4,000,000 men, we would not have raised the 2,000,000 that went over there and did the fighting, by the volunteer system. That is what I meant.

Mr. GRONNA. I am glad the Senator modifies his statement. I think he will find by examining the RECORD that his statement is as I stated it.

Mr. CHAMBERLAIN. I want to say to the Senator that I do not share the feeling that a great many have that the Senator and others who opposed the draft law were not loyal to our country. The fact is, I want to say to the Senator, that no man proved his loyalty any more than the Senator did, because he had two or three sons over there, and two or three nephews as well.

Mr. GRONNA. I will say to the Senator from Oregon that it would not be well for any Senator or anyone else to face the Senator from North Dakota and say that.

Mr. CHAMBERLAIN. I believe that, too. I believe that of other Senators as well. I have the greatest regard for Senators who differed from those of us who advocated the selective-service law. I have the highest regard for them. I think their judgment was bad, that is all, and I think if their course had been adopted by Congress as the course to pursue in raising an army, the Allies would have met with defeat.

Mr. GRONNA. Mr. President, I dislike very much to interrupt the Senator so much, but this is a question of very great importance; and the trouble was during the war that it was almost impossible for any man who did not agree with the plan proposed to be permitted to discuss the question intelligently. I will say to the Senator that I know that there were men who were not unalterably opposed to the system of the draft, and I think I may say there were several of the Members who opposed the draft because they thought it was possible to get an army by volunteers, but, if such a thing as that should be impossible, of course they would favor the Senator's forced plan of a draft. But, as I said, it was impossible during the war to discuss that question in an intelligent way, because, if any question was asked or any objection was made trying even to correct some of the provisions in the bills, it was immediately construed to mean that a man was opposed to the whole scheme, which was not true.

Mr. CHAMBERLAIN. I think if the Senator will refer to the discussion then, he will find that Senators and Representatives were not afraid to discuss it. There were no abler addresses made against the selective-service bill than some that were made in the Senate and in the House of Representatives, and by leaders in both parties. It was not a question of party. It was a question of difference in policy. I thought then, and I think now, that but for the selective-service law the Allies would have lost the war. The Senator would doubtless differ from me.

There is no absolute need now for training the young men of this country, but, as the President of the United States has suggested, in the present troubled condition of the world we do not know what we will need. Some Senators predict here that there is no danger of war. In 1915 I introduced in this body the first selective-service bill. Some thought I was wholly wrong, but as a matter of fact it was to get this country ready to fight. If that bill had passed, if Congress could have been induced to pass that bill in 1915, so that an army of young men might have been trained in 1916, there is no question that we would have kept out of this war. Why, it was the boast of Germany and Germany's friends there and here, first, that America was so busy making a dollar that she would not raise an army, and, second, if she raised an army they could not get over, and, third, if they got over they would not fight. How grievously mistaken she was on all three of these propositions!

If we had shown that we were willing to raise an army by passing a selective-service act and if we had put under the colors of our country a million or two young men for training, Germany would have hesitated long before insulting our flag. It is my opinion that Germany would not have dared to have brought the United States into the cause of the Allies if we had had a million men in training. She only brought us in as it was by continued destruction of American life and property and continued insult to the American flag. We did not see fit to train our boys. They said, therefore, that we were not going to get into the war.

The distinguished Senator from Tennessee [Mr. MCKELLAR] who is leading the fight against this measure, and I hope the Senator will listen to me, as late as the 29th of April, 1916, opposing so-called militarism, opposing the raising of an army in a safe and sane way, said in a speech before the Senate that will be found at page 831 of the CONGRESSIONAL RECORD of that date, in speaking of the federalization of the militia:

> The greatest accomplishment of this measure, however, is to be found in the plan of making the State militia an effective body of first-line defense. Originally the Secretary of War had another plan. It was known as the continental army scheme. That scheme provided that there should be a continental army composed of 400,000 men enlisted to serve three years, either one month or two months in a year. That after the end of the third year they shall go into the reserve for three years. It was expected that 133,000 of these could be recruited a year, and at the end of three years the 400,000 would be raised. This plan brought up quite a controversy, and the committee was of the opinion that (1) the men could not be recruited in that way, and (2) that the training would not be sufficient to make them soldiers. Of course, the plan would have been even more expensive than the federalization of the militia, and in the judgment of the committee nothing like so efficient.
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> Again, the plan, if it could have been made efficient, would have been a tremendous step toward militarism in this country, in that it would have led to a tremendous standing army. The result was the committee unanimously voted in favor of the federalization of the State militia.

Raising 400,000 men under the proposed scheme that was then suggested would have raised an immense standing army and would have placed our country in danger of becoming

militaristic! Think of it as compared with raising more than 4,000,000 men less than one year later!

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. CHAMBERLAIN. Certainly.

Mr. McKELLAR. The facts are absolutely well known as to my position in 1916. It is impossible to have any misunderstanding about it. My position was that the first 500,000 men should be brought into the Army by the volunteer system. That was the extent of the amendment and precisely what it provided for. I voted for the draft bill in time of war, of course. There can not be any mistake about my attitude. I would vote for such a bill in another emergency, but I am not in favor of conscription in time of peace.

Mr. CHAMBERLAIN. The Senator voted against the provision in the so-called Kahn bill to increase the Army to 250,000 men.

Mr. McKELLAR. I do not recall when that was.

Mr. CHAMBERLAIN. I will read from another speech of the Senator, made on the 13th of May, 1916——

Mr. McKELLAR. It may be so. I have never favored a large standing Army. I think my position on that question is well understood. In a colloquy between myself and the Senator from New York [Mr. WADSWORTH] some time ago I expressed the view that at this time we ought to have a standing Army of something like 300,000 men for the protection of the United States. I think so now. There is no secrecy about it. There is nothing unusual about it. It is open and aboveboard and the Senator can not misquote me. My attitude is the same that it has always been.

Mr. CHAMBERLAIN. I am not charging the Senator with doing anything in secret. I do not usually indulge in that kind of thing myself; but the Senator does not hesitate to get up here and charge Democrats and Republicans with jugglery and party machine work, which is not justified by anything that has happened here.

Mr. McKELLAR. Of course, every Senator here knows that the principal question in this bill is universal compulsory military training. The amendment offered——

Mr. CHAMBERLAIN. The Senator makes that statement. I will ask the Senator how many times he attended the meetings of the Committee on Military Affairs when it was considering this bill? There are other important questions in it.

Mr. McKELLAR. I attended practically every meeting that I was invited to attend. I was not on the subcommittee, and, of course, did not attend the subcommittee meetings. I think one or two times I was invited to attend those.

Let me say this about this particular amendment. We all know that the amendment which was first offered raised the question fairly and squarely, so that every Senator who voted "yea" voted for military training and those who voted "nay" voted against military training. There was not any doubt about it. The other amendment introduced later, and which under the rules has priority, does not present that question in the square way that I think it ought to be presented in the Senate, and when it is presented in that square way, if we can get it up I say it will be overwhelmingly defeated. I believe a majority of both parties in the Senate will vote against it. I ask the Senator from Oregon if he is willing to have a fair and square vote on the proposition?

Mr. CHAMBERLAIN. The Senator from Oregon has never been afraid to take a fair and square vote on anything.

Mr. McKELLAR. Mr. President——

Mr. CHAMBERLAIN. I do not care to be interrupted any more. Some of us, as a step toward saving something from this wreck, are in favor of the voluntary training of the young men of this country. Senators are not interested in these personal controversies. They are not interested in these differences between the Senator and myself. What Senators and the people are interested in is questions that involve the national welfare, not merely of our Government, but our civilization, if you please. The Senator from Tennessee is a most honorable man. I make no charges affecting his honor. He and I differ very radically on very many propositions. We differed all the way through practically on the question of the raising of an army to prosecute the war. When the selective-service law was up for consideration in 1916, let us see what the Senator said in a speech delivered by him on Saturday, May 13, 1916. I am citing it to show that the Senator makes mistakes sometimes, and he may be making some now. He said:

> When the Army bill was reported back by the conferees for further instructions I voted against the provision raising the standing Army to 250,000 men, and I voted against section 56 of the Chamberlain bill providing for what is best known as the continental-army scheme. Under these circumstances I wish to give my reasons for these votes.

The Senator went ahead and gave his reasons for the vote. Both those measures were intended to place our country in a position to defend itself and, it may be, to assist the Allies in defending the world. The Senator opposed it, and he had a right to oppose it. It was a difference in policy then, just as to-day there is a difference between us as to the proper policy to pursue regarding the Army of the United States.

Mr. McKELLAR. The Senator will again do me the justice to say that this so-called continental-army scheme, which was put forward, as I recall, by the Senator from Oregon, among others, was a proposition that was put up in lieu of the National Guard system of the United States, and what the Congress did was to turn down the continental-army scheme which was proposed by the Senator and others and accept the National Guard scheme which I myself and others advocated at that time. That is all there is in that. It was a difference of opinion. I believe now that the National Guard system is incomparably better than the so-called continental system, and the Members of the House and the Senate agreed with me and did not agree with the Senator from Oregon. That is all there is to that. One was for the national defense quite as much as the other. I think the National Guard system and the record of the men who went into the National Guard in this late war have demonstrated that we were exactly right in standing for the National Guard as the primary national defense, because we never had a better national defense than the National Guard.

Mr. CHAMBERLAIN. The Senator can not put me in the category of one who is opposed to the National Guard. The Senator can not talk louder or longer for the National Guard than I. They all vote. We are all their friends. We all talk about them whenever we have a chance to do it. But admitting the strength of the National Guard, their gallantry in action, and the splendid record they made, they became federalized and became a part of the United States Army before they became coordinated and unified so as to do the work that was necessary to be done.

Mr. McKELLAR. I do not want to interrupt the Senator, but——

Mr. CHAMBERLAIN. The Senator can take his own time and make his own speech. I desire to finish what I have to say without these constant interruptions. As I said a while ago, the people do not care about any controversies between the Senator and myself.

Mr. McKELLAR. But the Senator keeps referring to me.

Mr. CHAMBERLAIN. The Senator kept referring to me, and I have answered him, and I have the floor. The Senator can get after my scalp or take my scalp when I get through.

Mr. McKELLAR. I have never referred to the Senator at all.

Mr. CHAMBERLAIN. No; the Senator does not have to refer to me when he charges men as a body with indulging in subterfuge here on the floor of the Senate and endeavoring to accomplish by indirection something they are not undertaking to accomplish at all. They are undertaking to accomplish something for the good of the country. Let us try to find out the facts about it and then vote.

I am frank to say that I expect universal compulsory military training to be defeated. I have not any question about that. All legislation is the result of compromise. If a Senator or a body of Senators can not get all they want, there is no reason why they should not get a part of what they want if there is a chance to compromise. That is all that the proposed amendment of the Senator from New Jersey is. It is to undertake to save something from this wreck, something that the President of the United States wanted to save if possible.

Mr. President, the Senator from Tennessee, in that speech of May 13, 1916, said—and I hope the Senator will listen to this, because he may have forgotten it:

> I have not the slightest idea of our becoming involved in war with any European country.

That was on the 13th day of May, 1916. That was when the national-defense act was up for consideration. That was less than a year before the Senate and the House declared the war. He said:

> The Regular Army officers, who it is claimed are behind the Chamberlain bill, as I noticed from the debate in the Senate, printed in the RECORD, naturally do not want the National Guard used in our system because it does not, in the first place, mean rapid promotion for them, and, in the second place, they naturally want to build up as large a standing army as possible. Of course, I do not blame them. They are to be commended for wanting to make the Army effective. I feel quite sure that the continental army can not be recruited, and if not recruited then it is hoped to come back before another Congress and have some sort of compulsory military service bill passed. Of course, I am opposed to universal compulsory military service, and I am opposed to a large standing army in times of peace. I do not blame these Army officers. It is natural that they should want to make larger the Regular Establishment. But the duty of Congress is to consider only the best interests of the country.

I have not the slightest idea of our becoming involved in war with any European country. I have absolute confidence in the President and his ability to keep us out of this European war, and keep us out with honor. Certainly, I see no reason why we should go to war. We can not go to war without Congress declaring it, and I do not know of a man in Congress who would be willing to vote for a resolution declaring war on any European country. We have the greatest prosperity in this country, taken as a whole, and it would be silly and ridiculous for us to disturb it by getting into this European imbroglio. If we were to build up a great standing army like that provided for in the Chamberlain bill, an excitable President could get us into war without declaring it. Of course, President Wilson would not do this, but some other President more easily excited might do so.

Think of it, Mr. President, less than a year before the time when America, on the recommendation of the President of the United States, declared war against Germany.

Mr. President, I honestly believe that if the Senator from Tennessee [Mr. MCKELLAR] had bent his efforts toward creating a large citizen soldiery or a large standing army at that time, in view of the troubled condition of the country, we would not have had any war with Germany; but the Senator opposed a large army, he opposed then universal military training, he opposed anything that squinted toward what he and others called a militaristic system in this country, and it was because of that fact, because Senators stood on the floor of the Senate of the United States and gentlemen stood on the floor of the House of Representatives and opposed everything looking toward the preparation of America to fight. If we all had gotten together and put our shoulders to the wheel and said, "We will not only organize a large Army, if need be, but we stand ready to train every young man in this country in the science of war, and we will do it at a moment's warning"—if we had done that, instead of declaiming against the so-called fear of cultivating a militaristic spirit, we would not have had any war.

I sometimes think this appeal against the so-called militaristic spirit has tended to enervate the young men of the country, that it has tended to destroy national pride and patriotism, and nothing but this war, which brought the sons of the rich and poor alike together and made them confer with each other and realize the situation, ever aroused in them a spirit of love of country that was going to sleep.

Mr. BRANDEGEE. Mr. President, as reenforcing what the Senator said as to the probability that we would not have been compelled to enter the war if we had had a sufficient military force, and a sufficient and effective system of military training in this country, I want to remind him that it has been repeatedly stated in the papers of the country that one of the great surprises to the Emperor and the German military authorities was that America had been able to provide for conscription after war was declared. They had no idea that the country would stand for it. If they had known in advance that that would be done, they never would have provoked us into the war.

Mr. CHAMBERLAIN. I think there is no doubt of that, I will say to the Senator.

Mr. President, the Senator from Tennessee [Mr. MCKELLAR] differs from the President about the troubled condition of the world now. He does not think there is anything that exists to-day that necessitates the training of the young men. The President seems to think that the troubled condition of the world requires some sort of training of the young men of the country.

The Senator from Tennessee may be mistaken now, just as he was mistaken in 1916. He said that the President would not get us into the war; that he would keep us out of the war; that there was nothing to fight about. But the President advised us to get in, and the Senator helped get us in. Now, the President says there is a troubled condition that necessitates training the young men. The Senator from Tennessee says there is no need of it; that there is no use to train them now. Who is right? I think the President is right.

I think it is just as well to be prepared, Mr. President, and let the world know that America, for the present, at least, while the troubled world situation exists, is going to be ready to fight if it needs to fight. Everybody knows that nobody hates war any more than I do, and nobody would go further to keep out of it than I will. But America owes a duty to itself and to the world to maintain her dignity as a separate nationality, and as the greatest Republic in the world, the greatest country in the world.

Mr. President, it has been charged by the Senator from Tennessee, and charged by others, that this system of training of the young men is violative of the traditions of this country. May I call attention to the fact that the first act which was passed by the Congress of the United States, in 1792, recommended by Gen. Washington and prepared by Gen. Knox, was a military-training act. It provided that all men of certain ages, between 18 and 65, I think, should assemble at certain seasons of the year, at least once a year, and train in the use of arms. It became obsolescent in later years, but was not finally repealed until the Dick law was passed in 1903. So that we have had it all the time; and I beg to call the Senator's attention to the Knox report on that act, and if he believes that this is violative of the traditions of America, ask him to read that report, which was approved by Gen. Washington, and the bill was practically enacted as recommended.

In order not to take too much time, I am going to ask that there may be inserted in the RECORD, as a part of my remarks, letters and opinions written by Gen. Washington and other leaders, from his time down to the present time, advocating the draft.

The man who, above all others, was in a position to speak intelligently as well as feelingly upon the subject of the militia during the Revolution was Gen. Washington. He did not hesitate to speak out on more than one occasion as to the inefficiency of the volunteer system.

On February 9 ,1776, he wrote:

To expect the same service from raw and undisciplined recruits as from veteran soldiers is to expect what never did and perhaps never will happen.

On August 20, 1780:

Had we formed a permanent army in the beginning, * * * we never should have had to retreat with a handful of men across the Delaware in 1776, trembling for the fate of America; * * * we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force which the country was completely able to afford, and of seeing the country ravaged, our towns burnt, the inhabitants plundered, abused, murdered with impunity, from the same cause.

September 15, 1780:

Regular troops are alone equal to the exigencies of modern war, as well for defense as offense, and whenever a substitute is attempted it must prove illusory and ruinous.

And, again, on September 24, 1776, in a letter to the President of the Continental Congress, he said, amongst other things:

To place any dependence upon militia is assuredly resting upon a broken staff. Men just dragged from the tender scenes of domestic life, unaccustomed to the din of arms, totally unacquainted with every kind of military skill (which is followed by want of confidence in themselves when opposed to troops regularly trained, disciplined and appointed, superior in knowledge and superior in arms), are timid and ready to fly from their own shadows. Besides, the sudden change in their manner of living, particularly in their lodging, brings on sickness in many, impatience in all, and such an unconquerable desire of returning to their respective homes that it not only produces shameful and scandalous desertions among themselves, but infuses the like spirit in others. Again, men accustomed to unbounded freedom and no control can not brook the restraint which is indispensably necessary to the good order and government of the army, without which licentiousness and every kind of disorder triumphantly reigns. To bring men to a proper degree of subordination is not the work of a day, a month, or even a year; and unhappily for us and the cause we are engaged in, the little discipline I have been laboring to establish in the army under my immediate command is in a manner done away by having such a mixture of troops as have been called together within these few months.

Again, in the same letter, he says:

The jealousy of a standing army and the evils to be apprehended from one are remote, and, in my judgment, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my ideas formed from the present view of things, is certain and inevitable ruin. For if I was called upon to declare upon oath whether the militia have been most serviceable or hurtful upon the whole, I should subscribe to the latter. I do not mean by this, however, to arraign the conduct of Congress; in so doing I should equally condemn my own measures if I did not my judgment; but experience, which is the best criterion to work by, so fully, clearly, decisively, reprobates the practice of trusting to militia that no man who regards order, regularity, and economy, or who has any regard for his own honor, character, or peace of mind will risk them upon this issue.

And, again, in a letter to the President of the Congress, under date of December 5, 1776, he said:

When I reflect on the losses we have sustained for want of good troops, the certainty of this is placed beyond a doubt in my mind. In such a case the militia, who have been harassed and tired by repeated calls upon them, and farming and manufactures in a manner suspended, would, upon any pressing emergency, have run with alacrity to arms, whereas the cry now is, 'They may be as well ruined in one way as another,' and with difficulty they are obtained. I mention these things to show that, in my opinion, if any dependence is placed in the militia another year Congress will be deceived. When danger is a little removed from them they will not turn out at all. When it comes home to them the well affected, instead of flying to arms to defend themselves, are busily employed in removing their families and effects, while the disaffected are concerting measures to make their submission and spread terror and dismay all around to induce others to follow their example. Daily experience and abundant proofs warrant this information.

And in a letter to the same person under date of December 20, 1776, he said:

It is needless to add that short enlistments and a mistaken dependence upon militia have been the origin of all our misfortunes and the great accumulation of our debt. We find, sir, that the enemy are daily gathering strength from the disaffected. This strength, like a snowball by rolling, will increase unless some means can be devised to check effectually the progress of the enemy's arms. Militia may possibly do for it for a little while, but in a little while also the militia of those States which have been frequently called upon will not turn out at all;

or if they do, it will be with so much reluctance and sloth as to amount to the same thing. Instance, New Jersey. Witness, Pennsylvania. Could anything but the river Delaware have saved Philadelphia?

On the 17th of October, 1777, he wrote to President Thomas Wharton, of Pennsylvania, as follows:

There is another matter which I beg leave to recommend to the serious consideration of the legislature of your State; that is, the adopting of some mode of completing and keeping up the quota of your continental regiments. Upon an average, your battalions have never been above one-third full, and now many of them are far below even that. From the extravagant prices given to substitutes in the militia in the different States, it has become impossible to recruit more upon the bounty allowed by Congress. The New England States and Virginia have begun to adopt the mode of drafting and, I am informed, they have succeeded very well. I am convinced that this will be found the only method of raising continental troops, and if the measure were to become general throughout the States it would not be deemed a hardship. I mention this matter to you at this time in the hope that you will as soon as possible fall upon this or some other mode to recruit your regiments in the course of this fall and winter, and as it is more than probable that our opposition will not end with this campaign, we ought to endeavor to have a respectable army in the field in the spring, before the enemy can receive further reenforcements from Europe.

On the 18th of November, 1779, he wrote from West Point to the President of Congress as follows:

In the more early stages of the contest, when men might have enlisted for the war, no man, as my whole conduct and the uniform tenor of my letters will evince, was ever more opposed to short enlistments than I was, and while there remained a prospect of obtaining recruits upon a permanent footing in the first instance, as far as duty and a regard to my station would permit, I urged my sentiments in favor of it. But the prospect of keeping up an army by voluntary enlistments being changed, or at least standing on too precarious and uncertain a footing to depend on for the exigency of our affairs, I took the liberty in February, 1778, in a particular manner to lay before the Committee of Arrangements, then with the army at Valley Forge, a plan for an annual draft as the surest and most certain, if not the only means left us, of maintaining the army on a proper and respectable ground. And, more and more confirmed in propriety of this opinion by the intervention of a variety of circumstances unnecessary to detail, I again took the freedom of urging the plan to the committee of conference in January last; and, having reviewed it in every point of light and found it right, or at least the best that has occurred to me, I hope I shall be excused by Congress for offering it to them, and in time for carrying it into execution for the next year, if they should conceive it necessary for the States to complete their quotas of troops.

The plan I would propose is that each State be informed by Congress annually of the real deficiency of its troops, and called upon to make up, or such less specific number as Congress may think proper, by a draft; that the men drafted join the army by the 1st of January and serve until the 1st of January in the succeeding year; that from the time the drafts join the army the officers of the States from which they come be authorized and directed to use their endeavors to enlist them for the war, under the bounties to the officers themselves and the recruits granted by the act of the 23d of January last, namely, $10 to the officers for each recruit, and $200 to the recruits themselves; that all State, county, and town bounties to drafts, if practicable, be entirely abolished, on account of the uneasiness and disorders they create among the soldiers, the desertions they produce, and for other reasons which will readily occur; that on or before the 1st of October annually an abstract or return similar to the present one be transmitted to Congress, to enable them to make their requisitions to each State with certainty and precision.

On the 25th of May, 1780, he wrote to Phillip Schuyler, John Mathews, and Nathaniel Peabody, a committee of Congress:

Unless the principal part of the force be composed of men regularly organized, and on the continuance of whose services we can rely, nothing decisive can be attempted. The militia are too precarious a dependence to justify such an attempt, where they form a material part of the plan. Militia can not have the necessary habits nor the consistency either for an assault or a siege. In employing them essentially we should run a risk of being abandoned in the most critical moments. The expense and the consumption of provisions and stores, which we are bound by every motive to economize, will be very considerably increased. As we should not be able to keep the same body in the field during the whole campaign, we should a great part of the time have a double set of men to pay and feed, those in actual service and those on the march to relieve them or returning home when relieved. The operations of husbandry will suffer in proportion.

The mode of draft is, I am persuaded, the only efficacious one to obtain men. It appears to me certain that it is the only one to obtain them in time; nor can the period which you have appointed for bringing them into the field be delayed without defeating the object. I have little doubt that at any time, and much less at the present juncture, the powers of the Government exerted with confidence will be equal to the purpose of drafting. The hopes of the people, elevated by the prospects before them, will induce a cheerful compliance with this and all the other measures of vigor which have been recommended and which the exigency requires.

On March 12, 1782, he wrote James McHenry as follows:

It is idle at this late period of the war, when enthusiasm is cooled, if not done away, when the minds of that class of men who are proper subjects for soldiers are poisoned by the high bounties which have been given and the knowledge of the distresses of the Army so generally diffused through every State, to suppose that our battalions can be completed by voluntary enlistment. The attempt is vain, and we are only deceiving ourselves and injuring the cause by making the experiment. There is no other effectual method to get men suddenly but that of classing the people and compelling each class to furnish a recruit.

AUTHORITY OF JEFFERSON.

Jefferson ought to be pretty good authority with a southern audience, and I recall his views on the subject. He did not think the draft was violative of our traditional policy, un-American, or unnecessary.

In a letter to Secretary of War Dearborn September 21, 1805, inclosing a proposed law for compulsory military service for the Army and Navy, he said:

Considering that the important thing is to keep the militia classes so that we may get at the young for a year's service at a time, and that training may be supplied after they are called out, I think we may give up every part of the bill which respects training and arming. Let us once get possession of the principle, and future Congresses will train and arm. In this way we get rid of all those enemies to the bill to whom different details would be objectionable. I send to you the bill thus modified, and I have thrown in a few words in the clause beginning with the words: "The junior class shall be liable," etc., in order that the law may execute itself without waiting for any legislature. Will you be so good as to communicate it to Gen. Varnum and Mr. Bidwell? The sooner the better.

In his annual message to Congress December 3, 1805, he said:

In the meantime, you will consider whether it would not be expedient for a state of peace as well as of war so to organize or class the militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old and those having families. Upward of 300,000 able-bodied men between the ages of 18 and 26 years, which the last census shows we may now count within our limits, will furnish a competent number for offense or defense in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service can not but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I can not then but earnestly recommend to your early consideration the expediency of so modifying our militia system, as by a separation of the more active part from that which is less so we may draw from it when necessary an efficient corps fit for real and active service, and to be called to it in regular rotation.

JEFFERSON URGED DRAFT.

On the 26th of February, 1810, explaining this part of his message, he wrote Gen. Kosciusko as follows:

Two measures have not been adopted which I pressed on Congress repeatedly at their meetings. The one to settle the whole ungranted territory of Orleans by donations of land to able-bodied young men, to be engaged and carried there at the public expense, who would constitute a force always ready on the spot to defend New Orleans. The other was to class the militia according to the years of their birth, and make all those from 20 to 25 liable to be trained and called into service at a moment's warning. This would have given us a force of 300,000 young men, prepared by proper training, for service in any part of the United States, while those who had passed through that period would remain at home, liable to be used in their own or adjacent States. These two measures would have completed what I deemed necessary for the entire security of our country. They would have given me, on my retirement from the Government of the Nation, the consolatory reflection that, having found, when I was called to it, not a single seaport town in a condition to repel a levy of contribution by a single privateer or pirate, I had left every harbor so prepared by works and gunboats as to be in a reasonable state of security against any probable attack; the territory of Orleans acquired and planted with an internal force sufficient for its protection; and the whole territory of the United States organized by such a classification of its male force as would give it the benefit of all its young population for active service, and that of middle and advanced age for stationary defense. But these measures will, I hope, be completed by my successors, who, to the purest principles of republican patriotism, adds a wisdom and foresight second to no man on earth.

JUSTICE MARSHALL'S OPINION.

Chief Justice Marshall, in the early case of McCulloch *v.* Maryland (4 Wheat., 316), laid down a canon of constitutional construction which has been followed by every distinguished judge since. In express terms he spoke of the solemnity of the duty he was performing in rendering the decision and with masterly ability he covered the whole subject from every angle. He said:

But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Following the logic of that decision, Congress having the power to declare war, to raise and support armies, provide and maintain a Navy, and to make all laws which shall be necessary and proper for carrying into execution these powers and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof, wherein is there lacking the slightest element of constitutional power to do any and every thing essential to the preservation of our country's civilization and the liberties of our people?

In the first legal-tender case of Hepburn *v.* Griswold (8 Wall., 603) the court, although nullifying as unconstitutional an act of Congress, affirmed the principles laid down by Chief Justice Marshall, as they did in both the majority and minority opinions in the second legal-tender case of Knox *v.* Lee (12 Wall., 457), sustaining the same act of Congress, the court saying:

Even in Hepburn *v.* Griswold both the majority and minority of the court concurred in accepting the doctrines of McCulloch *v.* Maryland as sound expositions of the Constitution, though disagreeing in their application. With these rules of constitutional construction

before us, settled at an early period in the history of the Government, hitherto universally accepted, and not even doubted, we have a safe guide to a right decision of the questions before us.

In Juillard *v.* Greenman (110 U. S., 421) the court said:

A constitution establishing a frame of government, declaring fundamental principles and creating a national sovereignty, and intended to endure for ages and to be adapted to the various crises of human affairs, is not to be interpreted with the strictness of a private contract.

And, again:

Congress must possess the choice of means and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution.

ALEXANDER HAMILTON'S VIEWS.

The authorities essential to the common defense are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances, and ought to be under the direction of the same councils which are appointed to preside over the common defense.

This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it, and may be obscured but can not be made plainer by argument or reasoning. It rests upon axioms as simple as they are universal; the means ought to be proportioned to the end; the persons from whose agency the attainment of any end is expected ought to possess the means by which it is to be attained.

Whether there ought to be a Federal Government intrusted with the care of the common defense is a question in the first instance open for discussion; but the moment it is decided in the affirmative it will follow that that Government ought to be clothed with all the powers requisite to complete execution of its trust, and unless it can be shown that the circumstances which may affect the public safety are reducible within certain determinate limits, unless the contrary of this position can be fairly and rationally disputed, it must be admitted as a necessary consequence that there can be no limitation of that authority which is to provide for the defense and protection of the community in any matter essential to its efficacy; that is, in any matter essential to the formation, direction, or support of the national forces. (The Federalist, No. 23, pp. 152, 153, edition of Central Law Journal Co., 1914.)

JAMES MADISON'S VIEWS.

Madison, discussing the same subject, said:

Is the power of declaring war necessary? No man will answer this question in the negative. It would be superfluous therefore to enter into a proof of the affirmative. The existing Confederation establishes this power in the most ample form.

Is the power of raising armies and equipping fleets necessary? This is involved in the foregoing power. It is involved in the power of self-defense.

But was it necessary to give an indefinite power of raising troops, as well as providing fleets, and of maintaining both in peace as well as in war?

The answer to these questions has been too far anticipated in another place to admit an extensive discussion of them in this place. The answer, indeed, seems to be so obvious and conclusive as scarcely to justify such a discussion in any place. With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then, indeed, it might prudently chain the discretion of its own Government and set bounds to the exertions for its own safety.

How could a readiness for war in time of peace be safely prohibited, unless we could prohibit, in like manner, the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation. (The Federalist, No. 41, pp. 275, 276, edition of Central Law Journal Co., 1914.)

The Senator from Tennessee will say that that was in time of war. That is true. But the same arguments that were made against Washington's demands in war times were made against the selective-service law when we were precipitated into the World War. The arguments were just the same. I am citing it for the purpose of showing that this course is not violative of the traditions of our country, but is in line with the traditions of our country from Washington down to the present.

I do not know that the Senator from Tennessee [Mr. McKELLAR] indulged in any criticism of the Father of his Country, or whether he made any statements on the floor of the Senate that if we undertook to enforce the selective-service act there would be riot and bloodshed all over the country. Some Senators said that if they undertook to enforce it there would be riot and bloodshed. The cases in opposition to the draft were sporadic. It was perfectly remarkable the way the people supported and the young men of this country came under the terms of the selective-service law, and, as a rule, wherever there was opposition to the draft it happened to be in States the Senators or Representatives from which opposed the draft on the floor of Congress. I think that is generally true. But the American youth realized, when this act became a law, that they did owe a duty to their country, and there was not any disposition to make a protest against or to raise a riot about it. They came under its terms with magnificent gallantry and patriotism.

There was riot and bloodshed, however, at the time the draft act of the Civil War was undertaken to be put in force. The reasons for it were very different from those which existed at the time the selective-service act was passed. President Lincoln had a hard time quieting those riots, particularly in New York, where there were some persons killed and an immense amount of property destroyed. President Lincoln wrote a magnificent paper in support of the draft at that time, a part of which I am going to ask to have printed in the RECORD. It was written in his own handwriting, as is stated by Messrs. Nicolay and Hay in their Life of Lincoln, and they inserted it in that work. There was never an abler paper written in favor of the draft than that article by President Lincoln, and I ask to have part of it printed in the RECORD.

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

"It is at all times proper that misunderstanding between the public and the public servant should be avoided, and this is far more important now than in times of peace and tranquillity. I therefore address you without searching for a precedent upon which to do so. Some of you are sincerely devoted to the republican institutions and territorial integrity of our country and yet are opposed to what is called the draft or conscription.

"At the beginning of the war, and ever since, a variety of motives, pressing some in one direction and some in the other, would be presented to the mind of each man physically fit for a soldier, upon the combined effect of which motives he would or would not voluntarily enter the service. Among these motives would be patriotism, political bias, ambition, personal courage, love of adventure, want of employment, and convenience, or the opposite of some of these. We already have and have had in the service, as appears, substantially all that can be obtained upon this voluntary weighing of motives. And yet we must somehow obtain more or relinquish the original object of the contest, together with all the blood and treasure already expended in the effort to secure it. To meet this necessity the law for the draft has been enacted. You who do not wish to be soldiers do not like this law. This is natural; nor does it imply want of patriotism. Nothing can be so just and necessary as to make us like it if it is disagreeable to us. We are prone, too, to find false arguments with which to excuse ourselves for opposing such disagreeable things. In this case those who desire the rebellion to succeed and others who seek reward in a different way are very active in accommodating us with this class of arguments. * * *

"The republican institutions and territorial integrity of our country can not be maintained without the further raising and supporting of armies. There can be no army without men. Men can be had only voluntarily or involuntarily. We have ceased to obtain them voluntarily, and to obtain them involuntarily is the draft—the conscription. If you dispute the fact and declare that men can still be had voluntarily in sufficient number, prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft. Or if not a sufficient number, but any one of you will volunteer, he for his single self will escape all the horrors of the draft and will thereby do only what each one of at least a million of his manly brethren have already done. Their toil and blood have been given as much for you as for themselves. Shall it all be lost rather than that you, too, will bear your part?

"I do not say that all who would avoid serving in the war are unpatriotic; but I do think every patriot should willingly take his chance under a law made with great care in order to secure entire fairness. This law was considered, discussed, modified, and amended by Congress at great length and with much labor, and was finally passed by both branches with a near approach to unanimity. At last it may not be exactly such as any one man out of Congress, or even in Congress, would have made it. It has been said, and I believe truly, that the Constitution itself is not altogether such as any one of its framers would have preferred. It was the joint work of all, and certainly the better that it was so.

* * * * * * *

"The principle of the draft, which simply is involuntary or enforced service, is not new. It has been practiced in all ages of the world. It was well known to the framers of our Constitution as one of the modes of raising armies at the time they placed in that instrument the provision that 'the Congress shall have power to raise and support armies.' It had been used just before, in establishing our independence, and it was also used under the Constitution in 1812. Wherein is the peculiar hardship now? Shall we shrink from the necessary means to maintain our free government, which our grandfathers employed to

establish it and our own fathers have already employed once to maintain it? Are we degenerate? Has the manhood of our race run out?

"Again, a law may be both constitutional and expedient, and yet may be administered in an unjust and unfair way. This law belongs to a class, which class is composed of those laws whose object is to distribute burthens or benefits on the principle of equality. No one of these laws can ever be practically administered with that exactness which can be conceived of in the mind. A tax law, the principle of which is that each owner shall pay in proportion to the value of his property, will be a dead letter if no one can be compelled to pay until it can be shown that every other one will pay in precisely the same proportion, according to value; nay, even it will be a dead letter if no one can be compelled to pay until it is certain that every other one will pay at all—even in unequal proportion. Again, the United States House of Representatives is constituted on the principle that each Member is sent by the same number of people that each other one is sent by; and yet, in practice, no two of the whole number, much less the whole number, are ever sent by precisely the same number of constituents. The districts can not be made precisely equal in population at first, and if they could they would become unequal in a single day, and much more so in the 10 years which the districts, once made, are to continue. They can not be remodeled every day; nor, without too much expense and labor, even every year.

"This sort of difficulty applies in full force to the practical administration of the draft law; in fact, the difficulty is greater in the case of the draft law. First, it starts with all the inequality of the congressional districts; but these are based on entire population, while the draft is based upon those only who are fit for soldiers, and such may not bear the same proportion to the whole in one district that they do in another. Again, the facts must be ascertained, and credit given, for the unequal numbers of soldiers which have already gone from the several districts. In all these points errors will occur in spite of the utmost fidelity. The Government is bound to administer the law with such an approach to exactness as is usual in analogous cases, and as entire good faith and fidelity will reach. If so great departures as to be inconsistent with such good faith and fidelity, or great departures occurring in any way, be pointed out, they shall be corrected, and any agent shown to have caused such departures intentionally shall be dismissed.

"With these views, and on these principles, I feel bound to tell you it is my purpose to see the draft law faithfully executed."

Mr. CHAMBERLAIN. I do not believe anyone can charge that the martyred President, that great tribune of the people, was a militarist, or that because he advocated the draft he favored Prussianizing America. I call attention to what he said about the draft to show that in his day and generation it was not considered as violative of our traditions to favor compulsory service.

Mr. President, I do not like to take up any more of the time of the Senate, but when this question of the training of the young men was up before the Military Affairs Committee there were a number of representatives of the American Legion before us, and amongst others there were Col. Hough and Col. Donovan, both officers from civil life, who served with peculiar gallantry in France. I am just going to ask to have inserted in the RECORD a part of what they said about the condition of the young men who went into the service insufficiently trained. God alone knows, Mr. President, how many young lives were sacrificed in this war because when they went over there they not only did not know how to shoot but did not know how to load a gun.

God alone knows how much money was spent because the young men over there not only went over untrained but went over unequipped to fight.

Col. Hough stated, in part:

When I am asked whether I am in favor of compulsory military training my answer to that is to cite what absolutely took place within my experience. When we went into the Argonne—and this is only one instance of many that might be cited—we received a number of replacements. My regiment was distributed in its formation with a battalion in front and a supporting battalion here and a battalion in the rear. Those replacements were assigned to my regiment in bulk, perhaps 300 of them. Under war conditions there was nothing I could do except to parcel them out to the various companies of the regiment. In doing so naturally a certain percentage of the replacements went into the front line. The companies that were in the front line took their quota of replacements and they went immediately into the front line. It was not until after that had been done that I learned that those men had not been in the United States uniform to exceed three weeks in the United States. They had been sent as casuals across the ocean attached to a replacement division and parceled out to combatant troops, and there they were, three weeks in a uniform, and not able even to load their own rifles. It was actually true that the corporals of the various squads in the front line had not only to teach the men how to shoot, but how to force a cartridge into the chambers of their rifles and fire a shot. That is the best instance I know of of an argument for some military preparation to protect our own United States.

Col. Donovan stated, in part:

I would like to say a word on the general question of military training. We have heard expressed frequently the advantage this would be so far as general Americanization is concerned. I think most of us may be agreed upon that, but eventually the purpose of such a bill as this is battle-field efficiency. Now, in getting that there are two things we must consider. The first is that if we are going to call men to go and fight for us it is our obligation as citizens to see that they have a fighting chance for their lives, and the men in this war did not have that chance, and in reading the report of the commander in chief it seems to me that on that point enough credit is not given our allies, the French, their officers and noncommissioned officers, in the training and inspiration they gave to us who commanded combat units there, because those men gave to our men in general instruction a fighting chance for their lives that our own country had denied them.

In substantiation of what Col. Hough has told you, I would like to cite a concrete example of the untrained condition of the men that came in. It was after the Battle of Corpoil. I think we left 50 per cent of the combat battalion there. After that fight I happened to be made a lieutenant colonel. I commanded a battalion there. They were sent to us as replacements, and I personally questioned each replacement sent to us. Ninety per cent of those men were untrained. Ninety per cent of those men had never opened the bolt of their rifles, they had never had on a gas mask. We were told we were going up into the St. Mihiel fight. I got these men before us and I said, "Men, here is what we are going to do; now, I want to give you a chance for your lives. You men who are old men, it will do you no good if you have men by the side of you who are untrained. So I am going to ask you to do this." We marched at night for the battle line. We started at 9 o'clock and would march until 5 o'clock in the morning, and then I would let those men sleep until noon, and then I started in training them, and except when they stopped to eat, we trained them until 9 o'clock at night, when we again started on the march. What does that mean? Let us take you men here, who are intelligent men. Say I am your sergeant in that fight. We are told to go out and take a machine-gun nest. Think what you would do. The first idea would be the idea of fear, that comes to every one of us, there is no use denying it. The next thought would be the gregarious instinct, men will huddle together like sheep, making the surest target for a machine gun. Now, if you were to put on uniforms, do you think that would change your character any?

That was the situation in this war. Those who saw the untrained men going up against machine guns realized the importance of training men beforehand. I think this bill will constitute a laboratory in which men will be trained who will be officers, who will be efficient and humanized. I think the fundamental defect of the A. E. F. was a lack of appreciation of the psychology of command and the art of leadership. What can you expect from men who have had no experience with a citizen soldier, no experience in leadership? What can you expect in the handling of men? Every officer who is worth his salt knows that the only reason for his existence is to look out for his men. But he does not get that by instruction. What we needed was not so much the discipline fire but the discipline of the heart. The American soldier would go any place if he were led, but he had to be led, and that is the kind of spirit we have in this country, and that is what must be done, and if you send your officers where they have contact with enlisted men, where they know the reaction of the citizen, he is going to make a darn sight better officer when it comes to a fight.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator yield to the Senator from Washington?

Mr. CHAMBERLAIN. I yield.

Mr. POINDEXTER. In that connection, I would like to cite a statement which has been furnished me from an authority on this subject, a well-informed military officer—and if the Senator has any information on the subject I will be glad to have his comments on it—in which he treats of certain controversies that occurred in the War Department just prior to the war and during the war in regard to the training of soldiers, and cites some reprimand which he states was given to Gen. Crowder because Gen. Crowder insisted upon pushing the training of the men; and in that connection he makes this statement, that the authorities of the Army sent the Three hundred and seventh Infantry and the Three hundred and eighth Infantry into battle with 2,100 men who had never fired a rifle. I call the Senator's attention to the fact that it is not a statement that they were merely sent to France without ever having fired a rifle, but they were sent into battle without ever having fired a rifle, and that they had never mastered the Infantry drill. These men, he said, were slaughtered like rats in a trap.

Mr. CHAMBERLAIN. There is testimony to corroborate that.

Mr. POINDEXTER. He specifies the regiment. It ought to be very easy to demonstrate if that statement is not true, because there is a record of the Three hundred and seventh and the Three hundred and eighth Regiments, and it can be easily ascertained if the statement is not correct.

Mr. CHAMBERLAIN. I do not know of any testimony with respect to those particular regiments, but there is testimony to sustain that general charge, and that is what I asked to have printed in the RECORD a while ago. Here is what Col. Hough says in a portion of his testimony. Col. Hough was a member of the One hundred and sixty-sixth Infantry, the Rainbow Division, which, as the Senator knows, was a very distinguished fighting organization. He says:

When I am asked whether I am in favor of compulsory military training my answer to that is to cite what absolutely took place within my experience.

I call the Senator's attention to that.

When we went into the Argonne—and this is only one instance of many that might be cited—we received a number of replacements.

That is, the troops who were called in to take the place of the young men who had been killed or else who had been withdrawn from the battle front because they were worn out.

My regiment was distributed in its formation with a battalion in front, and a supporting battalion here, and a battalion in the rear. Those replacements were assigned to my regiment in bulk, perhaps 300 of them. Under war conditions there was nothing I could do except to parcel them out to the various companies of the regiment. In doing so naturally a certain percentage of the replacements went into the front line. The companies that were in the front line took their quota of replacements and they went immediately into the front line. It was not until after that had been done that I learned that those men had not been in the United States uniform to exceed three weeks in the United States. They had been sent as casuals across the ocean attached to a replacement division and parceled out to combatant troops, and there they were, three weeks in a uniform, and not able even to load their own rifles. It was actually true that the corporals of the various squads in the front line had not only to teach the men how to shoot but how to force a cartridge into the chambers of their rifles and fire a shot.

That corroborates the statement which has come to the Senator. There is not any doubt about that. I venture to say that if the Senator would go into his own beautiful city of Spokane and into the high school, where there are boys from 18 to 21 years of age, select promiscuously a group of those young men, and take them out into the woods, they would not know how to load a gun; and yet young soldiers, according to Col. Hough, were put into the battle front who not only did not know how to shoot a gun but did not know how to put a cartridge into a gun. That was criminal, and Congress is measurably responsible for failing to provide in time of peace for training these young men.

Mr. POINDEXTER. Will the Senator pardon me for just a moment?

Mr. CHAMBERLAIN. Certainly.

Mr. POINDEXTER. Some time ago I received a letter from an expert rifleman in my section of the country complaining about the sights on the Army rifles at that time; he said they were impracticable, and that no man could shoot in a hurry and could use the sights at all; that the rear sight was too far from the eye, and the hole in the rear sight was too small. I submitted the matter to the Ordnance Service of the department; of course, they defended the Army rifle, but this is the interesting part of the correspondence: Much to my surprise the authorities of the War Department claimed at that time that they did not expect men in battle to shoot accurately, and they argued that it was not necessary to have a practicable sight on the guns. This was about four or five years ago. I may add—and it is quite interesting—that although they ridiculed the recommendation of this practical rifleman, through accident and through their own inefficiency, not having the proper kind of rifle, and being compelled to accept in part the rifle that was used in the British Army, finally in this war they adopted a rifle with the same sight that this practical rifleman had recommended.

Mr. CHAMBERLAIN. I am glad to have had the Senator from Washington add that. We went into the question a long while ago of the manufacture of guns, munitions, and ordnance, and I am not going to refer to it in what I have to say now. I simply call attention to the report of Gen. Pershing, which has just been printed, and which I think Senators can get in the document room. For the verification of all the statements that were made by the Military Affairs Committee early in 1918, that is all the testimony I care for.

Mr. President, there is nothing that will excuse the negligence of a country that fails to teach its young men their duty in time of war. This can be done here without cultivating a militaristic spirit. The only country in Europe that was not directly or indirectly seriously involved in the recent war was Switzerland, and Switzerland has had universal training for years in a more stringent form than we propose it here. The fact that Switzerland can in 24 hours literally call nearly a million men to the colors makes other nations hesitate very much before they will undertake to arouse that little Republic.

It is for the reason that I believe that America ought to train its young men in the use of the implements of war that I have always stood for universal military training, in order that when war does come, if it ever comes, we may call an army together without very much trouble.

I might discuss the effect of the calling together of young men from every section of the country and from every occupation in Americanizing and democratizing them. I heard of an instance over in France where a rich New Yorker was acting as chauffeur for a man who had been his chauffeur before the war. His chauffeur had become an officer and the millionaire was still a private, and yet they were discharging their duties faithfully. They had learned to do that under military discipline. There is not anything that brings men closer together and more completely Americanizes them and tends more to make democratic citizens of them than standing shoulder to shoulder in the duties which fall to a soldier's lot.

Mr. President, I am going to call attention to the decision of the Supreme Court in the case of "Selective draft-law cases," Two hundred and forty-fifth United States Reports, 366, sustaining the draft act. It knocks down some of the men of straw which some Senators have raised here in opposition to compulsory military training and service. I ask leave to print a portion of that decision in connection with my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

"As the mind can not conceive an army without the men to compose it, on the face of the Constitution the objection that it does not give power to provide for such men would seem to be too frivolous for further notice. It is said, however, that since under the Constitution as originally framed State citizenship was primary and United States citizenship but derivative and dependent thereon, therefore the power conferred upon Congress to raise armies was only coterminous with United States citizenship and could not be exerted so as to cause that citizenship to lose its dependent character and dominate State citizenship. But the proposition simply denies to Congress the power to raise armies which the Constitution gives. That power by the very terms of the Constitution, being delegated, is supreme. (Art. VI.) In truth the contention simply assails the wisdom of the framers of the Constitution in conferring authority on Congress and in not retaining it as it was under the Confederation in the several States. Further it is said the right to provide is not denied by calling for volunteer enlistments, but it does not and can not include the power to exact enforced military duty by the citizen. This, however, but challenges the existence of all power, for a governmental power which has no sanction to it and which therefore can only be exercised provided the citizen consents to its exertion is in no substantial sense a power. It is argued, however, that although this is abstractly true, it is not concretely so, because as compelled military service is repugnant to a free government and in conflict with all the great guaranties of the Constitution as to individual liberty, it must be assumed that the authority to raise armies was intended to be limited to the right to call an army into existence counting alone upon the willingness of the citizen to do his duty in time of public need; that is, in time of war. But the premise of this proposition is so devoid of foundation that it leaves not even a shadow of ground upon which to base the conclusion. Let us see if this is not at once demonstrable. It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it. (Vattel, Law of Nations, Book III, chs. 1 and 2.) To do more than state the proposition is absolutely unnecessary in view of the practical illustration afforded by the almost universal legislation to that effect now in force. In England it is certain that before the Norman conquest the duty of the great militant body of the citizens was recognized and enforceable. (Blackstone, Book I, ch. 13.) It is unnecessary to follow the long controversy between Crown and Parliament as to the branch of the Government in which the power resided, since there never was any doubt that it somewhere resided. So also it is wholly unnecessary to explore the situation for the purpose of fixing the sources whence in England it came to be understood that the citizen or the force organized from the militia as such could not without their consent be compelled to render service in a foreign country, since there is no room to contend that such principle ever rested upon any challenge of the right of Parliament to impose compulsory duty upon the citizen to perform military duty wherever the public exigency exacted, whether at home or abroad. This is exemplified by the present English service act."

Mr. CHAMBERLAIN. The court then proceeds to consider the acts of the Colonies, the acts of the States under the Articles of Confederation, and the provisions of the Constitution, and concludes that Congress had power to pass the selective-service law, and the present act for compulsory military training is not obnoxious to that decision.

Mr. President, in conclusion let me say that, if universal compulsory military training is put in force under this bill, ample provision is made for the training of these young men, industrially and otherwise. It will constitute a school for them, so that they will not only be fitted for the duties of citizenship by the discipline through which they will have passed but they

will be fitted for the duties of industrial life by having their hands, their eyes, and their brains trained for particular branches of service.

Yesterday in what I had to say I mentioned Camp Holabird, in Baltimore, a camp which I myself have visited, where training is carried on in industrial and vocational pursuits. Young men are volunteering for enlistment in order to learn a trade there. They go there from every walk of life; and, although many of them have only common-school educations, they learn every part of an automobile, and when they leave that camp at the end of a year they can almost build an automobile, and every part of it. They are taught to handle the forge; they are taught to work at the anvil; they are taught to make things from diagrams and blue prints which they have never seen before or known anything about. I went through every department of that institution, and the officer in command assured me that these young men went out of the Army and secured positions in automobile factories throughout the United States at from forty to sixty dollars a week. Letters are coming into the camp asking for the services of the young men whenever they are discharged; and those who have not fitted themselves to do otherwise than act as chauffeurs go out and obtain excellent positions in that capacity.

Mr. President, in answer to the charge that politics is being played by some of us who are willing to compromise compulsory military training for voluntary training, permit me to say that, if we do not intend to compel all young men to learn the things that make for better citizenship in this country, we ought at least to give every young man who wants it a chance to learn, and to learn at the expense of the Government of the United States. My opinion is that the object lesson will be of such splendid advantage to the American people that all of the young men will ask that compulsory training become the vogue in this country. I hope that the Senate may see fit to enact the provisions of the amendment proposed by the Senator from New Jersey.

Mr. HARRIS. Mr. President, I offer an amendment, which I should like to have considered. Before the amendment is stated, however, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Beckham	Gerry	Lenroot	Smith, Ariz.
Borah	Glass	Lodge	Smoot
Brandegee	Gore	McCormick	Spencer
Calder	Hale	McCumber	Sterling
Capper	Harris	McKellar	Swanson
Chamberlain	Harrison	Norris	Townsend
Colt	Kellogg	Nugent	Trammell
Curtis	Kendrick	Phelan	Wadsworth
Dial	Kenyon	Poindexter	Warren
Dillingham	Keyes	Ransdell	
Frelinghuysen	Kirby	Sheppard	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum of the Senate is not present. The Secretary will call the list of absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. HITCHCOCK and Mr. McNARY answered to their names when called.

Mr. BALL, Mr. ELKINS, Mr. ASHURST, Mr. PITTMAN, and Mr. GAY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The amendment offered by the Senator from Georgia [Mr. HARRIS] will be stated.

The READING CLERK. On page 65, line 5, after the words "United States," it is proposed to insert "who have been citizens for at least 10 years." In lines 6 and 7, page 65, strike out the following words: "and all male persons who reside therein and who have declared their intention to become citizens." On page 65, line 19, after the word "months," strike out the period and insert: "and all applications to participate in training shall be submitted to the adjutant general of the State in which the applicant is a resident and forwarded to the War Department with the approval of the governor of said State."

Mr. SPENCER. Mr. President, I have endeavored to answer for myself three questions in connection with this subject of universal military training in order to enable me to make up my own mind as to what is the right thing to do in the matter.

I could wish that the title of "universal military training" had never been adopted, for to my mind the military features of the plan are far less important and far less extensive than are the essential educational elements of the plan.

The first question which I asked myself was whether or not the principle of universal training was right and whether its application was desirable.

When we think, as Americans, of the astounding fact that one out of every four of our soldiers in the last war was unable to write a letter home in English or to read an order written in English, and when we remember that there are in the United States five and a half million of people above school age who can not read or write in the English language, and that there are 3,000,000 in the United States who can not speak the English language or understand it when it is spoken, and that one of every three American boys called to the colors was rejected because of physical inability, the result is a strong determination to do anything that will promote the subject of general mental and physical education in the Nation.

So I have answered the first question to my own mind by definitely determining that any plan that has for its main purpose or as a large part of its purpose the education of young American manhood, mentally and physically, is a plan that is right in principle and is desirable to try.

The universal military training as contemplated in this bill provides that the young manhood of the Nation for four months shall, at Government expense, undergo an intensive form of training. The time of the year is optional with the young man. If his occupation is upon the farm, he may take that training at a time of the year when the duties of the farm are not arduous. If he is engaged in industrial life, he may take that four months of training at a time of the year when it is most convenient and imposes upon him the least burden. He has the option of taking it either in his eighteenth or his nineteenth or his twentieth year.

All of that is optional with the individual young man himself; but the great foundation of the plan is that there shall be brought together the young manhood of the Nation, and that when they are thus gathered at Government expense there shall be four months of intensive training—mental, physical, and in the principles for which the American flag stands.

I should like to take that training myself. I should like to have every one of my three boys take that training. It would be Plattsburg magnified. It would bring together the young manhood from every section of the country and from every walk of life, together with all the resulting democratic efficiency and understanding that would result from the men of every geographical section and every kind of occupation coming into close relationship with each other on terms of absolute equality. It would demonstrate upon a larger scale what the public schools are demonstrating every day. The military features of the plan are not absent. The lack of training of a soldier results in the needless sacrifices of war; and, as the Senator from New York [Mr. WADSWORTH] so ably represented the other day, in case of an emergency—and no man can tell when that emergency may arise—the four months of training might well be not only necessary for the Nation but absolutely necessary for the life of the soldier.

The general principle of universal military training—though I do not like the name; I would much prefer "universal training for American citizenship"; it would be truer in its application, it would arouse less misunderstanding, it would be in every way more desirable—but the principle itself has the merit of right in it and its application is desirable.

The second question I ask of myself is whether the plan itself, namely, four months of intensive training, is the best plan, and upon that I am not so clear. No one can tell what only four months of training will do. It is a problem; it is a venture. It may result in a mere accumulation of training soon to be forgotten, for it is not followed up. No one can tell whether four months are sufficient to really accomplish what the plan proposes. It is an experiment.

My mind leads rather to the advisability of the Swiss plan or to the Australian plan of universal military training. Those plans differ from the plan proposed in the pending bill in that they have no long period of intensive training, but they take the boyhood of Switzerland, commencing at the age of about 12, and in connection with his education they give him substantially the very same training that is intensively concentrated in four months of time under the present proposed plan. When the Swiss boy has had his training in school in his twelfth, thirteenth, fourteenth, and fifteenth years, then, if I remember rightly, in his sixteenth year he has a certain period of a few weeks when he has the intensive training which under this plan is provided for in a longer time and without any of the preliminary school education.

Mr. WADSWORTH. I think, if the Senator will permit me, he will find on examination of the Swiss law that a young man in Switzerland is called out annually for two or three or four years for maneuvers, two or three weeks at a time.

Mr. SPENCER. I think the Senator is quite right.

Mr. WADSWORTH. And he is a member of the citizen reserve army during a considerable period of time; and that is all the army they have. As a matter of fact, their only

regular army consists of officers who really do the guiding and teaching and training in the maneuvers. As a result they have a perfectly democratic army, composed of citizen soldiers, liable to service in time of war or to protect the nation; and that little country, with 400,000 men on its borders, maintained its neutrality in the midst of the greatest vortex that ever occurred in Europe.

Mr. SPENCER. I thank the Senator for the interruption. The facts are exactly as he presents them. The difference between the two plans is that in Switzerland the foundation of the plan is through the course of years. The Swiss boys, during the formative period of their lives, are gradually trained in citizenship. It is a part of their required education, and when they reach the age of young manhood, 16 years, if I remember rightly, then they have a period in camp of a few weeks, and the next year for a shorter period, and the third year for a still shorter, and then they go into the reserve, as the Senator from New York has stated, for an extended period, but subject to military duty only in case of national need. This provides the great illustration of a citizen army as the result of universal military training, and the plan is not dissimilar from that followed in Australia.

I am not clear but that such a plan is better than the plan proposed in the pending bill. The difficulty with the Swiss plan in the United States is our great extent of territory, the difficulty of applying it in the thinly settled portions of the United States, and the difficulty of the added cost of transportation, none of which difficulties are present in Switzerland.

So when I come to answer the second question, as to whether the plan proposed by the bill is the best plan, I have not been able to satisfy myself. I do know that the principle of this bill is worth a trial. I do know that the principle for which it stands is right. I do know that it is absolutely essential for the preservation of our country that some such plan as this should be put into operation.

That leads me to the third question, which I ask myself, and that is, What ought to be done at this time in connection with the matter? If the principle is right, by all odds the principle ought to be conserved and not defeated. If it is uncertain whether the proposed plan of carrying out this general principle is the best, then the plan ought to be tried to determine whether it is the best plan or not, and in a trial of it there is no need of making it compulsory. It can be tried by voluntary enlistment as well as it can by universal compulsion. The plan is as capable of demonstration with 50,000 American young men who may voluntarily elect to try it as it is with 500,000 who are compelled to try it, and everyone would probably agree that 50,000 men would volunteer; and the principle could be just as well demonstrated as if the compulsory feature of the bill were included at the start, though such compulsion would undoubtedly produce a larger number of students.

Then there is a question in my mind as to how wise it is to introduce the feature of compulsion, even if the plan is wise in principle, when a great part of the public opinion of the country is adverse to such compulsion. I do not care so much whether that opposition arises from a mistaken impression or whether it arises from an intelligent conviction upon the actual merits of the case. The point is that in a nation ruled by public opinion there must be a certain amount of deference to the opinion of the people of the nation in introducing any plan.

It is always unwise, unless absolutely necessary, to compel by law what the sentiment of the nation does not generally approve.

The sentiment of the American people inevitably turns to what is right when they fully understand the matter, and the process of education and discussion is safer in a Republic than the process of compulsion.

Mr. HARRISON. Mr. President——

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

Mr. SPENCER. Certainly.

Mr. HARRISON. The Senator has changed his position, then, on that proposition quite recently.

Mr. SPENCER. There is no change on my part.

Mr. HARRISON. The Senator is a member of the Committee on Military Affairs of the Senate.

Mr. SPENCER. Not of the subcommittee. I am a member of the committee.

Mr. HARRISON. The Senator voted in the committee to report out the bill?

Mr. SPENCER. I voted to report the bill.

Mr. HARRISON. That was only a few days ago.

Mr. SPENCER. It was some weeks ago, but the time is immaterial.

Mr. HARRISON. Does not the Senator think if he entertained those views at that time, they should control his vote at this time?

Mr. SPENCER. Perhaps so; but if I am right now—I am sure the Senator will agree with me—he and I both ought to now vote as we believe.

Mr. HARRISON. I agree with the Senator fully. But what is it that has come up that causes the Senator to change his views?

Mr. SPENCER. I can tell the Senator, and I can tell him frankly. The principle of the bill, which is at the foundation of the whole thing, I had no doubt about in the committee. I have no doubt about it now upon the floor of the Senate. When the bill was before the committee there was no doubt about the right of the principle. Then there was a discussion and a doubt expressed as to whether the proposed plan was the wisest plan for carrying out that principle, and whether the financial burden was greater than ought to be put upon the country now, and whether the public opinion in regard to that question ought not to be considered. All of those questions were in my mind then, and I resolved in favor of bringing the bill to the Senate for its consideration, and I would do the same thing again under the same circumstances. The principle of universal training ought to be considered by the Senate. Whether it is brought before the Senate as a compulsory measure or as a voluntary measure does not matter so much. In either event the principle was bound to be discussed, as it has been, and the judgment of the majority recorded. If a majority of the committee had been in favor of voluntary training, I would have voted to report that plan to the Senate. What I wanted was that the principle of universal training should be considered.

Mr. HARRISON. If the Senator will permit me, I understand when he voted in the Committee on Military Affairs upon the question of compulsory military service he was of the opinion that the sentiment of the country was for it.

Mr. SPENCER. The Senator is mistaken.

Mr. HARRISON. The Senator then thought that the sentiment of the country was in favor of compulsory military training?

Mr. SPENCER. I thought the sentiment of the country then was just what I think it is now—greatly divided upon the question.

Mr. HARRISON. I understand the Senator to say now that in the event a Senator casts his vote, he should at least consult the sentiment of the country.

Mr. SPENCER. I think so.

Mr. HARRISON. The sentiment of the country being against it, he is willing now to abandon his position with reference to compulsory military training and adopt voluntary military training.

Mr. SPENCER. I did not say in committee, nor do I say now, that the sentiment of the country is against it. I say the sentiment of the country is divided upon the question. Much of the opposition comes from a misunderstanding of the provisions of the measure. Some of the opposition comes from a conviction that it is wrong.

Mr. HARRISON. Why has the Senator changed his views now from what they were when he voted in the Committee on Military Affairs for compulsory military service, as did the other members on the majority side?

Mr. SPENCER. I suffer in my inability to make the Senator from Mississippi understand that I have not changed my views, that I stand on the principle of universal training to-day precisely where I did when I voted to report the bill out to the Senate.

Mr. WADSWORTH. May I state to the Senator from Mississippi that the sentiments expressed by the Senator from Missouri a few moments ago are exactly the sentiments which he expressed in the committee? There has been no change whatsoever.

Mr. HARRISON. There has been a change in the vote that he is going to cast now from the vote which he cast in the Committee on Military Affairs, and there is a change on the part of other members of the committee on the majority side.

Mr. WADSWORTH. The trouble with the Senator from Mississippi is that he does not know the attitude of the Senator from Missouri in the committee. The Senator from Missouri did not promise in the committee to vote for the bill.

Mr. HARRISON. That is why I asked the question, but the Senator from Mississippi does know that certain members of the Committee on Military Affairs brought in a bill providing for compulsory military service, and most of them, if not all of them, have changed their views, and are trying to put it through

the Senate, but have abandoned compulsory military service for voluntary military training.

Mr. WADSWORTH. I beg the Senator not to say "all."

Mr. HARRISON. I should state perhaps all with the exception of the Senator from New York.

Mr. SPENCER. I am wondering at the keenness and the anxiety of my friend, the distinguished Senator from Mississippi, to inquire into the reason why a Senator did this or that. I would rather consider that the question into which he should inquire is what is the right thing to do when we are brought to a consideration of the bill itself. If I thought I was wrong in the committee, I would not hesitate to change upon the floor of the Senate, and neither would the Senator from Mississippi, for his fearlessness is well known, but there is no occasion to make any change. The fact of the case is that there was a great principle of universal training before the committee. When they came to the application of that principle the method by which it might best be tried out was not so clear.

We now come to the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN], and I answer the third question that I proposed to myself as to what is the right thing for the Senate now to do, by determining to make a fair trial of universal training along the lines of voluntary rather than compulsory enlistment.

The principle can be thoroughly demonstrated by the plan of voluntary enlistment as to whether it is good or as to whether it is bad. If the plan proposed by the amendment of the Senator from New Jersey is tried out, what will result?

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

Mr. SPENCER. Certainly.

Mr. McKELLAR. The amendments offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] are the pending amendments, and we want to vote intelligently upon them. They were just submitted to most of us yesterday. The question I wanted to ask was, How much is it going to cost? That is a very important matter, as the Senator knows. I know the Senator's great interest in such matters, as to the means of getting the money to run the Government properly. The question of the cost is a matter that we all should consider. What will it cost if adopted? I have no knowledge, and I would like to have some information.

Mr. SPENCER. I wish I could tell the Senator from Tennessee. I can give him this as an approximate estimate which has been carefully computed, and which I myself believe to be substantially correct, that it will cost about $283 a man. How many will try the training under a volunteer system I do not know. The plan could be demonstrated if in this bill we limited the number of those who would be accepted under a voluntary plan to 100,000 or 200,000, and then the cost would be a mere matter of mathematical calculation, in which the Senator is so quick and so accurate.

Mr. McKELLAR. Mr. President, does the Senator think that it would be very wise to limit it so that we would know how much money to appropriate to carry it out? We surely are not going to continue the war-time process of appropriating a lump sum to carry out the projects in such manner as the War Department may determine. We ought to have some figures, and, as I understand the Senator, the only way we can get the figures accurately is to determine how many men we are going to permit to come in under the voluntary scheme, and figure on the basis of the cost of each man.

Mr. SPENCER. That is a detail, Mr. President, which it seems to me should interpose no serious obstacle. Anyone knows that there will not be more than 200,000 who will volunteer. Anyone knows that there will probably be at least 50,000 who will volunteer, and either figure is quite within the possibility of easy computation, and neither figure is excessive, as regards cost, and is negligible in comparison with the benefits.

Mr. SMITH of Arizona. I would like to ask the Senator on what he bases the certainty of 50,000 enlistments under the bill?

Mr. SPENCER. I can only base it upon the general common sense of the situation, as to which the Senator is far better qualified than myself to give a guess. I arrived at it by thinking, first, of my own home city, and then the country towns with which I am acquainted, and then the State, and I think I could easily see that from Missouri there would come all the way from 2,500 to 4,000 men to try it. It would depend a good deal on whether the American Legion got back of it. If the American Legion got back of the voluntary plan, the enlistments would be larger.

Mr. SMITH of Arizona. I was asking for information. I have a very serious doubt myself of any definite number we could rely on to enter, with nothing on earth offered those who do enter except the limited service, under the rules laid down in the ordinary Army discipline. If the Senator will just permit me, I wish to throw out a suggestion as to whether we could not meet this better somewhat along the line of the suggestion of the Senator from Minnesota [Mr. NELSON] the other day. Suppose we had a hundred thousand volunteers for one year's service, and with that voluntary service we had the additional feature of an education, and give these hundred thousand men the chance for an education, and have lectures on patriotism and the duty of the soldier and the citizen to his country, giving one year of actual war service. For three or four hours a day give not only an opportunity for an education but compulsory education, and let no man over 21 years of age enlist, and at the end of 10 years we would have ten hundred thousand, and the oldest one would not be over 30 years of age—regularly trained and equipped soldiers. I doubt whether it would cost as much as the present bill will cost. Along that line only can I see any way of inducing an American boy with ambition to enter the Army under the provisions of a voluntary system.

Mr. SPENCER. The mathematics of the Senator from Arizona are unanswerable, and there is a great deal of merit in the plan. The difficulty is not as to whether we would not have a million trained men under 30 years of age if a hundred thousand enlisted every year for 10 years, but the difficulty comes in the fact that at this very day we have the provision for the enlistment for a year, and we can not get the men to enlist.

Mr. SMITH of Arizona. But you have nothing in the world to offer except the service they will give.

Mr. WADSWORTH. Oh, yes, we have.

Mr. SMITH of Arizona. I will be glad to be interrupted by the Senator from New York. I think we all recognize the necessity not only of soldiers as trained men but we recognize the necessity also of some inducement above mere service as a private in the Regular Army.

Mr. SPENCER. We have it to-day. But, Mr. President, I yield to the Senator from New York.

Mr. WADSWORTH. I think the Senator forgets that three years ago we put into the national-defense act, as I recollect, the provision for vocational education in the Army, and every soldier who enlists in the Regular Army to-day has a right to receive extra instruction in any trade that is carried on the list or the curriculum of the Army, and the number of trades must be 40 or 50. The schools are being conducted to-day at every Army post and every cantonment. I have been to one of them myself, and I have seen hundreds of young men learning how to repair, and in fact to build the minor parts, at least, of every part of an automobile or a truck. When those men went on furlough last Christmas for five days, or a week perhaps, to the city of Baltimore, as their Christmas vacation from the Army, they hired out in local garages for $8 a day, as a result of the benefits which they had received while serving as soldiers in the Motor Transport Corps. The whole Army is building up that system, and to-day, may I say to the Senator from Arizona, any soldier who enlists in the Army for one year or for three years—there being two periods of enlistment at the present time—can have that training.

Mr. SMITH of Arizona. I know that, and that is a most commendable feature which characterizes the Regular Army to-day. But the Senator mistakes my point. Take the boys from the mountains, or the country boys, who have no advantages and no money. They need the rudiments of a regular education. They need lectures by competent men. If this camp of 100,000 citizen soldiers should be made a school, not for education in the arts or in mechanics, but in the books of the world, in the patriotism of our country, in the elevation of their manhood, their devotion to the flag, as a part of the curriculum, and let those 100,000 boys come out and take the additional education of which the Senator from New York speaks, would we not have, at the end of 10 or 15 years, probably, the most patriotic and the best-educated men ready for service any country ever had in the annals of all time?

My idea is that if we could organize our Army along that line and have the inducement of one year of good schools, with the expenses of the soldier paid, his clothes furnished, his money paid him as a soldier, and, in addition to that, knowing that he will be free in a year, with the addition of the education, it would be a temptation in the minds of these boys, unable to be otherwise educated, to take advantage of this service; and it would inure not only to the uplifting of the personnel of the Army, but of the citizenship of America.

Mr. SPENCER. That is precisely what they have to-day; but the enlistments do not come.

Mr. WADSWORTH. May I ask the Senator to listen for a moment while I read the language of the bill? I am quite sure the Senator's interest in it has caused him to read it, but I

know there are a good many Senators here who have not read this bill at all.

Mr. SMITH of Arizona. I have not paid as much attention to it as I would have done if I had had more time.

Mr. WADSWORTH. For instance, section 52, headed "Classes of training," reads as follows:

The military training and any preparatory education therefor required by this act shall be such as may be prescribed by regulation, and shall include general educational training and vocational training in appropriate trades which may be necessary in war and useful in peace, scientific agriculture, physical training, instruction in hygiene, instruction in American history, principles and forms of government, and such other instruction and training as may be adapted to qualify those receiving it for the performance of their duties,

And so forth.

Mr. SMITH of Arizona. If I am not intruding too much on the time of the Senator from Missouri, may I ask the Senator from New York what good that will do under this voluntary system?

Mr. WADSWORTH. Of course, I am in favor of the compulsory system.

Mr. SMITH of Arizona. I know; and in your view it is reasonable, but in view of a voluntary system may I ask the Senator what good it will do?

Mr. WADSWORTH. I can tell the Senator what good it will do. Will the Senator from Missouri forgive me for taking his time?

Mr. SPENCER. I yield to the Senator.

Mr. WADSWORTH. It is this part of it in which I am just as deeply interested as in the purely military part. To-day the Army is carrying on a recruit educational center at Camp Upton, where men who enlist in the Regular Army and who can not read or write English at all are sent, and those who can read or write so little that they are fearfully handicapped are also sent there.

Last winter there were about 600 men in that so-called recruit battalion there. They sent a platoon down here to Washington of 28 men last winter, and the War Department was courteous enough to inform the Military Affairs Committees of the Senate and the House that the platoon would give an exhibition drill out here on the plaza. Perhaps the Senator and other Senators will recollect that I announced it on the floor of the Senate and begged Senators to go out there and see the exhibition. Unfortunately only three of us went. I wish all 96 had gone. There were 28 men in that platoon. Three months before they were here not one of them could read or write the English language. The day they were here every one of them could read and write the English language. I read the letters which they had written to their families and friends in English. I talked with them. I went in the ranks when they opened ranks after they had given a remarkably proficient drill. Their close-order drill was better than anything I had ever seen.

Mr. SMITH of Arizona. How long had they been in the service?

Mr. WADSWORTH. Only three months. They had volunteered to go into the Regular Army. I talked with those men and asked them about their personal experiences, and perhaps the Senate will forgive me if I tell the Senate about some of them.

The first man I talked to was a Persian, who had fought for 18 months in the Russian Army in the Caucasus, back in 1915, in the great European War. How he ever reached this country, poor boy, I do not know; but he arrived here absolutely helpless, so far as knowing our language or literature was concerned. I had a talk with him and he talked with me intelligently in English. I asked him how he got his meals when he was traveling around, and with perfect confidence he told me, "I ordered them from the menu cards in the dining car"; and that boy could not have spoken a word of English three months before.

The next man I talked to was an Italian. I asked him how long he had been in this country and he said nine years. I asked him, "Is it true that you could not speak English three months ago?" He said that it was. I asked him, "How is it that you stayed in this country over eight years and never learned?" He said, "I lived amongst my Italian-American people. It never was apparently necessary for me to learn the English language and I never learned it. I suddenly realized that I was hopelessly handicapped, and I heard about this thing, and went into the service, and I can speak English."

Mr. SMITH of Arizona. I rather regret, if the Senator will pardon me a moment, that every man in the Senate did not serve in some army, if he could have learned the English language there in three months. Some of us attended college for four or five years and did not learn it.

Mr. WADSWORTH. These men could all speak English. Of course, I will not say they spoke it without a foreign accent, for they spoke broken English, but they could speak it intelligently and they could read it intelligently.

The next man to whom I spoke was a Dane. He was a native, Mr. President, of the Province of Schleswig-Holstein, which was until the end of the war a part of the German Empire. During the war, as late as 1916, he had been in the German Army as a member of the Prussian Guards, but he had not much sympathy with the Germans because he was really a Dane. He got out of the German Army somehow or other, reached this country, and enlisted in our Army. He was delighted with the treatment that he was getting, and he spoke English very creditably. He rather amused me when I asked him how it was that he could learn so quickly when he said "I have a good brain."

There were Czecho-Slovaks, there were Poles, there were Greeks, there were Persians, and there were Danes; the representatives of 14 different nations in that one platoon of 28 men.

I merely cite this to show what the vocational training and educational side of military service can amount to. None of those men, coming to this country beyond the school age of our several States, could have had a really effective chance to acquire the education which the Army has given them. Of course, they have enlisted for three years, but that is what had happened during the first three months, and that was done in addition to teaching them the military side.

Mr. SMITH of Arizona. Mr. President——

Mr. WADSWORTH. May I interrupt further merely to say that before these men came here to Washington every one of them had been naturalized as citizens of the United States, and they were the proudest lot of men I ever saw?

Mr. SMITH of Arizona. That is a very commendable and a very hopeful statement. As I understand the Senator, the men he has named had been foreigners and were enlisted in the Army for three years. I am speaking of giving some inducement to the enlistment in the Army of the American-born boy who has had no great opportunity for educational advancement.

Mr. SMOOT. Will the Senator yield to me?

Mr. SMITH of Arizona. Yes.

Mr. SMOOT. In answer to that suggestion, I wish to call attention to the fact that Col. Reese was before the Joint Committee on Printing this morning, and, if I am not mistaken, he said that to-day there are over 50,000 soldiers in the United States Army who were taking vocational training; and I think over 20 different trades are being taught to-day in the Army vocational schools.

Mr. SMITH of Arizona. I am gratified, and I know every Senator here is gratified, to learn what the Senator from Utah and other Senators have stated. They have not reached the point at which I was particularly aiming; but, begging the pardon of the Senator from Missouri for having interrupted his very interesting speech, I shall not longer keep him off the floor.

Mr. SPENCER. Mr. President, I only wish to add that the American people want what is best in universal training. The difference is not so much a difference upon principle as it is an uncertainty as to what is the best plan. Therefore, if the principle, which is unquestioned, can be tried without compulsion, it is the wiser plan to try it with a voluntary body. If it works, at the end of the first year the 50,000 volunteers who will try the four months' training will, every one of them, be an apostle of the plan, and their parents and their communities will understand it. The next year will show the result of their experience; and the voluntary plan, if it works out along the lines of merit which it possesses, will soon by itself develop into a plan that will comprise the great part of the young manhood of the United States.

Mr. FRELINGHUYSEN. Mr. President, I should like to express the hope that we may secure a vote upon the pending amendment within a few moments, if there is no other Senator who desires to speak. I am called out of town on a very important matter at 3 o'clock and am very desirous of having my vote recorded, and particularly being here to support my own amendment.

Mr. McKELLAR. Mr. President, I shall detain the Senate for but a moment, and I should not do so at all at this time but for the unexpected attack which was made upon me this morning by the distinguished senior Senator from Oregon [Mr. CHAMBERLAIN]. There was not a word in anything that I had said that in the slightest degree, as it seemed to me, provoked such an attack. I had not mentioned the name of the Senator from Oregon, and had not thought of him in connection with what I said. The Senator from Oregon is an able and conscientious Member of this body and is usually most conservative. His statements about me are indeed inexplicable.

The Senator from Oregon undertook to show what I advocated four or five years ago, when I was in the other House, was in some way a reflection upon my present attitude, and he quoted from some remarks that I made at that time to prove it. I have since looked at those remarks—of course, I did not recall what I then said, but upon looking up the RECORD, I find

that they are precisely what I say now, and what I stand for now. I was not in the remotest sense a pacifist then, and I am not in the remotest sense a pacifist now, in the sense the Senator uses that term.

At that time the question before the Congress was whether we should adopt a bill, prepared in large part by the senior Senator from Oregon, which was known as the compulsory military training bill, and which is substantially the bill that we now have, except that the pending bill is a little more comprehensive and involves considerably more expense. That bill provided for compulsory military service, and the bill now here is largely patterned after it. I was opposed to that bill when it was advocated before the Senate by the Senator from Oregon then just exactly as I am opposed to the compulsory military training bill which is now advocated by the distinguished Senator from New York [Mr. WADSWORTH].

Certain extracts from my speech were quoted by the Senator from Oregon, and in order that there may not be any misunderstanding about the record, I desire to quote precisely what I said at that time. There is not a particle of difference between the position which I then took and the position which I now take; my opposition to compulsory military training was precisely then as it is now. I said at that time:

The Hay bill—

And, by the way, before I read from the RECORD the extract, which is very short, I desire to say that the two measures before the Congress at that time were the Chamberlain bill, providing for compulsory military service, and the Hay bill, which largely increased the Army and provided for its increase by expanding and enlarging the National Guard of the several States. Those two measures, presented as preparedness measures, were fought over just as the pending proposal is being fought over. The advocates of the Hay plan, among whom I was, believed at that time that the Hay bill was a better preparedness measure than the Chamberlain bill; and the advocates of the Hay bill won. We won then just as we are going to win now. It has been demonstrated that that bill, known as the national-defense act of 1916, was a more effective measure than the one which we defeated. Why do I say that? Because we fought the war under the terms of the national-defense act of 1916 and won it, and the very best test of a measure is what is done under it. I do not want to swap our system under which we won for the German system, which we defeated and which Germany has agreed with all the great nations of the earth never to restore. If it is bad for Germany, and in my judgment it was responsible for her downfall, it will prove bad for us. I am for an American military system and not a Prussian system, as this is. The United States never made such a record as its Army made operating under the act of 1916. The conscription act of May 18, 1917, elaborated the national-defense act and added the necessary war powers. I now read from the RECORD what I said on the occasion referred to:

The Hay bill will mean an increase in our Regular Army of nearly 100 per cent and over 200 per cent in the National Guard. It will be by far the cheapest and best way of defending our country, and it will be utilizing units and organizations that already exist. It will not be an untried scheme. The Chamberlain bill is a long step toward militarism. The Hay bill is a democratic measure, and one strictly in accord with our Constitution, our history, the genius of our institutions, and democratic policies.

The Regular Army officers, who it is claimed are behind the Chamberlain bill, as I noticed from the debate in the Senate, printed in the RECORD, naturally do not want the National Guard used in our system—

By the way, I stop here long enough to interpolate that those officers are against the National Guard, and its absolute destruction is provided for in this bill by providing an entirely different system, and one along the lines of the continental army under the so-called Chamberlain bill. The Regular Army officers—

naturally do not want the National Guard used in our system because it does not, in the first place, mean rapid promotion for them; and, in the second place, they naturally want to build up as large a standing army as possible. Of course, I do not blame them. They are to be commended for wanting to make the Army effective. I feel quite sure that the continental army can not be recruited, and if not recruited then it is hoped to come back before another Congress and have some sort of compulsory military-service bill passed. Of course, I am opposed to universal compulsory military service, and I am opposed to a large standing army in times of peace. I do not blame these Army officers. It is natural that they should want to make larger the Regular Establishment. But the duty of Congress is to consider only the best interests of the country.

Those were my views then; they are my views now. The additional scheme of voluntary service is proposed. Why? Of course, because it is hoped that eventually there can be engrafted on it the conscript system. That is the desire behind it; it is a step in that direction.

My position is exactly the same to-day as it was then. I have been in favor of a proper national defense at all times; I am in favor of it to-day. I believe in building up our military schools all over the land. It has been a great mistake that we have not devoted more money and more attention to educating the young men of this country in schools where they can be properly trained to become officers, because officers are quite as necessary in time of war as are the men themselves. We should build up our National Guard; we should build up our defense in every proper way. I am not one of those who believe in pacifism, but I believe in a reasonable and democratic defense, and not a Prussianized militarism, as is proposed by this bill. This is all I have to say.

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

The PRESIDING OFFICER (Mr. STERLING in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Dillingham	Lenroot	Poindexter
Beckham	Elkins	Lodge	Pomerene
Borah	Frelinghuysen	McCormick	Sheppard
Brandegee	Gay	McCumber	Simmons
Calder	Gore	McKellar	Smith, Ariz.
Capper	Harris	McNary	Smoot
Chamberlain	Harrison	Nelson	Spencer
Colt	Hitchcock	New	Sterling
Culberson	Jones, Wash.	Norris	Swanson
Cummins	Kellogg	Nugent	Trammell
Curtis	Kenyon	Page	Wadsworth
Dial	Kirby	Phipps	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. GERRY, Mr. MYERS, Mr. PHELAN, Mr. TOWNSEND, Mr. WARREN, and Mr. WATSON answered to their names when called.

Mr. HALE and Mr. KEYES entered the Chamber and answered to their names.

Mr. GERRY. The Senator from Alabama [Mr. COMER], the Senator from Wyoming [Mr. KENDRICK], the Senator from Nevada [Mr. PITTMAN], and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

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

Mr. BRANDEGEE. Mr. President, I have had nothing to say on this question of compulsory military training, and before the vote is taken I desire to speak for two or three minutes on that subject.

Long ago I made up my mind that if this country expected to be prepared to defend itself there was but one course to pursue, and that was to have our citizens so trained in the rudiments of military service as that when they were called upon to enter into active military operations they would have at least a basis of military knowledge laid. I have not changed that opinion. I pretend to no expert military knowledge on the question. The whole matter, in my mind, is based upon common sense, or my conception of what common sense is.

It seems to me a pitiable thing that after so recent an illustration as this country has had of the folly, the criminal futility, the tremendous expense, and the horrible loss of life entailed by the doctrine of pacifism, by the theory that the best way to protect the country is to make no preparation for its defense, within two years there should appear to be a sentiment in the country in favor of lapsing back into the condition in which we have always been, and laying ourselves liable to future panic and possible disaster.

I have listened to the remarks of the Senator from Missouri [Mr. SPENCER], who says that he joined in the report of this bill to compel the young men of the country to enter these training camps and to acquire this necessary military knowledge; and, having done so, he states that he thinks public opinion ought to be deferred to, and therefore he is not in favor of compulsory military training, but he is in favor of trying what he calls the principle. I suppose he means the principle of voluntary military training.

There is no principle to try out about military training. That principle has been tried, if it ever needed any trial, repeatedly. It is just like everything else. Nobody can be efficient in anything unless he has studied the question.

No man can make a good soldier, no country can rely upon a soldier, who does not know anything about his business. There is not any principle to be tried about that. The only principle to be tried is the principle of whether you will compel men to be prepared or whether you will allow them to decide, as individuals, in the opinion of each individual, whether he wants to prepare or not.

As I say, the question of allowing individual men themselves to decide whether or not the country shall be adequately de-

fended seems to me to be preposterous. This Government has a right to exist. The Government has a right to prescribe such policies as will perpetuate its own safety and existence. In the matter of ordinary mental equipment, in the matter of what a man shall know in order to be allowed to vote, in the matter of what a man shall know in order to be allowed to live in this country at all, we do not submit those questions to the individuals of the country. Every State compels its citizens to go to school, to be educated. I believe in that theory, and I believe it is a correct theory. I believe that in a great democracy the Government has a right to say that each citizen owes it as a duty to the State to be an intelligent citizen, and I believe that the Government ought to prescribe compulsory attendance upon schools. That is the only way to be educated. That is the only way to make democracy safe for us and for this Government.

The only way to make this country safe against attacking nations is to have the people able successfully to repel aggression upon us. It is foolish, in my opinion, to leave that question to the decision of each individual. What principle is there to be determined by experiment again as to whether it is better to have your soldiers trained when they go into battle or not? Did not the camp at Plattsburg demonstrate that its graduates made better soldiers than those who, as the Senator from Oregon showed this morning, were thrown into the front battle line without knowing how to put a cartridge into the chamber of their rifles? I hope we do not need now, after all this experience, to go back to establish the principle of whether it is better to be ignorant or intelligent. There is only one question at issue and that is whether the people of this country owe a duty to the country, and if they do, they ought to be compelled to perform it.

There are a great many features of this thing which seem to me to be pertinent and ought to be touched upon. I have no desire to weary the Senate or attempt to instruct those who are probably better informed about this matter than I am. I simply want to go on record as expressing my own view.

It is said that the country will not need any more men qualified to defend themselves or the country, because we have just disbanded a great Army, to a certain extent a veteran Army, and hence qualified to go into battle. The whole of that Army was not a veteran Army. The whole of it did not see actual military service in battle abroad. A good portion of it never got abroad at all. But having been drafted into the service of the country and performed their duty, assuming that they are fairly well qualified to be drawn again into the service of the United States in case of emergency, what then? Is it true that the country wants to take the position that those who have once stood upon the firing line ready to render the supreme sacrifice for their country, if necessary, are the only ones to be called upon to do it again? Is it true that those who have borne the burden and heat of the day are the only ones who are to be compelled to do it again and that those who come to military age hereafter are only to be trained and competent to perform that duty in case each individual thinks he wants to perform it?

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. BRANDEGEE. Certainly.

Mr. CHAMBERLAIN. It is the contention of some that the training of these young men is wholly unnecessary now because we have an Army of 4,000,000 trained men who have just been serving in the World War. But the question is whether it would be fair to call on those men in case of trouble and ask them to make the second sacrifice for their country.

Mr. BRANDEGEE. We have already drafted an immense army of over 4,000,000 men into the service, and we would have to draft them again. Of course, they would have to go, having such training as they have had. Even assuming that the selective service system were put upon all men of military age in the country and others were drafted along with those, everyone knows that the best qualified men would be sent to the front first.

Suppose we did get 50,000 men voluntarily to take it upon themselves to go to the training camps and attempt to prepare themselves, so far as one can in conditions of peace, for the terrible ordeal of war. Suppose they did get such training as could be furnished under those circumstances, who would those 50,000 young men be? They would be the 50,000 young men who had the highest conception of their duty to the Government; they would be the most patriotic, the most self-sacrificing, the most intelligent; they would be those who would make the best soldiers. They would be those who had an instinct or a tendency to or a fondness for that kind of life. Then what would happen? They would be the first sent abroad next after those who were in the Great War, while the other young men who were drafted would be put into training camps here, to be compelled to acquire a preliminary education in military affairs which the 50,000 most patriotic young men had volunteered to acquire and had acquired.

Then what would we see? We would see the cream of the United States—the first 50,000 or 100,000 young men patriotically volunteering for this service—sent to the front line of battle to hold the line while the other less patriotic men should be rendered as competent as they might be rendered in the short time under the stress of war conditions and the emergency, to go over there and relieve them. What would happen? The same thing would happen that happened in Great Britain when they did not have conscription at the beginning of the war. They relied on their volunteers, and the volunteers, the flower of Great Britain, went to France with their backs to the wall and died in the trenches waiting for the less patriotic men to get such a degree of training as would warrant the authorities in sending them there at all.

It seems to me that that is a disgraceful policy for this country to adopt. It would have been disgraceful at any time. It is not only disgraceful now, but idiotic, and in the light of the experience we have just had it is criminal.

It may be necessary to defend this country at any time. Everybody knows that there are now conditions let loose in the world that never were rampant before. There are nearly 1,000,000,000 people in the Orient, in China, India, Japan, and Russia, the future movements of whom no man can prophesy. All central Europe and southern Europe and northern Africa are in a condition of flux.

The people everywhere are discontented and are liable in those countries to be taken possession of by unprincipled demagogues and agitators and adventurers. Now it is proposed that we shall enter again into that condition of dolce far niente—going to sleep at the switch, relying upon those inspiring words of our peerless leader, Mr. Bryan, that a million men would spring to arms overnight to defend the country whenever needed, to reenter again and live our lives in the fool's paradise from which he has just emerged.

Everyone knows that the question of grabbing a gun and saying, "I am here," does not constitute a soldier. Everyone knows that the next war, if war shall come, will be fought with instruments and by processes which require most expert technical knowledge. Our æroplane service we have heard has practically been abandoned. We all know that the chemical factories and the T. N. T. factories and the supply factories for all sorts of munitions which were erected in this country did not get to their full capacity until just before the armistice was declared, and that the system of voluntary military training and all this class of valuable material and method and system that we have assembled and perfected after two years of the most tremendous exertion by processes which have left us in debt, saddled upon the backs of future generations to the extent of nearly $30,000,000,000, will all disintegrate and go to pieces under this system of making it optional with the citizen to elect whether he will choose to know anything about doing his duty to his country or not.

I can imagine no fairer thing to everyone in the country than to require the boys between certain ages of young manhood to take four months of training. No one need think that that falls with special severity upon the farmers. It falls upon everybody, just as it falls upon them to send their children to school to make good citizens. What is the use of having good citizens raised up in this country to be slaughtered? Is it not fair to the boy we are going to draft and send in to risk his life for the flag and for those of us who are too old to go or can not go or who are disqualified, that we should give him the training so that he will stand some "show for his white alley"? Is it right to send these hay-foot, straw-foot, raw recruits up against flame throwers, poisonous gas, and cold blue steel, utterly unprepared and untrained to meet the opponents against whom we compel them to fight?

It seems to me there are no two sides to the question. If there be a public sentiment which is divided, as the Senator from Missouri [Mr. SPENCER] says it is, I for one desire to go on record and have my record clean that my part of this public sentiment is for making the trial, if trial be necessary, of compulsory universal military training to the extent recommended by the committee in this bill.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. McKELLAR. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, before the vote is taken, I should like to ask the chairman of the committee whether he has been able, during the opportunity he has had for an examination,

to ascertain how many of the officers, numbering some 18,300. provided for in the bill will be required for the compulsory military training system?

Mr. WADSWORTH. If the Senate in its wisdom should see fit to substitute voluntary military training for compulsory universal military training, the best study the committee could make, with the assistance of its advisers, indicated that we could reduce the number of commissioned officers in the permanent personnel by 1,007.

Mr. HITCHCOCK. Does that mean to leave the military training matter upon an optional or voluntary basis?

Mr. WADSWORTH. It does. There can be, however, no reduction in the strength of the permanent personnel, unless, of course, the Senate votes to reduce it.

Mr. NELSON. Will the Senator from New York allow me a question?

Mr. WADSWORTH. Certainly.

Mr. NELSON. For how many years would this training continue, either under the voluntary system or the compulsory system? I have not been able to find it in the bill. It prescribes a training of four months, and there may be two months additional, but for how many years? Is it for only one year or is it to continue for a number of years?

Mr. WADSWORTH. The Senator means under the bill?

Mr. NELSON. Under the compulsory features of the bill a man is compelled, between 18 and 21 years of age, to go into camp for compulsory training for four months, and with his consent it may be for two months more. Is that only for one year?

Mr. WADSWORTH. For just one year.

Mr. NELSON. For one year?

Mr. WADSWORTH. Yes, sir; just one year. Then, after being a graduate of the four months' training camp, he is a member of the organized reserves, and within the five succeeding years he is liable to be called twice to maneuvers for two weeks each time.

Mr. NELSON. For five years?

Mr. WADSWORTH. Twice within the five years, for two weeks each time. So his total of training will be four months in camp and one month in maneuvers, making a total out of his lifetime of five months, which I have heard said upon the floor of the Senate is going to militarize the youth of this Nation.

Mr. NELSON. The four months, I understand, are not to be exclusively confined to what I would call military training, training men in the duties of a soldier, but include many other educational features. The bill reads:

The military training and any preparatory education therefor required by this act shall be such as may be prescribed by regulation, and shall include general educational training and vocational training in appropriate trades which may be necessary in war and useful in peace, scientific agriculture, physical training, instruction in hygiene, instruction in American history, principles and forms of government, and such other instruction—

And so forth.

With such a comprehensive program of general instruction, I do not see how you can make much of a real soldier in four months' training. If he is to box the educational compass, as indicated in the bill, I do not see how you will get your real trained soldier.

Mr. WADSWORTH. I suppose the logic of the Senator is that he does not want them to have any training at all.

Mr. HITCHCOCK. Mr. President, I should like to ask the chairman of the committee another question. In making the estimate that the abolition of compulsory military training will reduce the number of officers by 1,007, can he state what reduction in the expense or in appropriations that will involve?

Mr. WADSWORTH. The average pay of an officer and his allowances, I think, taking all grades into consideration, from second lieutenant to major general, inclusive, is about $3,500 a year.

Mr. HITCHCOCK. It would mean a reduction of about three and a half million dollars.

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. That still leaves a wide discrepancy between the number of officers provided for in the House bill and the number provided for in the bill which the Senator has reported. Can he explain out of what circumstance the discrepancy arises?

Mr. WADSWORTH. There will not be such a discrepancy as the Senator describes. Perhaps the Senator's idea that there would be a discrepancy is due to my own fault. I think I said, in answer to a question of the Senator the other day, that the House bill provided for 17,200 officers. I was mistaken in that. That was the figure which had been stated, I think, in the debate upon the floor of the House of Representatives and in the public press, and I took it for granted that it was accurate. I find, however, that the House bill actually provides for 17,832 officers. Taking 1,007 officers off the Senate bill would leave the Senate bill at 16,993 officers, practically 850 officers less than the House bill provides for.

Mr. HITCHCOCK. Will the Senator explain, then, wherein my figures are erroneous? I have made my figures from the Senate bill as follows: General, 1; major generals, 20; brigadier generals, 50; colonels, 609; lieutenant colonels, 685; majors, 2,283; captains, 4,566; first lieutenants, 4,339; second lieutenants, 2,740; medical officers, 1,800; dental officers, 280; veterinary officers, 200; warrant officers, 750.

Mr. WADSWORTH. The Senator has added warrant officers. If you are going to add in warrant officers you must add 1,500 to the House bill. They are not commissioned officers.

Mr. HITCHCOCK. They are officers who receive exactly the same pay as second lieutenants.

Mr. WADSWORTH. Yes; but they are not classed, nor can they be ranked, as commissioned officers. The Senator asked me how many commissioned officers were provided for in the bill, and I told him 18,000. That does not include 750 warrant officers. But if the Senator is to count warrant officers in the Senate bill, he must count warrant officers in the House bill, and there are almost twice as many.

Mr. HITCHCOCK. That, I think, substantially removes the discrepancy.

Mr. WADSWORTH. It more than removes it.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN]. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WADSWORTH (when Mr. FRELINGHUYSEN's name was called). The Senator from New Jersey asked me to state that he had to leave town at 3 o'clock, but that if he were present he would vote in favor of the amendment. He is paired with the Senator from Montana [Mr. WALSH].

Mr. KIRBY (when his name was called). On some questions I have been paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is detained on account of illness, but on this particular question he and I would vote alike. I therefore vote "yea" on this question, not regarding my pair as binding, as the Senator from Wisconsin would vote the same way.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH], which I transfer to the Senator from California [Mr. JOHNSON] and vote "yea."

Mr. MYERS (when his name was called). I observe that the Senator from Connecticut [Mr. McLEAN] is not in the Chamber. I have a pair with the Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from Alabama [Mr. COMER] and vote "nay."

Mr. SPENCER (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES], but under the arrangement that I have with that Senator I am free to vote on this question. I vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], and in his absence withhold my vote. If at liberty to vote, I would vote "nay."

Mr. JONES of Washington (when Mr. TOWNSEND's name was called). The Senator from Michigan [Mr. TOWNSEND] is necessarily absent. He is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote. If I were voting, I should vote "yea."

The roll call was concluded.

Mr. McCORMICK. I have a general pair with the junior Senator from Nevada [Mr. HENDERSON]. If he were present, he would vote "yea" and I would vote "nay." Therefore I withhold my vote.

Mr. BECKHAM. I have a general pair with the senior Senator from West Virginia [Mr. SUTHERLAND], who is absent. If he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence and being unable to secure a transfer I withhold my vote. If permitted to vote, I would vote "yea."

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, is absent. I transfer my pair to the junior Senator from Maryland [Mr. FRANCE] and allow my vote to stand.

Mr. KENDRICK. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Utah [Mr. KING] and vote "yea."

Mr. McCUMBER (after having voted in the negative). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I transfer that pair to the junior Senator from Pennsylvania [Mr. KNOX] and allow my vote to stand.

Mr. WARREN. I have a general pair with the Senator from North Carolina [Mr. OVERMAN], who is absent. I transfer my pair to the Senator from Wisconsin [Mr. LA FOLLETTE] and vote "yea."

Mr. CHAMBERLAIN. The Senator from North Dakota having transferred his pair to the Senator from Pennsylvania [Mr. KNOX], I am at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Michigan [Mr. NEWBERRY] with the Senator from Missouri [Mr. REED];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 46, nays 9, as follows:

YEAS—46.

Ashurst	Elkins	Kendrick	Pomerene
Beckham	Gay	Kenyon	Ransdell
Borah	Gerry	Kirby	Sheppard
Calder	Glass	Lenroot	Simmons
Capper	Gore	Lodge	Smith, Ariz.
Chamberlain	Gronna	McKellar	Smoot
Colt	Hale	McNary	Spencer
Culberson	Harris	Nelson	Swanson
Cummins	Harrison	Norris	Trammell
Curtis	Hitchcock	Nugent	Warren
Dial	Jones, Wash.	Page	
Dillingham	Kellogg	Phelan	

NAYS—9.

Brandegee	Moses	New	Poindexter
Keyes	Myers	Pittman	Wadsworth
McCumber			

NOT VOTING—41.

Ball	Johnson, S. Dak.	Phipps	Thomas
Comer	Jones, N. Mex.	Reed	Townsend
Edge	King	Robinson	Underwood
Fall	Knox	Sherman	Walsh, Mass.
Fernald	La Follette	Shields	Walsh, Mont.
Fletcher	McCormick	Smith, Ga.	Watson
France	McLean	Smith, Md.	Williams
Frelinghuysen	Newberry	Smith, S. C.	Wolcott
Harding	Overman	Stanley	
Henderson	Owen	Sterling	
Johnson, Calif.	Penrose	Sutherland	

So Mr. FRELINGHUYSEN's amendment was agreed to.

Mr. GORE. Mr. President, I should have discussed the motion just voted upon at an earlier hour but for the desire of the Senate to accommodate the Senator from New Jersey [Mr. FRELINGHUYSEN]. As between a voluntary system of military training and a compulsory system of military training, I feel obliged to cast my choice on the side of the voluntary system.

The letter of President Wilson to Secretary Baker expressing his sympathetic attitude toward universal compulsory military training has just been read to the Senate. I do not find myself in perfect agreement with him in respect to such training. There are some who regard the President's views as infallible excepting when they disagree with him. They reserve to themselves the right to disagree with him in regard to compulsory military training, but deny others the right to disagree with him in regard to conscription, in regard to the League of Nations, in regard to any other subject concerning which they happen to agree with him. For my own part, I accord perfect integrity of views to the President, whether I agree with him or whether I disagree. I claim neither more nor less than that consideration for my own views and for my own convictions.

I may say that sometimes it is a good deal more comfortable for a Democratic Senator to vote with a Democratic President than it is to vote otherwise; sometimes it spares him a great deal of criticism; and, I may say, that it sometimes spares him a great deal of abuse. I have made it a rule to obey my own judgment and my own conscience in the discharge of my duties as a Member of the Senate of the United States. Any other rule of action would be fit only for a toothless suckling at the breast of power.

I feel obliged, Mr. President, to express my own opposition to a system of universal compulsory military training.

I desire also to express the opposition of the people of Oklahoma, whom I have the honor in part to represent in this legislative body. I feel constrained to oppose any measure which might either directly or indirectly lead to the institution of a system of militarism in this self-governing Republic. I think it a vain thing to imagine that we can have a system of mild-mannered militarism in the United States; I think it vain to hope that we can have a benevolent military despotism; I think it worse than vain to imagine that we can establish here in this democracy a considerate and amiable system of military autocracy.

Militarism has certain characteristics which are distinct, which are distinctive, which are unfailing. A system of militarism will sooner or later develop those characteristics, just as the wild boar develops his tusks, just as the tiger develops his claws, just as the eagle develops his talons.

Venom is in the fangs of militarism as certainly as it is in the fangs of the asp and the adder; and, according to my knowledge of natural history, those creatures which have the tusks and the talons, the claws and the fangs, develop a predisposition to use those natural weapons. I think that the system of militarism generates a militaristic spirit; I think that a militaristic spirit intensifies the system of militarism. Out of this vicious circle comes Prussian militarism, and it grows in intensity until it ends in madness.

I think that the one thing which more than all others reconciled the American people to the late war was the hope—the belief—that it would result in the extermination of militarism upon this globe; in the extermination of militarism not in Prussia alone but in all the nations of the earth. It would be most unfortunate if it should turn out that we have exchanged our democracy for Prussian military autocracy. What would it profit a nation like our own if it should extinguish militarism everywhere and lose its own democracy? But how infinitely worse would it be should it exchange its democracy for a system of military autocracy. No disappointment could be more grievous than for the American people to see the foul spirit of militarism, which we have sacrificed so much to cast out of the German Empire, find refuge here in the greatest democracy in all the tides of time.

Mr. President, such an exchange would be a tragic reminder of a description in Dante's Divine Comedy of a terrific combat between a creature in human form and a monster serpent. The combat was fierce, furious, and bloody. Each antagonist inflicted terrible wounds upon the other. There came a pause in the combat. The serpent gradually assumed the figure, the features, and the attributes of a human being. It stood up and spake. The creature in human form gradually developed the form, the posture, and the scaly folds of a serpent; it lay prostrate upon the ground. It glided hissing into the jungle. They had exchanged forms; they had exchanged characteristics. I hope that no such exchange of the characteristics of democracy and of autocracy will come out of the recent struggle.

Mr. President, it is said that the young tiger is a tame and docile creature until it once gets a taste of blood, but from that time forward the thirst for blood and the passion to kill and eat becomes uncontrollable. I merely mean that we should not dally with a danger like this, a danger which has led other nations to their undoing. If we permit similar causes to operate among ourselves we may anticipate that similar misfortunes will overtake us.

I had hoped that an invoice of the fruits of this war might show at least two substantial results of service to all mankind. It may be true that other nations had come to believe that the people of the United States were money-mad, that they worshiped no god but gold, that the dollar mark was our national emblem, and that the people of the United States either could not or would not fight.

It is said, at any rate, that the Kaiser had come to believe that the people of the United States had enshrined gold as their diety and that they could not or would not fight. The Kaiser, at least, has been disillusioned, and I had hoped that this disillusionment was universal. I had hoped that, for a time at least, no nation would become so drunk with power or so arrogant with pride as to challenge this great Republic to combat. I say this not by way of mere vainglory, but because I had hoped that this was a pledge of peace, that this was a safeguard against war; not, indeed, an absolute, unfailing guaranty but an assurance that for many a year to come this Nation, at least, might dwell in peace, unmolested and unchallenged.

The other lesson which I had hoped would be among the fruits of this war was this: The theory obtains in the Old World that it requires two years or more to make a soldier. It may require two years to make a soldier out of the oppressed and the downtrodden people of the Old World; I do not know; but recent experience has demonstrated that it does not require two years to make a first-rate soldier out of an alert, intelligent, and patriotic American youth. In a much less period the American youth was developed into as fine a soldier as ever unsheathed a sword. This had led me to hope that the conviction would be universal; it had led me to hope that this would be regarded as proof conclusive that we did not need a system of militarism in the United States, or rather, I should say—for I do not wish to be offensive—that we did not need a vast Military Establishment in the United States.

Mr. President, I do not believe that a system of universal compulsory military training can be regarded as a measure of urgent importance. It can not be regarded as a measure that ought to be adopted now and that could not be adjourned until the morrow. The League of Nations, at least for the present, is quiescent. Whether or not it will ever rise from the dead I can not say; but it is almost certain that if the treaty be ratified the obligations of article 10 will not be assumed by the United States. Article 10, if ratified as written, would have laid upon the United States an obligation to participate in every war that ever happens upon this globe. A good many things about the league were uncertain, but that was certain—that article 10 would involve the United States in every war that ever happens upon this revolving planet. If we had assumed an obligation of that sort, a system of universal compulsory military training might have been, I will not say desirable, but absolutely indispensable.

To have discharged an obligation to participate in all the wars of all the earth certainly would require very general military preparedness and the facility to act upon the instant; but that obligation has not been assumed.

Mr. President, in placing this construction upon article 10 I am abundantly justified. The treaty of peace was submitted to the Senate by the President on July 10 last. The administration's Army reorganization bills were introduced in the Senate on August 4 and in the House on August 5. These measures were introduced in both Houses of Congress just three weeks after the presentation of the League of Nations to the Senate. They were introduced in both Houses four weeks before the treaty and the league were reported to the Senate by the Committee on Foreign Relations. These measures were presented to both Houses of Congress when the ratification of the treaty was generally, if not universally, expected.

I refer to these as the administration Army reorganization bills, because they had the approval of the Secretary of War, they had the approval of the Chief of Staff, and I assume, as a matter of course, they had the approval of the Commander in Chief of the Army and the Navy. These measures, as I remember, were identical. They provided for a standing Army to consist of 572,000 Regulars in time of peace—an army more than four times as large as our standing Army prior to the war. These measures provided for a reserve consisting of 750,000 men. These measures provided for universal compulsory military training, and also provided for the universal and automatic draft. They provided that in case of war every able-bodied male citizen of the United States between the ages of 18 and 46 years should be automatically drafted into the military service without any further action and without any further authorization on the part of Congress. This made conscription not only a permanent but an automatic part of our military system.

Mr. President, if the league had been ratified with article 10 as written, I am not prepared to say that such a system would not have been indispensable to the Nation's security. Indeed, sir, much as I oppose universal compulsory military training, if the obligation of article 10 had been assumed, it seems to me that safety and necessity alike would have rendered such a system unavoidable. But that obligation has not as yet been assumed, that necessity does not now confront us. The vast Military Establishment was to cost $900,000,000 a year, seven times as much as our Military Establishment cost before the war, and was to be reinforced by a Navy, as suggested at the time, costing $1,000,000,000 a year. This Army and this Navy, as suggested last summer, before the League of Nations had emerged from the Senate committee, were to cost $1,900,000,000, were to cost three times as much as the total expenses of the United States Government for all purposes prior to the war, excepting only the Postal Department, which pays its own way.

This vast military array and this vast military budget would have been necessary had article 10 been ratified, with its universal obligation to war; but, Mr. President, at least for the present, the treaty is slumbering. I do not say that it is dead. I do not know.

There are those who believe that the league itself would be a guaranty of peace and an infallible preventive of war. I envy them such a complacent optimism; but, Mr. President, those who are better advised do not share that illusion. President Wilson is too wise a historian, is too wise a statesman, either to entertain or to express a conviction of that sort. When the President laid the first draft of the League of Nations before the commission in Paris—I hold his speech in my hand—he said, with unreserved candor:

> Armed force is in the background in this program, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall.

Mr. President, there is the rub.

In his speech at Indianapolis on September 4 the President said, with equal candor:

> At present we have to mind our own business. Under the covenant of the League of Nations we can mind other people's business.

The President was entirely correct in that declaration. Under the league we can mind other people's business; but, sir, when we acquire the power to mind other people's business, we concede others the power to mind our business. We concede that power to some 45 other nations. If there be any way more direct, more swift, and more certain leading to inevitable trouble I am not aware of it.

In his speech at Spokane on September 12 the President said:

> Our present sovereignty merely extends to making the choice whether we will go to war or not, but this extends our sovereignty to say whether other nations shall go to war or not.

The President was eminently correct in that declaration; but, sir, when we acquire through the league the sovereign power to decide that others shall go to war, we concede to others the sovereign power to decide when we shall go to war. Under article 16 we would have agreed that any nation in this world could automatically have placed this country in a state of war. There, Mr. President, is the consideration that gave us pause. Lord Grey himself declared "the League of Nations is a plunge into the unknown." The editor of the London Post asserts that the league comes not with peace, but with the sword. England is expending four or five times as much on her army now as before the war. Japan is laying the keel of the mightiest dreadnaught of all her navy. These nations have joined the league. They must now arm to carry out the obligations of article 10.

There is another reason why this measure can not be regarded as urgent. We have in the United States to-day 4,800,000 men trained to arms. Four million of them belong to the land forces and 800,000 to the sea forces. I believe that a better band of soldiers, a better band of defenders, never was assembled under the sun. No man can profess fear while these proven champions, these veterans who have stood the test of war, are still among us. I should be the last to impose upon these veterans, or to subject any of these troops to overtime in the defense of their country. The Atlantic and Pacific are still our best fortresses. Our Navy is our first line of defense. With a reasonably strong Navy these trained troops, these veterans, could hold an invading army at bay until we could train fresh defenders to relieve them. But, Mr. President, waiving any objection based upon principle, there are certain objections based upon expediency which warn us against the adoption of this policy now.

It is estimated by the majority of the committee that this training would cost something like $125,000,000 a year to train anywhere from 600,000 to 1,000,000 young men. The minority of the committee estimates that the cost would approximate $550,000,000. Statistics which differ so widely are of very little value; but let us take the middle ground and assume that this training would cost $350,000,000 a year. That is an obligation which we should hesitate to assume at this time. We have a funded and a floating debt of approximately $27,500,000,000, gross. There is an enormous deficit in our revenues for the current year. There are other obligations that can not be adjourned. With these 4,800,000 men trained to arms, should we not hesitate before adding this enormous fixed charge to other unavoidable expenditures of the Government?

I do not doubt that the 4,800,000 men themselves would prefer that this money be laid out in some plan of readjusting them to the industrial and economic life of this country, rather than to rivet upon this country at this time so vast and so expensive a system of military training.

There are other economic considerations which bid us hesitate before rushing into this system. But there is one other point upon which I wish to touch before proceeding to that.

The virtue and value of physical training have been greatly exploited in this debate. I do not believe that they have been appraised too highly. I believe in physical fitness. I think that the disclosures during the recent war of physical unfitness in this country were appalling, not to say a national shame. I go further than that and say a national crime.

I have battled in the Senate for years for a system of rural sanitation, but without avail. I think the time is coming when civilized man will not consent to suffer from preventable disease or preventable evils of any character. I think that the progress of the race in the future will consist largely in a warfare against preventable evils and in a triumph over preventable evils.

No one can deny the value of physical training. A voluntary system, so far as it goes, will provide those advantages, but I have here a statement by Dr. Sargent, who is at the head of an institution in Cambridge, Mass., training those who are to be instructors in physical culture and physical training. It is his conclusion that military training is not the best system to bring about the highest character of physical fitness.

It is declared by those who have made a study of the matter that Germany herself, when she first embarked upon her system of military training, found it inadequate and in some particulars injurious. Germany found it desirable to revise her system, and supplemented her military training with gymnasium exercises. I believe that we can provide physical training and physical fitness without necessarily making soldiers out of our boys.

There is another consideration in this connection. Owing to the large percentage of our population engaged in farming, the farmers sent a larger percentage of boys to the Army than any other class of our people. That was unavoidable under the circumstances. A great many farm boys did not return to the farms. The drift from the country to the city has long been a subject of comment and of regret, but it has been the result of economic forces which were perfectly natural and to which our rural population responded. But we ought not now to accelerate those economic forces.

I say that many of the farm boys did not return to the farms. This has occasioned a great shortage of labor upon the farms of the country and has created a situation far more serious than Senators apprehend as to the food supply of the future. If these boys are assembled in training camps, many of them will never return to the farms. It is rather difficult to find four consecutive months in the year during which these boys can be spared from the farm. But if all of them should return to the farm and if all of them should return to their other pursuits, there would yet be an enormous loss in the productive energies of the country during the four months they were assembled in their camps.

As production is the most urgent demand of the hour, it seems to me that no policy should be adopted which would arrest or diminish production when that need is so imperious.

Mr. President, this brings me to the consideration of the high cost of living. It has been much discussed, but a great deal of the discussion has not been very illuminating. Perhaps I shall add to the darkness which already enshrouds the subject.

The high cost of living is not a new problem under the sun. This problem often trails a great war as the ravens trail the army. It followed the Civil War. It is due in large measure to the enormous destruction of life and of labor and of capital and of productive forces and energies. In large measure the high cost of living is but an unavoidable part of the price of waging and winning a great war. Does anyone imagine that a war of such colossal proportions, involving so much sacrifice of capital and life, could be waged without disturbing all industrial and economic relations?

There are three distinct factors which have operated and which have cooperated to raise the problem of the high cost of living in this country and throughout the world. First is the decrease of supplies available in the world; second, the increase of demand throughout the world; and, third, the inflation of currencies and credits, an inflation which is world-wide.

There were some 27,000,000 men under arms in the recent war—27,000,000 men withdrawn from productive pursuits, 27,000,000 men who but for war would have been engaged in producing the necessaries and comforts of life. Their energies were withdrawn from production, while, on the other hand, they became extraordinary consumers of the supplies which were available. Twenty-seven millions of men were engaged in killing each other instead of being engaged in producing things to eat and wear and ministering to the wants and needs of men. This decrease in the world supplies would have raised the problem of the high cost of living even if the demand had remained normal, but demand did not remain normal. Demand, like supply, has been disturbed. Demand has increased and is still increasing.

The belligerent powers were subjected to certain involuntary restraints upon consumption. In addition to that they laid certain voluntary restrictions upon their consumption.

In addition to this the neutral powers were subjected to involuntary and assumed certain voluntary restrictions upon their consumption. This lessened for the time the pressure of demand against the diminished supplies. The central allies were under blockade and the pressure of their demands did not register in the world's markets. The blockade is over. They have reentered the market places with considerable effective demand and with tremendous potential demand for the world's already limited supplies. In addition to this, to use the phrase of the street, times have been flush. Prosperity is abounding; employment is general, if not universal; the people have money to spend; people are buying more than they bought in other times. This brings an incalculable demand into the market as against the diminishing supplies available for that demand.

These concurring causes operating to intensify the demand would have raised and would have aggravated the problem of the high cost of living, even if the supply had been normal. But if supply and demand had both been normal, there is still another factor which would have raised the problem of the high cost of living. I refer to inflation, the inflation of the paper money and the inflation of the credits of the world.

Inflation is too moderate a term. It has been a deluge. Nothing like it ever happened in all history. It is a matter of regret that accurate statistics are not available upon this point. I have seen estimates of the issues of paper moneys throughout the world varying from $40,000,000,000 all the way up to $250,000,000,000. A divergence of this sort in statistics, of course, discredits them all; but it is not necessary to be exact as to the amount of the inflation. Its existence and its evils are self-evident—not only self-evident but universal.

The Comptroller of the Currency in his last report estimates that at the end of the year 1918 paper issues aggregated $69,000,000,000 in the world. Mark you, that was more than fifteen months ago. Twenty-eight billion dollars of that were in Russia. I have seen a recent estimate by a respectable authority placing paper issues in the world at $121,000,000,000, but a difference of $40,000,000,000 ought not to be material. I do not mean to trifle with trifles in discussing a great question like this, but there can be no doubt that the paper-money issues of the world now aggregate something like $100,000,000,000.

Prior to the war there were about $15,000,000,000 of money on the globe, $9,000,000,000 of which was gold and $6,000,000,000 of which was paper, practically all of which was redeemable in gold. This $6,000,000,000 of paper have been increased to something like $100,000,000,000. That increasing prices should follow in the train of such inflation is just as certain as the night treading upon the heels of day—perfectly inevitable. If all advances or if inflation acted and reacted upon all economic forces at exactly the same time and in exactly the same proportion, it would not occasion any problem as to the high cost of living.

I mean this: If prices and wages and interest and rents and profits and salaries all advance with equal step, and at the same moment, inflation would create no problem as to the high cost of living. Changes which do not effect the ratios would not raise the problem. It is the disturbance of ordinary ratios. Prices, I take it, advance first, perhaps profits second, possibly wages third, interest and rents linger, salaries are the last to respond to inflation, and the salaried class are among the first and the worst to suffer. That would include teachers, ministers, clerks, and others who have fixed salaries which do not easily respond to the upward tendency. Eighteen thousand schools were closed during the last year. To these must be added those whose incomes are fixed, and which arise from long-time interest-bearing securities and long-time rental contracts.

Mr. President, these are the three major factors, as I analyze the problem and the situation. To these, perhaps, should be added the profiteer and profiteering, although economists are still engaged in a discussion as to whether profiteering is the cause or the effect of advancing prices.

Mr. President, I have but this to say on that point: Any man who would fatten and batten upon the misfortunes of his countrymen in time of stress and peril deserves the severest reprobation. Whatever good can come from the prosecution and punishment of the profiteer will, of course, contribute that much to the solution of the problem and to the relief of this situation.

Deflation is another remedy. It must come. Contraction of the currency must follow upon this enormous inflation. Deflation has its evils quite as striking, if not so crushing; and

sometimes they are more crushing, I may say, than the evils of inflation. Our chief concern should be to see that we come down upon the lock-and-dam system, instead of rushing down by way of the cataract. I merely throw this out as a general observation in coming to the point which I wish to press.

The fundamental solution of this problem, Mr. President, is to be found in increased production. Of course, there are two methods—decreased consumption and increased production. Either one, or both cooperating, would solve this problem. I shall not discuss decreased consumption. That is largely an individual or voluntary affair, at least until a crisis shall come upon the country, and such a remedy as that is worse than the disease itself. But I say that increased production upon the farm, in the factory, in the forest, in the mine, is the solution. In that way real relief lies, and in no other.

Mr. President, the farmer must be the primary factor in the application of this remedy. Food and clothing, the raw materials wherewith to feed and clothe the world, must come from the farm. This accentuates the importance of the farmer as a factor in the present economic situation.

I believe the farmer will solve this problem if he is let alone, if he is not harried, if he is not harassed too much, if he is not too much discouraged.

Mr. President, I merely observe in passing that the Lever Act, passed as a war measure, entailed a needless loss upon the wheat farmers of this country of more than a billion dollars. I believe the farmer was the only class whose prices were fixed arbitrarily by a committee and not fixed as a result of an agreement upon the part of the producers concerned.

I know there are those who stigmatize the farmer as a profiteer. I desire to enter a plea of not guilty. Mr. President, the dean of the Agricultural College of Ohio, which is a part of the State University of Ohio, issued a recent statement, in which he declared that the farmers of Ohio received for their crop of 1918 only 3 per cent more than for the crop of 1917. That reflected a slight advance. But, sir, the cost of production in 1918 was 19 per cent more than in 1917. While there was a nominal increase in the price, there was an actual loss in profits, owing to the advanced cost of production. The increased cost of machinery and of labor upon the farm has not been taken into account by those pseudo-economists who have felt justified in characterizing the farmer as a profiteer.

I wish to insert at this place, Mr. President, a table showing the purchasing power of 1 acre of wheat in 1909 and in 1919, prepared by the Department of Agriculture. It will show that the farmer's purchasing power has declined as compared with other industries, and that, sir, is the crucial test. Can he buy more or less with a given quantity of his product?

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

Item.	Wheat.		Average all crops.	
	1919	1909	1919	1909
Barb wire.....100 pounds..	4.8	5.2	6.4	5.6
Jumpers.....each..	11	20	15	22
Lard.....pound..	80	117	106	128
Linseed oil.....gallon..	11	20	15	21
Nails.....100 pounds..	4.4	4.6	5.9	5.0
Overalls.....pair..	11	19	14	20
Pitchforks.....each..	21	25	28	27
Rope, hemp.....pound..	75	115	100	123
Sacks, grain.....each..	60	103	80	111
Sugar.....pound..	175	267	234	287
Twine, binder.....do..	107	150	143	162

Mr. GORE. I also wish to insert at this point a schedule showing the prices of farm implements paid by the farmers before the war and since the war. I do this, Mr. President, because I wish to appeal to the conscience of the consuming classes of this country.

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

Price of farm implements.

Articles.	Before the war.	April, 1920.
Wagons	$85	$185
7-foot binder	160	270
Riding cultivator	33	65
Sulky plow	45	90
Lister and corn and cotton planter	45	95

Mr. GORE. Information as to the cost of production is essential if we conduct agriculture as a science and as a business. No business can be carried on without the keeping of a cost sheet. Yet much of our farming has been done without the keeping of a cost sheet. Farmers have sold their products without realizing fair wages for themselves and their families, and without receiving any return for the fertility which they withdrew from the soil and marketed in their products. I think the consumers of this country have enlightened and sensitive consciences. Consumers have revolted against convict-made goods. Consumers do not insist upon buying convict-made goods at low prices as against the product of free labor. Consumers of this country have revolted against articles which are produced in the sweat shops. The consumers of this country are not beguiled by a serenade in the form of "The song of the shirt." They are willing to pay reasonable prices, as I believe, and are willing to pay reasonable profits to those who feed and clothe them. For that reason I have insisted, in season and out, here in the Senate and elsewhere, upon a system of cost accounting upon the farms, or rather upon the Government's assisting the farmers to introduce a system of cost accounting.

Mr. President, there is another risk which the farmer can not shift, there is another burden which he can not escape, there is another evil which he must face, and that is the weather risk. "The farmer is the servant of the seasons," and the weather risk can not be eliminated from agriculture. I wish to show the Senate what I mean.

In 1910 the cotton farmers of the South produced 11,600,000 bales of cotton. For that crop they received $810,000,000. The very next year, in 1911, the same farmers produced upon the same farms 15,600,000 bales of cotton, produced exactly 4,000,000 bales of cotton more than the preceding year, and sold the entire crop for $749,000,000; sold the crop of 15,600,000 bales for $60,000,000 less than they realized for a crop of 11,600,000 bales. That 4,000,000 bales of additional cotton which they contributed to the service of mankind lost them $60,000,000. It was worth to them $60,000,000 less than nothing, not to take account of the increased cost of gathering the crop. In other words, if the farmers of the South in 1911 had burned 4,000,000 bales of cotton it would have meant at least $60,000,000 to them. Of course, no farmer would consider vandalism or incendiarism of that sort. They contributed 4,000,000 bales of cotton to the use of mankind, to clothe the naked and to minister to the needs of mankind, and they were penalized in the sum of $60,000,000 for that contribution of 4,000,000 bales of cotton.

That is not peculiar to cotton. In 1915 the wheat farmers produced 1,025,000,000 bushels of wheat. They realized for that crop $942,000,000. The very next year the wheat farmers produced only 639,000,000 bushels of wheat and realized for that crop $1,020,000,000. They produced 400,000,000 bushels less of wheat and realized $80,000,000 more for the harvest. If they had produced 400,000,000 bushels less the year preceding, it would have meant at least $80,000,000 in their pockets. But, sir, it would have meant famine and starvation to the world, and the serious crippling of the prosecution of the war to so early a victory. I could multiply instances as to corn, potatoes, and other agricultural products. To me, Mr. President, this is the riddle of the Sphinx in the business of agriculture. I have not devised a solution—a way to obviate or distribute the weather risk.

I refer to farming as a business advisedly. The time was when, in a strict sense, it was not a business, when the farm was a self-sufficing economic unit, when the farmer produced what he consumed and consumed what he produced, when he did not produce for the market, or when that was not his chief concern. If he had a surplus, it was marketed; but that was an incident. He produced for his own subsistence.

That, however, is all changed. To-day the cotton farmer does not spin and weave and wear the cotton he produces. The wheat farmer does not mill and consume the flour from the wheat which he produces upon his own farm. He produces for the market; he produces a commodity of commerce, and he satisfies his wants in the market place. This makes farming a business, and a business which responds as sensitively to market conditions and to price fluctuations as any other business in the land.

Mr. President, this accentuates the importance of stimulating and encouraging production in this country and at the same time seeing to it, so far as we can, that the producer is not penalized. If he produces a generous harvest, he ought not to be subjected to a fine as a convict or felon, but he should receive a reward in proportion to his contribution to society.

There was a campaign—a one-sided campaign—started against the high cost of living last July or August. It has not

been a signal success. It is true that the prices of hogs and cattle were driven down. Hogs went down from 22 cents to 13 cents a pound—a drop of nearly 50 per cent—and the pity of it is that as hogs went down they met bacon going up.

Mr. President, there is a source of justified discontent on the part of the farmers of this country. When the farmer sells a pound of cotton for 27 cents and pays $4.50 cents for a pound of cloth manufactured from it he is likely to complain. The farmer receives less than $9 for 4½ bushels of wheat, which are necessary to make a barrel of flour. A barrel of flour sells from $12 to $14. A barrel of flour will make two hundred and ninety-four 1-pound loaves of bread. At 10 cents a loaf, this amounts to $29.40. The dean of the Agricultural College of Ohio is my authority for the statement that when these loaves of bread are sold in orders at hotels and cafés they bring $270 in the aggregate. The producer receives less than $9; the ultimate consumer pays $270. He would be a rather unobservant farmer who would not mark the spread in these prices.

Mr. President, the withdrawal of the boys from the farms at this time for military training would aggravate this evil. This is my reason or, if I may say so, my excuse and apology for this digression into the economics of agriculture. It is a subject that deserves more consideration than it has received in the past; it is a subject which must receive more consideration in the future than in the past if our prosperity is to continue and if evil times are not to come upon us.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Brandegee	Gronna	Lodge	Reed
Capper	Harris	McKellar	Sheppard
Chamberlain	Harrison	McNary	Simmons
Cummins	Hitchcock	Moses	Smoot
Curtis	Jones, Wash.	Myers	Sterling
Dial	Kellogg	Nelson	Trammell
Gay	Kendrick	New	Wadsworth
Gerry	Keyes	Norris	Warren
Glass	Kirby	Page	
Gore	Lenroot	Ransdell	

The PRESIDENT pro tempore. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. CALDER, Mr. PHELAN, and Mr. WATSON answered to their names when called.

Mr. SPENCER, Mr. DILLINGHAM, Mr. KENYON, Mr. COMER, Mr. SWANSON, Mr. POMERENE, Mr. ASHURST, Mr. MCCORMICK, and Mr. COLT entered the Chamber and answered to their names.

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

Mr. HARRIS. Mr. President, I ask for the consideration at this time of the amendments presented by me.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Georgia.

The READING CLERK. On page 65, line 5, after the words "United States," it is proposed to insert "who have been citizens for at least 10 years."

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Georgia.

Mr. WADSWORTH. Mr. President, I simply wish to call the attention of the Senate to this amendment, for I think, perhaps, some Senators were not listening when it was read. The amendment, if adopted, will prohibit any man being trained of his own volition unless he has been a citizen of the United States for 10 years. I do not believe the Senate should inflict such a penalty upon foreign-born citizens of this country.

Mr. HARRIS. Mr. President, previous to and during the late war with Germany our country experienced great trouble with the foreign-born citizen who had been in this country for just a short time. Under this bill we allow a man to be trained in the Army before he is a citizen of the United States; he is only required to state that he desires to become a citizen. I think under all the circumstances 10 years is a short enough time for a man to be in this country to enable him to belong to our Army.

Mr. BRANDEGEE. Mr. President, to me it seems that if these people are here, the sooner we catch them and teach them what is necessary, the better it will be. Why a man who knows nothing about military affairs and has declared his intention of becoming a citizen of this country should be practically exempted from military training for 10 years I do not see.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BRANDEGEE. Yes.

Mr. NEW. I thought the Senator from Connecticut had concluded.

Mr. BRANDEGEE. I have.

Mr. NEW. I simply wish to supplement what the Senator from Connecticut has said by calling the attention of Senators to a certain incident that most of them will remember, namely, the exhibition that was given in front of the Capitol less than six months ago by a company of just such men as will be prohibited from joining the Army if the amendment suggested by the Senator from Georgia shall prevail. Ninety days before those men were here in uniform but one of the whole company could speak the English language.

In that 90 days they had been trained into shape, they made a splendid appearance, they spoke the English language, at least to a sufficient degree to enable them to receive and obey commands given in that language, and I think the progress of which their appearance gave evidence was an object lesson to every Senator who saw them. Their advance in citizenship had been of the most pronounced character; and all of that will be impossible if such an amendment as is proposed shall be adopted. I hope it will not prevail.

The PRESIDENT pro tempore. The question is upon the first amendment proposed by the Senator from Georgia [Mr. HARRIS].

The amendment was rejected.

The PRESIDENT pro tempore. The Senator from Georgia has two further amendments, which will be stated.

The READING CLERK. On page 65, lines 6 and 7, it is proposed to strike out the following words:

And all male persons who reside therein and who have declared their intention to become citizens.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The READING CLERK. Also, the following amendment:

On page 65, line 19, after the word "months," it is proposed to insert the following words: "And all applications to participate in training shall be submitted to the adjutant general of the State in which the applicant is a resident, and forwarded to the War Department with the approval of the governor of said State.

Mr. HARRIS. Mr. President, this amendment requires every person who wishes military training to make application through the adjutant general of the State in which he resides, and this must be approved by the governor. In every State there are undesirable citizens who would not reflect credit on our Government as soldiers. They are best known to their neighbors and the county officials, and the governor of a State could get this information better than the Secretary of War at Washington.

Mr. WADSWORTH. Mr. President, I merely desire to call brief attention to this amendment. In effect it provides that no young man, even though he may want the training and applies for it, can have it unless the governor of his State says he can have it. I do not believe the Senate cares to inject such an element into this matter of voluntary training.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia.

The amendment was rejected.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Chair is of the opinion that the amendment proposed by the Senator from Arkansas [Mr. KIRBY] must be first disposed of before that of the Senator from Tennessee is in order.

Mr. KIRBY. Mr. President, the purpose of the amendment proposed by me having been accomplished in an indirect way by the substitution of the voluntary for the compulsory system, and on account of our inability to get a vote on the particular question involved in my amendment, I withdraw the amendment that I have proposed, if I have the consent of the Senate to do so, in order that the amendment of the Senator from Tennessee may be presented.

The PRESIDENT pro tempore. Does the Senator from Tennessee withdraw the amendment to which the Senator from Arkansas offered his amendment?

Mr. McKELLAR. I do, and offer the one which I send to the desk in lieu of it.

The PRESIDENT pro tempore. The amendment now proposed by the Senator from Tennessee will be stated.

The READING CLERK. Beginning on page 65, line 4, it is proposed to strike out all of sections 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61, found on pages from 65 to 76, and being that portion of the bill which provides for universal compulsory military training.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Tennessee.

Mr. McKELLAR. On that I ask for the yeas and nays.

Mr. WADSWORTH. This amendment will give rise to a good deal of discussion. I do not know what is the desire of the Senate about continuing the session further to-day. It is now 25 minutes of 5 o'clock.

Mr. NELSON. I desire to have a short executive session.

Mr. WADSWORTH. I have understood that there is some desire among Senators to have an executive session.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. During the morning hour the Committee on Foreign Relations was in session and I was necessarily absent from the Senate Chamber. I therefore ask unanimous consent, out of order, to report back favorably with amendments from the Committee on Pensions the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War; to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines; and to certain Army nurses; and granting pensions and increase of pensions in certain cases; and I submit a report (No. 512) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 10, 1920, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 9, 1920.

UNITED STATES ASSAYER.

Hugh T. Rippeto to be assayer in charge of the United States assay office at Salt Lake City.

UNITED STATES ATTORNEY.

John L. Neeley to be United States attorney, northern district of Florida.

UNITED STATES MARSHALS.

Nathan H. Boswell to be United States marshal, southern district of Florida.

Clayton L. Wheeler to be United States marshal, northern district of New York.

COLLECTORS OF CUSTOMS.

Robert E. Latimer to be collector of customs for collection district No. 21.

Roscoe M. Drumheller to be collector of customs for collection district No. 30.

CONSULAR SERVICE.

Henry S. Waterman to be a consul of class 7.

John R. Bradley to be a consul of class 8.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be rear admiral.

Benjamin C. Bryan.

To be captains.

Henry B. Price.
Milton E. Reed.
Stanford E. Moses.

To be commanders.

Benjamin G. Barthalow.
Wallace Bertholf.
Julius C. Townsend.

To be lieutenant commanders.

Vaughn V. Woodward.
George M. Ravenscroft.
Henry C. Gearing, jr.
Carl T. Osburn.
George T. Swasey, jr.
Samuel L. Henderson.
Harry A. McClure.
Charles B. C. Carey.
Henry P. Samson.
Carleton F. Bryant.
William J. Larson.
Alfred P. H. Tawresey.
Thomas N. Vinson.
John H. Buchanan.
Herman A. Spanagel.
Frank L. Lowe.
Joseph R. Redman.
Franklin G. Percival.
Theo D. Westfall.
Theodore D. Ruddock, jr.
Zeno W. Wicks.
Andrew H. Addoms.
Albert G. Berry, jr.
George B. Wilson.
William H. Porter, jr.
William K. Harrill.
Sherrod H. Quarles.
Alfred H. Balsley.
William E. Malloy.
Greene W. Dugger, jr.
John M. Creighton.
Charles D. Swain.
Edmund W. Burrough.
Albert H. Rooks.
George F. Neiley.
Russell E. Perry.
Byron B. Ralston.
Stanley L. Wilson.
Charles E. Rosendahl.
Herbert J. Ray.
John G. Moyer.
Robert W. Hayler.
Bert F. Clark.

To be lieutenants.

Richard H. Knight.
John R. Palmer.
Benjamin H. Lingo.
Franklin B. Conger.
Rawson J. Valentine.

To be lieutenants (junior grade).

Robert B. Carney.
Herbert S. Jones.
John S. Bessent.
Malcolm S. Brainerd.

Timothy S. O'Leary to be pay director, with the rank of captain.

William R. Bowne to be pay inspector, with the rank of commander.

Charles L. Brand to be naval constructor, with the rank of commander.

To be passed assistant surgeons with rank of lieutenant.

Forrest M. Harrison.
Arthur C. Sinton, jr.
Irving W. Jacobs.
Arthur W. Hoaglund.
Jack H. Harris.
Kenneth E. Lowman.
Earl C. Carr.
Leo C. Thyson.
Rolland R. Gasser.
Howard E. Gardner.
Alanson L. Bryan.
Mortimer T. Clement.
Theo E. Cox.
James M. Quinn.
Edward K. Lee.
Ezra E. Koebbe.
William E. Glanville.
Melville J. Aston.
John T. Bennett.
Ellis A. Stephens.
Rudolph D. Joldersma.
William R. Levis.
Horace E. Spruance.

Herbert L. Barbour to be assistant surgeon with the rank of lieutenant (junior grade).

Rufus A. Ferguson to be passed assistant dental surgeon with the rank of lieutenant.

Alfred W. Chandler to be passed assistant dental surgeon with the rank of lieutenant.

Cedric T. Lynes to be passed assistant dental surgeon with the rank of lieutenant.

Ross P. Schlabach to be naval constructor with the rank of commander.

Arthur C. Eberhard to be assistant civil engineer with the rank of lieutenant (junior grade).

James A. Newell to be chief machinist.

Peter Treutlein to be assistant naval constructor with the rank of lieutenant (junior grade).

Joseph L. Schwartz to be assistant surgeon with the rank of lieutenant (junior grade).

Francis G. Ulen to be assistant dental surgeon with the rank of lieutenant (junior grade).

Adolphus R. Gleitsman to be assistant dental surgeon with the rank of lieutenant (junior grade).

Arthur J. O'Leary to be lieutenant colonel in the Marine Corps.

Adolph B. Miller to be major in the Marine Corps.

Allen E. Simon to be major in the Marine Corps.

POSTMASTERS.

CONNECTICUT.

Edward S. Coulter, Essex.

GEORGIA.

John W. English, Helena.
Victor L. Howe, Tallapoosa.

HAWAII.

Thomas E. Longstreth, Lihue.

ILLINOIS.

Edward F. Ledoyt, Sandwich.

LOUISIANA.

Robert Y. Newell, Newellton.
Charles Janvier, New Orleans.
Neil D. Womble, Winnsboro.

NEBRASKA.

Herbert O. Paine, Cook.
Lory D. Russell, Ansley.
Charles M. Evans, Arapahoe.
Lorena W. Doe, Arcadia.
John E. McClure, Axtell.
William I. Tripp, Belvidere.
Hannah Price, Bennett.
George G. Bruckert, Bruning.
Gladys Kesterson, Carroll.
Edward H. Bishop, Central City.
Hans Jensen, Cozad.
John J. Adams, jr., Crawford.
Louis K. Musser, Crookston.
John Grabenstein, Eustis.
Richard A. Gibson, Friend.
Will H. Lamm, Gering.
Elizabeth McGuire, Hampton.
George A. Herzog, Harvard.
Harry L. Stebbins, Holbrook.
Kathryn F. Michael, Liberty.
Ernest G. Miller, Lynch.
Charles H. Kuhns, Maxwell.
Walter I. Farnham, Merna.
Frances H. Marnell, Nebraska City.
Burton C. Gentle, Norfolk.
Wesley E. Snider, Osceola.
Leo A. Rengler, Overton.
Perry E. Chase, Page.
Horton W. Bedell, Peru.
Homer T. Davey, Ponca.
Frank J. Kovar, Schuyler.
Thomas W. Cook, Scotia.
Gustav Blassl, South Sioux City.
Earl W. Glandon, Stapleton.
Margaret M. Anderson, Stromsburg.
Albert E. Pratt, Tobias.

OREGON.

Iva E. Russell, St. Helens.

TEXAS.

Sudie Gaut, Arp.
Gurney H. Kindred, Bloomington.
John T. Wallace, East Bernard.
Edward E. Layton, Gorman.
Leila A. Pyeatt, Richardson.
Mabel E. Kennedy, Rockport.

UTAH.

William L. Cash, Castle Dale.
Thomas C. Smiley, Helper.
B. F. Caffey, Sunnyside.
Edward J. Young, jr., Vernal.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 9, 1920.*

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

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We wait upon Thee, our Father in heaven, for wisdom to guide us in our quest for truth.

We thank Thee that Thou hast made us progressive beings and placed within our reach the means for the betterment of our condition—physically, intellectually, morally, spiritually.

The fact that the race has passed from savagery to barbarism, from barbarism to civilization, is the guaranty for the still betterment of life and its conditions.

Give us wisdom, grace, harmony, brotherly love; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks of my own upon the subject of reducing the number of civil employees in the Government.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 189) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution 189, authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

TERMINATION OF STATE OF WAR WITH GERMANY.

The SPEAKER. Under the special order debate upon the peace resolution is now in order.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, gentlemen on the Democratic side argue that the House of Representatives under the Constitution is not a part of the treaty-making power, and that the passage of this resolution by the House is an infringement on the constitutional prerogatives of the President, who is charged with the negotiation of treaties.

It must be understood by gentlemen that this resolution is not a treaty, nor does it assume to take away any of the President's treaty-making rights. The Congress under the Constitution is charged with declaring war and raising and maintaining armies and navies. The President under the Constitution is made Commander in Chief of the armies and navies and as such is charged with the responsibility of directing these forces in time of war.

On November 11, 1918, the President appeared before a joint session of the Senate and House of Representatives of the American Congress and submitted the terms of the armistice signed by Germany, and in the following words declared the war was over:

> The war thus comes to an end; for, having accepted these terms of armistice, it will be impossible for the German command to renew it.

Later he proceeded to Paris to negotiate a treaty of peace, and upon his temporary return, before the completion of that work, he announced to the American people that he intended to urge the formation of a league of nations and have it so interwoven in the treaty of peace that it would be impossible for the Senate to unravel it.

He kept that promise. And when he finally returned, after the treaty of Versailles was signed by the allied nations and the President, representing the American people, he submitted the treaty for consideration by the Senate, and has continued to insist upon its ratification without amendment. Fortunately for the Nation, the Senate has insisted upon the incorporation of reservations intended to protect the United States from en-

tangling alliances with the nations of the world, and to make clear the responsibilities to be assumed by this country under the provisions of the treaty.

I take the liberty of setting forth the resolution of ratification with the reservations presented by the Republicans of the Senate during the consideration of the treaty, and adopted by a majority of the Senate, but failing to receive the two-thirds necessary:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (arts. 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

It must be obvious to everybody who has studied the question that if the treaty had been ratified as presented by the President of the United States, this country would to-day have an Army of anywhere from twenty-five to two hundred thousand in Armenia and would have obligated itself to the expenditure of not less than $757,000,000, and perhaps a billion dollars, as indicated by the report of the American commission headed by Maj. Gen. Harbord, after a comprehensive study of the conditions on the ground.

It now appears, as the result of this study, how unfortunate it would be for the United States to have accepted a mandatory over Armenia, as the following reasons given by the Harbord Commission show, as it undoubtedly would have done if the Senate had ratified the treaty with the President's covenant of the league without amendment:

1. The United States has prior and nearer foreign obligations and ample responsibilities with domestic problems growing out of the war.

2. This region has been a battle ground of militarism and imperialism for centuries. There is every likelihood that ambitious nations will still maneuver for its control. It would weaken our position relative to the Monroe doctrine and probably eventually involve us with a reconstituted Russia. The taking of a mandate in this region would bring the United States into the politics of the Old World contrary to our traditional policy of keeping free of affairs in the Eastern Hemisphere.

3. Humanitarianism should begin at home. There are a sufficient number of difficult situations which call for our action within the well-recognized spheres of American influence.

4. The United States has in no way contributed to and is not responsible for the conditions, political, social, or economic, that prevail in this region. It will be entirely consistent to decline the invitation.

5. American philanthropy and charity are world-wide. Such a policy would commit us to a policy of meddling or draw upon our philanthropy to the point of exhaustion.

6. Other powers, particularly Great Britain and Russia, have shown continued interest in the welfare of Armenia. Great Britain is fitted by experience and government, has great resources in money and trained personnel, and though she might not be as sympathetic to Armenian aspirations, her rule would guarantee security and justice. The United States is not capable of sustaining a continuity of foreign policy. One Congress can not bind another. Even treaties can be nullified by cutting off appropriations. Nonpartisanship is difficult to attain in our Government.

7. Our country would be put to great expense, involving probably an increase of the Army and Navy. Large numbers of Americans would serve in a country of loathsome and dangerous diseases. It is questionable if railroads could for many years pay interest on investments in their very difficult construction. Capital for railroads would not go there except on Government guaranty. The effort and money spent would get us more trade in nearer lands than we can hope for in Russia and Roumania.

Proximity and competition would increase the possibility of our becoming involved in conflict with the policies and ambitions of States which, now our friends, would be made our rivals.

8. Our spirit and energy can find scope in domestic enterprises or in lands south and west of ours. Intervention in the Near East would rob us of the strategic advantage of the Atlantic, which rolls between us and probable foes. Our reputation for fair dealing might be impaired. Efficient supervision of a mandate at such a distance would be difficult or impossible. We do not need or wish further education in world politics.

9. Peace and justice would be equally assured under any other of the great powers.

10. It would weaken and dissipate our strength, which should be reserved for future responsibilities on the American Continent and in the Far East. Our line of communication to Constantinople would be at the mercy of other naval powers, and especially Great Britain, with Gibraltar and Malta, etc., on the route.

11. These institutions have been respected even by the Turks throughout the war and the massacres, and sympathy and respect would be shown by any other mandatory.

12. The peace conference has definitely informed the Turkish Government that it may expect to go under a mandate. It is not conceivable that the League of Nations would permit further uncontrolled rule by that thoroughly discredited Government.

13. The first duty of America is to its own people and its nearer neighbors. Our country would be involved in this adventure for at least a generation, and in counting the cost Congress must be prepared to advance such sums less such amounts as the Turkish and trans-Caucasian revenues should afford.

The League of Nations would have committed the United States to the protection of the political integrity and geographical boundary lines of every nation in the world. It would have forced the country into every European quarrel. It would have authorized the council of the league, consisting of nine members, to direct when, and how, and where the people of the United States should send their sons into battle. It would have forced American boys in large numbers to serve in countries

of loathsome and dangerous diseases. It would have required a constant increase in the Army and Navy for this purpose, and would force upon the American people the necessity for conscripting American boys to fight foreign wars without choosing which side they were to fight on.

The League of Nations would have committed America's national ideals to a body of men whose customs, languages, standards of conduct, and race habits are not in keeping with our own. America would have but one vote in the council of this league and would be powerless to prevent any action which the council might choose to take. It would have swept aside the Constitution and carried us irresistibly into the Old World currents. It would have made us participants in the 1,000-year-old feuds of European nations. It would have committed the destinies of a free people into the keeping of a hidden power over whose actions we would have no control. It would have forced us to be internationalists instead of nationalists. It would have placed upon us untold burdens, the extent of which no man could foresee. It would have left our boys to bleach their bones upon battle fields in wars in which we had no interest. It would have modified the Constitution of the United States by a method contrary to the provisions now provided by the Constitution itself, and left the Representatives of the people of the United States in the Congress with nothing to do but vote men and money whenever so directed to do by the council of the league.

Most of the European wars have had their origin in commercial rivalry, resulting in territorial aggression. The rulers of European nations have fought to gain power for themselves and their dependent relatives. Their ambitions have never taken into consideration the rights of the people. They have used the people as a pawn to advance themselves. The life of the people with them has had no value, except as they were able to use it on the battle fields to promote their power. Surely the people of the United States must feel grateful to the patriotic men who represent them in the Senate for their insistence upon Americanizing the covenant of the league which would impose such burdens, if adopted without amendment.

The ratification of the league without amendment would have given the people of Europe power over the people of the United States, and this power would undoubtedly be used for the promotion of European interests, regardless of its effect or its cost in blood and treasure to the American people.

We have responsibilities of our own at home. They should receive our first consideration. We have many problems of great moment demanding our attention. They should be our first care. We should not place upon the shoulders of the American people the calamities and burdens of the earth. The ratification of the League of Nations without amendment would force us to do that.

The men who first inhabited Continental America were a sturdy lot. They came here to escape tyranny and to find liberty. They endured the privations of the pioneer. They felled the forests; they cultivated the soils; they fought the Indians; and they established the foundations of an enduring Republic having freedom for its purpose. We enjoy the blessings of this freedom to-day. Shall we jeopardize it or shall we preserve it? Shall we develop along broader lines the peaceful industries of the Nation, or shall we join in the intrigue of foreign nations and become a part of the forces which they command? Shall we protect America against unholy alliances or shall we become internationalists?

We live in the greatest land under the sun. We have enjoyed the blessings of liberty handed down to us by our forefathers, and our people have shown their courage to defend that liberty on every battle field where the honor of the Nation was at stake. We should under no circcumstances jeopardize the freedom of the Western Hemisphere at the solicitation of any dreamer or doctrinaire. We are a people of peace. After every war which our men have fought they have returned to their homes and families and the cares of private life. They have been willing to pursue the policy of developing peaceful industries and have gone to war only when the Nation's honor was at stake.

Our forefathers framed a government to save in peace what they had gained in war in the early days, and we are asked by the President to create something that will lose in peace what we won in war.

The founders of the Government left a solemn warning to their descendants to safeguard human rights; to foster the liberty which they had established. They warned us against entangling alliances with foreign nations. They knew and hated the kings and nobles; they hated their cruelties and customs; they admonished us to let Europeans settle their own quarrels; but the President advises otherwise, and he objects because the Senate of the United States, a coordinate branch of the Government, with treaty-making powers, insists upon the protection of American rights.

We entered into no alliance with Europe when we declared war. We considered Germany a menace to free government. She had murdered our citizens, sunk our ships, destroyed our property, and prevented our commerce on the high seas. There was nothing for us to do but to protect our interests and the interests of our people. We did that, but we were careful not to enter into any alliance with the allied nations who were fighting Germany. We sought no world dominion; we simply wished to protect American rights. We accomplished that purpose by the successful termination of the war; but the President, even now, 17 months after the close of the war, still insists on keeping the Government of the United States in a state of war, and this resolution is simply intended to declare a state of peace and incidentally to repeal the war powers granted to the President during the period of the war in more than 30 acts, which he is now exercising and which he ought not longer to be permitted to exercise. The people of the United States should be permitted to go their way in peace; to conduct their affairs without war restrictions; to enter upon their legitimate concerns with a knowledge that there is no danger of them infringing upon a war right.

This resolution is perfectly within the power of the Congress and the House has the right to originate it. The President, the treaty-making power, has refused to act; he has refused to consider amendments to the League of Nations, to which he seems to be wedded. He professes to believe that the people of the United States are in favor of the league on the ground that it would bring peace. God knows we are all for peace, but the League of Nations, far from bringing peace, will involve us in continued war; but to the extent that the United States can properly enter the league without yielding its sovereignty to the control of foreign powers I should be glad to see it formed with America as part of it, but with a league that surrenders any American right to any foreign nation with the power of any council of any league controlled by anybody outside of the United States to dictate policies to the American people, I am opposed unalterably, now and always.

Since the President has refused to act, refused to consult, refused to compromise, it seems to me the time has come for the voice of the people to be heard, and this resolution presumes to express their views, for I verily believe that four-fifths of the American people are for America, whatever the other one-fifth may be for, but for America I stand. I want to see the League of Nations covenant Americanized. I am not an internationalist; I am a nationalist, with all that the term implies. I believe that the United States, as an independent entity with all its power and wealth and its sense of justice, can be more useful to the world without alliances of the kind provided in the President's covenant of the league unamended than it can be as a member of such a league. It stands out with its hand held aloft, beckoning the people of the world onward toward freedom and justice; its food supply, its wealth, its power, and its men are always at the service of the world where justice is at stake. It should hold itself aloof from all alliances; it should be ready to meet whatever issue comes. It should join in its own way, at its own free will, under the direction of its own Government, and with the consent of its own people, in any movement for the world's betterment, but it should do so freely, without coercion, without dictation, without orders. It should be in fact what it is in name, the paramount spokesman of the world's liberty and eternal justice. [Applause on the Republican side.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, this is not a question of the League of Nations. The gentleman from Illinois [Mr. MADDEN] made a very able address, at which no one from his viewpoint could take grievance; but that is not the issue before us. All of us, I believe, every man on both sides of this House, want to see the United States Government at peace with our late enemy. We are not the peace-making power under the Constitution. This branch of the Congress has no right to interfere with the President and the Senate in respect to the League of Nations and the treaty that the Senate has been considering all these long, weary months. Neither have we the power under the Constitution to usurp the authority to pass such a resolution as is now pending before this body. No one knows this fact any better than does the Republican majority. Any man who understands practical politics can readily perceive that this resolution is pure demagoguery and humbuggery. Any man who runs can read that. Replying to the gentleman from Alabama [Mr. HUDDLESTON], I beg to say that the cooked, poisoned fish that he proposes to swallow along with the Republicans, endeavoring to fool the

American public, will not be swallowed by me, and it will not be swallowed by the great majority of the Democrats of this Congress. The idea of standing up and doing such a thing under our oath as Members of the American Congress, which we took to uphold the Constitution in all its sanctity and its legality, is repulsive. We would subvert the Constitution of this great Government by passing this contemptible resolution. It would be an insult to the boys who wore the uniform of this great Nation, who went out to fight for the principles for which this Government was founded, as well as for the civilization of the world. [Applause on the Democratic side.] The people of our country gave freely of their treasure and made burdensome sacrifices, and to now pass this hypocritical resolution would cast ignominy upon us all. Can we, as intelligent and patriotic Americans, face the people who contributed down to the very bottom of the till to the Red Cross and the Y. M. C. A., who subscribed for Liberty bonds, if we should pass this resolution? Above all, could we face the mothers who gave their sons, some of whom lie now yonder in the soil of France, with the poppies blowing above their graves, while those mothers grieve for them at home? You pretend to represent the American people and to pass this contemptible and hypocritical resolution and leave the enemy free from being bound to stand by and support the great victory that our soldiers won as set forth in the treaty which was made to safeguard and protect us. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL of Tennessee. Mr. Speaker, of course it is impossible within the limits of 10 minutes to enter into a real discussion of the questions which this resolution raises. I desire only to offer a few words of comment on two or three phases of it. As I conceive the present situation, as it relates to peace and to the treaty of peace, the authorities on whom the Constitution imposes the duty and in whom it vests the power of negotiating peace have failed to perform that duty, and entirely, as I look at it, because of political conditions. The Senate, I fear, has failed thus far, seriously and earnestly, to exercise its fullest endeavors in the discharge of its treaty-making duties and power. The result of the temporary deadlock thus created is that after nearly 10 months of delay, accompanied by every kind of agitation and injection of political and other matters wholly foreign to the merits of the treaty, we now find, strange to say, the House of Representatives, by means of a purely legislative measure, undertaking to exercise the most vital and important part of the treaty-making power of the Government.

On the horrible treaty situation which politics and personalities have created I wish to read a few lines from two or three very distinguished gentlemen. They relate to a situation as it now exists and as the House is now undertaking further to develop it, and that is to add another political step in the efforts extending over 10 months to discredit the President in the performance of his treaty-making functions and duties. [Applause on the Democratic side.] A noted French writer a short time ago made this statement:

> What has come about is the destruction of all confidence in the capacity of American plenipotentiaries to negotiate.
>
> In five or six years, when an American President offers us a treaty on any subject whatever, we shall reply to him, "No; thanks. What can you give us in the way of guaranties that your Senate will ratify? Bring us first the consent of the Senate. Then we will talk."
>
> The Republicans do not appear to understand that in discrediting Wilson as a negotiator of treaties, they at the same time discredit for three generations future Presidents of the United States who try to negotiate treaties.

[Applause on the Democratic side.]

On the 4th day of February, 1899, Senator Edward O. Wolcott (Republican), of Colorado, replying to the threatened attitude of certain Democrats who were undertaking to raise foreign issues on the then pending Spanish treaty, used this language:

> For one, I believe that issue a fair one, and I am ready, as all good citizens ought to be, to meet the views of the whole American people upon the question of the conduct of the war, of its achievements, and of the policy this country should pursue at its close. But it is deplorable, Mr. President, that in formulating such an issue and in pursuit of such a policy those leaders should find it necessary to seek to dishonor this Government and the administration which has guided us so wisely through the troubled sea of international complications and brought us to the threshold of an honorable peace; that they should seek to degrade us in the face of the nations of the world; and that they should attempt to bring about some fancied political advantage by an effort to defeat the ratification of a treaty which, if unratified, must bring back a condition of war as it existed before the report of the commissioners, passive it may be, Mr. President, but full of uncertainty and full of disaster to the interest and the welfare of our country.
>
> For my part, I do not believe these tactics can win. There are on both sides of this Chamber enough men animated with high patriotism ready to obliterate party lines and to stand shoulder to shoulder together and with the Government, not because it is a Republican Government but because it is an American Government.

Mr. Speaker, this language applies in its every word, syllable, and letter to the conditions brought about by the present Republican Congress and now existing. [Applause on the Democratic side.]

Senator John Sherman on February 25, 1863, must have had just such a partisan Congress as the Sixty-sixth in mind when he said:

> We do no good to our cause, no good to our country, by constant crimination of the President, by arraigning him here, as I have heard him arraigned, as a tyrant and an imbecile. * * * If we allow his authority to be subdued and overrun we destroy the authority of the Government of the United States.

Now, Mr. Speaker, it has been said that this treaty is killed, and that it was killed by its friends. I want to say in reply to that that arson and murder are never committed by the real friends of the victim; they are always committed either by an avowed enemy or a pretended friend, and I dare say that those who offer criticism of the administration in connection with these treaty negotiations and the treaty delay will find difficulty in convincing the American people that the true and real friends of this treaty are responsible for whatever injury has been suffered thus far from the failure to bring about peace. Now, coming down to the present proposal. I agree that if this resolution had stopped with sections 1 and 2 you would have been on much stronger ground than you are. I agree that after the cessation of hostilities, to which the President referred in the statement often quoted in this debate, it is within the power of the legislative branch, speaking for itself, to say that so far as it is concerned "we have quit fighting." The war, that is, hostilities, has ceased, in so far as "we are concerned." That is the expression of one will, but this resolution does not stop there. It undertakes to couple section 3 as an integral and component part of sections 1 and 2. Section 3 in particular puts this House in the attitude, by a mere legislative act, of calling on the German Government to agree to a large number of things, such as Senator KNOX wrote in his recent resolution, after which this resolution is patterned. The Knox resolution expresses some of the numerous agreements to which Germany is expected through this statutory proceeding to comply. His resolution says this:

> That unless the German Government notifies the Government of the United States that it acquiesces in and confirms irrevocably to the United States all undertakings and covenants contained in the treaty of Versailles conferring upon or assuring to the United States or its nationals any rights, powers, or benefits whatsoever, and concedes to the United States all rights, privileges, indemnities, reparations, and advantages to which the United States would have been entitled if it were a ratifying party to the said treaty, the President of the United States shall have power, by proclamation, to prohibit commercial intercourse between the United States and Germany and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government, or the inhabitants of Germany, directly or indirectly, by the Government of the United States or the inhabitants of the United States.

Now, for failure to agree to most of these many proposals the pending resolution says we shall sever commercial relations with Germany. I say, Mr. Speaker, that there is not the remotest shadow of even a fleeting doubt that the terms of sections 1, 2, and 3, which must be taken together, embrace an outright general treaty proposition in every possible essential. [Applause on the Democratic side.] No man can go before any court or any fair-minded tribunal and seriously argue otherwise.

While section 3 ostensibly and pretendedly proposes as its chief purpose the establishment of reciprocal trade relations with Germany, a fair construction of this section reveals its real and decidedly paramount purpose as an endeavor to have the German Government agree to assure to the United States and its nationals all the benefits and advantages which the President and the allied nations had compelled the German Government to write into the treaty of Versailles. The reciprocal trade proposal is not only minor and incidental, but, suggested in this manner, it stands out as the merest sham and pretense. The real compelling meaning and intent of section 3 is under a puny, puerile, silly threat to require the German Government, as stated, to agree in substance and in effect, although the language of the resolution is in negative form, to many of the innumerable covenants, contracts, understandings, and arrangements securing the treaty rights, privileges, benefits, penalties, indemnities, and so forth, to the United States from the German Government, as negotiated and written into the treaty of Versailles. In other words, section 3, by the use of negative language, attempts to do in some measure what the language in the Knox resolution undertakes to accomplish by including "all undertakings and covenants contained in the treaty of Versailles," and so forth. It is attempted in a feeble way to bolster up the so-called reciprocal trade contention of section 3 by citing section 3 of the reciprocity provision of the McKinley tariff act of 1890, and the opinion of the Supreme Court of the United

States sustaining its validity. There is no easier task than that of distinguishing this and similar enactments of Congress under its exclusive legislative power to levy and collect duties and to regulate commerce with foreign nations, from the bald treaty proposal embraced in section 3 of the pending resolution.

The acts of Congress relating to reciprocal trade and the decisions of the courts construing them have never in any remote sense trenched upon the treaty-making power of the United States Government. The Constitution gives the President the power generally to negotiate commercial treaties. Congress, as a rule, must exercise its legislative power either under the authority to levy and collect duties or to regulate commerce with foreign nations in order to carry into effect such commercial treaties. Either Congress or the Executive may take the initial step, as each has done, but in so doing the Executive in the past has in no wise encroached upon the legislative action necessary, nor has Congress, on the other hand, encroached upon the treaty-making functions of the President and the Senate in this connection. The decision of the Supreme Court in the case of Field against Clark dealt alone with the question of whether Congress could delegate to the President what was alleged as its legislative power to levy duties, or, rather, to put in effect by proclamation duties already conditionally imposed by Congress.

It will be noted that the conditions prescribed as a prerequisite to the issuance of such proclamation by the President was entirely within the scope and nature of reciprocal trade legislation, and in no wise sought to make as a condition the one-sided execution of an entire treaty of peace with its wholesale conditions, qualifications, contracts, and covenants, such as are contained in the German-American provisions of the treaty of Versailles. No such condition was ever written in any congressional enactment relating to reciprocal or other trade relations, but on the contrary only such condition or conditions as were germane to this subject. The Supreme Court in the case of Field against Clark, touching on this very point, used the following language concerning this class of trade statutes:

> In the judgment of the legislative branch of the Government it is often desirable if not essential for the protection of the interests of our people against the unfriendly or discriminating regulations established by foreign Governments in the interests of their people to invest the President with large discretion in matters arising out of the execution of statutes relating to trade and commerce with other nations.

These statutes, as I have been specially pointing out, have related to "trade and commerce with other nations," and until the pending resolution was offered I dare say the idea that a condition might be made a part of a reciprocal trade statute which would require a sovereign power to enter into a wholesale peace treaty with this Government—a matter wholly foreign to all such commercial statutes and decisions thereon—has never been dreamed of until now. It has never been contended that any of the long list of congressional enactments relating to reciprocal and other trade relations with foreign nations ever in any instance transferred legislative power from Congress to the President or transferred any part of the treaty-making power from the President to be exercised under the legislative power of Congress.

When considered together as they must be, sections 1, 2, 3, and 4 of the pending resolution constitute an outright treaty proposal such as the Constitution vests exclusively in the President with the approval of the Senate. Viewing the clearly defined treaty-making power of the President with the approval of the Senate and the purely legislative power of the two Houses of Congress, each entirely separate and distinct, as contained in the Constitution, there is no room to escape the conclusion just stated. But even if the resolution were valid the conditions which the demands of section 3 impose on Germany renders the idea of her acceptance utterly absurd.

Mr. Speaker, the proposed resolution will mean absolutely nothing when it passes the House. It will only have served the purpose intended of allowing our Republican friends to play politics and thereby endeavor to confuse, mislead, and prejudice the public mind with respect to peace and peace conditions.

Instead of hastening or facilitating real and practical peace conditions, such performances as this resolution affords only complicate and delay the kind of peace the American people are longing for and have had a right to expect during the past eight months, and which they would have received long since but for politics. When one political party in control of the legislative branch follows the fixed policy of opposing whatever is proposed by the executive branch of the Government without regard to its merits, the country can scarcely expect congressional action in the usual and orderly way and must be prepared for just such vexatious and injurious delays as we have seen in the case of the nonratification of the peace treaty.

I can scarcely conceive of a more dishonorable attitude before the world than that in which this resolution would place the United States Government and the American people. It places us in the attitude of rejecting the treaty negotiated at Versailles and signed by Germany and all our allied Governments, but at the same time demanding of the German Government that it shall comply with the terms of the treaty in so far as they bestow benefits upon the United States and its citizens. It would be impossible to express or to imagine the amazement, hatred, contempt, and ridicule with which the allied Governments and enlightened nations the world over would view our Government and our people if this resolution should be passed over the President's veto by two-thirds of both Houses of Congress and seriously transmitted to Germany by a House or Senate messenger. The name of the United States would become a hiss and a byword in every civilized country on earth. And yet this is precisely the pusillanimous proposal that would be made to Germany after deserting our allies, if the Republicans in Congress viewed this resolution seriously, which they do not. In my judgment, if all the politics contained in both ends of the Capitol Building could have been segregated and confined to the House end for as much as three hours of any day during the past eight months, the treaty of Versailles would have been ratified without destructive reservations, and peace in the fullest sense and with all its blessings and advantages would have come to the people of this and other countries long since.

Mr. Speaker, every Member of Congress and every true American citizen alike have desired peace with all that the term implies at the earliest possible date after the signing of the armistice, but to support the pending resolution, confessedly designed as the purest political buncombe, and not in any sense intended to advance the cause of peace so much as to retard and hurt it, would constitute a far higher tribute to one's politics than to one's patriotism.

Mr. MOORES of Indiana. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON of Iowa. Mr. Speaker, one of the things required of every Government is that it be flexible to meet the conditions of every emergency. I believe it was said of one of the former Presidents that he must be shown the law for every step he took. It was said of another President that he must be shown the law against a proposition. In view of the fact that these two propositions seem to be involved here, it seems to me that most of our discussion here from one side of the House is to show the law in favor of this resolution. On the other side it is to show the law against the resolution. Most of the arguments from the Democratic side of the House opposed to this resolution have been based upon the premise that the resolution is an invasion of the treaty-making power. It is the contention of the drafters of the resolution that it does not invade the treaty-making power. We have not been shown any law, or any rule by which it can be construed, that shows that this resolution invades the treaty-making power. That being the case, most of the citations and most of the examples cited by the Democratic side of the House here in opposition to this resolution therefore come amiss of the mark. If you take a false premise, it is an easy matter to show that the world is flat and that water will run up hill, but you can not do it if you take well-founded principles which no one can deny. The conflict of interests here now is between the domestic and internal affairs of our Government and between the foreign policy of our Government, and which one shall be given preference by the legislative branch of our Government now. Which one do we want to forward here; which one do we want to protect?

Regardless of where the blame lies and regardless of whether the President is at fault or the Senate is at fault, it must be admitted by everyone that the peace-making machinery of our Government is in a hopeless deadlock. The armistice was signed on the 11th day of November, 1918, nearly 17 months ago; and while the treaty of peace between the Imperial German Government and the United States was signed at Versailles on June 28, 1919, it has not been ratified, and has been returned to the President and the usual method of terminating a war status has completely failed. It is certainly not within the meaning and intent of the Constitution that when Congress declares a war the only method of stopping a war is through a treaty negotiated in the regular way. If this be the case, a deadlock between the President and the Senate could keep us in war for an indefinite length of time, and although the House might withdraw support by means of refusing to pass appropriations, this would not relieve us of an internal condition of war. It is not hard to perceive conditions under which the present deadlock of a peace treaty could continue for a period of some un-

limited time, and should a President and a Senate be elected of opposing parties and of adverse views on a war policy it might be possible to hold the matter up for at least a term of four years and possibly longer. For one, I am not ready to admit that when Congress once declares war no right exists to end the same except through the Executive treaty-making power, for, if this be true, the Executive of the country could keep us in war indefinitely without our approval or consent and against the will of the great majority of our people.

During the war our industries were concentrated on a war basis by duly authorized acts of Congress; unnecessary industries were eliminated and rules and regulations adopted intended to conserve our material, our munitions, and so forth, for war purposes. By reason of the war ending and the cessation of hostilities, the necessity for this condition has been entirely removed and necessity exists now for industries to return to their prewar peace basis. When the war made large demands upon industries and when every industry could dispose of twice the amount of its product that it could produce, it was an easy matter for industries to survive; but when the war ceases and our industries must return to a normal basis, when our foreign exports will begin to decrease, when our foreign imports will commence to increase, we find that, in order to protect our industries and our workmen, it is necessary that many of the rules and regulations now existing, under which they are compelled to transact their business, must be repealed. In case this is not brought about at an early date many industries will sooner or later face insolvency, many workmen will be thrown out of employment, and in many cases wages will have to be adjusted to new conditions, and our commercial life will be at such a nervous tension that unless relief is given in ample time panic conditions will endure, and instead of bringing this adjustment about gradually it will be brought about through a panic, disastrous in every way.

For the above reason I am thoroughly convinced that the repeal of the present war-time legislation will do more to relieve the present unrest, to relieve the tension under which men are working, to convince men that they should resume their prewar employment, and to discourage extravagance than any other possible act that this House can favorably consider at the present session.

The present unrest is due to many causes, among which we find the demand for short hours of labor, thereby cutting down the amount of production; the contention between the farm and city labor, the drifting of farm labor to the city by reason of attractive wages and shorter hours; favors gained by one class of laborers but not secured by another; the curtailment of production in many lines on account of the reasons heretofore given; the lust for idleness, brought about by war conditions; the inflation of the present monetary standard wherein one dollar is only worth about one-half its former value in purchasing power; the unprecedented demand for labor in every line of work, thereby creating a false standard of wage earnings; the fact that the Old World has been demanding American produce while it was fighting out its battles; and many other conditions which show to us that with the resumption of commercial relations with foreign countries we must be abreast in production and financiering in order to hold our own in the coming after-war tide which is sure to follow from foreign competitors at an early date.

Secondly, I want to call your attention to the provisions of the resolution:

Article 1 declares that the state of war, heretofore found to exist, has ended. There seems to be a great deal of confusion that a war can not end except by a treaty of peace, while the best authorities all agree that there are at least three ways by which a war may end, as follows:

Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty; or (2) belligerents may formally establish the condition of peace through a special treaty; or (3) a belligerent may end the war through subjugation of his adversary. (Oppenheim, International Law, vol. 2, p. 322.)

There are three ways of terminating hostilities between States, namely, (1) by a mere cessation of hostilities of both sides, without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace whether the honors of war be equal or unequal.

Under the first mode the relationships between the parties remain in a condition of uncertainty, and, owing to the numerous difficulties involved, combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision. (Phillipson, Termination of War and Treaties of Peace, p. 3.)

It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances. (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 336.)

Section 2 provides for the repeal of the present war-time legislation, and among the acts which would be repealed by this section, should it be enacted into law, are found the following: The trading-with-the-enemy act, the alien custodian act, the espionage act, the draft law, the Overman Act, and the Lever pure-food act. Each and every one of these measures would be repealed should this resolution be enacted into a law. These laws are responsible for a great deal of the unrest which exists in our country at the present time, especially in the condensed centers thereof. I do not believe that anyone here thinks that they should be continued for an additional length of time. There are many other laws the repeal of which will be brought about by section 2, but I mention these solely for the purpose of showing that the more drastic measures which lead to a great deal of the unrest would be immediately affected by the passage of this resolution. This resolution would have the same effect on this legislation as the ratification of the treaty by the Senate and the proclamation of peace by the President.

Section 3 of the bill provides for the restoration of reciprocal trade relations with the German Government and retains to our citizens and to our country all rights preserved to them under the treaty of Versailles.

Section 4 is merely a penalty section for section 3.

Section 5 reserves to us all of the rights, privileges, indemnities, and advantages to which we are entitled under the terms of the armistice or acquired in any other way by reason of our participation in the war.

Third. Authorities and precedents supporting this resolution.

Reference has heretofore been made that there are other ways of ending war than making a treaty of peace. A great deal of confusion has arisen for the reason that many confuse a resolution declaring that a state of war no longer exists with a treaty of peace ending war. This resolution in sections 1, 2, and 5 deals purely with domestic matters and has no reference whatsoever to our relations with other countries. It declares that a satisfactory condition exists in this country and this resolution can be used as a basis for the President in negotiating a further treaty of peace.

It has been held in numerous cases that the House may pass a resolution terminating, enforcing, and suggesting treaties. (1502–1520, Hinds' Precedents, vol. 2, p. 975.) See sections 1504, 1505, 1514, 1520, Hallock's International Law, volume 1, page 334, which says:

Every treaty of peace is nothing more than a compromise.

See also same volume, page 330:

By the Constitution of the United States of America the President has the exclusive power of making treaties of peace which, when ratified with the advice and consent of the Senate, become the supreme law of the land, and have the effect of repealing all other laws of Congress as of its States which stand in the way of their stipulations.

But Congress may at any time compel the President to make peace by refusing the means of carrying on the war, and its approbation is necessary for the passage of any laws which might be required for carrying into effect the stipulations of the treaty.

When we authorized the President to prosecute the war, did we authorize him to continue the prosecution until the war ended, or until the nations involved formulated themselves into an international supergovernment according to his particular views, and did we imply therein a right to enforce all war legislation on the peoples of the country until the peoples of this country acquiesced in his demands? President Wilson did not bring back a treaty of peace to end war; he brought back the covenants of a League of Nations, with the peace treaty an adjunct thereto. Must we sit in silence with the peace machinery of our Government locked? Must this Government of ours sit still until a referendum is had fixing the blame and suggesting the remedy before a remedy can be had? Must we admit that in this situation our Government is unable to function and that present conditions must continue until relief is found through the same channels that have failed since November 11, 1918?

By this resolution we are placing the legal machinery of our Government in a position to await the coming of a treaty of peace at some future date. We are restoring our commercial and industrial life as near to a peace basis as possible under existing conditions. We are holding our international and domestic rights in status quo awaiting further negotiations. A government that can not meet an emergency is not flexible; a government that fails in an important function is doomed. Our Government must not fail and it can not delay longer. This resolution is not an attempt to make peace with Germany, but a resolution declaring that this country, so far as we are concerned, considers the war at an end and that peace conditions

shall be restored. I do not favor permitting the President to legislate us into a League of Nations, under the guise of a peace treaty, without the consent of the legislative branch of our Government, and this resolution simply declares the condition that shall exist in our country until the matter is finally determined by treaty. And yet when we present this resolution for this purpose, and for this purpose only, when this honest and conscientious effort is made to protect American rights and further our privileges as American citizens, we are met by the ferocious howl of the administration supporters that some one is trying to discredit the President. If we must discredit the President in order to protect the rights of our citizens, I for one am willing to vote "aye."

PRESUMPTION AS TO VALIDITY.

[From Federal Statutes Annotated, vol. 10, p. 392.]

The presumption is in favor of the validity of an act of Congress, and it is only when the question is free from any reasonable doubt that the court should hold an act of the law-making power of the Nation to be in violation of that fundamental instrument upon which all the powers of the Government rest. The provisions of an act should not be lightly or inadvisedly set aside, although if they be plainly antagonistic to the Constitution it is the duty of the court to so declare.

[From Federal Statutes Annotated, vol. 11, p. 43.]

Congress has power to abrogate a treaty made by the President and approved by the Senate.

NEED OF LEGISLATURE TO GIVE EFFECT TO TREATIES.

Yet, although the power is given to the Executive, with the consent of the Senate, to make treaties, the power is nowhere in positive terms conferred upon Congress to make laws to carry the stipulations of treaties into effect. It has been supposed to result from the duty of the National Government to fulfill all the obligations of treaties.

[From Tucker's International Law, vol. 11, p. 729.]

No power is given to the President and the Senate to effectuate the terms of the treaty by legislation. On the other hand, power is given to Congress by law to carry into execution all the powers vested in other departments of which the treaty-making power is one. Can the conclusion be reached that the law-making department must then concur in action with the treaty-making power to make the treaty effectual as law to the people? Can an inference in favor of Executive authority be admissible in the face of this expressed delegation of power to Congress to carry the treaty into execution? Can it be held that it is obligatory upon Congress to do all of this—not discretionary—and that Congress must register the will of the President and Senate without power to dissent?

IMPLIED POWERS TO FULFILL TREATIES.

To this end it was needful only to make express grants of general powers, coupled with a further grant of such incidental and auxiliary powers as might be required for the exercise of the powers expressly granted. These powers are necessarily extensive. It has been found, indeed, in the practical administration of the Government that a very large part, if not the largest part, of its functions have been performed in the exercise of powers thus implied. (Hepburn v. Griswald, 8 Wall., 613; 19 W. C., 513.)

CONCLUSION.

In my judgment, it is imperative that the American people, that American industries and American commerce, be relieved from the present handicap of war legislation. There is no other method by which this relief can be brought about at this time except by action of this House. Our Government must not cease to function in an emergency, even though the treaty-making power is blocked by reason of a disagreement between the Executive and one branch of the legislative department. The United States is made up of a great people, all of whom know of the freedom and opportunities of the American citizenship. The founders of this Republic had sense enough to make up a Constitution which experience has shown to be a wonderful document. When we realize that the United States, with 6 per cent of the population and 7 per cent of the land of the world, produces 20 per cent of its gold, 25 per cent of its wheat, 40 per cent of its iron, 50 per cent of its coal, 60 per cent of its copper, 65 per cent of its oil, 75 per cent of its corn, 85 per cent of the automobiles, and has 40 per cent of all the railroads, we then comprehend what a marvelous achievement has been worked out under the American Constitution. As Representatives in Congress, we are here to insure the domestic tranquillity by this Constitution guaranteed; we are here to promote the general welfare of this American citizenship whose wonderful achievements I have just described. Our Government has stood the test; our citizenship speaks for its efficiency. I would say to the college professor who with knit brow hints approval of the socialism of Marx, "You are not fit to instruct our young men." I would say to the public-school teacher who says that our form of government is inferior to others, "Your resignation is acceptable." I would say to the Russian and German Bolshevist, "Get out of our country and stay out. Your teaching has no attraction for us." Let us put more Americanism into our teachings, our preachings, our congressional legislation, and restore the American citizenship to its prewar privileges and our country can not help but survive.

Who saves his country saves all things,
And all things saved do bless him;
Who lets his country die lets all things die,
And all things, dying, curse him.

[Applause.]

Mr. MOORE of Virginia. Mr. Speaker, in the wide range of this discussion, it seems to me that one outstanding fact has not been sufficiently stressed. There has been constant reference here to the reasonable and insistent demand of the public that the prewar status should be restored as completely as possible. There has been unlimited criticism of the President and certain Senators as if they were responsible for the prewar status not being restored. But the outstanding fact that has been glossed over is that the responsibility rests directly on Congress. Except for the mere matter of the continuance of the war in a technical sense, Congress could long ago have gone far in the direction of restoring the conditions that existed prior to the war, not simply with respect to our domestic concerns, but with respect to intercourse with Germany and Austria. But Congress has utterly failed to recognize and perform its duty in that regard. It has not attempted to take up the great problems consequent on the war for the purpose of considering and disposing of them in a systematic and comprehensive manner. It has made no attempt to deal in any such manner with the mass of laws, some of them expressed in statutes and some otherwise expressed, which it was necessary to maintain in effect while the war was flagrant, but which it was not necessary to maintain after hostilities ceased without any prospect of hostilities being resumed. Now and then an individual statute has been dealt with and repealed or amended, as, for instance, the railroad-control act and the war-time prohibition act, but I repeat that there has been an utter absence of any general or coherent policy relative to the modification of the war laws or relative to any of the great problems which the war has created. Up to this time we have observed a policy, if it can be called a policy, of indifference and drift, with really nothing done in response to the continuous and crying demand of the public. Since the extra session began on May 19, 1919, nearly a year ago, there has not been a day or hour when Congress was not entirely free to undertake a survey and analysis of the entire body of the war laws—and not confining itself to the statutes enacted since April 6, 1917—with a view to such action touching the individual laws as would place our domestic affairs and our relations with the enemy nations on a practical and substantial basis. This could have been done. It ought to have been done last year. If it had been heretofore intelligently done, there would be left now only a bare technical state of war, with a minimum of embarrassment to this country and the enemy countries. But there has been an utter failure to do it.

What a contrast is afforded by the action of England. Before the ink was dry upon the terms written in the armistice England had gotten busy on the very line on which we are only beginning to travel here. Parliament deliberately acted before the expiration of November, 1918. Here the thing that might have been done has been left undone, and now the House is expected to do something which it ought not to do by passing a hastily conceived and hastily debated resolution without the opportunity of making any change, however slight. It is charged that the President was averse to the dotting of an "i" or the crossing of a "t" in the treaty of peace, and we are now invited to the same course here in respect to this important resolution. [Applause on the Democratic side.] It might have been expected that such a resolution, if believed to have merit and desired to become a law, would have originated in the Senate, which has done hardly anything else for several months but talk about the questions that the resolution involves, but the Senate is evidently willing to try it out on the House and let the House bear the humiliation incident to giving its approval to a resolution which hereafter will be regarded as absurd. [Applause on the Democratic side.]

Section 2 is undeniably within the power of Congress. It is a blanket provision which attempts to modify the war statutes enacted since April 6, 1917. It is confined to those statutes, but those statutes are so framed that to many of them it can have no application. Its practical effect from an economic and business point of view upon those to which it does apply would require such study and analysis of the individual statutes as the Committee on Foreign Affairs has not made, and I doubt whether any Member of this House has made. The section is a long-delayed and feeble and a rather reckless effort to meet the public demand that prewar conditions be restored, a demand with which I am in complete sympathy. Nevertheless, while it is open to much criticism, in my anxiety to meet that just demand I would vote for the section if it could be detached from portions of the resolution which I find myself unable to support. Whether the resolution is enacted or not, and, though a motion to recommit should be defeated, I suggest that the Judiciary Committee should be directed to analyze the existing statutes passed since April 6, 1917, and the war laws outside of the scope of

those statutes and report any bills which may be thought necessary for the purpose of bringing about a return to prewar conditions. [Applause on the Democratic side.]

Let me say a word or two about other sections of the resolution. It has been assumed that the intention of the first section is to establish, by the declaration which it contains, complete peace in every sense, substantially and technically. I agree with those who have argued against that being within the power of Congress. Their argument has sufficiently developed the reasons supporting that view. They have been pointed out, or at least could have been pointed out, that if Congress can do what it is assumed the first section proposes, it can take such action at any stage of any war as well before as after an armistice is signed, and it can take such action at any moment after hostilities have ceased, even though at that very moment a treaty of peace is on the point of being ratified. I do not care to refer to any of the authorities that have been cited or to any additional extracts except Senator LODGE's essay on the treaty-making powers of the Senate, published in 1902, in which, discussing the treaty-making clause, he commends as the best description of the manner in which it was modified, after being reported by the committee on detail, the statement of George Ticknor Curtis. Senator LODGE quotes a part of Mr. Curtis's statement, and the part quoted contains the following:

> The power to declare war having been vested in the whole legislature, it was necessary to provide the mode in which a war was to be terminated. As the President was to be the organ of communication with other governments, and as he would be the chief guardian of the national interests, the negotiation of a treaty of peace and of all other treaties was necessarily confided to him. But as treaties would not only involve the general interests of the Nation and might touch the particular interests of individual States, and whatever their effect, were to be a part of the supreme law of the land, it was necessary to give to the Senators, as the direct representatives of States, a concurrent authority with the President over the relations to be affected by them.

And then follows a statement of the considerations that led to the requirement that in the Senate the representatives of more than a bare majority of the States should concur.

But I shall not take the line that has been pursued. I shall not assume that the intention of the first section is to do more than declare that the war is at an end in the sense that actual hostilities have ceased and are not likely to be resumed, and in no other sense. I feel confident that should the resolution become a law, and two parties to a very important contract, fixing duties and rights contingent upon the termination of the war, submit to a court a controversy as to the construction of the first section, the court would have no difficulty in deciding that to be its meaning. Not only does the resolution in other sections refer to an armistice, that is to say, a truce being still in effect the terms of which are not to be waived, and also refer to the war as a "present war," but the preamble of the resolution, which is to be regarded in a way as its basis, cites a statement by the President that the war is ended, which statement Congress itself and the Supreme Court, in deciding the prohibition cases, have viewed as nothing more than an assertion that hostilities are at an end. I have no doubt whatever that the court in such a case as I have supposed, construing the contract, would hold that section 1 was not intended to terminate and can not operate to terminate the war in a strict technical sense. That being the situation, section 1 may perhaps be laid aside as relatively unimportant.

Section 3 is the objectional provision. It is nothing more or less than, in substance, an attempt to agree and adopt a treaty of peace with Germany, which is to be the very treaty heretofore negotiated, in so far as it concerns the obligations which that treaty imposes on Germany. Incidentally, it may be noted, though it is not very important to note, that any obligations which that treaty may impose on the United States are not to be regarded or preserved. If Congress can, under a statute or resolution, adjust the relations between the United States and an enemy nation in this instance, it can, of course, do so in any instance and exercise the treaty-making authority, although the President and Senate would certainly be entitled to function independently along parallel lines. In other words, under a resolution passed by a majority vote of the two Houses of Congress, and not disapproved by the President, a treaty might be secured through the agency of anyone named in the resolution, and at the same moment the President might negotiate another and different treaty, which is, to my mind, inconceivable. Should it be replied that section 3 does not ignore the President as the treaty-making agent of the Government, but expressly recognizes him as such by placing on him the duty of ascertaining what, if any, agreement—and an agreement is a treaty—Germany is willing to make, the same to be accepted if within the terms of section 3, a singular situation is presented, namely, that while the Constitution leaves the matter of negotiating and agreeing on a treaty to the President, Congress intervenes to instruct the President how the negotiation shall be carried on and what the thing resulting from it shall be. This is also, to my mind, inconceivable, and therefore I must oppose the resolution. [Applause on the Democratic side.]

Mr. FERRIS. Mr. Speaker and gentlemen of the Congress, House joint resolution 327, now under consideration, proposes to make a separate peace with Germany. Such a proposal is without constitutional warrant and without precedent. In the opinion of the Chief Executive, concurred in by the State Department, who are in possession of all the authorities, all the precedents, all the laws and expert information on the subject, and who are actually charged with the duty of promulgating treaties, are of the opinion that it is a nullity, without effect; that it will not close the war; that it will but confuse, retard, and hinder and delay the bringing about of peace, which the Nation yearns for and desires.

I shall not reiterate the many able legal arguments that have been made, every one of them confirmatory and conclusive of the fact that peace can not be made by the passage of such a resolution. I shall not recite the terms of the Constitution which specifically empower the President to make peace treaties, by and with the advice and consent of two-thirds of the Senate. I shall not reiterate the fact that the fathers in the Constitutional Convention by unanimous vote refused to give the Congress the powers that they this day for the first time seek to employ. To do this would be repeating in poor fashion what has already been presented in good fashion.

I shall content myself with the thought that even if the Congress had the power to do the thing this resolution purports to do—to make a separate peace with Germany—it would be as unwise as it is dangerous. It would be making a separate, haggling peace with not only our own enemy but the enemy of civilization; it would be allying ourselves with our enemy at the expense and sacrifice of every one of the 45 nations who have just signed the peace treaty and with whom our friendship has been entwined and interlinked. If the passage of such a resolution meant any achievement toward a lasting peace we would embrace it together, but to make peace with Germany and leave a long shadow and trail of animosity behind to the 45 nations of the earth that have already signed the treaty would be playing fast and loose with America's honor—would to me be a course of disaster and a pitiable surrender of the best ideals of our Nation.

What answer shall we make for such a course to the fathers and mothers of the 50,000 American boys who were killed on the battle fields of France? What answer shall we make to those who fought and fell that free government might live, that Prussianism might be crushed, and the nations of the earth might dwell in peace together? What answer shall history make for us who this day attempt such a course? To me the passage of such a resolution is saying to Germany, "Although you sought to crush civilization and caused the nations of the earth to lose 7,500,000 lives and expend $187,000,000,000"—by a simple wave of the hand we answer, "We have done; we have concluded; you may go."

What answer shall we make to the taxpayers of the Republic who spent $30,000,000,000 in war activities and loans that free government might live? Is the passage of a simple resolution like this one, which merely declares the war as ended, without retribution, without settlement, without achievement? Will that suffice; is that all a grateful Republic may expect? Is that all we as their agents will exact of Germany for the terrible toll exacted of us, of the sacrifices made?

What answer shall we make to the Nation, who now holds $500,000,000 worth of alien enemy property, seized under the authority of this Congress from the German Government and her nationals to be used in partially indemnifying Americans for their loss of property and the havoc that has been wrought? Shall all this go for naught, be sacrificed, given back, ended by the passage of such a resolution?

What answer shall we make to American claimants who hold claims aggregating a billion dollars against Germany for the sinking of ships, murdering of free-born Americans, loss of cargo, until the very bottom of the sea is strewn with sunken ships, with wasted cargo, with America's dead?

Will the passage of this simple resolution reciting "the war is ended"—will that answer, will that satisfy, is that all we have to offer?

Will the five years of Prussian outlawry and outrages against not only our own civilization but the civilization of the world be thus condoned, thus forgiven, thus forgotten?

Shall we as a Nation surrender our standing, our prestige, our leadership, and turn traitor to those with whom we have

just fought simply to make an abortive effort to make a separate peace with Germany, when Germany is entitled to no separate negotiations or special favors from us?

Can a thoughtful constituency, who believe in free government and who despise autocratic government, counsel such a course, point such a way, approve of such a plan?

No. To me our duty as a House of Representatives seems clear—that we should attend to our own business; revise the tax laws, that are burdensome and heavy to bear; pass soldier legislation, that is needed, clamored for, promised, and deserved; reduce the high cost of living; encourage agriculture; repeal the burdensome war laws, that are irksome and hard to endure; get back to normal conditions; stand on our own bottom; observe our own Constitution; perform our duties that are within our jurisdiction and not inject ourselves into a controversy between the Executive and the Senate, whose duties are prescribed by the Constitution and whose delinquencies will be dealt with by the American people. [Applause.]

To me the duty of this House seems clear—that the passage of such a resolution as the one proposed would not bring peace; it would not end the war; it would not settle anything. It is but a makeshift. It is but a pretense. It is a thing unreal; a thing without warrant of law, Constitution, good morals, or good sense.

To me it seems perfectly clear that peace must be made by the parties who were engaged in the war. One party to the contract can not make the peace. The terms must be agreed upon. The common-sense thing to do is to stand with our associates and make the peace they make. If we refuse to make the peace they make, instead of having the bulk of the world with us we have the bulk of the world against us. The passage of such a resolution will not beget the friendship of Germany but it will beget the enmity of the 45 nations who have signed the treaty and who will all be against us. To abandon the peace treaty and the covenant now would be disastrous, for our Monroe doctrine will be shattered and gone, because the South and Central American nations have signed the treaty and are all going into the league.

To me it seems perfectly clear that to thus abandon the nations with whom we have just fought is to make our folly of the moment the folly of the age.

To me it is perfectly clear that the time will soon come and at no distant date when the President of the United States and the Senate will each do its part in getting together on a treaty and with such interpretations as do not mutilate and destroy but that do make it perfectly clear that we do not sacrifice an American right, and that we will still do our part as a Nation, and that we will stand with our associates; that we will end the war; and that we will stand for, first, arbitration; second, reduction of armament; third, the abolition of secret treaties—all vouchsafed to us in the peace treaty and in the covenant. To such a course all Americans may well subscribe. A course of surrender in the making of a separate and haggling peace with our enemy is a course that Americans may well avoid, and we as their representatives may well avoid for them.

Let me pause to remind them that the defeat of the peace treaty defeats arbitration, and arbitration has been the hope of civilization for 2,000 years.

Let me pause to remind that the defeat of the peace treaty by the 96 Senators of the United States is the defeat of the provision for the reduction of armament, which has been the hope of the Republic from its inception to this good day.

Let me pause to remind that the defeat and the abandonment of the peace treaty and the covenant is the abandonment of hope for the abolition of secret treaties, which have been the breeder of all wars from the dawn of civilization until now.

Let those who delight at the defeat of the peace treaty be reminded that we are just concluding a war where 7,500,000 lives were lost on the field of battle—more lives lost than in all the wars of history.

Let me remind them that we are just concluding a war that cost the 26 nations engaged in it $187,000,000,000, which is more than one-third of the wealth of the nations engaged in it. Let me remind them of the $30,000,000,000 gleaned from the taxpayers of our own land to conduct this war. Let me remind them of the 230,000 wounded soldiers who must of necessity hobble through life, a more or less miserable existence. Let me remind them of the mothers of the land who, throughout the long, tedious war, knit sweaters and socks, to aid as best they could to win the battle for free government and for civilization. Let me remind them of the 20,000 American girls who enlisted for war service to bind up the Nation's wounds. Let me remind them to visit the national cemeteries, both in France and America, where America's dead lie in abundance; let me remind them to visit Arlington. Let them witness the wounded and maimed—let them witness the limbless trunks, sightless eyes, with health gone. Ponder well these unsightly scenes, these costly sacrifices, before you make separate peace with Germany at the expense of our friends.

To follow such a course I can not subscribe. To such a course no thoughtful constituency will insist.

To pursue such a course would be to abandon the Constitution of the fathers, which, through long years of trial in the fiery furnace of politics and fancy, has stood every test. It has been the giant oak that has protected us in every storm both in peace and in war. It has saved and soothed the weak from the revenge of the mighty. It has blazed the way of righteousness and justice and bound together with bands of steel the rich, the poor—the high, the low—the savage and the civilized. I can not think the exigencies are so great, I can not think the hour of peril so near, as to abandon it now and trample under foot our bulwark of hope, faith, and charity, for within its costly folds it holds them all safe and secure.

No; to me such a course is unthinkable—to such a course I can not subscribe. [Applause.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. PORTER. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. HOUGHTON].

The SPEAKER. The gentleman from New York is recognized for seven minutes.

Mr. HOUGHTON. Mr. Speaker, the resolution obviously presents two questions to the House; first, is the action contemplated by the resolution constitutional and within the power of the Congress? And second, if constitutional, is it expedient? I had not, I confess, thought a discussion necessary from this latter viewpoint. It seemed to me evident that the people of the United States wanted peace, and that a deadlock between President and Senate prevented the realization of that fervent wish, and that if a constitutional way could be found to terminate the purely technical state of war in which they are involved and to free them from its restrictions it would be welcomed by all of us alike. Apparently, such is not the fact. Apparently also, if one may judge by yesterday's debate, even to discuss the possibility is a sort of lèse-majesté. If so, the risk must obviously be run. A discussion from this angle evidently ought to be made.

For five years past the people of the United States have been living in a sort of economic nightmare. They have had unprecedented material prosperity, and it has satisfied nobody. They have been taxed under a system which enabled them to pay dividends on their taxes. Their dollars have multiplied marvelously, and yet somehow in the process they became 50-cent pieces. Is it any wonder that some of us, under the influence of such bewildering phenomena, began to fear that human society had entered upon a new phase, wherein wages and prices might be increased at will until in the end everything would be so high that none of us could buy anything, and the race would perish in the midst of plenty? Fortunately we did not reach that point. But it has been an extraordinary period and the fundamental explanation is simple. The war had been under way only a few months when it became apparent that, with the rest of the world at loggerheads, the need of our foodstuffs and raw material and manufactured goods was practically unlimited. Unlimited demand, however, means the end of competition. And from that time until the end of 1919, with competition practically suspended, we have seen prices soaring, industry expanding by leaps and bounds, wages doubling and even tripling, exaggerated profits, speculation running wild, and everywhere industrial and social unrest.

When the time came for America to participate in the war we withdrew from this already strained situation some 4,000,000 men who, previously engaged in production, now became, economically speaking, mere consumers. That left a shortage of labor so acute that the Government was forced to take in hand the job of making over the whole machinery of production, and this it did by taking men from nonessential industries and putting them in industries that were essential to supply the war demands. Even when hostilities ceased that desperate demand continued and production rang along unslackened. But recently a change has taken place. It has only begun, but its meaning is unmistakable. If, for instance, we compare the country's total production for 1919 with that of 1918 we find a decrease. Such comparisons are difficult to make with any accuracy. But the decrease may safely be estimated as approaching 20 per cent. That trend is maintaining its downward course in the present year. Other items, of course, tend to accentuate the movement. The Government is making no more loans to foreign Governments to be used in buying our products. The fact that substantially no new freight cars have been built in

the past couple of years is making itself felt. Wherever you turn you find labor slightly more plentiful—you find reserve orders for materials somewhat lessened. Economic laws are beginning to assert themselves. Competition is no longer wholly negligible. A widespread feeling of caution is manifesting itself in all directions. It begins, indeed, in all truth, to look as if the time was at hand when the eggs must be unscrambled. The process bids fair to be a long and somewhat painful one.

Now, one man's guess is as good as another's as to the duration and the severity of the unscrambling process through which the country inevitably must pass. We would probably all agree that it will be serious enough. There is no apparent reason why we should seek to intensify it. And yet, as I see it, we are making a situation distinctly worse by permitting a technical state of war to continue. We need the greatest freedom of action. The Government can not help. We must do the job ourselves. All the readjustments of industry, all the infinitely complex mass of relations of supply and demand, which boards and commissions and inspectors, and God knows what else, have been regulating and controlling and directing, must be left to the American people—to them, as individuals—if this Nation is again to enter into safe and stable economic conditions. [Applause.]

We are talking here as if this freedom of relief from war conditions was a purely academic thing, as a more or less interesting point of constitutional law. It is vastly more, for it involves intimately the well-being of more than a hundred million Americans. Other factors, of course, enter in. The situation is a complex one at best. But there are two outstanding facts, both springing from the war situation, which are working directly to our detriment. If possible, both, it seems to me, should be eliminated.

First, the President still possesses the extraordinary powers of regulation and control of industry which Congress gave him three years ago to further the prosecution of the war. It is unnecessary to discuss this in detail. The emergency for which those powers were given has clearly passed. Such powers, invading as they do the private rights and freedom of every citizen, should never be intrusted to any man one moment after the absolute need for them has ceased. They weaken our morale. They tend to break down our reliance upon the ordinary processes of law. They can be used plausibly in some minor emergency on behalf of some of us and against the rest of us. What I want to emphasize here, however, is their destructive effect upon industry. They check and hamper enterprise by making men overcautious. They paralyze initiative. They menace the future. They make our difficult task more difficult. That these powers are not actually employed at any one time is immaterial. They exist, nevertheless. And if we are prudent men, these powers should be repealed.

Second, we are geared up as a Nation, as you know, to produce a good bit more than we can consume. And upon our ability to export part or all of this surplus product our immediate future depends. Otherwise overproduction begins. Here again figures are hard to obtain. But it is probably safe to assume that we have been exporting recently about 10 per cent of our total production. It is safe to assume also that unless we take steps to safeguard the future, those exports will be sharply curtailed. As matters stand, merely because technically we are still at war, we are substantially barred out of one, at least, of the great potential markets of the world. Our people can not trade with the peoples of central Europe except by license, except as they work under the restriction and difficulties of the trading-with-the-enemy act. England can. France can. Italy and Japan can. And they do. They are very properly taking advantage of every opening to build up and extend their commerce in those countries. We can not. This great potential market is shut to us. A great industrial opportunity is being sacrificed.

But that is not all. We hear every now and then about "voices in the air," and about our obligations to other nations. It is, of course, the simple and obvious and unexaggerated truth that civilization depends upon the restoration throughout the world of normal conditions of production and trade. Why, then, make the task more difficult? The one prime requisite is to get men to work—to get materials to them, where necessary, to enable them to work. This assistance the Government can not wisely and effectively render. To be effective, it must be given by individual to individual, not as a charity but as a loan, in the common everyday routine of commercial intercourse. In no other way can individual initiative and responsibility and effort be assured—nor can this help be placed in the hands of those who are most capable of using it. Congress has recognized this fact by passing the Edge bill, which enables our banks to engage in this work. A start has been made. It is but slight. But the work could go forward much more rapidly if permitted to expand freely. Obviously if we permit technical obstacles to block the way, we simply delay to that extent this free interplay of economic forces upon whose action the fate of this war-ravaged world to-day undoubtedly depends. Everybody knows that. Everybody knows how vital it is that the upbuilding process should begin. And yet the entire emphasis of the discussion by our friends across the aisle is not how to further the process but why we must block it. Men are dying and women and little children are starving because the assistance America can and would give is barred. It makes me wonder if there is not a place somewhere in this discussion for a little business sense?

Two questions, as I said, are presented by the resolution—is the action contemplated by it constitutional, and if constitutional should the resolution be adopted? I do not pretend to discuss the constitutional question, although I am free to say I see no way in which the action contemplated by the resolution conflicts with the treaty-making rights and powers of the President. But there is no doubt in my mind that the plain people of the United States want the resolution passed. They want peace. They want the right to work out their economic salvation in their own way and without hindrance or interference by the Government. And they know why. Both have been denied them. A constitutional deadlock exists. Naturally and as is their right they turn to the Congress for relief. The resolution before you represents an honest effort, constitutionally, to meet their clearly expressed demand. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

The SPEAKER. The gentleman from Missouri is recognized for 20 minutes.

Mr. CLARK of Missouri. Mr. Speaker and gentlemen, I am not vain enough to believe that anything that I could say or that anybody else could say will defeat this resolution. If Alexander Hamilton and John Jay and James Madison and all the great men that participated in making the Constitution of the United States were to walk in here, headed by the majestic shade of Washington and flanked by John Marshall, the greatest jurist that ever construed it, and explain that you are acting absurdly, it would not make a dent upon the Republican majority in this House. [Laughter and applause.] The ukase of that remarkable aggregation of talents known as the steering committee has issued its mandate to pass this resolution through this House.

I am not going to waste any time in this speech about the League of Nations or the quarrel in the Senate, or any of that kind of stuff. I am going to express my own opinion very briefly. If I had acted according to my own feeling I would simply have taken it out in voting, because I know the futility of speechmaking. Since God issued his fiat, "Let there be light," the wisest set of men who ever sat under one roof in this world were the men who made the Constitution of the United States. [Applause.] They wrote a document that is the only paper Constitution that has ever passed the century mark in its life, a document that has received the unstinted admiration and the frequently declared concurrence of the entire civilized world. Wherever men have been struggling for free government or liberty the Constitution of the United States has been taken as the model.

The wisest thing the fathers did was to divide the powers of government and distribute them among three separate and distinct departments, the legislative, the judicial, and the executive. It is this nice balance of powers among these three departments that has kept this Republic alive and has made this Government a great and profound success. [Applause.] In the distribution of the powers of government, the Constitution makers devolved upon the executive department the conduct of our foreign affairs, all of them.

There was a long dispute about who had the right to recognize foreign Governments. It was joggled about, first and last, and finally President Cleveland put an absolute end to it by writing a document stating that the Constitution gave foreign affairs into the hands of the President, and Congress had no business fooling with it; and from that day to this that has been accepted as final on that proposition. My own opinion is—and it is a settled conviction after a great deal of study—that each one of these three departments should attend strictly and exclusively to its own business [applause] and not undertake to encroach upon the powers of the others. [Applause on the Republican side.]

In applauding that statement you Republicans acted with more sense than usual. [Laughter and applause.] Of course, people that know the history of this country know that some-

times the Executive absorbs more power than he is entitled to. [Applause on the Republican side.] It began with Gen. Grant [laughter on the Democratic side] on account of his vast personal popularity. Some others have practiced it. [Laughter.] Sometimes Congress has encroached upon the powers of the Executive. For instance, in the days of Andrew Johnson they reduced the Presidency almost to a nullity.

I have been consistent about this theory. I would resent, and I do resent, the judiciary legislating from the bench, and so do you men. I would resent the encroachments of the Executive upon the other branches, and I will resent the encroachment of Congress upon the undoubted prerogatives of the Executive. [Applause on the Democratic side.]

There might have been some doubt about this thing—that is, about the constitutional intention—if it never had been mentioned in the constitutional convention. But it was mentioned. It was proposed to give Congress the power to make peace, and it was voted down unanimously. So believing, I will vote against this resolution, though I am as much in favor of peace as any man on earth, but this resolution will not bring peace. On the contrary, it will bring "confusion worse confounded" and involve us in all sorts of uncertainty and difficulties.

Now, some of you gentlemen over on that side may think that you have got more brains than the men who made the Constitution. I do not believe it. [Laughter and applause on the Democratic side.]

Here is the peculiar feature about this thing: This Porter resolution is not really a House resolution at all. It is a Senate resolution, introduced by Senator KNOX, of Pennsylvania, several months ago, revamped, and they have been afraid to bring it up there, and this performance here to-day is purely a political performance. [Applause on the Democratic side.] The Constitution of the United States distinctly gives to the executive department control over our foreign affairs in making treaties, and this resolution, if it means anything, is essentially a treaty with Germany, a thing that we are prohibited from doing. Of course, you can go through the motions and you can pass it, and after you have passed it it is what the old Latins would have called a frutum fulmen, a futile thing, a useless thing, a thing that has no force or effect in the world.

Suppose it were left to you gentlemen over there to get up a treaty with Germany. Do you believe you could do it? It seems to me that so many cooks would spoil the broth. [Laughter on the Democratic side.]

I want to read an extract from a Republican newspaper, the biggest Republican newspaper west of the Mississippi River, and I especially commend it to my serious friend from Kansas [Mr. CAMPBELL] and to my flamboyant friend from Kansas [Mr. TINCHER], because the Republicans of Kansas swear by the Globe-Democrat. I do not. [Laughter.] But it is the biggest Republican paper west of the Mississippi. Here is an editorial extract:

> Whatever we may say, the state of war with Germany can not be actually terminated without the acquiescence of Germany, and that acquiescence can be obtained by no one but the President.

That is Republican authority, and it is high Republican authority—

> There can be no question about the supreme authority of the President in the conduct of foreign affairs, nor of his exclusive authority to make treaties, subject only to the approval of the Senate before they can be ratified.

This certainly was not written for buncombe—

> The proposed resolution calls for an agreement with Germany and is, in effect, a treaty of peace. We do not believe that Congress has any such right, nor that its action, if it adopted the resolution, would be supported by the Supreme Court. That court has repeatedly declared that "the negotiation and modification of treaties is a prerogative of the Executive with which the courts can not interfere," and Mr. Taft, in an opinion which we quoted the other day, says that "the President is the only organ of government through which our relations with foreign Governments can be initiated or changed in the first instance.
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> "No one can constitutionally communicate for the United States with another country except through the President. Only he can make an armistice, only he can sign a protocol of peace, only he can initiate a treaty, and only he can communicate its confirmation by the Senate to the nations with whom it is made. Until he does proclaim it it is not a treaty of the United States."
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> How, then, can the conditions of this resolution be communicated to Germany and its acceptance obtained save through the President? Congress is constitutionally voiceless beyond our domains. If the President refuses to approve this resolution, as he certainly will, unless he chooses to surrender his constitutional authority, there is no legal way by which it may be presented to the German Government, and if not so presented it can have no force. There is much justification for the impatience of Congress, but we are confident that such a resolution as this would have no meaning without the support of the President, and would serve only to complicate further a situation that is already intolerable. All the things it seeks to accomplish are eminently desirable, but this is not the way to accomplish them.

Now, as some esthetic eastern gentleman who labors under the delusion that St. Louis is still merely an Indian trading post may not believe that the Globe-Democrat is of any avail, if such antediluvian there be, I am glad to enlarge his intelligence by a few pertinent sentences from an editorial from the Springfield (Mass.) Republican. For fear that some wild and woolly westerner may not have heard of Springfield, Mass., as the New England Brahmins would phrase it, I am delighted to inform him that it is distinguished by being the home of our honored Speaker, Hon. FREDERICK HUNTINGTON GILLETT, and incidentally the home of the Soul.

The Springfield Republican, founded by Samuel Bowles, is a very influential Republican journal of light and leading. Not long since the Republican said, editorially:

> It needs at least two to make peace. One alone can declare peace, but suppose after one side had declared peace the other side should keep on fighting. According to this novel and quaint theory of declaring peace by congressional resolution, a country getting whipped or tired of war might solemnly resolve that the war was over, but would such a resolution stop the enemy's armies in their march of invasion? Would it save your country's capital from capture? The theory of declaring peace so much discussed in Washington would necessarily proceed on that absurd assumption. The principle appealed to by the peace declarers must be squared with all possible situations under which peace has to be made, and when put to this test it immediately breaks down.

When transcendentalism was in flower in New England, a man crossing Boston Common ran across a small boy digging in the ground. The man said: "Sonny, why diggest thou?" The urchin solemnly replied: "I am seeking the unattainable." You gentlemen in trying to confer on Congress powers which the Constitution denied to it are also seeking the unattainable. The Constitution is against you, the opinions of the men who made it, so far as they ever expressed an opinion, are against you, the commentators are against you, and the precedents of 132 years are against you. You say the President with the veto power is against you. With all these forces against you, it requires courage in you to essay the impossible. I admire courage, but courage tempered with discretion. The bull that essayed the stunt of butting the railroad train off the track was long on courage but woefully short on discretion. You gentlemen know what happened to him. You are his mental brothers. His fate should warn you of what is in store for you. Verily, verily, you are "seeking the unattainable." [Applause.]

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, if this were a contest of personal force and influence, any Member of the House might well hesitate to take the floor immediately after the gentleman from Missouri [Mr. CLARK], the former Speaker of this House, with an argument opposing a position he had taken. But since it is a contest of facts and of principles, there need be no hesitation on the part of any man who takes the facts into consideration, though he take the opposite side from that advocated by the eloquent and able former Speaker. [Applause.] The gentleman from Missouri [Mr. CLARK] is always interesting and always effective, but he is not always right. [Applause.]

This resolution is not in any sense based on the theory that the House, or both Houses of Congress, have any right whatever to make a treaty with a foreign power. [Applause.] On the contrary, the declaration in paragraph 1 that the war is at an end is based on the doctrine that war may be terminated without a treaty, and that the collateral facts and circumstances in this case justify the declaration that the war between the United States and Germany has so ended.

On that point I might quote many authorities. I refer to Oppenheim, volume 2, page 322, of his great work on international law, in which he says—

> War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty of peace, or (3) a belligerent may end the war through subjugation of his adversary. (Oppenheim, International Law, vol. 2, p. 322.)

I might cite many other authorities. I will quote from one more, from Mr. Seward, the great Secretary of State in the Cabinet of Abraham Lincoln. He wrote on July 22, 1868:

> It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances. (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 336.)

What are the collateral facts and circumstances in this case? Hostilities have ceased. There has been no fighting since the 11th of November, 1918, nearly a year and a half ago. Our Army has been brought home from France. Do we intend that it shall fight longer? It has been demobilized. The soldiers

have returned to the pursuits of peace. Is there any intention on our part of continuing the war? The war forces of our enemy have been demobilized, and the enemy has ratified a treaty of peace with all the powers that were willing to ratify it. Germany has no intention of carrying on that war. The collateral facts and circumstances, it seems to me, are plain, and do establish the fact that the war is over. How many million men, women, and children in the United States have thanked God that the war is over? [Applause.] We know it. The gentleman from Missouri knows it. The war is over in every sense but that which is purely legal and technical.

The war began before we declared it. In our declaration we said that by repeated acts of hostility on the part of Germany against the United States, war already existed. After we knew it existed we declared it, as we had the right to. Now, after we know that peace exists, we have the right to say so. Section 1 is, therefore, an alternative of a treaty, and is not in any degree a usurpation of the treaty-making power. [Applause.]

The question may still be raised whether section 3 is an infringement of the treaty-making powers of the President and the Senate. It does make that provision which prohibits commercial intercourse with Germany depend on certain action of the German Government. So did the nonintercourse act of March 1, 1809, and the act of May 1, 1810, make our embargo at that time upon commercial intercourse between the United States and England, or between the United States and France, depend on the modification by England of her orders in council and on the modification by the Emperor Napoleon of his decrees of Berlin and of Milan.

The act of March 1, 1809, forbade commerce with England or France, because these two nations, which were at war with one another, had both interfered with the commerce of the United States. This act expired May 1, 1810, but on that date Congress passed an act which provided that if either England or France prior to a day named in the act should so revoke or modify her decrees as that they should cease to violate the neutral commerce of the United States, the President should declare that fact by proclamation, whereupon commerce with the nation so modifying its edict should be resumed. If the other nation should not within a given time modify its decrees in like manner, then certain severe provisions of the act of March 1, 1809, should be revived and have full force and effect.

The embargo was to go into effect upon the mere proclamation by the President of the United States of the fact that either of these countries had failed to give us the suggested guaranty. That is exactly the provision in section 3 of the resolution now pending. It follows the course set by the act of Congress of May 1, 1810. This act was tested and sustained in the Supreme Court of the United States in the case of the brig *Aurora*, which sailed from Liverpool, England, and was seized and condemned under the provisions of the nonintercourse act.

The vessel had sailed under a misapprehension. Announcement had been made by Mr. Erskine, the British minister at Washington, that Great Britain had modified her orders in council; whereupon President Madison, as authorized by the act, issued a proclamation reestablishing trade between England and the United States. The British Government, however, repudiated its minister's declaration that the orders in council had been modified, and President Madison thereupon issued a new proclamation reviving as against Great Britain the provisions of the act of 1809.

The brig *Aurora* was seized for engaging in the trade forbidden by the law thus revived. Upon condemnation by the lower court the case was taken by appeal to the Supreme Court of the United States. Mr. Justice Johnson, speaking for the whole court (7 Cr., 382), said:

> We can see no sufficient reason why the legislature should not exercise its discretion in reviving the act of March 1, 1809, either expressly or conditionally, as their judgment should direct.

In the case of Field *v.* Clark (143 U. S., 649, at 683) Mr. Justice Harlan, delivering the opinion of the court, cited the paragraph just quoted and said:

> This certainly is a decision that it was competent for Congress to make the revival of an act depend upon the proclamation of the President, showing the ascertainment by him of the fact that the edicts of a certain nation had been so revoked or modified that they did not violate the neutral commerce of the United States. The same principle would apply in the case of the suspension of an act upon a contingency to be ascertained by the President and made known by his proclamation.

Not only does the court in the case of Field against Clark thus interpret and confirm the principle that Congress has the right to make the operation of its own laws contingent upon the action of a foreign government, that action to be ascertained and announced by the President, but it makes that principle the basis of its decision in the case then under consideration.

The case was this: Section 3 of the tariff act of October 1, 1890—the McKinley tariff—authorized and directed the President, whenever the Government of any country producing and exporting certain enumerated articles imposed duties or other exactions on the products of the United States which, in view of the free introduction of the enumerated articles into the United States, were, in his opinion, unreasonable or unequal, to suspend as to that country the privilege of free importation and subject the articles in question to certain discriminating duties. After citing with approval the opinion in the case of the brig *Aurora* and commenting on it as quoted above, the opinion of the court continued:

> To what extent do precedents in legislation sustain the validity of the section under consideration, so far as it makes the suspension of certain provisions and the going into operation of other provisions of an act of Congress depend upon the action of the President, based upon the occurrence of subsequent events, or the ascertainment by him of certain facts to be made known by his proclamation? If we find that Congress has frequently, from the organization of the Government to the present time, conferred upon the President powers, with reference to trade and commerce, like those conferred by the third section of the act of October 1, 1890, that fact is entitled to great weight in determining the question before us.

The court then cited many acts of Congress, from the days of Washington to those of President Arthur, which authorized the President, upon ascertaining the action of foreign Governments, to continue or discontinue by proclamation the operation of embargo or other retaliatory or reciprocal acts of Congress affecting our commerce with such foreign nations. The opinion of the court then continues:

> It would seem to be unnecessary to make further reference to acts of Congress to show that the authority conferred upon the President by the third section of the act of October 1, 1890, is not an entirely new feature in the legislation of Congress, but has the sanction of many precedents in legislation.
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> * * * * * * *
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> If the decision in the case of the brig *Aurora* had never been rendered, the practical construction of the Constitution by so many acts of Congress, and embracing almost the entire period of our national existence, should not be overruled unless upon a conviction that such legislation was clearly incompatible with the supreme law of the land.

In conclusion the court said:

> We perceive no errors in the judgments below and each is affirmed.

The provisions of section 3 of the pending resolution are closely parallel to those of the acts of 1809 and 1810. It provides that commerce now prohibited between the United States and Germany, except under license, shall be reestablished; but further provides that such trade and commerce shall again be prohibited, except under license, unless Germany within 45 days take the action mentioned in the section. The acts of 1809 and 1810 likewise prohibited commerce between the United States on the one hand and France and England on the other hand, unless those nations took certain action mentioned in the acts of Congress. Then as now the legislation provided that the President should ascertain and proclaim the facts as to the action taken or not taken by the foreign Government concerned.

Such action by Congress was not in 1809 or 1810, and it is not now, an attempt on the part of Congress to usurp the treaty-making powers of the President and the Senate. Thomas Jefferson was President in 1809; he did not think Congress was usurping the treaty-making powers; he signed the act. Madison, sometimes called the father of the Constitution, was President in 1810. He did not raise the question of the constitutionality of the action of Congress or think it was an invasion of the treaty-making powers. He signed the act; he issued the necessary proclamations and enforced the prohibition of commerce between the United States and the offending nation.

We are not making a treaty with Germany when we pass this resolution. We are asking for no contract; we are imposing a condition upon which we are willing to reestablish reciprocal trade with Germany. If that condition is met, our commerce will be established; if it is not met, commerce with Germany will be prohibited except under license.

This resolution does not propose to make any agreement with Germany, nor to ask Germany to make any agreement with us. The proclamation which the resolution authorizes the President to issue is not to be a proclamation announcing any agreement with Germany or any promise on the part of Germany. The proclamation is not to announce what Germany has promised to do, but what Germany has done.

Mr. WELTY. Will the gentleman yield?

Mr. TEMPLE. No; I have not sufficient time. Our course will be guided by the facts and by no agreement whatever.

But if it were an agreement between the two powers we have a precedent for such a situation also. I wish to call attention to the fact that there was once upon a time—and the gentlemen from Texas are probably more familiar with the details of the story than other Members of the House—there was a time when

the State of Texas, as it now is, was an independent Republic. France and England sent ministers to the capital of the Republic of Texas. The very interesting diplomatic correspondence between the Republic of Texas and other powers has been published and is accessible to all who wish to read it. The United States made more than one treaty with the independent nation of Texas. The time came when Texas wished to be annexed to the United States, and the people of the United States also wished for that annexation. A treaty of annexation was prepared, was sent to the Senate, and the Senate voted against its ratification. What happened then? A joint resolution was passed through both Houses providing for the annexation. [Applause on the Republican side.]

I would like to read a part of that joint resolution. The second section provided:

SEC. 2. *And be it further resolved*, That the foregoing consent of Congress—

That is, consent to the annexation of Texas—

is given upon the following conditions and with the following guaranty, to wit: First, said State to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States to be laid before Congress for its final action on or before the 1st day of January, 1846,

And so forth.

The treaty failed of ratification, whereupon the exact purpose of the treaty was accomplished by joint resolution.

Section 3 provided:

And be further

Resolved, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic: Then be it.

Resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union by virtue of this act on an equal footing with the existing States as soon as the terms and conditions of such admission * * * shall be agreed upon by the Governments of Texas and the United States.

So when the treaty of annexation could not be ratified in the Senate because a two-thirds vote could not be secured, a majority of the two Houses of Congress found a way to do what the people wanted done. The treaty failed, but a joint resolution accomplished the purpose of the treaty. Texas, an independent power, took notice of the joint resolution, and without waiting for a treaty became one of the States of the Union. Will the Texas Members to-day say that the action which admitted their State was unconstitutional? [Applause on the Republican side.]

Now, it seems to me that we have some precedents for this kind of work, and in spite of the very effective, somewhat flippant—if the gentleman will pardon me—but humorous and delightful speech of the gentleman from Missouri, we may still hold without fear and trembling that the thing that was done by Congress and was accepted by President Madison, the father of the Constitution, and has been sustained by decisions of the Supreme Court, are things that this Congress still has the right to do. [Applause on the Republican side.]

Moreover, this action by Congress will in no way interfere with the ratification of the treaty that was recently sent back to the President. I called attention yesterday to the treaty signed in Paris March 20, 1883, for the protection of industrial property. This treaty was sent to the Senate in 1883. It was rejected by the unanimous vote of the Senate June 12, 1884. President Arthur sent it back to the Senate in 1884, where, after long delay, it was ratified March 2, 1887. It is now in effect. The treaty was ratified four years after it had been signed, three years after it had been rejected.

No one wants the peace treaty to have a like history of delay, but long delays have already happened and ratification with reservations acceptable to the people of the United States does not seem likely in the near future. It will be ratified in some form, some time, or another treaty with Germany will be ratified instead of it, but in the meantime what is to be the status of our country and our people? Are we to be at war or at peace. Is business to be carried on under the hampering restrictions of war legislation? Are the extraordinary war powers of the President to continue, or shall we put an end to them? Let us do to-day what we ought to do and all we can do to restore normal conditions by reestablishing our laws and our institutions on their constitutional foundation. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I was pleased with the statement made by the distinguished ex-Speaker, Mr. CLARK of Missouri, who is a real Democrat and my personal friend. He described George Washington coming into this body with all the framers of the Constitution and said they would not make a dent on the Republican side. That is true; they would not; they would add to the majority. [Laughter and applause on the Republican side.] If George Washington came down the aisle to-day and I should say to him, "What did you mean when as president of that Constitutional Convention and what did the convention mean in the very first sentence, reading 'Article I, section 1, all legislative powers herein granted shall be vested in the Congress'?" And George would say, "It means just what it says; that the lawmaking power is in the Congress and not in the President of the United States." [Applause on the Republican side.] Then I would say to him, "What did you mean, sir, when you said Congress shall have the power to regulate commerce with foreign nations?" He would say, "It means just what it says," and he would also say, "I have read the Porter resolution; you have exercised your congressional power when you have attempted in section 3 to regulate commerce with the country with which you are at war, and you are absolutely right." Then he would come over and sit down by the side of STEVE PORTER and stay with us and vote with us. [Laughter and applause.]

My good friend said that too many cooks spoil the broth. As there were 80 cooks on the *George Washington* to feed the President I have no doubt that is what spoiled the broth at the peace table. [Laughter on the Republican side.] They kept out of that wonderful instrument every flavor of Americanism and brought us instead of the dove of peace the British lion in a covered basket. [Applause and laughter on the Republican side.]

Section 1, article 1, says that the lawmaking powers shall be in the Congress of the United States. If the President disagrees with the Congress we can overturn his will by a two-thirds vote, and we have done it in this very Congress. The power is here. If he refuses to obey the law, we can remove him. He can not remove a janitor out of this House, but under the Constitution that George Washington and his friends made the Congress can move him out of the White House. [Applause and laughter on the Republican side.] And they ought to have done it when he sent our troops to Russia without a declaration of war by the Congress of the United States, and they would have done it but for his condition of health, body and mind.

Section 3 of the resolution under consideration simply provides for a reestablishment of trade relations with Germany. It is not an attempt to make a treaty of peace. If it was I would not vote for it. The peace-making power, the making of a treaty, is not in the President of the United States alone. It is in two-thirds of the Senate of the United States. He has not the treaty-making power. He can negotiate a treaty by and with the advice and consent of the Senate. He did negotiate a treaty without the advice of the Senate, and he never took its advice, and by his own action in controlling the minority of that body he never got the consent of that body to the ratification of the treaty. [Applause on the Republican side.]

We may say the President is to blame; you may say the Senate is to blame. We need not quarrel about that. A treaty of peace has not been made; the treaty of peace has not been completed. There are other ways to settle war. President or Senate—put the blame where you please, I shall show you before I get through, and the people of this country know it, that the fault is in the White House, because the President stood in a stubborn place of saying, "You must have the treaty that I make, of my dictation," notwithstanding a large majority of his constitutional advisers have recommended and passed amendments to his treaty. He has left us in a condition of stagnation. Our manufactures are decreasing, and have in the last 90 days by 50 per cent. Our imports are increasing and our exports are decreasing. There is no phase of American life that is not held in abeyance, waiting and disturbed by the present situation. The Constitution makers said there might come a time when the Congress of the United States might find new occasions, and new occasions make new duties; and they provided in this section that we could take care of and should take care of the "general welfare" of your country and of mine. Is the general welfare at stake? Is there any danger with all these war measures lying in the hands of the Executive at the present time? We are at peace when he wants us at peace, and we are at war when he says we are at war. One statute we passed may be enforced to-day as a war measure, and if it should so please the administration, they can refuse to enforce it as a peace measure. At the White House they have the power of making laws. It is the first time in the history of this country where the President

has had such great power. He has peace on Mondays, Wednesdays, and Fridays, and war on Tuesdays, Thursdays, and Saturdays—whenever it pleases him. [Laughter on the Republican side.]

When John Barleycorn knocked at the door he said, "You get out, we are at war"; and when these men who are threatened with prison, who labor and who are in labor unions, said, "Give us the right to make negotiations collectively," he said, "We are at war, and you will not do anything of the kind, and if you go on and strike you go to jail, because we are at war." But the next moment, when 100,000,000 people knock at his door and say, "For God's sake protect us under the war measure from these people who are robbing us on sugar, these profiteers," he whispers to an attendant and says: "Palmer is a candidate for President; Palmer is for the League of Nations; tell them when they want to regulate sugar that we are at peace." [Applause and laughter on the Republican side.]

He does not enforce—and it was stated right here on this floor yesterday that he does not enforce—all of these laws. Then you have left it in him not only to be the man who shall make the law, but the man who shall enforce the law. Mr. Speaker, it is time for us to speak on this matter; it is time to take some action. We have the right to declare a state of peace, and it would be a silly thing for the Constitution makers to say that having the power to make war we have not the power to stop it, and if PORTER and the rest of us should vote for such a proposition, then I think George Washington and the rest of his friends would move over onto the Democratic side and say that for once they were right. We do have the power to stop war—congressional power. The power is here. We answer only to the people, while the President is supposed to answer to the Congress, to enforce the laws passed by the Congress of the United States.

Mr. Speaker, I wish at this moment to reply to a gentleman who placed such an erroneous construction upon gentlemen on this side of the Chamber when he called attention to the fact as to what possibly had caused the President's sickness. The gentleman from Kentucky [Mr. CANTRILL] tried to quote me, and through a very strained construction claimed that we were not quite human over here, that we did not have the red blood and the Christian idea of being kind to a man who was sick. Why, Mr. Speaker, men on the battle field will help the enemy when he is wounded. There is not a man on either side of this Chamber who does not sympathize with one of us when we are sick or in trouble, or with the President of the United States. What I said then I must explain to the gentleman, who did not seem quite to get the point that I made. It may have been my fault that the joke I attempted, which was not as to his health, went by freight to the gentleman from Kentucky. [Laughter.] Let me call his attention to the way in which I spoke of his sickness. We are all sorry for the President of the United States. What we were laughing at was not at our good President's sickness, but at the fact that a Democratic Senator had uncovered him at a sudden time and place when he was well and on his campaign. He was saying in every State where he spoke that under this League of Nations Canada could not have a vote on the council. Mr. Speaker, I am not a constitutional lawyer, nor a very good lawyer. I am an attorney. I find that a great many constitutional attorneys are disturbed about this resolution, but I have not found any disturbance in the minds of any constitutional lawyers so far. [Laughter.] I was simply saying this, that the President of the United States has got caught in his own trap. He said out there repeatedly that Canada could not have any representation on the council, and it so happened that on the very day before he was taken sick a Democratic Senator from Missouri—a dreadful thing, the "show me" State—called attention to the fact that he was not telling what was right and true. The peace commissioner representing Canada at the peace table, Mr. Borden, was trying to get a ratification of the treaty in the Canadian Parliament. The Canadian Parliament in opposition—and we all have oppositions—arose and said, "We do not want to ratify this, because Canada can not have a place on the council." "Oh, yes," said Mr. Borden, "Canada can have a place on the council, even though Great Britain has one." But they replied, "Mr. Wilson is President of the United States, and only yesterday he said that Canada could not have." Then Mr. Borden dug down in his right-hand or left-hand pocket and brought to the attention of the world a signed agreement of Woodrow Wilson, Clemenceau, and Lloyd-George to the effect that the contention of the minister of Canada was sound and they could have a man on the council that could hear and determine even questions between the United States and Great Britain. Then the question came, Who was right? President Wilson, I submit, had made a secret agreement, a construction of which, admitted by Republicans and Democrats alike, was that Canada should have an equal show in the council as well as in the assembly, and then it became rather a joke from a political standpoint. I do not use hard language. I heard some one say "liar," this, that, and the other. I would not say that about the President. He said out there that Canada could not have, after he had signed an agreement that she could have. He is a diplomat. [Applause on the Republican side.] Some honest people can not find out just where diplomacy lays off and lying begins. [Laughter on the Republican side.]

The SPEAKER pro tempore. The Chair desires to announce to the gentleman that he has consumed 15 minutes of his time.

Mr. MASON. Mr. Speaker, time is very scarce. Each one has the right to print for home consumption. [Laughter.] I was only going to show by a table which I have prepared that this so-called treaty and League of Nations was amended by a majority of the Senate that was elected by the people for that place. One hundred and sixty-odd Democratic votes were cast for that on the 14 amendments, and I have prepared a table which shows there was an average of over 11 Democrats who voted for every amendment, and the treaty as amended would have passed the Senate but for the fact the President of the United States absolutely withheld his consent. So do not blame us. Let us not blame anybody. If you want to go to the people on that issue, my friend from Kentucky, just remember you did go on it in Kentucky and that good old Democratic State gave 40,000 Republican majority by reason of your argument in favor of this proposition. [Applause on the Republican side.] But I do not want to try it out as a party question. I had hoped and I believed, and I intended to stand against this rule, for I believe in amendments, I believe in fair consultation upon both sides, and my colleague upon the committee who has spoken in our favor, the gentleman from Alabama [Mr. HUDDLESTON], will bear me out. I believe I have taken it as a nonpartisan question, but your chairman of your party came here, and then, as my colleague from Massachusetts [Mr. ROGERS] said, before we had drawn the resolution Mr. Cummings announced you would oppose it and the President would veto it. There was nothing else for us to do, and instead of having the benefit of your advice you forced us into a position where we had to do the best we could, and we have presented this, for it means peace; it means a step toward peace; it means a lightening of the burdens; it means the taking away of legislative power from the Executive; it means comfort to the weary, war-worn people of this world to know that the popular branch of this Congress has declared in favor of peace. [Applause on the Republican side.]

I wanted to go further myself and make a resolution which would declare peace with all the world. I wanted to include Austria. I think that is our duty, but the answer of my colleague was that the Senate and the President are still considering the treaty and are not considering a treaty with Germany. On the contrary, the leading Democrat over here in charge of it says that President Wilson is enjoying himself while the Senate is worrying and stewing over what they are going to do about the treaty. I remember that Nero played the fiddle, I think, while Rome burned. I can see him enjoying himself while the people of the United States, 100,000,000, are asking and praying for peace, peace—your tax laws, your laws that keep the prisons full of men for political reasons, your laws which we allow the Department of Justice to enforce against profiteers in one place and in favor of profiteers in another. We want peace, and I will yield any position I ever had or hope to have or my personal association with the party if you will show a better way to have peace for the people of this country. You offer a resolution or an amendment that comes within the power of the Congress and you will get at least one vote if you can show me any way to bring to this country the blessings of peace.

Mr. Speaker, last September, six months ago, when it was perfectly apparent the treaty of peace could not be ratified with the American reservations, seeing the injury coming to our country by remaining in a state of war, I offered the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the United States of America is at peace with all the world.

When the Senators sent the "round robin" to the President that his league covenant, which placed our country under a superstate, could not be ratified and the President assured the country that he would not permit the Senate to ratify an amended treaty, it was apparent to everyone that he intended to keep us in a "state of war" for partisan purposes until this fall election. Friends discredited my judgment, but in view of his later statements that he wishes to submit the covenant to the people, is conclusive proof that he has had it in his mind ever since he left for Paris; that as he won his last election by

"keeping us out of war," he might win another one for himself or some of the reigning family by keeping us out of peace. As Republicans we would welcome the issue, but as Americans we can hardly find language strong enough to condemn the unpatriotic idea of continuing the state of war for party gain. Since the day of his partisan letter to the sixth district of Indiana, six weeks after the beginning of the war, and after his violation of law in refusing to accept volunteers, to keep Theodore Roosevelt out of the United States Army, he has not hesitated to sacrifice American blood and treasure to advance his personal and party interest. Gentlemen who condemned me for telling the truth about him, now admit to me it was best to tell it as we went along. To-day our allies are at peace and getting ahead of us in all foreign trade, our domestic affairs are unsettled, our people are overtaxed.

The harsh war measures burden the people by depriving them of their constitutional rights, and in the midst of this unrest it is the duty of a Republican Congress to give the people what they want, and that is peace, and the repeal of the war laws. Wilson says let the people suffer that we may win for the party. Bryan says let us have peace to win for the party; while the Democratic mule wisely ponders whether it is best to run Wilson for a third term or run Bryan for a fourth time for a first term.

To show the necessity for a declaration of peace, I propose to set out in full the articles which were limited by the Lodge reservations, and the reservations as adopted by the Senate which Wilson defeated by voting against the treaty those senatorial minds which "go along" with his.

It is interesting to note that the majority of Senators elected by the people insisted on the American reservations, and a minority controlled by Wilson defeated the treaty. If considered by a question of majority—democracy—please hear the following table which shows that States having more than two-thirds of the inhabitants of the United States voted to amend the treaty, and if four of the small Democratic States controlled by Mr. Wilson—even seven votes controlled by him—would have ratified the treaty by 56 to 28. We are forced to the conclusion that he preferred a partisan issue to peace on earth.

Table showing votes on reservations.

No. of reservation.		Democrats for.	Democrats against.	Republicans for.	Republicans against.	Majority for reservation.
1	Right of United States to decide when to withdraw	10	20	35	.....	25
2	No war for United States without act of Congress	14	26	42	.....	30
3	No mandate without consent of Congress	29	4	39	.....	64
4	Right of United States to settle domestic questions	14	25	42	.....	31
5	Retaining the Monroe doctrine	17	22	41	.....	36
6	Withholds assent of United States to Japan's claim to Shantung	9	21	39	.....	27
7	Appointments by President on League Council, Assembly, etc., to be ratified by United States Senate	17	14	38	.....	41
8	United States commerce with Germany not to be submitted to league	6	22	35	.....	19
9	Requires appropriation by Congress for expenditures	8	25	38	.....	21
10	In war, United States reserves right to increase armaments	9	26	40	.....	23
11	Right of United States to permit commercial relations with covenant-breaking State	5	28	39	.....	16
12	Rights of Americans in certain property	8	27	37	.....	18
13	Reserves right of Congress to accept labor provisions	6	27	38	.....	17
14	Demands equal representation of United States with other nations on League	16	27	41	.....	37
	Total	168	314	543	.....	395

An average majority of over 28 on each reservation. Then by the President's order the treaty was defeated, although a majority of 14 voted to ratify it.

The reservation in the resolving clause is as follows. It is a simple statement that we will not be bound by its terms unless the contracting parties accept our terms with theirs. What intelligent man can object to this?

RESOLVING CLAUSE.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

I print reservations in the order given by Senators LODGE and HITCHCOCK in Senate Document 193:

RESERVATION NO. 4.

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States, and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

What American wants to submit our domestic questions to other nations? The last statement of Col. Roosevelt was, when commenting on the League of Nations, as follows:

Moreover, no international court must be entrusted with the decision of what is and what is not justiciable. In the articles of agreement the nonjusticiable matters should be as sharply defined as possible, and until some better plan can be devised the Nation itself must reserve to itself the right as each case arises to say what these matters are.

I beg you to read again the reservation, and say which of these domestic or home questions you would submit to a foreign, and possibly an unfriendly, country. Would you submit our tariff laws to our business rivals? Would you let any other country vote on our immigration laws?

The next reservation is No. 6, and to understand it we should read articles 156, 157, and 158, as it relates to the robbery of the Chinese Republic by the autocrat Japan:

SECTION VIII.

Shantung.

ARTICLE 156.

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 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtau-Tsinanfu Railway, including its branch lines, 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.

ARTICLE 157.

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 158.

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.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements, or agreements relating to the rights, title, or privileges referred to in the two preceding articles.

The shame of the century is in the above articles. It is an attempt to consummate the things we went to war against. It is in keeping with the most wicked secret treaty between a king and a mikado and should have been denounced by the President and the Senate.

However, for diplomatic reasons this mild reservation was made. This article, together with article 10, would have compelled us to furnish American lives to "preserve as against external aggression the territorial integrity" of Japan in stolen property. Here is—

RESERVATION NO. 6.

The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

RESERVATION NO. 7.

* * * * * * *

No person shall represent the United States under either said League of Nations or the treaty of peace with Germany, or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

This deprives the President of autocratic power never possessed by an American President.

All ministers and consuls have to be confirmed by a senate, elected by the people.

Woodrow Wilson would not have objected to this reservation before the last election. He had a subservient House and Senate until rebuked by the last election, and naturally does not want the people's representatives to be consulted about the man or men who represent this country anywhere. The evidence of Mr. Bullitt shows that it was Wilson's vote at the peace conference that prevented the adoption of a plan whereby the parliaments of the powers were to be consulted in selecting members of the council and assembly.

Did this reservation break the "heart of the world" or crack the ambition of Woodrow Wilson? All I ask is for any real American to read—

RESERVATION NO. 10.

If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Reservation No. 1, relative to our withdrawal from the league, article 1, provides that—

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Therefore if the people of the United States attempted to withdraw from the League of Nations, they must give two years' notice, and then not be allowed to withdraw until they had performed all things required by the league. If the Kings wanted to keep the Republics in, how easy to say, "You have not fulfilled your obligations under the covenant." And how natural it was for an American Senator to vote for this.

RESERVATION NO. 1.

The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

A concurrent resolution is passed by Congress and does not require the signature of the President. If a Congress was elected with a majority in favor of withdrawing from this league they could do so even against the will of the President, but without this reservation providing for a concurrent resolution the President might veto it, and keep us in, in spite of the wish of a majority of Congress.

Does this reservation break the heart of the world, or cause a pain in the heart of the President?

Article 16 of the league is as follows:

ARTICLE 16.

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.

Any member of the league which has violated any covenant of the league may be declared to be no longer a member of the league by a vote of the council, concurred in by the representatives of all the other members of the league represented thereon.

This drastic rule of preventing all financial or personal intercourse between the nationals has never been resorted to under the conditions stated, and the following reservation was necessary:

RESERVATION NO. 11.

The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

The most glaring abandonment of equality of representation is in articles 1, 2, 3, and 4, which would give Great Britain more votes than the United States has. It is almost unthinkable that any American would vote for such a proposition. There might have been some doubt as to the construction to be given to the covenant on this question, but since Senator REED, a Democratic Senator from Missouri, inserted in the RECORD the secret note signed by Clemenceau, Lloyd-George, and President Wilson, assenting to Canada's claim that she might have a seat in the council, no one raises the question. It will be noted that the Prime Minister of Canada was forced to exhibit this secret note before he could get ratification of the peace treaty by the Canadian Parliament. The leading statesmen of England saw the unfairness of their having more votes than the United States; how then could any American object to—

RESERVATION NO. 14.

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Article 10 of the covenant, the most dangerous to American peace, is so important that a brief review of its diplomatic history will be interesting. President Wilson announced the doctrine of "self-determination," and went to the King's table and the peace table with that thought in his mind. If you have any doubt of it, read the following article 3 in his—Wilson's—original draft. After royal trimming and English decorations, it emerged as article 10 in the covenant. (See Evidence of Bullitt, vol. 2, p. 1172.)

ARTICLE 3.

The contracting powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

It emerges as article 10, and would not be recognized after Mr. Wilson's association with royalty but for the fact that it deals with our guaranteeing the territorial integrity of all parties signing the treaty. In article 10 which Kings and Mikados made out of Wilson's article 3 there is no word of "self-determination," no word of territorial adjustments as may be "demanded by the welfare and manifest interests of the peoples concerned."

No hint of the splendid thought that the "peace of the world" was superior to "political jurisdiction or boundary" under Mr. Wilson's original draft—India, Egypt, Ireland, South Africa, Korea, and China—might hope for relief, but all high ideals of human liberty and self-government are swept away by—

ARTICLE 10.

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

How can we guarantee England, Italy, Japan, or any nation its "territorial integrity" unless we are prepared to do so by force of arms?

What American associated with Mr. Wilson agreed with him on article 10? Certainly not House, Lansing, or Bullitt. Certainly not the international lawyers employed by President Wilson. Listen to what his own attorneys say as to article 10—at one time article 3. It was submitted to his international lawyers, men of distinction and of his own choosing.

This is their answer, volume 2, page 1183, evidence of Bullitt hearings before United States Senate Committee on Foreign Relations, Sixty-sixth Congress, first session:

But aside from any questions of several joint or collective guaranties and their proper language, the question of policy presented by this article in its first sentence is whether the United States should favor a guaranty of independence and integrity of every State by every other State.

Such an agreement would destroy the Monroe doctrine. Under such an agreement, Germany, as well as the United States and even despite the United States, would have been bound to support Venezuela against Great Britain in 1895. Under such an agreement, Great Britain, France, and Japan might be bound to intervene in Chile or in Peru, according to their views of the Tacna-Arica dispute, either in addition to intervention by the United States.

Indeed, any guaranty of independence and integrity means war by the guarantor if a breach of the independence or integrity of the guaranteed State is attempted and persisted in.

What the United States has done, is doing, and will do for Europe is enough, without making an unasked sacrifice of her interests and those of Latin America, by giving up a policy which has prevented the countries south of the Rio Grande from being pawns in the diplomacy of Europe.

Mr. Wilson's own legal advisers make the suggestion—same page—that instead of thus guaranteeing each nation its territory as against the world we should say:

SUGGESTION.

Each contracting power severally covenants and guarantees that it will not violate the territorial integrity or impair the political independence of any other contracting power.

The contracting powers recognize as a binding principle that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any extrinsic powers.

It would be safe for us to agree that "we will not violate" the territory of another, but to guarantee that others would not simply means perpetual war for the United States. The council, in case of "threats or danger of aggression," shall advise upon the means by which this obligation shall be fulfilled. Article 16, above quoted, also provides in such cases what we shall contribute to the armed forces to protect the covenants of the league.

Under our supreme law, Congress alone can declare war; and it was not only fair to our people but fair to our allies to call attention to that fact by—

RESERVATION NO. 2.

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

What does Mr. Wilson say to the reservation? He says, of course, Congress alone can declare war; of course, they all knew that around the peace table. That is a true statement of our supreme law, but he says in his letter it is supererogation. He uses this large word twice. It means, according to the Standard Dictionary, "the performance of any meritorious act in excess of the demands of duty, hence superfluous." The professor is willing to destroy the League of Nations and "break the heart of the world" rather than rupture his rule of rhetoric.

To be perfectly fair, I read from his last letter, of March 8:

WHAT WAS UNDERSTOOD.

It was understood, as a matter of course, at the conference in Paris that whatever obligations any government assumed or whatever duties it undertook under the treaty would, of course, have to be fulfilled by its usual and established constitutional methods of action.

Once or twice in meetings of the conference, when the treaty was under consideration, "reservations" were made to that effect by the representatives of individual powers, and these "reservations" were invariably received in the way in which men who have met for business and not for talk always receive acts of scrupulous supererogation—listened to with indifferent silence, as such men listen to what is a matter of course and was not necessary to say.

IS GLAD TO EXPLAIN.

There can be no objection to explaining again what our constitutional method is, and that our Congress alone can declare war or determine the causes or occasions for war, and that it alone can authorize the use of the armed forces of the United States, on land or on the seas. But to make such a declaration would certainly be a work of supererogation.

This is his answer to the Senate reservation which simply notifies our allies and all the world that Wilson and the Senate can not make a treaty which will force us into war without an act of Congress. He has lost his cunning. He does not deceive the people who feel he wants us in war in November, any more than he was able to deceive the people as to why he removed Lansing. What England expected of us is perfectly apparent. She expected to use our lives and our money to maintain her Empire. The leading King's organ in Canada, the Star, in an editorial lately printed, bewails the fact that Britain can not call us to send our troops to Baku. Look it up on the map. I have not had time. Ninety-nine per cent of Americans do not know and do not care whether Imperial Britain gets the oil there or whether it goes to the people who own it. Is it not too bad Wilson can not send a few American boys to fill graves in Baku to help Great Britain provide for the "responsibility of empire"? Read the editorial and comments, taken from the News Letter, November 12, 1920:

Americans who scoff at the suggestion that the League of Nations is a machine reared by Great Britain to guarantee a continuance of her control of world affairs might do well to read an editorial printed a few weeks ago in the Montreal Daily Star. The Star is the leading imperialist organ in Canada. Those who control it are of the innermost British imperial councils. The editorial is headed, "An hour of peril." It starts off, "War-weary Britain is learning once more with a tragic thoroughness the full meaning of the responsibility of empire." That, of course, is quite true to form. The average imperialist is firmly convinced that these "responsibilities of empire" are a complete justification for empire. The "peril" to which the editorial alludes is the peril to British interests, born of bolshevism and of Moslem unrest. "A sudden thrust," reads the editorial, "might threaten the life of the British Empire more surely than would a Prussian victory in 1914. The Bolshevists, not finding the supplies of oil and petrol which they expected at Krasnovodsk, are stretching out their tentacles toward the western coast of the Caspian, their envious eyes fixed on Baku, the control of which Britain can not afford to relinquish. With a force of Afghans and Bolshevists joined at Merv, we have no assurance that the Amir's army will not throw open the passes of Afghanistan, which are the northern doors of India. With a powerful fleet in the Black Sea dominating Constantinople and dividing the Turks of Europe from those of Asia, with large military forces in India and new reenforcements operating from the Baku area, with the assistance of her new-found friends, the Arabs and her wards of Persia, Britain is squaring her shoulders again for the worst. Had the League of Nations been in operation six months ago Britain could have called to her aid her partners in the covenant. To-day she must play a lone hand." Analyze that editorial, which may be regarded as presenting the typical British imperial viewpoint. It announces that the "life of the British Empire" is in peril; that English oil interests must be maintained in trans-Caucasia; that English domination in India must be upheld at all hazards; and that England already is making military use of her "new-found friends" in the British-controlled myth kingdom of the Hedjaz and of her "wards" of Persia. But above all is the assertion that "had the League of Nations been in operation six months ago Britain could have called to her aid her partners in the covenant"—forced them to go into battle to uphold her commercial and imperial interests. Let America beware. The menace to which the editorial alludes may not exist at this moment. But sooner or later British imperial interests will again be threatened. Perhaps the threat will come from an Ireland bent upon bursting her fetters. Perhaps from Egypt. Perhaps from English oil interests, not in Russian Georgia this time, but in American Mexico. When that day comes England will again call for assistance to uphold her world sway. If America, when the new call echoes forth, is a member of the British-controlled league, woe be to her. "Had the League of Nations been in operation six months ago Britain could have called to her aid her partners in the covenant." So it will be in the future. To-day, then, there must be no compromise. If American interests are to be preserved the United States must not become a party to the league.

Those who have sons to sacrifice to see that England holds Baku stand up and shout for the League of Nations. Those of you who believe in fighting only for our country thank God the danger of the League of Nations is almost passed.

All writers on international law agree that war may be terminated in three distinct ways; one by simply stopping fighting, without an agreement, the second is by one conquering the other, and the third by a treaty of peace.

Under international law it is the duty of the several departments of the Government to do everything necessary to carry out a treaty of peace. By our Constitution a treaty is the supreme law of the land, and Congress would be legally and morally bound to make appropriations to carry out all the terms of a peace treaty.

Since the organization of this Government there has been conflict of opinion among the best writers as to whether Congress is bound by a treaty to make all appropriations and pass all laws necessary to carry out a treaty.

Washington said that it was perfectly clear to his understanding that the assent of the House of Representatives was not necessary for the validity of a treaty. That is, of course, true; but there has been a contention constantly by American writers that Congress was acting within its legal and moral scope if they refuse to pass the laws required by a treaty if, in the opinion of Congress, the treaty-making power exceeds its constitutional rights or if, in the opinion of Congress, such so-called necessary laws were against the interest of the people of the United States.

Congress has always in the past made the necessary laws and made the necessary appropriations to carry out all of its treaties, but there has always been a serious contention—one side saying that you have a treaty agreement and you are bound to pass these laws, and under the strict rule of international law they have complied.

This Government passed the necessary laws in 1796 to carry out the treaty with Great Britain in 1794; in 1816 they passed the necessary laws to carry out a commercial treaty or convention with Great Britain. They did the same in 1842 and 1843 with respect to a treaty of Washington, and after the Mexican War provided the necessary laws to carry out the treaty of peace with Mexico. In every case the claim was made that under international law we were bound to do this, and where an American objected by saying Congress alone has the power to appropriate money, the answer given by Great Britain and Mexico would be "True, your Constitution requires that Congress shall make appropriations, but the same Constitution authorizes the President and the Senate to make treaties and conventions"; and that has been a complete answer for the foreign State; men will say that they made treaties in good faith without the knowledge as to the constitutional limitations of the President and Senate. Now, for the first time in the history of the United States our allies ask us to ratify a treaty of peace which will authorize a foreign court to order us into war; and if we approve, the same old argument will be used, and Great Britain or Japan, if she goes into war, and the supreme council advises us how many men, how much money, and how many ships they want, they will say at once, "Congress, you are morally bound and under international law you are legally bound to furnish your troops, furnish your men and ships to defend Great Britain or Japan," and we will have

no legal or moral answer to their claim unless we give specific notice to our allies that under our Constitution Congress alone can declare war, and if any power on earth calls us to war the American people reserve the right, through their representatives, to decide whether they shall go to war; and if so, on which side.

The same suggestion applies to the reservation which notifies the high contracting parties that the Congress of the United States reserves to itself the right to pass upon appropriations, but it is not of such moral or vital interest for the people to control appropriations as it is for them to retain control of the lives and honor of their citizens. Gentlemen may say that these reservations which reserve the constitutional powers to Congress are in derogation of international law—that it amends international law.

In my opinion there is no doubt about that—international law has not kept pace with civil law, and this is not the first case where the United States of America has given a new construction to international law in the interest of justice and civilization; for instance, the recognition of a new State before the birth of this Government was recognized as a cause for war by the parent State, and such recognition meant intervention. Since the days of Thomas Jefferson the United States has had a fixed policy of recognition of a new State without intervention; it has been done whenever we have had an American Congress and an American President, and no parent State from which the new State springs has ever found it a cause for war; but, on the contrary, it is accepted as one of the American's rights to make recognition without intervention whenever the little peoples of the world have sought self-determination.

Many instances could be cited where the birth of this Republic started with the reformation in the international law, and no more striking illustration can be made than to use the reservations to article 10, for it says to Great Britain, with whom we have had treaties in the past, beginning with our treaty after the Revolutionary War on down to the Clayton-Bulwer treaty, after the close of the Mexican War, on down to the Hay-Pauncefote treaty No. 2 on the Panama Canal. We say to them in so many words that you have made a treaty with our President and Senate and have taken money from the people of the United States, because under the international law we felt bound to carry out those treaties, and we did it.

For half a century, by the cunning of your Clayton-Bulwer treaty and by craft of your diplomacy, you kept us from constructing the Panama Canal; by your influence you got the President of the United States to violate his pledge and to give some strange construction to the Hay-Pauncefote treaty by compelling us Americans to pay toll on ships sailing in waters every drop of which is American and every foot of the shore line on both sides of the canal American property. You have in diplomacy beaten us for more than a hundred years; you never have and never can beat us in war, but you have bled us financially in the past as you are doing now, and we give you notice by reservation to article 10 that you can not, with the aid of your self-governing colonies, order us to sacrifice money or American life, and we call your attention to the fact that Congress must appropriate life and money. The American people intend that America shall use that power given to them by the Constitution, and that each separate case shall use that power as the interest of our country and demands of justice shall dictate.

Under our Constitution all appropriations must be made by Congress, and we give notice to the world of that fact in—

RESERVATION NO. 9.

The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

This is a true statement of fact, and if President Wilson did not want to keep us in war for political purposes he would not pocket the treaty or instruct his free-thinking, free-acting, independent Senators to beat it on account of supererogation.

Mr. Speaker. I could not secure favorable action on my declaration of peace, so I yield to the judgment of my colleagues, but I prefer the straight declaration of "peace with all the world," for I wish to declare peace with Austria and with Russia. We declared a state of war with Austria. That people never wanted war with us. There are millions of her citizens who have sought our shores and our shelter. They are an industrious and an honest people. They seek citizenship here. The Senate holds the treaty and can not consistently accept it without these American reservations in the covenant.

Mr. Speaker, I still hope for the broad declaration and reserved the right to present it to the House, but having great respect for the judgment and patriotism of my associates on the Committee on Foreign Affairs, and having been notified by the Democratic chairman that his party will oppose our ending of the war, and that Wilson will veto it if we pass it, I must yield my point and vote for the resolution as reported by the committee. I feel sure of our constitutional power to declare the war at an end, and under our power of legislation to fix a date which repeals the war laws. And even if the section which makes conditions with Germany should be held to be beyond our power, yet the other sections will stand.

Mr. Speaker, I vote under protest for a joint resolution. That requires the signature of the President. He has already declared the war at an end. The resolution I offered and prefer is a concurrent resolution and does not require the approval of the President. It is a congressional finding the same as that already found by the President in the war of 1861–1865.

The House, July 22, 1861, passed a House resolution stating the objects of war, to maintain the supremacy of the Constitution, and that as soon as the object was accomplished the war ought to cease.

The Senate, July 25, 1861, adopted a Senate resolution practically the same. Neither was joint or concurrent, but President Johnson used them as a basis for his proclamations, as they expressed the "will of Congress."

The President by proclamation, April 2, 1866, declared the objects of the war had been obtained except in Texas, and on August 20, 1866, the President proclaimed the object of war had been obtained in Texas and proclaimed that the "insurrection is at an end."

And the Supreme Court held that the war ended on the day of the proclamation, August 20, 1866. In other words, the House by House resolution and the Senate by Senate resolution expressed "the will of Congress." Neither one was signed by the President, yet the Supreme Court of the United States held in United States against Anderson (9 Wallace) that it was the acts of Congress and the proclamation of President Johnson that fixed the date on which the war ended. Congress in March, 1867, fixed June 20 as the day the Rebellion closed. President Wilson has made his statement that the war was ended no less than twelve times to us. Why ask him to repeat when we know that with him war is over for some things and in full blast for other things? At the White House, as I stated before, we are at peace Mondays, Wednesdays, and Fridays, and at war Tuesdays, Thursdays, and Saturdays, and the chairman of the Democratic committee knows on which day he will consider our resolution of peace. Why trust him, anyway?

Our Democratic brethern are trying to "bell the cat" by asking him to say he will not be a candidate at Frisco. Suppose he did promise? What did he promise on his first run in 1912? He promised that he would not be a candidate for a second term. Which one of his friends will testify that on presidential running his reputation for truth and veracity is good in the neighborhood where he resides?

AS TO RUSSIA.

Gentlemen may say, "We are not at war with Russia." If that is so, our declaration that we are at peace with all the world can do no harm. Some professor may say it is supererogation. Big words do not frighten us now as they used to.

We have been in a state of war with Russia. Our soldiers are buried there and she is knocking at our door for peace. Four thousand of my constituents who were conscripted to fight Germany were sent there, according to Pershing's report, to fight Bolsheviki, and, according to Wilson's report, not to fight anyone. I shall prove by Mr. Wilson's own statement that he was and was not at war.

I shall show his statement of instructions to guard a railroad, and so forth, and not to fight, and then show his agreement to help Kolchak fight the soviet government, and Kolchak's agreement to pay the $14,000,000,000 in bonds of royal Russia. When you have read or heard the evidence of the President and members of his Cabinet, you can decide whether we are or have been at war with Russia, and whether we ought not to declare peace broad enough to remove any doubt as to being at war with Russia. I started out in the investigation of our situation in Russia for the purpose of securing the release of 5,000 of my constituents who were enlisted—most of them drafted—to fight Germany and were sent to the frozen north—Russia, our ally—to fight, freeze, suffer, and some to die in fighting a people against whom Congress had not declared war. They were kept there more than a year fighting after the armistice was signed. If you wish to know the degradation and humiliation heaped on American officers and men, read the book of Albertson, "Fight-

ing without war." He was a volunteer worker for humanity in the Red Cross or the Y. M. C. A. His story is free from "self," but a simple, and I know from many of my constituents who were there, a truthful, pathetic statement of our boys fighting when they never saw our flag, and were constantly asking, "Why are we fighting here," and "For God's sake, send us an American flag."

More than a year ago, while fighting for the release of my constituents from a Russian hades, I felt the sinister work of bondholders in America who were willing to sacrifice American lives to collect their money. They even wrote me that I was interfering with the collection of their money, which they loaned Imperial Russia before we went into the war. Though we were neutral, they claimed they "scalped" Russian bonds in a spirit of patriotism.

Some of you thought Lincoln Colcord was a crazy Bolsheviki when in his "Carving of Russia" he told the truth as to what was happening, and visioned the attempt of the international bankers to maintain Governments throughout the world which will "pay the bills of war." (See The Nation, July, 1919.)

I will show you by reports lately received by the committee that Mr. Wilson was solicited for months early in 1918 to commit acts of war against our allies, the Russians, to take part in the civil war there between the Kolchak and Lenin governments. He stood for months on high ground. He refused, but as time wore on he yielded to and worshiped the golden calf.

May I use the deadly parallel to show by Mr. Wilson that we were and were not at war with Russia?

President Wilson to the Senate, July 22, 1919:	President Wilson and others to Kolchak, May 26, 1919:
"The instruction to Gen. Graves directs him not to interfere in Russian affairs, but to support Mr. Stevens wherever necessary."	"We are therefore disposed to assist the government of Admiral Kolchak and his associates with munitions, supplies, and food to establish themselves as the government of all Russia."

If you have trouble in weighing the conflict of evidence between Commissioner Wilson and President Wilson, look at the dates of papers signed by him and quoted above. When he signed the statement of June 22, 1919, as President, stating instruction of Gen. Graves of "noninterference," he had about a month before—May 26, same year—signed a statement as a self-appointed peace commissioner to furnish the fighting men at war with the soviet government munitions, supplies, and so forth.

Let us call Gen. Pershing, who has no diplomatic training in perversion of tongues, and who is as honest as he is brave. This is from his report, page 55:

> It was the opinion of the supreme war council that troops should be sent to cooperate * * * against the Bolshevist forces.

This witness corroborates Commissioner Wilson and contradicts President Wilson.

I call for the next important witness, Mr. Secretary Baker. He was kind enough to reply to my resolutions before the Military Committee and before the Committee on Foreign Affairs. He is bright, quick of mind and tongue, more resourceful and versatile as a witness than Mr. Lansing. His mind "goes along" with President Wilson and with Commissioner Wilson. He must have been both present and absent at the Cabinet meetings which landed Lansing on the sidewalk; so, of course, we were at war in Russia with Commissioner Wilson and at peace in Russia with President Wilson on the same day.

ON SEPTEMBER 15, 1919.

This witness, Secretary of War Baker, after repeating the theory on which our troops were sent to Siberia and northern Russia, said, page 22, hearings, Military Affairs:

> For these reasons, although the Czechs are now substantially out of Siberia, it was decided that the allied forces in Siberia should continue to guard the railroad. The American Army is not participating in favor of Admiral Kolchak. It is not participating either for or against Bolshevists.

Now, he certainly supports President Wilson that we were at peace in all Russia. It may hurt the pride of a real American that our soldiers were track laborers and guards for railroads in Siberia. Policemen and guards do not make war, but peace.

The statement of Secretary Baker before the Committee on Foreign Affairs shows we were at war. He testified that he was then selling millions of dollars worth of the American people's goods, war munitions, and so forth, to a man named Uget, and he took Mr. Uget's personal note for the property, and that he, the Secretary, knew these goods were being sent to Kolchak, who was fighting on one side of the civil war. The Secretary very promptly said it was not an act of war, because he sold the goods to Uget and made no official recognition of the Kolchak government. Of course, if he had kept the promise of Commissioner Wilson and sent the guns direct to Kolchak, he would have violated the statement of President Wilson that we were at peace in Russia.

Whether we have recognized any government in Russia or not is important in considering whether we want to declare peace with that country.

When the Kerensky government fell, we were notified of that fact. The Russian Government (Zarist and Kerensky) had purchased large supplies in this country, and we had given to the Russian Government a credit of $450,000,000 on which we had advanced $186,400,000. The following is from a statement of Mr. Undersecretary Polk:

> On November 7, the Kerensky government was overthrown. On the 15th the first payment of interest on obligations held by the United States was due and the Treasury advanced against an obligation signed by Mr. Bakhmeteff the sum of $1,329,750, which were at once repaid to the Treasury as interest on advances which had been made by it to Russia. This brought the total of the cash advances made by the Treasury of the United States to $187,729,750.

Mr. Polk stated, at page 23:

> Mr. Bakhmeteff turned it over to the City Bank to the credit of the Russian Government, but he could not draw against it—

And so forth.

> We saw that the money was used in the liquidation of the Russian debts.

Again, on page 29, he says:

> Mr. McFADDEN. He has had complete control of a certain amount of the funds, has he not?
>
> Mr. POLK. He had control of one separate amount, a very small amount, but he had no control over these large items. Since December, 1917, my understanding is that every payment of any size was made with the knowledge of this Government.
>
> Mr. McFADDEN. That is, when he drew checks in settlement of these accounts they had to be approved by the Treasury Department before the banks would honor the checks?
>
> Mr. POLK. The bank would not honor checks if the Treasury objected and no check was honored until the Treasury was notified.
>
> Mr. McFADDEN. The expense of keeping up the embassy was paid by Bakhmeteff, with the approval of the Treasury Department?
>
> Mr. POLK. We have not questioned his right to spend a small amount of money for the expenses of the embassy, and I understand the Treasury have therefore not objected to such payments.

Surely, then, Mr. Bakhmeteff was not an ambassador using his country's money, or our State and Treasury Departments would not have kept control of the funds. Surely, you could not blame just plain Congressmen on the Committee of Expenditures in the State Department for wanting to know how much and to whom the money was paid. Our colleague, Mr. McFADDEN, of that committee, addressed a letter to Mr. R. C. Leffingwell, Assistant Secretary of the Treasury, asking for a statement of money paid out under his direction. This official had testified before the committee, page 88:

> It was arranged that no withdrawals should be made from that account without first notifying the Treasury and ascertaining whether it objected to the particular disbursement proposed.

This was in harmony with the evidence of Secretary Polk. Very properly our State and Treasury Departments were bound to see that this money was paid to American contractors, and they adopted a plan they did not adopt with any real ambassador. In other words, he has never been recognized as an ambassador and he is not now and has not been an ambassador since the fall of the Kerensky government.

Therefore I was naturally surprised when I read Mr. Leffingwell's answer to Mr. McFadden's letter. He addressed Mr. ELLIOTT, chairman of the Committee on Expenditures in the State Department:

> The Treasury does not feel, therefore, that it can allow the confidential information, which it obtained from those Governments in a spirit of cooperation and mutual confidence, to be made public, or made the basis of what would in effect be an indirect investigation of their affairs such as no committee of Congress would, I assume, desire to have power to conduct directly.

In other words, put the Secretary of the Treasury on the stand—

> Q. Was Bakhmeteff ambassador when, after the fall of his government, you compelled him to get your O. K. before he checked out money from the City National Bank?—A. Oh, no; if he had been we could not have made this requirement.
>
> Q. Was he ambassador when he paid out that American money on your O. K.?—A. Oh, yes; it was done in a spirit of mutual confidence, and because he was an ambassador it would not be safe to allow the American Congress to know the facts.

Mr. Speaker, it is time to speak the truth. Dr. Dillon, in his most valuable book, The Inside Story of the Peace Conference, says, speaking of the peace commissioners:

> Without chart or compass they drifted in strange and sterile courses, beginning with the Prinkipo incident and ending with the * * * Kolchak incident, in order to legalize international relations which could not be truly described as peace or war.

If we are at war with Russia, our declaration should be broad enough to make peace. If we are not at war, it can do no harm to felicitate ourselves that we are at "peace with all the world."

I want to go back to the old American home, the old American doctrine. I remember when I was a boy—and there was a bunch of 10 of us—sometimes at night when the storm would come and it was dark our good mother would call us in and shut the door and leave the storm and darkness on the outside. She left one curtain up to light our friends and neighbors that passed by on the village street, as our Constitution and our declaration have been a beacon light to light those people who wished to emulate us in the matter of self-government.

We were away there in the storm. I want my country to get back to where it was. I want the doors closed. I want my children and my grandchildren to get out of the storm of war and jealousies and the contemptible conspiracies of the kings, the mikados, the czars, and the kaisers. [Applause on the Republican side.] And the only way to do it is to help to make peace. I want to get around that old table with this old Constitution that we all want to follow as a guide to our politics and the old Bible as a guide to our conscience. Away from the storms and the policies and the crimes of other countries, around that old family fireside, we will take a new oath of allegiance to this Constitution and dedicate ourselves anew and yet anew to the interest of this country—the best country in the world. [Loud applause on the Republican side, the Members rising.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back three minutes.

Mr. PORTER. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, the distinguished Democratic leader, the gentleman from North Carolina [Mr. KITCHIN], asked those of us who had introduced measures to repeal war-time statutes to hold up our hands. We did so. I want also to lift my voice. I am very much obliged to the gentleman for advertising my speech in favor of the League of Nations.

Mr. KITCHIN. It never would have been heard of otherwise. [Laughter.]

Mr. MASON. Oh, the gentleman and I have a working agreement. I praise very properly the best speech made against the declaration of war, which he made, next to mine, and he now praises my speech in favor of the League of Nations. [Laughter.] But I want you gentlemen to look at the date when the speech was made, and I recommend you all to read it. I know it is a good speech—I made it myself. I have not a word to take back, but I made it before I ever dreamed of a proposition for a league of nations that would be produced having the provisions that this has. Show me one line in that speech, or anywhere, where I have announced myself in favor of giving Great Britain 6 votes to our 1. Show one line in that speech where I stood in favor of allowing any other power in the world to order my country into war, except the Congress of the United States. Show me one word whereby I yielded any of those American doctrines, and I will apologize to my children and grandchildren for having done so.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. MASON. Oh, the gentleman knows I can not yield in two minutes.

Mr. BYRNES of South Carolina. But the gentleman asked us to show him and I want to read it to him.

Mr. MASON. Out of my two minutes I can not yield to the gentleman, but I recommend the gentleman to read my speech and commit it to memory, and say it at night before he goes to bed—it will do him good. But I can not allow the gentleman to interrupt me in my two minutes, and I am simply answering this proposition. I say that I am in favor of a league of peace, and I have not said anything against it. I believe in international arbitration, and I worked and fought for it in this House 32 years ago, but if ever I saw the time when I would stand for a league of nations that would give 6 votes to Great Britain and 1 to us, I will have to apologize to the gentleman and to everyone else.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY of Michigan. Mr. Speaker, I am tremendously opposed to the passage of this resolution or any resolution like it. I do not know of any proposition that has come before Congress in the seven years that I have been a Member to which I have been so much opposed as I am to the proposition now before the House. [Applause on the Democratic side.] Gentlemen, what does this resolution propose? It is a proposition to make a separate peace with Germany. If the President of the United States at the conclusion of the war had said that he was going to make a peace with Germany separate and distinct from the peace to be made with the nations with whom we were associated, he would not have had a single vote of support or confidence on either side of this Chamber. [Applause on the Democratic side.]

This idea of a separate peace with Germany is not a new proposition. This idea of a separate peace with Germany has been floating about Congress for months. More than one partial poll of this House has been made to determine whether or not there was sentiment enough to back up such a proposition. Here is the situation: The great mass of the people of America, in Congress and out of Congress, have wanted this peace when it was made to be in conjunction with the nations with whom we were associated in the war. At the other end of the Capitol not more than a dozen Senators have taken the other position—that the peace should be a separate peace. Mr. Speaker, we want to consider pretty carefully what we are doing here. More than 80 Senators have voted to ratify a treaty signed by all of the allied nations, and about a dozen have voted in season and out of season against such a treaty, either with or without reservations.

If you pass this resolution here to-day, the interpretation which the country and the world will put upon it—of course not what is intended here—will be that this House has approved the course of those who have stood against the treaty in the Senate, with or without reservations, and in favor of a separate peace, and it will be regarded as a repudiation of the position taken by those Senators who favored the ratification of the treaty either in its original form or with reservations. [Applause on the Democratic side.]

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. No; I have not the time. Furthermore, I want to call particular attention to the fact that it is idle to hope for an early vote or passage of this resolution in the Senate, with 49 Republicans and 47 Democrats in that body. What man is there here so inexperienced as to think that a two-thirds vote can be obtained in the Senate for a cloture rule to ever bring this resolution to a vote in that body?

It will be over there, if it is ever reported out of the Committee on Foreign Relations, as a bone of contention, taking up the time of the Senate of this country until the clock strikes 12 on election day. That is what is likely to happen. [Applause on the Democratic side.]

Mr. YOUNG of North Dakota. How about the Michigan election?

Mr. KELLEY of Michigan. If the gentleman wants to take the position that he favors a separate peace with Germany, I am perfectly willing that he should do so, but as for myself I refuse to do it [applause on the Democratic side], and that is why I am stating to the House why I am opposed to this resolution.

Mr. YOUNG of North Dakota. The gentleman is not speaking to me.

Mr. KELLEY of Michigan. All my life long whenever I have taken a decided position upon a question, as I have in this case, I have endeavored to give the reason why I have taken that position. That is what I am doing now. Now, irrespective of what happens to this resolution after it leaves here, I hear men say, "Why, if it is a proper thing to do, let us perform our duty and let other people take care of theirs." That is right. And that brings me directly to the merits of this resolution. This is a resolution to make a separate peace with Germany without terms. [Laughter on the Democratic side.] Section 3 provides that if we have any rights under the armistice we shall continue to enjoy those rights, and section 5—perhaps I have got the sections twisted about—provides that Germany shall not set up any claim under this resolution which she could not set up under the treaty. But outside of that the proposed resolution makes peace with Germany without terms, without pledges, and without guaranties of any kind, shape, or description.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. I will yield the gentleman—how much time does the gentleman wish?

Mr. KELLEY of Michigan. Can the gentleman give me 10 minutes more?

Mr. FLOOD. I will yield the gentleman 10 additional minutes.

The SPEAKER pro tempore. The gentlemen from Michigan is recognized for 10 additional minutes.

Mr. KELLEY of Michigan. Mr. Speaker, if any man had said while the war was in progress that when the war was over he would be willing to make a separate peace with Germany without terms or without guaranties as to the restoration of Belgium or France, he would not have been safe in any community in the United States. [Applause on the Democratic

side.] What change has taken place that we should propose such a thing now?

By this resolution we say, in effect, to Germany, "The war is over; let bygones be bygones; let us shake hands and call it square; it is all over, and, besides, we want to trade with you." [Laughter on the Democratic side.] We ask them to make no promises or guaranties as to their military policy; we do not even inquire of them as to how large an army they are going to maintain, or how large a navy they are going to keep up, or what their relations are to be with Russia, Poland, Belgium, or any of the new nations that are set up over there. We seem to wash our hands completely of all interest in or responsibility for what may happen in Europe. And why? According to the resolution in order that we may "secure reciprocal trade with the German Government." [Laughter on the Democratic side.] If we were really going to do a thing like that I would not have written it in the bill, in any event, where all the world can read it. [Laughter on the Democratic side.] This resolution is so absolutely inconsistent with everything that this great Republic has done from the time we entered the war up to this time that it seems too bad that we should mar our record. As a Republican, I would much prefer to let our record stand as it has been made on this question. I would much prefer to stand where the Republicans of the Senate have placed us as a party, for the treaty with suitable reservations to protect the sovereignty and political independence of America against any encroachments from the outside. We would have had the treaty ratified in that form if the President of the United States had been willing that it should go through; the responsibility for failure to ratify is his; the record of the Republican Senate is clear and straight; let the issue be fought as made in the Senate; let us not confuse it with this resolution. Now, this is a new and strange attitude for us to take on the Republican side of the Chamber. Only a year or so ago one of the distinguished Republican leaders of this country laid down the correct doctrine, in my judgment, for Republicans and Democrats alike to follow upon the conclusion of the war.

He did not seem to think that it was our place to cut ourselves off from the allied nations and make a separate peace with Germany without terms. Oh, they say we can negotiate a treaty afterwards, but it is a fine thing to give a man a receipt in full and then tell him to come back and settle afterwards. [Laughter and applause on the Democratic side.] Here is what a great Republican statesman uttered only a year or so ago, and he blazed the correct pathway for this country to take at the conclusion of this war. He said:

> The United States occupies, fortunately, a position in which she will be able to speak with a powerful voice.

Oh, this is a powerful voice, this resolution. [Laughter on the Democratic side.]

He said:

> We seek no territory; no material gain for our own country. There is no territory by which we could be bribed or influenced; no trade advantage by which we could be tempted.

He could not have even dreamed of this resolution, which recites "in order that we may have reciprocal trade with the German Government." [Laughter on the Democratic side.]

Continuing, he said:

> There is no personal profit which can turn us from the one great object. Our sole purpose is to put Germany finally and completely in a position where she can never again attempt to conquer and ruin the world, as she has done in the last four years.

That is what a great Republican statesman said only a few months ago. I stand by every word of it, and commend it to my colleagues on both sides of the Chamber.

SEVERAL MEMBERS. What was the date?

Mr. KELLEY of Michigan. August, 1918. Again, in order that there should be no question about that or that America should take its proper place in the settlement of this Great War, he went on to say that we must see to it that Belgium must be restored. What does this resolution say about restoring Belgium? Nothing. I can not so soon forget that Belgium threw herself across the path of the world's despoiler and held the lines till France could arrive.

I for one refuse to forget the services which Belgium rendered to mankind. [Applause on the Democratic side.] This great Republican leader and statesman further declared:

> Alsace and Lorraine must be returned.
> Italia Irredenta must go back to Italy.
> Serbia and Roumania must be established in their independence.
> Greece must be more secure.
> The Jugoslovakia and Czechoslovakia must be independent States.
> The Polish people must have an independent Poland.
> The Russian Provinces must be restored.
> Constantinople must be taken away from Turkey.
> Palestine must never be returned to Turkish rule.
> There must be compensation to Belgium, and a partial compensation at least can be found in the disposition of the German colonies, which ought never to be returned to the empire which has so abused all the most ordinary rights of humanity. These in outline are the principal conditions—

He says:

> What conditions are in this resolution? None.

Continuing—

> which alone will give us a victory worth having, and when we talk about a complete peace, and a just and righteous peace, let it be known to all the world that that is what we mean.

I adopt as my own the language and sentiment of this great leader.

Those are the words of a great Republican statesman, the Republican leader of the Senate, HENRY CABOT LODGE. [Applause on the Democratic side.] That is the record we have made on this question, and I propose to stand there, and not upon the record that we will make here this afternoon.

Men, I do not want to claim your attention further. Just one word in conclusion.

I believe that for the present, until the conditions in the world settle down, we had better stand with the nations with whom we stood in war in this matter of peace with Germany. Men sometimes declare pretty glibly that they do not care what happens to Europe. Why, the failure of a single banking house in Europe precipitated one of the great panics of America. My Republican colleagues, our record is perfectly clear.

We stand for the treaty as it is written and as it has been safeguarded by the Republican Members of the Senate. When the time comes that a sufficient number of Democratic Senators will join us in the ratification of the treaty so safeguarded we will be at peace under a joint treaty entered into by us and the allied governments. In the meantime let us not confuse ourselves or the world by passing this resolution. Let us adhere to the course we have so wisely followed up to this hour, and then no man or nation can ever truthfully say that this great Republic, within 18 months after the signing of the armistice and before the grass had grown a second time over the graves of our dead in France, held out the friendly hand to Germany saying, "Shake hands; call it square. It is all over; we want to trade with you." Others may do as they please; but, gentlemen, it will never be done with my vote. [Loud applause on the Democratic side, the Members rising.]

Mr. PORTER. Mr. Chairman, I yield to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Speaker, our Democratic friends are very much concerned because the Republican Members of the House have determined to make an effort to end the anomalous condition which exists in the country to-day with respect to the duration of the war. While everybody admits that the war is over in the sense that hostilities have ceased and that Germany has no intention of resuming them against us, nevertheless it is asserted that a technical state of war exists, because peace has not been formally established, and this technical state of war is given as an excuse for the continuance of war activities, which impose a great burden of expense upon the people and prevent American citizens from enjoying trade relations with the present German Government and its nationals.

The people of this country want peace declared. They want normal conditions restored. My own view has been that a majority of our citizens wanted the treaty ratified after American interests had been fully protected under the Lodge reservations. I confess to some doubt about it, now that presidential primaries have expressed a preference for antileague candidates. [Applause on the Republican side.] There is only one reason why that could not and can not be done. The gentleman from North Carolina [Mr. POU] stated in the course of his remarks on the rule that the only living ex-President of the United States favored the League of Nations, but I would call the gentleman's attention to the fact that ex-President Taft stated that the only thing which prevented the ratification of the treaty with the League of Nations covenant was the stubbornness of the present occupant of the White House. In view of the fact, which is recognized by every Member of Congress, that there is no prospect during the life of the present administration to secure ratification of the treaty, it becomes the paramount duty of Congress to take any justifiable means to establish a condition of peace, in order that all doubt on this question may be set at rest by a formal declaration, and that commercial relations may be resumed with the present German Government and its nationals.

Of course, our Democratic friends must find some excuse for voting against this resolution. They must find some excuse for taking action which they know is contrary to the wishes of the

vast majority of people in practically every congressional district in the United States, and so they seek to take refuge under an alleged constitutional objection. They contend for this purpose that the adoption of the joint resolution is an invasion of the treaty-making power, which the Constitution vests in the President, by and with the advice and consent of the Senate. In order to demonstrate the unsoundness of this contention it is only necessary to consider the nature of a treaty.

There are many definitions in the Federal reports, but they all agree that a treaty is a contract or agreement negotiated in the first instance by the plenipotentiaries or commissioners of sovereign States and subsequently ratified by the sovereign authority of such States.

Taking up section 1 of the joint resolution, we find a simple declaration that the state of war declared to exist between the Imperial German Government and the United States by joint resolution of Congress approved April 6, 1917, is hereby declared at an end. There is certainly no element of any contract or agreement in this section. It is a simple declaration on our part only that we formally recognize the existence of a state of facts which everybody knows to be true.

The authorities on international law, and this is solely a question of international law, state there are three ways of ending a war; first, by a treaty of peace; second, by the complete subjugation of the enemy; and third, by a long-continued cessation of hostilities without intention of resumption, that States may glide imperceptibly into a state of peace with each other without any formal action. It might be well argued that there is another way in which peace may come, unless it be considered a variation of the second, namely, where the enemy with which we were at war no longer exists. Our declaration was against the Imperial German Government. It might well therefore be argued that when the Imperial German Government passed out of existence the war declared against it automatically came to a close. [Applause on the Republican side.]

Of course, it is true that this declaration does not bind Germany. It is simply a declaration upon the part of the United States that so far as we are concerned the war is over, that we are quit of it and do not intend to resume it. To contend that such a declaration is an invasion of the treaty-making power, that it involves the formation of a contract or agreement with another Nation, is a palpable absurdity.

Section 2 is clearly constitutional as an exercise of legislative authority. The power which originally fixed the date for the termination of war emergency legislation can certainly change the date whenever it sees fit to do so, and that is all that would be accomplished by this section.

Section 3 provides for the resumption of trade relations with the German Government and its nationals unler certain specified conditions. The Constitution of the United States expressly vests in Congress the authority to regulate trade with foreign nations. Having that authority, it is certainly competent to specify the conditions under which we will permit our people to trade with another nation, whether it is one with which we have been at war or one with which we have been at peace. The section provides that our nationals may engage in such trade unless Germany fails within a specified number of days to declare peace with the United States, and that it waives and renounces on behalf of itself and its nationals certain claims and demands. This is clearly no exercise of treaty-making power. There is here present no element of any contract or agreement. If Congress has the right to regulate trade with foreign nations it certainly follows as an inescapable conclusion that it has the right to impose the conditions under which such trade is permitted to her citizens, and the condition here is that Germany shall show to the United States a fair and friendly attitude. We could not afford to permit such trade if that were not done.

Section 4 merely provides penalties for a violation of the prohibition contained in section 3. The constitutionality of this section is frankly admitted in the general statement contained in the minority report.

Section 5 provides that nothing in this resolution shall be construed as a waiver of any of our rights under the armistice signed November 11, 1918, or which were acquired by the United States during the war, and ratifies, confirms, and maintains all fines, forfeitures, and seizures imposed by the United States. It is simply a declaration of the American purpose with respect to these matters, which, in my opinion, is not strictly necessary but which is entirely proper in order that no doubt may be entertained by anybody as to our attitude in respect thereto.

The enactment of this joint resolution will, of course, largely fail of its purpose unless Germany declares peace with the United States. I have no doubt but that she will promptly take such action, as it is manifestly in her interest to do so. If Germany should declare peace with the United States after the enactment of this resolution and within the time specified therein, then the two nations, each acting for itself, having declared a state of peace to exist, the technical state of war would end without treaty of peace, and trade relations could be resumed.

I regret to say that I fear this happy consummation will be defeated by the action of the President of the United States. I am satisfied he will veto this resolution for the purpose of attempting to coerce the Senate of the United States into compliance with his views in the matter of the covenant of the League of Nations. This attempt will fail, as all previous attempts have failed. The Republican Senate will not sacrifice the sovereignty and freedom of action of the United States at the request of President Wilson or of anybody else, and so the present unfortunate and highly undesirable relationship in which we stand with the German Government and its nationals in all probability will be continued for some time to come, until we have another occupant of the White House or the force of public opinion changes the attitude of the Democratic Members of Congress, who are to-day upholding the President in his desire to thwart the will of the people of the United States. But whether this joint resolution is vetoed or not, the Republicans in Congress will have performed their duty in effecting its passage, and the sole responsibility will be upon the Democratic administration for preventing the restoration of peace and the return to normal conditions. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I have listened with the utmost attention to the speeches that have been made upon this resolution ever since the beginning of the debate, and it seems to me that those who have addressed themselves to this subject upon the other side of the House are guilty of begging the question. If anyone here is at a loss for argument in support of this resolution he can find in the minority report, presented by the gentleman from Virginia [Mr. FLOOD], plenty of ground to justify affirmative action. On page 13 of that report I find the following language:

> It is a fact that every war in which the United States has been engaged has been concluded by a treaty of peace, except the war between the States, which was an internal conflict.

There is no doubt as to the correctness of this statement, but the point to remember is that the war through which the country has recently passed has not been brought to a close by a treaty of peace, and though several attempts have been made to conclude it in that way it has been entirely impossible to do so. Let me say, moreover, that present indications show that the peace treaty, either with or without reservations, will not be ratified for some time to come, if, indeed, it is to be ratified at all. In consequence of this situation the pending resolution comes before the House from the Committee on Foreign Affairs, a committee on which I have had the honor to serve during the past six years. I am one of those who assisted in the framing of this resolution. I voted to report this resolution to the House. I shall vote for its passage to-day, and I am free to say that I can see no reason whatever for any difference of opinion upon it.

Gentlemen on the other side of the House ask for precedents that will justify the passage of this measure. The gentleman from Arkansas [Mr. GOODWIN] only a few moments ago, in the course of his speech, defied anyone to show a precedent which will warrant the passage of a treaty by the House of Representatives. This proposed legislation is not a treaty. I deny that it partakes of the character of a treaty. The gentleman from Arkansas and his colleagues may call it a treaty if they desire, but to do so furnishes no plausible excuse for opposition to the resolution. No one here makes the claim that the House of Representatives has a right to pass a treaty of peace or any other kind of a treaty. The precise question before the House is, What can Congress do in view of the situation which confronts this country at the present hour? What is that situation? One year and a half has already passed since the war came to a close, but no treaty has yet been ratified by the United States. We are therefore technically in a state of war which will continue indefinitely unless something is done to declare the war at an end. In the face of this condition you gentlemen on the other side of the House ask for precedents. I maintain that it is impossible to present a precedent for an unprecedented situation. The fact is that the country demands this legislation in order to declare the war at an end and to repeal certain wartime and emergency legislation which is out of date and oppressive, and from which the country has long since been clamoring for relief.

Section 1 of the pending resolution declares that the war is at an end. This is a declaration of fact well known to every person in the country. This section is attacked by our friends

on the other side of the House on the ground that it is unconstitutional. How, I ask, can the mere declaration of a fact in any way violate the Constitution? But you say to declare the war at an end is to make a treaty of peace, a power which Congress does not possess. This argument is a mere subterfuge and if you gentlemen make it sincerely then I submit that your position is entirely illogical. And why?

I heard the speech of a distinguished leader of the other side of the House in the course of which he said, "Why don't you come in here with a straightforward resolution to repeal this war-time legislation and we on this side of the House will support it"? I call attention here to the fact that before the war-time legislation can be repealed, either in the manner provided in this bill or in the manner suggested by the distinguished gentleman, you on the other side of this House will have to admit that the war is at an end, for otherwise there would be no reason for such repeal. But you deny that the war is at an end when you oppose section 1 of this resolution. If, as you contend, the war is not at an end, how could you support your proposition to repeal the war-time legislation when such repeal must necessarily be predicated upon the plain fact that the war has terminated and that there is consequently no further need of the war-time legislation?

I repeat, Mr. Speaker, that the country desires this legislation which we are considering, and that it is the duty of this House to pass it without further delay, regardless of whether or not our action in so doing is acceptable to the occupant of the White House, who is loath to let go that control which was granted him by Congress in organizing the Nation for war. War legislation is oppressive in time of peace. Congress has the power to repeal it and the right to exercise that power in the manner which this resolution proposes.

Section 3 of the pending resolution provides for the resumption of reciprocal trade relations between Germany and the United States. This section says, in a word, that unless Germany within a given time shall notify the President that it has declared a termination of the war, and has made the waivers and renouncements on behalf of itself and its nationals as therein specified, commercial intercourse, and so forth, shall, except with the license of the President, be prohibited. Gentlemen also deny that section 3 is constitutional. Let us see whether or not their position is tenable. For myself, I am frank in saying that if the plan or purpose of this section were to open up negotiations with Germany concerning trade, if this section in any way held out an offer by this Government on the one hand and an acceptance thereof by Germany on the other, it might then be regarded as an attempt on the part of Congress to assume and exercise functions which under the Constitution belong to the President and the Senate of the United States. But this section does not propose any plan or purpose of negotiation. It is not a proposition of offer and acceptance. There is nothing in it which entitles Germany to set up any modifications or counter modifications; nothing, moreover, which even suggests regulation by compromise or compact; and nothing, therefore, which lays claim to the exercise of a power which does not belong to this House.

A treaty requires action on the part of two independent nations comprising mutual agreements in regard to the terms and stipulations set forth in the instrument itself. A close examination of section 3 of this measure leads to the conclusion that it does not propose mutual action or submit any terms that are based upon interchange between the United States and Germany. It leaves it entirely to Germany herself to decide whether or not she wishes to restore trade relations with us. Section 3, therefore, does not carry us beyond the power which is clearly ours—the power given by the Constitution to regulate commerce with foreign nations.

The pending resolution bears its credentials on its face. It is not a treaty, but rather legislation to be applied municipally without consultation with Germany. Hence there is no usurpation here—no exercise of the treaty-making faculty—and, this being the case, it follows that our action in passing this resolution is entirely consistent with the authority vested in this House by the organic law of the country. [Applause.]

The SPEAKER. The time of the gentleman from Rhode Island has expired.

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker and gentlemen of the House, as a member of the Foreign Affairs Committee I felt myself under the obligation to convince myself that I had the right to not only vote this resolution out of the committee but to vote for it upon the floor of the House. I am not an international lawyer; in fact, I am not a lawyer at all. When I heard the silver-tongued orator from the State of Texas, whom I admire greatly, expound the doctrine that this is unconstitutional, I wavered somewhat in my allegiance to my former conviction, but I was reassured by the gentleman from Pennsylvania, who in support of it advanced irrefutable logic. So I again take my place as one willing to support this resolution, fully believing that I am not violating the Constitution when I do so.

International law has no particular appeal to the people of the United States at this time upon this question. In fact, if one is to judge by the result in Michigan and several other States, international alliances have no particular appeal to the people of the United States just now. [Applause.]

Undoubtedly the resolution will pass. Whether it will muster a two-thirds vote of the House when it comes back, vetoed by the President, is another matter. That question is not important at present. Nor is it of the first importance now whether the resolution is a proper one for the House to consider, despite the length of argument upon that issue. The matter which is of first importance and which is urgent is that this country shall achieve somehow a peace status. [Applause.]

We have proclaimed ours to be a peace-loving Nation upon every occasion offered and in every quarter open to our eloquence. We have confessed our horror of war upon every opportunity. Yet for 17 months we have clung desperately to a war that is over. For 17 months we have puttered at peace making—puttered at it without getting anywhere. We were chided for our reluctance to get into the war, possibly with justice. But the critic does not live who can accuse us of unseemly haste in getting out of it. [Applause.]

Mr. Speaker, if we are a peace-loving people it is time for us to prove it. If we do hate war, let us get rid of one that was finished long ago. [Applause.] We are in an impossible situation. Unanimously we say we want a state of peace. Every interest in our land beseeches it; trade languishes without it; industry is hobbled by the restrictions of war and we fret under them ourselves as individuals; we know that we can make no substantial progress, that we can neither plan for the future nor fulfill the obligations of the present, until peace is attained.

Unanimously, also, we say that we are a self-governing people. But for 17 months we have withheld from ourselves the thing we want. None but ourselves intervenes between us and a state of peace. None but ourselves inflicts a state of war upon us. We said, justly, that the war was forced upon us. Is that why we defy all the powers of earth to force us into a state of peace? It is a safe defiance. Other powers do not much care whether we remain in a state of war or not. If they did care, we would never let them force peace upon us, because we are self-governing and can run our own affairs; that is, we say we can.

I myself believe we can. I hold fast to what now seems the absurd theory that we are self-governing. That is why I am going to vote for the pending resolution; why I am not much concerned with the arguments for and against the right of the House to consider this matter.

If we are a governed people at all there is, of necessity, some road which will lead us from a state of war to one of peace. We who are not lawyers are told by those who are that there is such a road—plain and direct, wide open and main traveled. That is theory. In fact, the road is blocked. The American people know it is blocked, because they have not been able to pursue it to the peace they desire.

We know it is blocked, because we have seen some of the obstructions set up.

What are we going to do about it? It has been blocked for 17 months. None is removing the obstructions; rather, they are being piled higher. Shall we, then, stand still and wait for the removal of these obstructions by the corrosion of time? Or shall we try to find a way around? The pressure of the American people, of business, of industry, of husbandry, and of morality is behind us. If we stand and wait, that pressure will become heavier than some of us can bear. Hence, I believe we will be wise if we try to go around. That is what this resolution seeks to do—to find a way around. And in this there is none to complain except those who have helped to block the main-traveled road.

It is claimed here that peacemaking is not our job; that there are those who are specifically charged with this duty. Grant that this is true—what does it get us? These others have failed. It is not our fault, and it is not the fault of the people, that they have been heedless of duty. We are concerned only with the fact. It is because they have failed that this House is constrained to act. A thing is to be done. If the agency specifically charged with its performance fails to do it, the answer is, not to leave the thing undone but

to find another agency. We are a futile people, and this is a futile legislature if we can not accomplish this.

I hope the resolution before the House will achieve this end. I wish that resolution were broader; that it included all the nations with which we have been at war—Austria, if there is an Austria, and Hungary, if there is a Hungary—so that we might be at peace with all the world. For that is the great end to be sought. Hate has been loose in the world for nearly six years. It is time for the cultivation of good will. We are not cultivating good will by clinging to the fiction of a war that has passed into history. We are neither cultivating good will nor serving our people by trying to fix the blame for blocking the road to peace. The only way in which we can render service is by bringing to our country the peace we have won; by restoring to our people the right to plan their lives and conduct their affairs upon a basis of good fellowship with all the world. Because we hope this resolution will do that, we ask, in the name of common sense, that it shall be passed. [Applause on the Republican side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the vote be taken at 5.30 o'clock instead of at 5 o'clock, as provided in the rule. I make this request because gentlemen on both sides have urged additional time.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time for taking the vote be changed from 5 o'clock to 5.30 o'clock p. m. Is there objection?

Mr. CONNALLY. Mr. Speaker, reserving the right to object, the additional time I take it will be equally divided between each side?

Mr. CAMPBELL of Kansas. Certainly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MASON. Mr. Speaker, by direction of the chairman of the committee, I yield 15 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Speaker, I listened to the distinguished gentleman from Michigan [Mr. KELLEY], and if his speech had been made a year and a half ago, during the pendency of the war, I would have heartily agreed with him. No one, while we were in war, wanted to make a separate peace with our enemies, but the conditions are entirely different to-day. To-day all of our allies, in fact all of the world, are at peace with Germany and the Central Powers, except the United States. That is the difference. They have made their treaties, and their rights are determined. That treaty stands to-day, and we can ratify it at any time. The passage of this resolution does not in the least preclude us from ratifying the treaty when it is presented to us and we are given an American treaty and proper reservations safeguarding American rights are accepted by the President, who has certainly shown great arbitrariness in this matter.

The President himself has emphasized the fact that it is necessary to have peace, necessary not only for the people of the United States, but for the world, for this country to be at peace, but because we can not enter into a peace that he wants he stands back and prevents us from being at peace on any other terms. He refuses to modify his views in the least, although a large majority of the Senate, representing a constituency of more than three-fourths of the people of the country, ask for fair and reasonable reservations.

The constitutional question has been fought out here very carefully, and I do not think there is much doubt in anyone's mind who has listened to the arguments, and is unprejudiced by partisanship, but that we have a constitutional right to declare a fact that we know exists, that this war is at an end. I believe we therefore have the right to officially declare the war is at an end. It is an elementary principle that any legislative body has a right to repeal any act or resolution that it has the right to pass. I think that at any time, from a day to a year after war was declared, Congress had the right to repeal the resolution declaring war, and that when that repeal resolution passed both houses and was signed by the President, the war would have been at an end.

EFFECT OF RESOLUTION.

The passage of this resolution will give us peace and will repeal over 60 war measures, many of which are oppressive to the people and which give the President extraordinary powers never intended to be exercised by the Executive in times of peace.

In arguing for the support of this resolution declaring that the war is at an end, there are two propositions to establish: First. Has Congress the authority under the Constitution to pass this resolution? Second. If Congress has the authority, is it for the best interest of the people of the United States that Congress exercise that authority?

This resolution does not contemplate the making of a treaty. I do not contend for a moment that Congress could pass a resolution that was broad enough in its scope to cover the subject matter that would naturally be embraced in a treaty. I do maintain, however, that Congress has a clear right under the authorities that I will cite to declare that the war, which is in fact at an end, is officially at an end. The war between the United States and the Imperial German Government came to an end November 11, 1918. There was a complete cessation of hostilities between the United States and Germany on that date.

Germany at that time signed an armistice which was a complete surrender, and in compliance with that armistice turned over her navy to the Allies, also her guns and munitions of war, demobilized her armies, and made it absolutely physically impossible in every way for her to carry on the war. The President officially laid these facts before Congress November 11, 1918, when he appeared before a joint session of Congress and presented the terms of the armistice. The first sentence of President Wilson's message to Congress in presenting the armistice was as follows:

> The war thus comes to an end, for, having accepted these terms of armistice, it will be impossible for the German command to renew it.

Several times in that message the President reiterated the fact that the war is at an end. Notwithstanding that the war, in fact, came to an end November 11, 1918, over 17 months ago; notwithstanding that all the nations of Europe are at peace with Germany and have established friendly trade relations with her, the United States is still at war with Germany.

John Bassett Moore, as high authority on international law as we have, states:

> Peace may be restored by the long suspension of hostilities without a treaty of peace being made.

He states further:

> History is full of such occurrences. What period of suspension of war necessary to justify the presumption of the restoration of peace must be determined in each case with reference to collateral facts and circumstances. (Vol. —, p. 336, sec. 1163.)

Oppenheim, another great authority on international law, holds that peace may be established in the following way, to wit:

> The normal condition between two States being peace, war can never be more than a temporary condition; whatever may have been the cause or the causes of a war, the latter can naturally not last forever.
>
> A war may be terminated in three different ways: Beligerents may, first, abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty; or, secondly, belligerents may formally establish the condition of peace between each other through a special treaty of peace; or, thirdly, a belligerent may end the war through subjugation of his adversary. (See Phillimore, International Law, vol. 3, p. 772.)
>
> There appear to be three ways by which war may be concluded and peace restored: First, by a de facto cessation of hostilities on the part of both belligerents and a renewal de facto of the relations of peace; second, by the unconditional submission of one belligerent to another; third, by the conclusion of a formal treaty of peace between belligerents.
>
> A formal declaration on the part of the belligerents that war has ceased, however usual and desirable, can not be said to be absolutely necessary for the restoration of peace. War may silently cease and peace be silently renewed. So ended the war between Sweden and Poland in the year 1716.

Grotius, in his Rights of War and Peace, holds as follows (p. 286):

> The person who has authority to begin a war has the authority to make peace.

It is inconceivable that the framers of our Constitution would place the power of declaring war in the hands of the Congress and deny them the right of repealing that law and thus making peace.

It is conceded by all that Congress could at any stage of the war put an end to war by refusing to make the necessary appropriations for carrying on the war. If Congress has the power indirectly to stop a war, it would certainly have the power to repeal a statute declaring war.

There seems to be much confusion over the question of Congress declaring that a state of war no longer exists and the right of Congress to make a treaty of peace. The right to make a treaty of peace or any kind of treaty is expressly delegated by the Constitution to the President with the advice and consent and the right of confirmation by the Senate.

The question of making a treaty is not involved here. The question is, "Congress having passed a resolution declaring war, has Congress the right to repeal that resolution?"

Objection is made to section 3 of the resolution, that it attempts to confer legislative powers on the President and is in effect a treaty.

Section 3 of the resolution, authorizing the President to secure reciprocal trade with the German Government and its nationals and requiring the German Government to declare a termination of the war with the United States, is clearly within the Constitution, and sustained by the Supreme Court in the

case of Field v. Clark (143 U. S., 649). All the embargo statutes follow this decision. The President was given the authority by Congress to place an embargo on all our ammunitions going to Mexico. This embargo has, at the discretion of President Wilson, been withdrawn and then made operative by the President at various times during his administration. The same identical language used in the McKinley law and sustained in Field against Clark is used in this resolution. This decision, therefore, settles the constitutionality of this part of the resolution.

Congress having clearly the power to say that the war is at an end, I maintain it is for the best interest of the people of the United States to declare that the war is at an end.

REPEAL OF WAR MEASURES.

This resolution repeals the so-called war legislation which was to terminate at the end of the war. It repeals the pernicious and tyrannical espionage act that makes the Postmaster General the censor of what 100,000,000 people can read or send through the mails and gives him the right to exclude any paper or magazine from the mails without giving its publisher a hearing or an appeal from his decision. Under the "trading-with-the-enemy act" now on our statute books, our merchants and manufacturers are not permitted to trade with Germany. Her people can not exchange their products for ours, or buy our products, or carry on commerce with this country, or the people of this country can not trade with them unless the President issues a special license. Thus our trade relations are very much restricted. This act and many others will be repealed by this resolution. A vote against this resolution is a vote in favor of retaining these and the other war measures on our statute books.

England, France, Belgium, and Italy are at peace with the Central Powers. They are taking advantage of this embarrassing position of the United States and are building up their trade with Germany at our expense.

OUR EXPORTS FALLING OFF.

Our exports fell off very greatly in February and still greater in March. With the present deadlock between the Senate and the President on the treaty and the League of Nations, there is not the remotest possibility of an agreement before the coming in of a new Congress and new President, March 4, 1921.

Can this Congress sit by complacently and keep a resolution on the statute books stating that a state of war exists when in reality it does not exist and has not existed for over 17 months? Does this Congress want to take the responsibility of permitting our great commercial rivals, England, France, Italy, and Japan, to take advantage of our being at war with Germany while they are at peace with her and permit these nations to take the trade our people formerly had with Germany? Do the people want the President to retain these extraordinary war powers in times of peace?

This Congress can not be accused of acting hastily in passing a resolution like the one under consideration. I think we have been overpatient, and our patience has long since ceased to be a virtue. The American people have also been patient. They have seen our commercial rivals getting the trade that belonged to us before the war, and have waited for the President and the Senate to act. They now demand that something be done to place us on a peace status, and they earnestly petition the House of Representatives, the people's popular branch of the Government, to act.

Take President Wilson's own words, as to the necessity of an immediate peace, in his address before the Senate Foreign Relations Committee, August 19, 1919:

> The nations that ratify the treaty, such as Great Britain, Belgium, and France, will be in a position to lay their plans for controlling the markets of Central Europe without competition from us, if we do not presently act. We have no consular agents, no trade representatives there to look after our interests.
>
> There are large areas of Europe whose future will lie uncertain and questionable until their people know the final settlements of peace and the forces which are to administer and sustain it. Without determinate markets our production can not proceed with intelligence or confidence. There can be no stabilization of wages, because there can be no settled conditions of employment; there can be no easy or normal industrial credits because there can be no confident and permanent revival of business.

The President further states:

> But I will not weary you with obvious examples. I will only venture to repeat that every element of normal life amongst us depends upon and awaits the ratification of the treaty of peace.

President Wilson, in a speech at Billings, Mont., September 11, 1919, emphasizes the necessity of an early peace in these words:

> In order, therefore, to straighten out the affairs of America, in order to calm and correct the ways of the world, the first and important requisite is peace, and it is an important requisite that can not wait. It is not wise to wait.

THE PEOPLE WANT PEACE.

All agree that it is very important that we have peace. Peace will stabilize industry, restore confidence, and hasten our return to normal conditions. The business men of the country, the producers, and the laboring men are all anxious to return at once to our normal condition, which we only can do by terminating the war, repealing war legislation, and becoming once more a Government by the people and for the people, and not a Government by the President alone.

Germany is not in the League of Nations. There is no reason why Germany and the United States can not make peace at once and resume trade relations. It would surely be for the mutual benefit of the United States and Germany. This resolution will not only stabilize conditions in the United States but in the world.

Can anyone give us the slightest assurance that President Wilson will ever consent to a peace except on the basis of a League of Nations, as he insists upon it without reservation made by a majority of the Senate, which majority represents a constituency of over three-fourths of the American people? With the urgent necessity of an immediate peace, with the dire results that are bound to happen unless we have peace at the earliest possible time, as set forth by the President himself in his speeches that I have quoted from, how long must the people wait because of the arbitrary action of one man?

"HE KEPT US OUT OF WAR."

This was the slogan of the Democratic Party four years ago. November 6, 1916, on the eve of the election, the following advertisement appeared:

> You are working, not fighting; alive and happy, not cannon fodder. Wilson with peace with honor or Hughes with Roosevelt and war?
>
> The lesson is plain; if you want war, vote for Hughes. If you want peace with honor, vote for Wilson.

Can President Wilson or the Democratic Party go before the people in the coming presidential campaign, almost two years after the cessation of hostilities and the laying down of arms, under the slogan "We are still at war," when they as a party opposed a resolution officially declaring, what is an indisputable fact, that the war is at an end?

USURPATION OF POWER.

Some of the Democratic members of the Foreign Affairs Committee seemed to be very apprehensive of the legislative branch of this Government encroaching on the powers of the executive branch of the Government. They opposed the bill providing for a convention to consider questions relating to international communication on the grounds that the provision in the bill that the appointees of the President be confirmed by the Senate was trenching on the President's powers and was therefore unconstitutional. This bill passed by a large majority, notwithstanding the arguments of the gentlemen opposing it.

When the same bill came before the Senate, where it was scrutinized by the ablest constitutional lawyers in the country of both parties, with the elaborate minority report of my Democratic friends in the House in their hands, not one Senator raised his voice against it or claimed that it was unconstitutional.

Therefore I am led to believe that my Democratic friends are unnecessarily apprehensive over the danger of Congress usurping the powers of the President.

When the history of the last seven years is written, the historian will record the fact that more powers have been vested in the President and more powers unlawfully assumed by him than any other Executive at any time in the history of this Republic. If the powers of the President continue to be enlarged, if the President of the United States continues to usurp the powers that rightfully belong to Congress, the executive branch of the Government with its powerful departments will control the legislative branch of the Government, and the House of Representatives and the Senate will become merely debating societies.

From the beginning of civilization the executive branch of almost every Government has attempted to usurp the powers from the other coordinate branches of the Government, especially the legislative. One of the reasons is the fact that executive powers are exercised by one person while the legislative powers are divided up among many. As the result of the intrenchment of the executive upon the legislative, many legislative branches of Governments have degenerated into mere debating societies. I know of no instance in history of the people losing any of their liberties because the legislative branch usurped any of the powers from the executive branch of the Government.

EXECUTIVE POWER.

President Wilson's attitude toward Congress on the great question of declaring war and making treaties is entirely at variance with all of our earlier statesmen. The President, on his own initiative and without consulting the Congress that was then in session, sent our fleet to Mexico. When our fleet was well under way, so that to have recalled it would have made us the laughingstock of the world, the President asked the approval of Congress. Before the Senate had acted upon it our marines had landed, some of them had been killed, and a number of Mexicans had been killed. A state of war practically existed. No one doubts that the same acts would have been equivalent to war if they had occurred toward any of the larger nations. The power to declare war was expressly and solely given to Congress by the Constitution.

Notwithstanding this express provision of the Constitution, President Wilson treats it as a mere perfunctory power of Congress, the real discretionary power being with the Executive.

So in regard to that other great power, the right of the Senate, one of the treaty-making branches of the Government, to participate in the making of treaties. The President has wholly ignored the Senate in his negotiations in making the most important treaty in the world. He literally carried out the text in his book entitled "Constitutional Government in the United States," published in 1908. I quote from President Wilson as follows:

> One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs which the President possesses, without any restriction whatever, is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made if the faith and the prestige of the Government are to be maintained. He needs to disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

HOW TO COERCE THE SENATE.

In a still earlier work entitled "Congressional Government," published by President Wilson in 1885, he tells how the Executive can coerce the Senate into acquiescence and thus nullify an important part of the Constitution. How nearly President Wilson has carried out the suggestion made by him in his book, I quote his exact language and let the public judge. President Wilson, in his book "Congressional Government," published in 1885, states:

His—

The President's—

> only power of compelling compliance on the part of the Senate lies in his initiative in negotiations, which affords him a chance to get the country into such scrapes, so pledged in view of the world to certain courses of action that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

Mr. Speaker, the Constitution provides that the President of the United States shall have power, by and with the advice and consent of the Senate, to make treaties, providing that two-thirds of the Senators present concur.

Alexander Hamilton, fresh from the Constitutional Convention, pending ratification of the Constitution of the United States, in a speech in New York, speaking of the danger of lodging with one man, the President of the United States, the executive authority to make treaties and control foreign relations, said:

> However proper and safe it may be in governments where the executive magistrate is an hereditary monarch to commit to him the entire power of making treaties, it would be utterly unsafe and improper to intrust that power to an elective magistrate of four years' duration.

Again, he said:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

I have cited the attitude of our present Executive to show the danger of the Executive trenching on the powers of the legislative branch of the Government.

This is not the first time in our history when Congress has attempted to exercise its sovereignty and discharge its duty to the people, that carping critics have questioned its authority in discharging its duty to the people. Prophets were heard in the North, as well as in the South, from 1861 to 1865, contending that the acts of Congress in defending the integrity of the Union were unconstitutional. We all now rejoice that history has proven them to be false prophets, and that we are now a united people, citizens of the best Government that it has pleased the Almighty to foster and perpetuate. The grandsons of the heroes of the North and the South, heroes of the Civil War, have vied with one another in heroic deeds—many, too many, alas, have sacrificed their lives for the honor and glory of our common country on the fair fields of France. Their names will be enshrined in the hearts of all Americans and honored by all lovers of liberty in every land throughout the globe. Pass this resolution and bring home the 19,000 of our boys still in Europe, at an expense of one million two hundred and twenty-five thousand dollars a day, and, in the language of one of America's greatest soldiers, Gen. Grant, "Let us have peace." [Applause.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KREIDER]. [Applause.]

Mr. KREIDER. Mr. Speaker, a little less than four years ago our Democratic friends exhibited in every city and town throughout the country two celebrated posters, one describing the horrors of war in Europe, the other picturing the peaceful existence of the honest workman in America, together with a large medallion of Woodrow Wilson, advertised to the world that "He kept us out of war."

To-day, I would suggest that our Democratic friends follow the same scheme of advertising now. Picture the *George Washington*, flying the President's flag and 14 pennants, on each of which be inscribed in large letters one of the 14 points named as "essential in the consideration of peace" by President Wilson in his address to a joint session of Congress on January 8, 1918. The first point named, "Open covenants of peace, openly arrived at," and so forth, should be on the first pennant; the second should have inscribed upon it "Absolute freedom of navigation upon the seas," and so forth, for this was the second point; and still another should bear the inscription embodying the principle of "self-determination," and so on, the other picturing the American people bound and shackled, hampered and oppressed, clamoring and pleading as American citizens to be relieved of the burdens imposed by war legislation, and then, the same large medallion as before, but the inscription surmounting same should read, "The price of peace is the surrender of Americanism for internationalism."

As between the two exhibits, the latter, at least, has the merit of picturing the true state of affairs, without any attempt at misrepresentation.

The American people are peace loving, and when President Wilson in 1916 went before them asking for reelection, he knew and his party knew that he could make no more eloquent appeal to secure the votes necessary for his reelection than to say, "He has kept us out of war," although he must have known, as every man in public life knew, that the policy the Administration was pursuing would lead us directly into the war.

Three years ago this week the Congress of the United States, upon the recommendation of the President, declared that a state of war existed between the United States and the Imperial German Government.

Immediately after this declaration the American people, as one man, bent their every energy for the purpose of winning the war. They accomplished what was considered the impossible—we raised an Army of over 4,000,000 men, trained them, and transported 2,000,000 of them to France, and in practically six months' actual fighting we turned defeat into victory and had Germany on her knees begging for peace.

While the war was in progress the President of the United States has enunciated to our allies as well as our enemies the 14 points, to which I have referred, as "essential to the consideration of peace." These points were regarded by the American people as generally satisfactory, and were accepted by our allies, and led to the signing of the armistice on the 11th day of November, 1918, and as a result in the gray dawn of the morning of that day the doughboys, at the very gates of Sedan, received orders that "all firing on all fronts shall cease promptly at 11 o'clock this day."

And on that day, not only throughout the United States but throughout the entire world, there was such rejoicing as had never been known before. Peace was at hand; mothers who had been longing for their sons, wives for their husbands, and sweethearts for their betrothed gave thanks to God for peace and joined in the great rejoicing; and in the hospitals those who had gone to the front—strong men, America's finest and best—and had been returned from the front mutilated and deformed in body gave thanks to God that the war was over and rejoiced in peace; and those other mothers, wives, and sweethearts of the gold star, who knew they would not be reunited with their loved ones until they stand before the Father on the final day of judgment, they, too, gave thanks for peace which had cost them and theirs so dearly.

And when the wild tumult of joy had spent itself America, as America will, turned her thoughts to the actual making of peace and waited with keenest interest word from the President as to who would be delegated as the American representative

for this momentous and all-important task, hoping and trusting that, regardless of who the representative was to join our allies, that he would truly represent America and safeguard her interests, with due regard for the 14 principles so publicly announced as the basis on which the treaty of peace would be consummated.

Unfortunately for the American people, however, the President issued this mandate to himself, sincere in his belief, no doubt, that no one but he could accomplish the things he desired to bring about.

Never before in the history of America had a deserved success been so fervently prayed for, never had any emissary of this country carried with him such manifestation of good will as that which accompanied Woodrow Wilson on the day on which he boarded the *George Washington*.

Previous to the sailing of the *George Washington* the President dispatched on the *Orizaba* a picked corps of news correspondents and news photographers, addressed the Congress of the United States, and assured us that not only the Congress but the people should be taken into his confidence; every act of his up to this time, the sending of the correspondents, the assurance to Congress, indicated that he intended to stand firmly by at least the first of the 14 points, which was "open covenants of peace openly arrived at"; but when the President took control of the cables, thus cutting off the members of the press, some doubt was had as to his sincerity.

Americans familiar with European politics well knew the opposition the President would encounter in his attempt to live up to the high ideals enunciated, and with bated breath listened for even the faintest sound of how his battles with the giants fared.

It is impossible to describe the disappointment when we saw he had lost in the first round. He had advocated open covenants of peace to be openly arrived at—affairs between nations were to be discussed in the full light of the sun, and the result of the deliberations to be communicated to every people. To our great disappointment we soon learned that the sessions were held in secret. Only the merest crumbs of the deliberations were given the public. The telegraph and cables were placed under the most rigid censorship, the press was gagged, journalists whom he had sent on the *Orizaba*, instead of being permitted to see what was going on and to hear what was said, were barred and were obliged to turn into eavesdroppers or to employ backstair methods to give their assumptions and imaginations some warrant of fact.

At length, after five months of secret battle, Woodrow Wilson, the self-styled world's champion of human righteousness, the world's one-time bitterest opponent of militarism, imperialism, nationalism, hatred, and revenge, came forth not only with defeat written all over him but even arrayed on the side of his vanquishers.

The disillusionment of his many friends and admirers was appalling. Probably never before had a man fallen with so sickening a thud as that with which President Wilson fell from the heights to which he had been elevated by public opinion.

All the European people, who a short time before had welcomed him as a deliverer from autocracy, who had hailed him as the spokesman of right and justice, who had worshiped, honored, and respected him, were amazed and sorely disappointed.

It took days and weeks before people could get themselves to believe that what they heard concerning Wilson was true.

As events subsequently proved, as had been feared, President Wilson was no match for the European past masters in the arts and crafts of diplomacy. They soon learned that he was but an amateur in politics, little acquainted with the intricacies and intrigues of European affairs. It no doubt amused these diplomats to see him take himself so seriously, to see him assume the rôle of world arbiter, when they knew that with a little flattery he had become a willing tool in their hands.

Like professionals, they allowed him to have a few bouquets, the plaudits, and acclamation of the people, but when it came to writing the peace treaty and the League of Nations he was not seriously considered, and, according to Secretary Lansing's testimony before the Foreign Relations Committee of the Senate, the 14 points which our President had formulated and to which he had given the widest publicity, and which he had said were "essential in the consideration of peace," were not even discussed at the conference.

He returned to America, bringing with him a treaty of peace and a League of Nations dictated and drafted by the diplomats of Europe, the provisions of which divided the spoils of war and territory according to the desire and previous agreements of the European powers, and, so far as America was concerned, its provisions not only violated the provisions of the Constitution of the United States but our most sacred traditions, policies, and doctrines.

This treaty and League of Nations was presented to the Senate for ratification. There is no question but what the American people want peace. They want no more wars. They want a League of Nations to prevent war, but they also want to preserve the Constitution of the United States; they want to reserve to themselves their sovereignty, their rights, and interests. The Senate, after a wearisome, toilsome, and prolonged discussion and debate, formulated certain reservations, which are as follows:

Resolution of ratification.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany, concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United Sttaes shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the

United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than 1 vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

These reservations were inserted in the resolution of ratification by a majority vote.

There is no question but that the resolution of ratification with these reservations would have passed the Senate by more than a two-thirds vote had the Senators been permitted to vote their convictions. But this privilege was denied them by the President. Thus one "willful man" has defeated the will of the great majority of the 110,000,000 people of the United States.

As a result, it is now evident that we can not have peace by the ratification of the treaty, for the reason that the President insists that the treaty and the League of Nations must be ratified as it was written by the diplomats of Europe, notwithstanding the fact that these same diplomats have signified their willingness to accept the reservations, and, on the other hand, the Senate insists that it can not and will not ratify except with the reservations.

We must therefore choose either to continue a technical state of war indefinitely, with all its burdens, or find some other way to secure peace.

Happily, international law provides three ways of terminating war between belligerents—

First, by a treaty of peace.

Second, by conquest.

Third, by the mere cessation of hostilities, so long continued that it is evident there is no intention of resuming them.

It is this method which has been adopted and on which the resolution now before us is based.

Of course, the followers of the President are opposing this resolution. They tell us we are "playing politics," trying to "gain political advantage," and so forth.

If bringing about peace, which the great majority of the American people demand, is "playing politics" or "gaining political advantage," then we plead guilty.

They accuse us of assailing, condemning, and finding fault with the President.

Yes, we do criticize him, because he has been chosen as the representative of the American people and he fails to represent them, but insists on representing himself and the European nations.

We are told we are embarrassing the President. We deny this, for he has done all the embarrassing, largely because of the untenable position he has taken and his refusal to yield to reason.

Now, let us consider in the light of reason, common sense, the Constitution and international law, this resolution, which provides for the termination of the state of war with Germany, and the objections raised against the adoption of this resolution.

It has been claimed by those opposing the resolution of peace that we have no authority and no power to act in this matter, and that the resolution itself is unconstitutional and if passed is void and of no effect.

The first section of this resolution simply declares—

That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared to be at an end.

This section is predicated absolutely upon official information given to Congress by the President about 17 months ago, when he said: "Thus the war comes to an end, for Germany having accepted these terms of the armistice it will be impossible for the German command to renew it."

When Congress passed the resolution declaring that a state of war existed between the Imperial German Government and the United States it did so upon the advice of the President of the United States and simply declared the fact that a state of war existed, the object of which was to inform officially all neutral nations of the fact so they could govern themselves accordingly, so now, Congress again having been officially informed by the President that "the war is at an end," Congress makes the simple declaration of the fact, for the same purpose, to thus notify the neutral nations of the world.

Furthermore, it is claimed that the Congress has no right to enter into peace negotiations or write a treaty of peace. We thoroughly agree with that view and are not now attempting to write a treaty of peace; we are simply declaring officially what every man, woman, and child in the United States and every other nation on earth knows to be a fact.

Section 2 provides for an official date for the termination of the present state of war for the purpose of terminating various emergency acts of Congress, joint resolutions, proclamations by the President, and so forth, which are absolutely dependent upon the date of the termination of the present emergency.

It is claimed by the gentlemen on the other side, and they have said repeatedly to-day and yesterday, that the war can not end except by the ratification of the treaty of peace, and that Congress has no constitutional authority to recognize any other termination.

Let me point to a provision in the act known as the trading with the enemy act, approved October 6, 1917, as recorded in the Statutes at Large, on page 412, volume 40:

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall by proclamation declare a prior date, in which case the date so proclaimed shall be deemed to be the end of the war, within the meaning of this act.

Gentlemen say the war can not end until ratifications are exchanged and proclamation of the fact made by the President, but by this act, passed by the Sixty-fifth Congress, when the Democratic Party was in the majority, these words were enacted into law; you Democrats voted for that act, and I voted for it. The majority of Members on the Republican side, almost all of them, voted for it.

If we had the right then to authorize the President to take certain action, we have the right now. We have the right to repeal that authorization and to fix some other mode of determining the date which shall be the end of the war.

The President's authority to announce a prior date is an authority conferred upon him by act of Congress, and we can repeal that provision and assert the right to name a prior date. We could not have conferred upon him a right that we did not ourselves possess.

We have been told that this resolution is intended to dispose of the pending treaty in the Senate and that support of it is an evidence of partisanship. Quite to the contrary, this resolution is not a treaty of peace and does not in any way conflict, or hamper, or interfere with the writing of a treaty of peace or a league of nations. A treaty of peace should be written and ratified, and nothing contained in this resolution will interfere with so doing. Neither does this resolution dispose of or prevent the United States from joining the League of Nations, when two-thirds of the Senate and the President can agree upon the basis which the United States will join such a league of nations, and there is no question but what the American people desire to join a league of nations, but not at the expense of surrendering our sovereignty at the expense of violating the Constitution of the United States and the surrender of what we deem to be our rights and interests and traditions. The gentleman from North Carolina [Mr. KITCHIN] emphatically denied that the President was responsible for the failure of the Senate to ratify the treaty, but insisted that the Republican Members were responsible. Let us see. The treaty was submitted to the Senate on the 10th day of last September, and after the most exhaustive consideration by that body, on the 19th of November, after contest following contest covering more than a score of test votes, each of which showed that the ratifying body by a decisive majority was ready to ratify the treaty and end the war upon the condition that American sovereignty and independence should not be surrendered, but was prevented from doing so by the Executive influence.

On the 18th of November, the day before the final vote was taken, which was two and one-half months after the treaty was presented to the Senate, came the Executive order, "Defeat it," and it was defeated.

To the appeals from treaty friends, he replied, "I have no concessions in mind."

Three months later a second effort was made, when again all the reservations were adopted by a decisive majority, some of them 2 to 1, and the treaty with the reservations was favored; but the necessary two-thirds failing, again came the short statement "unacceptable," and the treaty has not been ratified, although in every case it was demonstrated that only one willful man stood in the way.

Even now the sentiment in the Senate is in harmony with this thought. Let me direct your attention to the last vote that was

taken in the Senate on the question of ratifying the treaty. On that vote there were, including the pairs, by which Members announced their position on the question, 34 Republicans who were in favor of ratification and 23 Democrats; against ratification there were 15 Republicans and 24 Democrats. The majority of the Republicans more than 2 to 1 voted for ratification, with the reservations which had been adopted by the majority of the Senate. It was the vote of 23 Democrats added to the 15 Republicans that prevented ratification, and it is safe to say that had those 23 Democrats voted their convictions or been allowed to do so by the administration the necessary two-thirds vote would have been had in the Senate.

There has not been a moment since the 1st of October when the war could not have been ended technically, as it has been practically, within 24 hours, if the President had been willing.

If my Democratic friends are right, that there is no way to end this war except by the treaty coming from the President and ratified by the Senate, then I want to say to the country that there will be no ending of the war until after the initiation of a treaty shall be placed in some other hands than those of the present President.

At any rate, the passage of this resolution will in no way affect the treaty, and it is not to be supposed that the action of the Senate is necessarily a final disposition of the treaty.

It should also be said and remembered that the great majority of the wars in the past have been ended without a formal treaty of peace. Those that have ended with a treaty of peace have been the exception rather than the rule. I admit it would have been more desirable to have ended this war according to the plain provisions of the Constitution of the United States, but the condition confronting the people is that we find the President and the Senate not in agreement; meanwhile the people of the country are suffering because of war legislation, war burdens, tax burdens, and so forth, which the Congress of the United States can remedy, and the question is, Shall this condition of affairs continue indefinitely, shall the war-time powers conferred upon the President of the United States continue, or shall Congress, acting for and in behalf of the people of the United States, put an end to these conditions?

Gentlemen have said that we should repeal war legislation and thereby put the country on a peace basis. I wonder if the gentlemen have examined this war legislation. It has been ascertained by actual count that there were 61 different acts of emergency legislation passed for the purpose of the war only. Thirty of them are to come to an end upon the proclamation of the treaty of peace, 31 are to come to an end at different periods—3 months, 6 months, 18 months, 3 years, 5 years, and in one case 10 years—after the ratification of peace.

If Congress is to go over these acts one by one and repeal them, or repeal those acts which are not intended to remain in force after the end of the war, it would be more than a full sessions's work for the Congress.

Section 3 deals entirely with foreign trade and commerce and a resumption of trade relations with Germany. This certainly is not unconstitutional, because the Constitution expressly provides that "Congress shall have power to regulate commerce with foreign nations and among the several States," and it has always been entirely under the control of Congress and has never before been disputed. It is plain legislation, based upon facts to be ascertained by the President.

Section 4 provides for the enforcement of the act.

Section 5 provides for and protects all the property rights, privileges, and advantages to which the United States has become entitled under the terms of the armistice signed on November 11 or that we are in any way entitled to by reason of our participation in the war. We give nothing, but, to the contrary, maintain our rights in every particular.

Mr. Speaker, this is the most important piece of constructive legislation presented to the House since the beginning of the war. It is a business proposition from start to finish. It is what the people of the country want, and I doubt whether there would be a single vote against this resolution when it comes to final passage if it were not for political reasons, but I assume that when the vote is taken those who in 1916 advertised so extensively "He has kept us out of war" will now vote to keep us out of peace.

It has also been said that by the passage of this resolution we are now deserting our allies, and the things that our Army and Navy fought for will go for naught and that we have made the sacrifices in vain. Quite the contrary is the fact. We have spent over $30,000,000,000; we have plunged the American people into debt; we have allowed 236,000 Americans to become crippled and maimed for life; and we have sacrificed the lives of over 112,000 of the finest and best manhood in the country for the purpose of winning the war, for the purpose of whipping Germany, for the purpose of preserving the civilization of the world, all of which has been accomplished—and shall we not now have peace, the peace which America and her sons have fought, bled, and died for?

The enactment of this legislation into law will bring peace. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Speaker, I am for this resolution of peace in all the different kinds of language included in the so-called League of Nations. For its passage will at once bring about technical peace and will repeal all the obnoxious war laws now cramping, belittling, and suppressing a peaceful, free, and liberty-loving people.

Congress declared war; it must therefore have a right to end it, and the passage of this resolution through both Houses of Congress will end it, providing our imperial President does not veto it, and if he does the people will have had it pointed out to them who is the real obstructor to our prewar condition of peace and good will toward men. This resolution of peace protects us in all the advantages we would have secured under the treaty and relieves us of all entangling alliances that Washington, Jefferson, Lincoln, Roosevelt, Johnson, and all other American patriots have warned us against.

The patriots of the Senate have seen fit to Americanize the treaty, thereby protecting the sovereign power of the people, our traditions, and liberties. But the President insists that it should be passed as prepared without the dotting of an "i" or the crossing of a "t," which would rob us of the right for which our fathers and the heroes of the late war have fought and bled and died.

Every sane man wants to end wars and is in favor of some sort of arbitration whereby international disputes must be brought for adjudication, but this ill-begotten child called the League of Nations when seen in its nakedness reveals the beginning of a hideous, leering monster of war made of secret treaties, intrigues, and lies, and is the antithesis of all that is holy or ideal.

France is to-day, under the treaty, committing an act of war against Germany. Were we a member of the league to-day we would be involved in a dozen or more European wars. What authority had our President to send our troops to Russia to protect British bonds? Talk about the Constitution! He has not recognized such an instrument during the war, and would have entirely forgotten that it existed had he not wanted to make pretense in the use of it to discharge a faithful servant of his Cabinet and an American patriot who could not sit calmly by and see the traditions and liberties of his country hauled into the mire and make not such bold protests as he could.

It was my vote for the Democratic organization of the House that upheld the hands of our President at the outset of this war. My voice and vote stood constantly behind him in the winning of the war, and I can, I believe, therefore speak the truth without being accused of partisanship. I am an American first, as my record in this House will prove, and I care not to what party any man may have attached himself, when he stands in the way of what I believe to be the rights of my country, I must, in being true to myself, with the light God gives me, strike and call a spade a spade, regardless of what party he belongs to or with what confidence the people have honored him. There is no divine-right-of-kings doctrine in the land of the free and the home of the brave, where every American is a king. [Applause.]

The issue before us to-day is peace versus war, Americanism versus Europeanism, nationalism versus internationalism, democracy versus imperialism, the common man versus the aristocrat, the many versus the privileged few. It is the battle of the weak with the strong; the battle of the humble cobbler, carpenter, mechanic, and laborer in general against the minions of Midas. It is the tiller of the soil against the speculator, gambler, and seeker for riches and glory unearned by the sweat of the brow. It is Morgan & Co. and his international bankers' association against the liberties of mankind.

The so-called League of Nations marks the bloody path back to the jungle of the divine right of kings, from which mankind through the dark centuries has struggled. The proposed league is the most colossal trust of imperialism the world has ever visioned. Through it the sovereign power of the people, who are beginning to comprehend, is to be stealthily transferred beyond their reach. But history is the handwriting of God, and the brave patriots in the Senate have been the instrument with which He has written that our willful President shall not trade our birthright for a mess of pottage. [Applause.] They have fought the greatest moral and intellectual battle of the ages. They have stood against the President and his falsely created

public opinion backed by the greatest money organization, with all its various ramifications, that the world has ever known. They have stood majestic, like Horatius at the bridge of Rome, like Leonidas at the pass of Thermopylæ, like Ajax defying the lightning. Their stand will make them famous throughout the world, and a grateful Nation will revere their names as the saviors of their country. [Applause.]

Our President and our former President, Mr. Taft, undoubtedly believed, along with the purpose of the Andrew Carnegie fund, Morgan and his consorts, and their English friends, that the lion and the lamb should lie down together, but our President insists that the lamb should be inside the lion. [Laughter.]

Our President, while in Scotland, made a speech in which he said that he did not think this country was a fit place to die in. He did not say it in exactly those words, but he said he wanted to be buried in Scotland alongside his grandfather. Following in the footsteps of Washington! But his toes are where the heels of Washington used to be. As I look down the trail that he is retreading, I see the throne of King George. Around it in blazing letters I read, "One vote for Canada, one vote for New Zealand, one for Australia, one for Africa, one for India, and one for the United States," just like all the other colonies. [Applause.] We see our imperial President, not like the kings of old, with 100 or even 500 men to run before, but with 23,000, start for Europe to settle the affairs of the world, with his 14 points tucked neatly under his arm. He never brought any of them back. [Laughter.] He sat down at a table and took a hand in the game of distributing the spoils. England got one-third of the face of the world; Italy got her pockets full; France, her lap; and Japan filled her sack. All we got was prohibition. [Laughter.]

After the spoils of war had been distributed so judiciously under their former secret treaties, an intricate plan was adopted which we have come to know as the League of Nations. They were particularly interested in the part of the decree known as article 10, which reads that we should protect their territorial integrity—loot—and which was explained to the President carefully that this was the crux of the whole situation, and he must be sure and put this over, and if he did they would make him president of this supernation. We will just put the word "integrity" instead of "loot," and with the help of our powerful agencies in America it will get by. If it does not, it will break the "heart of the world." A draft of the article having been completed, our President sends a copy it, with a concise declaration, like Cæsar of old. But Cæsar sent his declaration to the Roman Senate. Our Cæsar sent the copy of the league not to the United States Senate, who was equally joined with him in responsibility, but to Morgan & Co., who submitted it to their attorney, Elihu Root, for approval. And, like Cæsar, who said "I came, I saw, I conquered," our President, with that nicety of conception, must have had it, "I came, I saw, and I concurred." [Applause.]

As an American, believing in the traditions and institutions of my country, I oppose the President in the rape of our Constitution and liberty, the trade of our independence for a vassalage, in his so-called League of Nations. And I believe it to be the duty of every red-blooded American, whether Democrat or Republican, to raise his voice in protest, so the people may know that by adopting it they will trade their independence for servitude, liberty for slavery, democracy for imperialism.

If the people understood this hideous monster of foreign rule he is attempting to fasten upon us 75 per cent of them would not be for this League of Nations. Public men should fearlessly tear away this rosy veil of peace that has been draped around this germinator of strife, of dissension, of enmity, and of war while the mouths of the people have been muzzled by imperial order, and who still, through his Attorney General, insists upon a permanent sedition law, which has already passed the Senate, to continue to close the mouths of the people and their public servants who might continue to inform them, while he crowds over this nefarious thing which is to be used to reelect him and thereby satisfy his insatiable ambition to become the president of this supernation.

Every mother's son and daughter of the United States should understand what this league means and set themselves to encourage and support the noble patriots in the Senate, who are standing, and pray God they may continue to stand, for the rights, liberties, independence, and faith of our fathers.

The man twice honored by the confidence of the great people of this country, having drunk deep of imperialistic power during the war, is loath to put aside that beverage. In his begrogged condition he dreams of being president of a supernation. The average American chafes under deliberation. He will not read the 263 pages of the peace treaty; nor will he pay attention to or ponder its meaning. He will hardly endure to follow an explanation and analysis of it. He has been told that the League of Nations will bring about closer cooperation between nations and avoid war; that it represents the triumph of right. He has been led to expect that in it the United States plays a glorious and unselfish rôle; that the eyes of the world are upon us; that in some mysterious way we have been obligated to enter it. He, moreover, is impatient that the war shall cease, and he will not tolerate long discussion or analysis, nor any argument or separation of the treaty or the league if such separation or argument shall prolong the state of war.

The American spirit is too often apt to act first and be sorry after, or perhaps to forget if the being sorry involves too much discomfort. The obligation is upon everyone to think hard and clearly what this treaty involves.

In an effort to coerce the Senate into a speedy acceptance, without due consideration of the treaty and its rider, the League of Nations, an arrangement was made that our merchants could not resume trade relations with Germany till after the treaty of peace was signed. Whether this was kept by other countries or not, our merchants best know. It is to be hoped they will recognize who is the true enemy of American business and the cause of our not having technical peace in this cunningly planned delay. Not the Senate, who must in duty take time to weigh and consider this most momentous document in all our country's history.

That another swarm of bees should be loosed about the Senate's ears, the President told the wet leaders that as soon as the treaty was signed he would consider removing war-time prohibition. It was up to the President to remove this ban, but he craftily used the delay to align the liquor interests along with the ministers and the business interests to stampede the Senate into rapid and ill-considered action.

The ministers of the gospel who are so strong for peace should read the treaty. Some churchmen, lured by the bait of avoiding all war, valiantly urge the support of the League of Nations in the name of religion. They overlook the sacrifice involved, declare with fervent zeal that it is wrong, selfish, and narrow to think of ourselves, and wrong to refuse to make sacrifices when, by such a little thing as the loss of the liberty and independence and security of the United States, we can be free at once and forever of all wars. How much better to maintain this Christian land as the home of liberty and democracy. It is hard to think that sensible people can so delude and hypnotize themselves.

They use the very arguments suggested by England for the thing England desires. Lord Robert Cecil said:

> I see it suggested in some places that the United States should not accept membership in the League of Nations because it might involve some sacrifice of national sovereignty. It would be foolish to deny that if nations are to make any organization for peace each of them must be content to modify to some degree, however slight, its liberty of action. That is the inevitable result of cooperation, and I do not wish to underrate the sacrifice involved.

What would Lord Robert Cecil say if the proposition were reversed and it was England who stood to lose her power and place, and who was to be humiliated to a place among the dependent representatives of the United States.

What is article 10? In article 10 the United States, along with other members of the league, agrees to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. We, by agreeing to this, bind ourselves to maintain in perpetuity the agreements concluded in the present peace treaty, just or unjust. And as to external aggression, that internal aggression which may be held to threaten or involve external aggression, may be interpreted by the league to constitute cause for our conscripting our youth and sending them into any far-away land the representatives of the league may see fit, a league where we have one vote, and Liberia has a vote, and the British Empire has six votes.

The plan is to make the League of Nations do, justly or unjustly, what it might take a war to do. Matters not whether the aggressor be Ireland or Korea or China, struggling to regain or obtain just rights. Our boys will be called upon to leap to the defense of this present agreement. Is that why they went across the sea to make the world safe for democracy? This is not democracy, but a rarely planned imperialism. "Prevent war?" Restitution to the wronged, recognition of weak new nations, and justice instead of kowtowing to the powerful might have done so. "Prevent war?" There is in this section a threat of war in every ripple of unrest from anarchistic Italy, disturbed Ireland, ravished China, and downtrodden Korea. And shall the United States leave her position, upheld till now, as the champion of the oppressed and take her place by the side of the autocrat and tyrant, to maintain existing political independence and territorial integrity?

The league will not prevent war, but it will prevent speedy and adequate defense. What do the big four care about peace, except as it means that their vast acquisitions are preserved to them intact? And they are careful to arrange to tie us up to maintain this peace. The immolation of our boys in Russia is a foretaste of the imperial attitude, without constituted authority which the League of Nations will bring forth. How will the cheated fathers and mothers respond when, after enthusiastically embracing this thing which was to end all war, they are called upon to see their sons set forth indefinitely for the ends of the earth, to maintain and preserve for the Hedjaz of Arabia or the Sultan of Zulu his tottering territorial integrity? To rob a nation of its sovereignty and then expect it to exercise that sovereignty is an anomaly. To preserve its sovereignty, a nation must keep for its own decision all questions of immigration, of peace and war, of commerce, of the size of its army and navy. To pledge that our Nation shall, at some time in the future, go to war on some unknown cause is folly. Who can foresee what disastrous policy that would commit us to? All wisdom will not die with us. The future citizens of America can be reasonably relied on to act with equity.

Article 21 purports to keep for us our Monroe doctrine. But it does nothing of the kind. After the assertion by the President on his first return that the wording of the treaty should not be changed, and that the Monroe doctrine had been translated in the league to a new idea, extending it to the world, it is nothing strange that it should not be preserved. The dishonesty of pretending to do one thing when it does another makes those who care for America and her interests distrust the whole plan. No one favoring the spirit of the Monroe doctrine would call it a treaty of arbitration or a regional understanding to preserve peace. The Monroe doctrine is bound and delivered over to the administration of the League of Nations, to the very ones who all these years it has been protecting us against, to the tender mercies of its enemies. A Monroe doctrine extended to the world is a Monroe doctrine destroyed, wiped off the face of the earth. Our one great bulwark of defense needlessly sacrificed, thrown away, by one too indifferent or too blinded by self-interest to value it or safeguard it. The British were open in their interpretation of this amendment. They say in their press, "Should any dispute arise concerning it, the league is there to settle it." Do you want that, you Americans?

Do you want the Monroe doctrine wiped out and the league substituted to settle, say, a controversy with Japan? Britain, Japan's ally, bound in secret treaty to go to war with them, or vice versa, has six votes to our one. Suppose it was a question we wanted settled affirmatively, the vote of one member could block it, and in the assembly, therefore, the vote of Hejaz would be just as strong as the vote of the United States.

This is not a league of all nations but a league of a few nations. Not a democracy, but a trust. Membership of new nations must receive a vote of two-thirds. There is no provision as to how the members are to be elected or how long they shall serve. They will be in no true sense representatives of the people. Nor will it be a democracy, for here the power trickles down from above—a council of nine members. The big five will control that. The assembly will have 31 members, and 13 others have been invited to join. These 13 do not include Germany, Austria, Turkey, Bulgaria, Ukraine, Jugo-Slavia, Finland, Russia, Luxemburg—two-thirds of Europe—Mexico, Bolivia, Arabia, Palestine, or Egypt.

Yet hear what the President himself had to say concerning foreign entanglements, concentration of power, and secret treaties:

> There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before—seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy, and deliberately engage in the conflict which is now engulfing the rest of the world. I do not know what the standard of citizenship of these gentlemen may be. I only know that I for one can not subscribe to those standards. (From a speech by President Wilson at Des Moines, Iowa, 1914, 9 months after the sinking of the *Lusitania* and 18 months after the invasion of Belgium.)
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> When we resist, therefore—when I, as a Democrat, resist—the concentration of power, I am resisting the process of death, because concentration of power is what always precedes the destruction of human initiative and therefore of human energy. (From a speech of Woodrow Wilson in 1912.)
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> The theory of government which I decline to subscribe to is that the vitality of the nation comes out of the closeted councils where a few men determine the policy of the country. (President Wilson at Philadelphia, 1918.)

The President resists any suggestion of a change in his covenant. He admits that the league will mean the sacrifice of United States sovereignty, but declares "at whatever cost of independent action, every government should lend itself to the new purpose." He also demolishes the position taken at first by his would-be backers, that the league will be merely advisory. It is a hard and fast agreement, no scrap of paper, and Uncle Sam will be thoroughly bound by it once he sets his mighty fist thereto.

The American people for several years have lock stepped along to a remarkable series of slogans; specious parrot cries, mouth-filling, that take the place of argument, each the accompaniment to some national humiliation. First, "Watchful waiting." Next, "Too proud to fight." "He kept us out of war." "Safe for democracy." "Pitiless publicity." Then, as a most tremendous climax to this series of cast skins, preparing the way for the triumphant march to victory of the League of Nations, "Promote peace and prevent war." A phrase acceptable to every class in the United States. What sane man wants war? But what prudent sick man is going to swallow every quack nostrum that is offered because of its bright, alluring promise of cure?

It was not the act of a friend of peace to represent at the peace conference that the United States was heart and soul for a League of Nations as a means to prevent future wars, and to use the necessity of Europe and our resources as a lever to force the nations of Europe to interweave the peace treaty with the League of Nations. The war-weary world, dying for peace, had to wait six months that this sleight of hand might be thoroughly done. And then, when they have accepted it, thinking that if the great United States was for it it must be good, it was not the act of a friend of peace to come back and say it would break the heart of Europe if we did not conform to his covenant. That is what Abraham Lincoln called lifting yourself by your own boot straps. It was not the act of a friend of peace to keep the people absolutely in the dark as to developments except such strained and purposely colored bits as were allowed to creep out from the council. One interested in America first would have kept them informed of all the interweaving facts, kept the Senate abreast, so that when it came time to act they would be prepared, not left to flounder in a mass of new, unexplained facts, with no sidelights on the motives and interests back of the various clauses.

The President said, "There is no need that I should report to you what was done at Paris. You have been daily cognizant of what was going on there. The cross currents must have been evident to you." It reminds us of his imploring the Senate not to discuss the peace treaty and the League of Nations till his return, when the first thing he announced was the time for discussion was past. And yet, without time for discussion, never furnished with complete files, in the dark as to secret agreements, with several conflicting explanations and hasty denials on vital points, the Senate was expected to swallow, without reservation or amendment, the whole ill-constructed mess.

No considerations of a future war should have been allowed to hold up the peace in the present war. The treaty should have been ratified at once, and separately. Then the League of Nations could have been considered at leisure. There is no provision in the Constitution of the United States for either the President or the Senate to subject the people to such domination as that of the League of Nations. Let the light in on it. Let the people know, and let the people then decide. I don't believe the Senate and the President should bind on our backs this infamous proposition without hearing from the people. If, like Esau, they are so hungry, so craven, have such appetite for bodily comfort and soft-handed personal ease as to trade their birthright for a mess of pottage, that they must have a meal now, all right. The voice of the people is the voice of God, and it must be His will that we shall be so commingled that the seeds of dissension sown will bring about the battle of all nations, the Armageddon, that shall sweep away all dross and bring the thousand years of peace.

The advocates of the new idea have managed to create a propaganda that patriotism is no longer the fashion, something to be ashamed of, an old-fashioned sentiment. It puts me in mind of something I read just before the war broke out that crashed like an unholy thing upon my consciousness, a ripple of thought brought about by foreign propaganda, that subsidized our free speech, our lecture platforms, our pulpits, and chairs in colleges and universities, so that a university professor was emboldened to say, "The flag and patriotism are an illusion." It was this tendency that caused Theodore Roosevelt to charge that the moral fiber of Americans was relaxing. The flabby arguments of the pacifists, appealing to the gross and selfish, the cowardly and self-seeking, was making fat oxen of our citizens. The conscientious objectors, the I. W. W.'s, pacifists, and pro-Germans hid their heads under the drastic laws of war time, but now they are noisily at it again. Are people so blinded by a promise that a set of agreements will avoid all war that they are content to put their heads in the sand and refuse

to consider a document that blasts the foundation stones of our Nation, so well laid by our wise and clear-visioned forefathers; indifferent to the sacrifice of principles that our fathers were not too proud to fight and die for, flinging away with profligate unthinking our inheritance?

This is no new hope—this plan of alliance of nations, unselfish in aim, to protect the weak from aggressions of the strong. Such a league has been dreamed of and previsioned ever since a thousand years ago. The hope of the brotherhood of man is an ideal that can be relied on to kindle dreams and expand the hearts of everyone. But it is an unpatriotic act to trade upon such a hope with false promises, to juggle with words that conceal instead of reveal purposes, to promise without fulfillment.

We are bidden to forego national pride, consideration for our country, our ideals as a Nation, the fulfillment of our glorious destiny, or we are, forsooth, selfish and narrow of vision. Can this be the end of our mission? Are we to tread the path of nonresistance to oblivion, this great and glorious country, the hope of the world, the vision of the oppressed people of all lands, the promised land, set apart, purified, made a haven by special preparation, its people free and untrammeled, kings every one, who never have bowed the knee or bent the neck to any conqueror? Are we to go under the yoke? We were not defeated. For what, then? For coming to the aid of warring nations when they were licked, when they had their backs to the wall, and surrender was a question of weeks? They could not win; they called valiantly for help. We went and won in six months with a cost of 150,000 killed and $57,000,000,000—they had been fighting for three years and a half. And for that we shall be penalized.

If America is bound to mix in European affairs, Europe is bound to return the compliment; but why does our lending aid in this war tie us up to the troubles of Europe ad infinitum? How are we tied to the quarrels of the future in which we have no interest? If the League of Nations becomes a power the United States will give over its command to a council of men outside the country and receive orders from them. This is a condition of the league not possible to falsify or blink or evade.

The United States is, far deeper than President Wilson means, the hope of the world. The bank of the world. The meat and drink of the world. But all the work that is set for the United States to accomplish can be done more efficiently, in a more businesslike way, more equitably, if we retain our independence and do not put our heads in a noose.

Democracy is threatened. The constitutional form of government is in danger. The process of reducing Congress to a rubber stamp was successfully carried out during the war, when the President was given powers as absolute as a czar, and patriotism held criticism dumb. Internationalism, which is being offered us as a substitute for Americanism and patriotism, is death to American liberty and independence. It is the same thing that the I. W. W.'s believe in; the same doctrine as that of the Bolshevists, only it is reversed to fit the autocrat. To link our fate so closely to the fate of nations everywhere will destroy us as a free people. It is not jingoism to assert that we are different from the nations and peoples of all the rest of the world. We have been accustomed so long to bear the supercilious condescension and assumption of superiority of the rest of the world that it comes as a shock almost to find that we are broader minded, more honest, more sincere, and our ideals are genuine and lofty. We can not mix milk and mud and have anything but mud. Europe is a hundred years behind America. It does not know what liberty is. There is no such thing as disinterest or unselfishness in their claims or dealings with other nations.

Human nature has not changed much in the war. Except for the boy who has been through the Golgotha of the trenches, there has not been that general spiritual ennobling that some were looking for. There is not any royal or vicarious road to the millennium when you have to build on the same old crotchets and the same, or vaster, selfishness. Ask the returned soldier whether he found any brotherly love in England or France, or anywhere else. The peoples of Europe have been so scarred by war that they are fearful, suspicious, vengeful, full of hate. They have lost the warmth of feeling, the impulse toward sympathy they had even at the time of the armistice. They are incapable of thinking honestly or fairly. They should not be allowed to tie our hands and clip our wings.

We must follow our own judgment, act according to our ideals, or the world will sink back into the old war-breeding welter of grasping selfishness. One fact America must admit, that there has been a good deal of halo draped around our noble allies. Anyone who visits Europe is struck by the sordid selfishness, the small-minded intrigue, the devious deceit, the self-seeking, the greed for America's money, not even veiled, touched even with a peremptoriness and impatience of our slowness. They look upon us, the only solvent, going Nation in the world, as in duty bound to assume their burdens and lift them along.

It would come with a little better flavor if we could have the privilege of giving our aid, instead of having it forced from us at the point of a pistol. America can work best for humanity as a free agent. She has never proved niggardly of her sons or of her treasure. At least, she should have the privilege of dispensing her aid in accordance with her own judgment.

Not one act of generous impulse or unselfish idealism was performed by a single one of the European nations at the peace table. They were only concerned with getting all they could, with yielding as little as they could. The fact that the United States did not join in the mad scramble was a matter for contempt not of admiration, only confirming them in the idea that we were a nation of easy marks. The United States is the only one who makes sacrifices and gets nothing. Europe makes no sacrifice under the league and gets everything. We have not a friend in all Europe. Six months of clawing, irritating meddling have served to turn from us every nation in the world. The British are bitter because we undertook to keep the interned ships which sought our ports. They said it was only because of the English Navy that they were forced to seek our shores, and we were, hence, not entitled to them.

The House of Commons broke into a roar of Homeric laughter at the mention of the proposed League of Nations. They betrayed then what they have so long concealed, that our President was duped by their seeming agreement to his hobby into granting them the basis which will make of them the mightiest nation in the world. What need they care, when they were assured of their command of the seas, their losses fully underwritten, their control of the future league made certain by six votes to our one, vast increases to territory, a wonderful succession of diplomatic victories, and in return only a promise to sign the League of Nations agreement.

Bewildered by his view from the high mountain, the President has let himself become the cat's-paw for England and for Japan. He has allowed himself to enter upon the very thing he assured us the League of Nations made unnecessary—an alliance of nations for war. The great powers of Europe refuse to trust their own safety to the league. England does not rely on it, but retains her control of the seas. Italy does not rely upon the league, but insists upon the rectification and strong fortification of her frontier. France has her league against war within the league. These stand to the respective nations for their Monroe doctrine. Why are they not as well protected by the league as we are given to believe the United States is? Why confess at the outset that the League of Nations is an unsuccessful theory if it will not hold, even before attack, without internal bracing?

The President said, "There can be no alliances or special understandings within the general or common family of the league." And yet the whole fabric of these secret understandings have been worked out in the peace treaty, and so interwoven with the League of Nations that the President says they can not be separated.

Last April it was flatly denied from the White House, by the President's secretary, that the President had made any such alliance as the agreement with France. But when the treaty comes out there it is, the fact of such a promise having been given; another trade to get a vote for his hobby. But it did not make the French our friends. Our soldiers noticed a change creep over the spirit of their dreams before they left France. Recently one of their statesmen blamed the United States for the cloud between France and Italy. It was not through any lack of demand of France that we were not burdened with the great European war debt, for the French proposed that the belligerents pay according to population; next as to wealth. So they would get us either way.

When I was in Paris, time after time Frenchmen broached the suggestion to me that I personally ask our President on my return to make a public statement that after the war half of our merchant marine, then built or to be built, would be turned over to France. It would make for better feeling, they said. And with what distress and alarm they viewed our work on their inadequate and old-time harbors, made necessary by their incapability of handling our troops going to their relief. They feared we had an interested eye, looking to the future of our commerce.

Japan clearly shows her intention to anyone who is not asleep of trying to deceive the rest of us. Any change in her Shantung steal and she would not sign, and shook aloft her still unsettled racial-equality clause, the clause that was defeated, not by the vote of our President, as you would suppose, but

by the vote of the Australian premier, who was desirous of keeping Australia still a white man's country. And then can anyone in honesty declare that Japan has any intention of releasing Shantung, now or ever?

The apologists for this monstrous deed say that Japan will right the wrong. They leave it to the cat who ate the canary to make it right with the canary.

All decisions must be unanimous, so what chance will any oppressed nation in the future have as against its oppressors? What chance will we have on our race-equality difference with Japan? Her contrary vote will balance ours. What chance will China have when always Japan's negation stands between her and her rights? Mr. Taft asks why we did not object to Germany's act when it was committed. We were not in the business of world meddling then, whatever might have been our opinion. But now he asks us to condone—to be a party to—this act. It was wrong then; it is wrong now.

Japan is a skillful, watchful waiter. In due time, when the League of Nations shall be a going concern, she will call up the matter of our immigration laws. Her vanity, smoldering so long under what she fancies is humiliation, will feed fat the ancient grudge she bears us. We will hasten to give our noble ally everything she asks just to keep out of trouble, as has been our policy all along through the Taft and Wilson administrations. Nothing is really worth fighting for if it is American seems to be their motive, as illustrated by the surrender of free tolls to our coastwise trade through the Panama Canal.

We went to war avowedly to destroy militarism. We fought not for territory nor for reprisals. We did not gain anything by entering the conflict. All well and good; but instead of standing fast for the principles he himself had enunciated, our President admits that he was responsible for yielding up Shantung to Japan; for the stripping from China of vast territory and millions of subjects, in flat opposition to his high-sounding doctrine of self-determination. Two hundred thousand Chinese laid down their lives during the war, from this very district of Shantung, and now their reward is that by an ally, a friend from time immemorial, the yoke they were fighting to remove is bolted the harder on the necks of their fathers, mothers, brothers, and sisters.

Here is the basis of a militaristic and imperialistic menace that we shall have to thank our own President for, an American, supposedly representing America and safeguarding her rights.

It is a victory for Japanese diplomatic strategy. It confirms their rapacious predatory attitude toward both China and Russia. It will turn the Chinese, who have looked on us as friends, into enemies. China's fate in the matter of Shantung was decided by the big five, of whom four, Great Britain, France, Italy, and Japan, had secret agreements. The only chance was for President Wilson to hold out. His contrary vote would have disposed of the matter. But he did not do it.

He gave away one ideal after another, one right after another, in his futile chase after a will-o'-the-wisp.

Trading, compromising. Fine phrases, with no intellectual honesty back of them. Oh, for a good stiff-spined American patriot; oh, for a Roosevelt or a Johnson at the peace table. We had every advantage. We needed not to creep and crawl in order to have our ideals made into perpetual world law. We had what Europe had to have. They had nothing we needed. We won their war. But in a short while, the astute, Machiavelian old world had won the mastery. It was a humiliation. All the world laughs at the matching of minds of the dreamer, while it sneers at an easy victory.

Where is the freedom of the seas we heard so much about? Self-determination? The rights of small peoples? Where any shadow or substance of the peace for all the world in this great combination of the mighty to "respect and maintain existing territorial integrity"? To continue into perpetuity wicked and unjust aggression and conquest. It is the most imperialistic plan ever conceived. A world empire.

We are expected to safeguard the same old wrongs, the same old injustices, the same old plunderings and greed and selfishness that have made all the causes for war in the past. Why will the League of Nations preserve peace and prevent war? Because the United States will preserve France and England and Japan and Italy in their aggressions.

Should the United States be complaisant toward this hideous thing, which England views with amusement, France with impatience, Japan with an inscrutable reserve, China with despair, Italy with hatred, while the "small nations," made mock of, and treated, as ever, like pawns, stand utterly bewildered at illusions lost and hopes flouted?

We have been duped into underwriting a peace so unjust and vicious that without our aid it could not persist, but would soon break up in war. We have entangled ourselves in prospect in every little European squabble, regardless of its merits or interests.

Whatever troubles arise over there, we have the burden of maintaining the balance of power. If the rights of China and Korea are done to death, in secret, even before the League of Nations, meets, when the diplomats of the craft are on their good behavior, what will happen when a few men meet in secret to parcel out the world? What has there been in the past 17 months to comfort the hope of the small nations? Strong nations have been made stronger. Grabbing right and left has been the order of the day. Even a great and generous ally has been bound and gagged, lest peradventure she prove dangerous in the future.

We have no place among such expert diplomats. We have not been trained in "ways that are dark and tricks that are vain." Our place should be this side the water, minding our own business.

We have become a world power. Circumstances have made us so. But our position is not one of dependence on that account. We are powerful, independent, as we are; able to do for needy peoples better and more successfully just in proportion to that power and independence. Why must we descend to the level of the bankrupt and crafty, the caste-ridden countries of Europe? The intrigue, the deceit, the secret agreements, that have entangled us in their meshes already, before the League of Nations is even well under way, show what is before us.

We can not marry Europe, Asia, and the Hejaz of Armenia to reform them. It would the rather be a union "with a clown, the grossness of whose spirit would have weight to drag us down." Because the submarine has undermined the safety of right little, tight little island empires, because modern warfare leaps, Remus-like, over all fortifications, is no argument that we should abandon our commanding position in order to be of service. We are strong, with the strength of a clear-thinking, high-purposed race. We can never sit around the gambling table with the hairsplitting, jealous diplomats of the old school. Brotherhood of man! What does it mean, and what voice has it had in the present negotiations for peace?

If a national spirit breeds wars, as advocates of the league claim, there is plenty of evidence that such spirit remains in the other countries, and it will be time enough for us to begin the brotherhood of man when there is some sign of its being practiced instead of so generally preached.

Somebody has nationalism mixed up with Kaiserism. But nationalism in America means America first, just as, reduced to its lowest terms, it means family first. Theodore Roosevelt said, "The best man in the community is the man who thinks of his family first." Rip Van Winkle was one of your good fellows, glad to muddle in everyone's quarrels, but not a high type of citizen at that. There are men a plenty to whom other men's wives look just as good as their own. They are not so narrow and selfish and pygmy-minded and old-fashioned as to love their own wives best. Internationalism savors of free love. It lacks the stern morality dear to the hearts of patriots who fashion their hopes and beliefs after the men of our country's elder days.

Do we want our morals to be controlled by Japan, with her geishas and her picture brides and her open and wanton and unabashed laxness of living? When we consider that our lives are to be regulated by a majority of nations whose populations are scarce civilized and illiterate to the last degree, we can not hope that our ideals will be the ones to survive in all their purity.

> For East is East, and West is West,
> And never the twain shall meet.

Frenchmen will be Frenchmen, Britons British, and Yankees Yanks in spite of all efforts to internationalize them. You can not have a supernation till you destroy the differences that have cleft the nations asunder since the Tower of Babel. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Speaker, we have had a good many kinds of protests against this resolution, and have even had one from the maternity ward, presented by the gentleman from Arkansas [Mr. GOODWIN]; but the protests all seem to be based on the theory that we are attempting to embarrass the administration and the President. People do not generally protest against attempts unless they are likely to be successful. The things that people protest against are conditions existing, or imminent facts which they want to change.

Now, our Democratic friends assure us that this resolution will never become law because the President will veto it. Undoubtedly he will do so. Nevertheless, the protest of the minority increases hourly. They complain against this as an attempt to embarrass the administration. The whole course of this debate shows that the real ground of their complaint is not the attempt to embarrass. It is the existing fact of the embarrassment. The facts are now embarrassing to the President and to the minority, and they are daily becoming more so with the approach of the election. These embarrassing facts are that the American people want a definite, official, technical termination of the war; that the President has had the daily opportunity since last October to effect such a termination with the consent of two-thirds of the Senate; that he has declined to comply with the wishes of the American people because he could not do so and still carry out his own theory of internationalism; and that when this resolution is presented to him he will be obliged once again to meet the alternative of complying with the wishes of the American people or of insisting upon his own, and that he will do the latter.

Yesterday the gentleman from Kentucky [Mr. CANTRILL], standing on the floor of the House, made a tearful speech to his district in which he denounced the Republican side of the House for its alleged cruelty and callousness in applauding the remarks of a Republican Representative who referred to the President's sickness. This was quite different, he said, from the exceptionally generous and chivalrous conduct of the Kentucky General Assembly in regretting the assassination of President McKinley.

There is a kind of political pathology involved in such an argument. I can assure my friend that we all want the President to get well. We sincerely hope that his recovery may be complete. We hope it will be an actual recovery, sufficient to enable him to be the candidate of his party for reelection. We would much rather have him the Democratic candidate than, for example, our present colleague, that seasoned statesman, the gentleman from Missouri, whom we know to be not only wise but sensible, even if he is not always right—even if he is now mistaken as to the side George Washington would take.

Now, the gentleman from Illinois [Mr. MASON], in the speech which my friend from Kentucky so severely criticized, was speaking of a man who was not by any means lying upon his death bed, but who was at least well enough to summarily dismiss a member of his Cabinet who had attempted to carry on a part of the country's necessary business during his illness; well enough to hold most of his party in the Senate in line against the wishes of the people of the United States; well enough at this moment to whip the minority of this House to vote against peace and against their own convictions.

The gentleman from Illinois, as we all know, is one of the kindliest and gentlest characters in the House. He could not possibly derive pleasure from the suffering of any other man. Surely it was not a breach of propriety for him to say of a man who is now probably almost well that he got sick when his arguments were shown to be fallacious by the facts of current history.

Gentlemen of the minority, it is facts which are your embarrassment to-day.

The real fact is that the gentleman from Illinois offended not by saying that the President had been sick, but by pointing out that the Democratic Party is now sick. My friends, there is one way for your party to get well, and that is to get back in harmony with the American people. The American people are tired of this deadlock on a declaration of peace. They know that the fault is yours. We are now giving you Democrats an opportunity to get back your party health by disowning the fault and voting for this resolution. If you do not do so your recovery at all is extremely doubtful. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, in opposition to this resolution it is contended that Congress has no power to declare peace and that section 1 of the resolution is therefore void on its face. It is pointed out that this is a Government of separate powers, and that the treaty-making power being vested in the President and the Senate, they possess exclusive power to end war. I submit that this argument is based upon an erroneous assumption of what the separation of powers in the Constitution means. It does not mean that the President and Congress together can not accomplish what the President and the Senate alone can do. The fallacy of the argument is based upon the error that one part of the Government is greater than the whole. The Constitution gives to Congress the power to declare war, yet the practice has been in every instance that declarations of war have been in the form of acts of Congress signed by the President. No one has suggested that the declarations of war were unconstitutional because in the form of an act of Congress signed by the President. On its face this resolution does not contemplate that Congress act alone. The presumption is that this, like every other joint resolution, will pass both Houses and will be submitted to the President. We have no right to assume that the President will veto it. Has anyone got the hardihood to say that if this resolution passes both Houses and is signed by the President that it will be unconstitutional, forsooth, because the President alone, with the concurrence of two-thirds of the Senate, by treaty could determine the state of war? The opposition, therefore, must be based upon the theory that the President will veto this resolution and that if it is passed over the veto then it will be unconstitutional. That would be an argument against passing the resolution over the veto of the President, but it is not an argument now, for we have the right to assume that the President will sign it. For certainly what the President can do alone, Congress and the President can do jointly.

The first section of this resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

Section 2 provides that this declaration shall terminate all resolutions, and so forth, and all war powers of the different statutes enacted during the war.

Section 3 provides that Germany shall have 45 days after the passage of the resolution in which to notify the President that it accepts its terms and waives and renounces on behalf of itself and its nationals all claims or demands against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles. In case of such notice commercial relations are to be resumed.

Section 4 provides penalties for violations of the terms of the resolution as to trading with the enemy.

Section 5 provides that the passage of the resolution shall not be construed as a waiver of any rights under the armistice signed November 11, 1918.

The writers on international law are agreed that there are three ways of terminating war between belligerents, as follows:

First, by a treaty of peace; second, by the conquest and subjugation of one of the belligerents by the other; third, by the mere cessation of hostilities so long continued that it is evident that there is no intention of resuming them.

"War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty of peace, or (3) a belligerent may end the war through subjugation of his adversary." (Oppenheim, International Law, vol. 2, p. 322.)

"There are three ways of terminating hostilities between States, namely, (1) by a mere cessation of hostilities of both sides, without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace whether the honors of war be equal or unequal.

"Under the first mode the relationships between the parties remain in a condition of uncertainty, and, owing to the numerous difficulties involved, combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision." (Phillipson, Termination of War and Treaties of Peace, p. 3.)

"It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances." (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 336.)

It is undisputed that war can begin without a declaration of war. A declaration of war may precede or follow actual hostilities. Where it follows, it simply declares that a state of war exists. This was the form adopted in the present case as well as in the Spanish War. In that case the declaration was passed April 25 and war was declared to exist then, and to have existed from April 21. The convention adopted at The Hague conference in 1907 provides that hostilities "must not commence without a previous and explicit warning in the form of a declaration of war."

I said that the argument that this was an infringement of the treaty-making powers would be good, if true, on the question of passing the resolution over the veto. But we contend that this resolution is not in fact a treaty, and that therefore it does not violate the prerogative of the President and Senate. The treaty of Versailles is not dead. It can be sent back at any time

and be ratified. This resolution does not prevent that. The only thing that stands in the way of ratification is the deadlock between the President and the Senate on the covenant of the League of Nations. If the President would agree to the Senate reservation on article 10 ratification would instantly follow and peace by treaty be an accomplished fact. What is that reservation? Here it is:

"Reservation No. 2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which under the Constitution has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide."

It will be observed that the only thing this does is to preserve the power of Congress to declare war. Should we surrender that power so that our boys could be sent to fight in foreign lands without our consent? Is it asking too much that before this is done the elected Representatives of the people in Congress assembled shall consent? To do otherwise would be a contradiction of the very idea of a government of, by, and for the people, a clear violation of our fundamental law and a craven surrender of our independence to foreigners. When the peace of the world was ruthlessly broken and the very existence of free popular government was threatened, America without treaty obligations, but because of a high sense of duty to civilization and the world, entered the war as the champion of liberty and right, and by reason of her power and the bravery and gallantry of her sons, many of whom are buried on the fields of France, brought it to a successful conclusion.

Should a similar occasion arise, America will not be found wanting.

I have long advocated international arbitration as a substitute for war. I joined the American group for international arbitration when I first came to Congress 17 years ago. I have sought to further the cause for which it stands. I believe that the League of Nations can be so perfected as to be an aid to peace in the future, but I do not believe it is necessary to surrender our independence or our birthright to get such an organization established.

I believe the Lodge reservations sufficiently Americanize the covenant and protect our fundamental rights as a free people, and that with these reservations the peace treaty should be ratified. I believe it eventually will be so ratified, either in this or a subsequent administration. Pending such a result we should pass this resolution. The people demand it and are entitled to it. In the language of Gen. Grant, "Let us have peace." [Applause.]

Mr. PORTER. I yield to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Speaker, if I thought that the passage of this resolution would prevent or hinder the resubmission and ratification of the peace treaty, I would vote against it. I have favored and still favor the peace treaty containing the League of Nations covenant and wish to see it ratified—of course, with suitable reservations that shall fully and effectively protect all American rights and interests. Such protection, in my judgment, is afforded by the so-called Lodge reservations. With those reservations, my understanding is that the treaty might be ratified to-morrow; without them, it has long been apparent that it can not be ratified at all.

The passage of this resolution by Congress will not prevent the resubmission of the treaty. It will not, in my judgment, interfere in the slightest degree with its ratification by the Senate. There is one thing, and one thing only, that prevents such resubmission and ratification to-day. That thing is the will of the President. He says: "Take the treaty as it is." He says: "The Senate reservations are unsatisfactory." Having returned from Paris and experience with the German envoys, he seems to say to the Senators, "Sign on the dotted line." Thereupon his followers in the Senate promptly vote against the resolution of ratification embodying protective reservations, and the necessary two-thirds vote is not secured. In other words, he declines to take the "advice" which the Senate in the performance of its duty under the Constitution has on two separate occasions been willing to offer him. It must be his way or no way; it must be his treaty or no treaty.

Now, grant, if you please, that some of the proposed reservations are unnecessary, what of it? Every one of them seems to be in the interest of an independent and self-respecting America. No one of them militates in the slightest degree against the principle of the League of Nations. No one of them is objected to by the nations associated with us in the war. Every one of them has been accepted by the friends of the league. Why, then, should the President himself object to them? Why delay the coming of peace; why postpone through weary, anxious months the resumption of normal business relations between men and nations? No good reason has been thus far suggested, and certainly none is perceived.

Of course, the President may have good reasons for not accepting the "advice" of the Senate. Some people do not need advice. They know it all in the first place. Macauley, you will remember, tells us of the eminent gentleman he has seen "come down with messages from God to the House of Commons." It would seem that the type has been known before. However, so far as the American people are concerned, the evidences are multiplying every day that they are about to indicate in unmistakable fashion that their experience with this type has been quite sufficient.

As a matter of fact, Mr. Speaker, the war is over, and has been over for a year and a half, and yet legally and technically we are not yet at peace. The unfortunate controversy between the President and the Senate concerning the peace treaty has thus far prevented peace and kept us in a state of technical war long after the fighting is over. Our people are anxious to see the state of war ended; they want to see the autocratic power of the President ended; they want to see normal trade relations resumed; they want to see peace come again in law as well as in fact. The resolution under consideration looks to that end. It would recognize in law what the whole world knows is true as a matter of fact.

A treaty between this country and Germany would be the usual, normal, and perhaps the best method of bringing this about. But it is not the only way by which it can be done. The method proposed in the pending resolution is another way, even though it may not be so desirable a way. I do not say that the resolution under consideration is the best means of bringing about a state of peace, but I do say it is the best means now within our power. I do say it is the only means at all likely to be within our power before the 4th of next March.

But we are told, and the argument is pressed with great insistence, that Congress has no power to pass this resolution. Again and again we have been told in this debate that the President alone has power under the Constitution to end war. I do not believe this position is well taken, nor do I believe that the argument supporting it is sound.

Before going into that question, permit me to say, Mr. Speaker, that this is not the first time that the Republican Party has been forced to meet such a challenge. Sixty years ago, at its very birth as a party, it was confronted with a similar situation. Then, as now, the welfare, if not, indeed, the safety and permanence, of the Government of the United States was in peril. Then, as now, it was said we had no power to meet the crisis. Then, as now, a Democratic President, obsessed with his theories, sat in the White House and said that Congress could do nothing. Then, as now, the Democratic Party took the position that we were in a "blind alley" and there was no way out. But Abraham Lincoln and the Republican Party found a way out. The Nation was saved and the "indestructible Union of indestructible States" was securely established.

I say to my friends on the Democratic side of the House, whatever sins of omission or commission you may charge against us, you can not truthfully say that from that day to this the infamous doctrine of impotence has ever for a single minute been a part of the platform, the policy, or the practice of the Republican Party.

Congress has ample power to pass this resolution. It is found in its powers "to declare war," "to raise and support armies," "to provide and maintain a navy," "to make rules for the government and regulation of the land and naval forces," and "to provide for the common defense and general welfare of the United States." There seems to be no limit to the power of Congress in the premises.

Consider for a moment what would be the result of a different interpretation. Suppose there is a disagreement between Congress and the President as to the wisdom of continuing a war. Can it be said that the President has power to continue the war against the will of Congress? Or, on the other hand, suppose the President should enter into negotiations with the enemy to terminate the war which Congress did not wish to terminate. Will anybody say that such an effort on his part could by any possibility be successful? Surely not. It is the will of Congress that controls. The sword and the purse alike are in the hands of Congress and both are indispensable in the prosecution of war. To be sure, when war comes, Congress hands the sword to the

President, but the Congress that gives can take back the sword whenever it wills. Congress and Congress alone determines whether our policy shall be one of peace or one of war.

As there may be war without a declaration of war, so there may be peace without a treaty of peace. Always there is a clear distinction between the fact of peace and the terms of peace. I say that the fact of peace now exists, and Congress, under its war powers and the general welfare and national-defense clause of the Constitution, may so declare. That is what we are trying to do by this resolution. But the terms of peace, except as they may be made conditions upon the right to resume commercial relations—these fall clearly within the treaty-making powers of the President and the Senate.

Mr. Speaker, I believe the people of this country are heartily tired of this disgraceful policy of "watchful waiting"; this pitiful display of "peanut politics," wherever exhibited, in a matter of such transcendent importance, of such vital and far-reaching concern to all our interests. While the President sulks in the White House, willing to make concessions at Paris, but apparently too proud to make concessions in the interests of the independent sovereignty of his own country, our people look to Congress for intelligent action. In this time of profound upheaval throughout the world, when loud and angry voices are heard on every hand, urging the overthrow of cherished institutions that it has taken us centuries to build, they turn their eyes hitherward in the hope and confident expectation that the dominant party in Congress—the party of Lincoln and Grant and McKinley and Roosevelt—will at least do its part to put an end to this bastard régime under which we have lived for 17 months and bring us again into the paths of peace.

I believe that we will meet and fulfill that expectation. I believe that we will not betray that trust. I believe that we will pass this resolution to-day. We have the constitutional right to do it. We have the moral right to do it. Thank God, we have the votes to do it, and it shall be done. [Applause.]

Mr. PORTER. I yield to the gentleman from Nebraska [Mr. EVANS].

Mr. EVANS of Nebraska. Mr. Speaker, I desire to prefer a unanimous-consent request first. I ask unanimous consent to incorporate in my remarks a letter from a gentleman in Nebraska on the situation as disclosed by the acts of the administration.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks by incorporating a letter written to him by a gentleman in Nebraska. Is there objection?

Mr. BEE. Mr. Speaker, reserving the right to object, is this gentleman from Nebraska a private citizen?

Mr. EVANS of Nebraska. He is a private citizen and a member of the gentleman's party. [Laughter on the Republican side.]

Mr. BEE. Mr. Speaker, I object.

Mr. MASON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MASON. The gentleman does not have to have unanimous consent for an extension of remarks.

The SPEAKER pro tempore. The Chair understood the request granted for unanimous consent yesterday was that it should not be matter other than a person's own remarks or suitable quotations.

Mr. MASON. Were the words "suitable quotations" used there?

The SPEAKER pro tempore. That was the understanding of the request as the Chair understood it, that gentlemen were allowed to make quotations but not to extend letters or editorials or other matters besides that.

Mr. EVANS of Nebraska. Mr. Speaker and gentlemen of the House, governments are organized with a view to a long existence—if it may be—to be perpetual. Our Constitution was framed to aid in making our Government perpetual. Though it provides the machinery by which the Government functions, the perfection of this functioning will determine how long our Government will exist. If the Constitution receives a narrow construction and ceases to be flexible, does not have a comprehensive and liberal interpretation, it fails and governmental decay has begun.

With the purpose of the Constitution in mind each provision should be liberally construed to accomplish the desired result and achieve the end sought. When the general welfare of the Nation suggests that peace be brought about—and peace with honor is always a consummation devoutly to be wished—that purpose, peace, should be the guiding star in construing the powers contained within the Constitution.

It may be claimed that powers not granted are retained by the States, but this has reference to national affairs and not to international negotiations. A State, or all the States, except they act through the Executive, Congress, or the treaty-making power, could not have communication with another nation.

But the right to exist—or, if you please, self-preservation—is the first law of nations as well as of nature, and the gentleman from Mississippi [Mr. VENABLE] conceded away his case when, in effect, he said, in answer to the gentlemen from Michigan [Mr. SMITH], that there was no remedy under conditions now present in our Government if neither President nor Senate recede.

To say that under our Constitution Congress can not declare a fact has ceased to exist which on a previous occasion under different conditions it had the power to declare did exist, the evidence in each case being the same—common knowledge of the fact with official notice or declaration of the fact conveyed by the President in an official message—is an application of a rule of construction that loses sight of the purpose in view when the Constitution was made the fundamental law of our land.

The war—physical war, force against force—has ended. The President has so declared officially.

The treaty has been negotiated by the President and presented to the Senate. After failure to ratify it has been returned to the President, who states that the "next move is with the Senate." In other words, we are at a deadlock, so far as ending the war by treaty is concerned. Under such conditions is peace technically impossible? Others have discussed the constitutionality of the "resolution," citing authorities conclusive as to the correctness legally of the position of the committee.

This resolution is in no sense a treaty, a part of a treaty, or an attempt to make a treaty. It does not end the war; that has already been done. It provides for the declaration of a fact that the President says exists and makes legal acts and commerce not now lawful between two peoples not now at war. It opens, conducts, or attempts no negotiations; it suggests no change of terms between Germany and the United States from those agreed to by the President. It leaves all international intercourse with the proper department of the Government. It will make it possible to have lawful business and intercourse between our people and another nation with whom we are not, in fact, at war.

This resolution, so far as actual war is concerned, is of no effect; that is, it changes no fact between Germany and the United States as to actual conflict. The conflict closed when the armistice was signed. When the opposition argue or assert that this resolution is an attempt at treaty making or that it is an attempt to declare peace, and therefore unconstitutional, it is only a smoke screen behind which it hopes to make its escape from its unpatriotic, its aristocratic, and its illogical position—a position against which the Democratic Party is almost in revolt, but which is made necessary to satisfy the Democratic schoolmaster's inordinate ambition to sit and rule as kaiser even as he rode the seas as one.

The Germans do not wish to fight Americans. They do wish to buy from our people. We do not desire to engage in mortal combat with the Germans—indeed, we have, by order of the Commander in Chief of our Army and Navy, brought home and disbanded our military forces, and they have returned to the ways of peace. We, too, would sell to Germany. No ally on either side objects; indeed, all earnestly desire to end this war technically and have peace and the ways of peace.

The President says he wants the war ended; so does the Senate, so does the House, and, above all, so do the people. Does our Constitution make us impotent to do what all departments of our Government and all the people want and our general welfare demands?

And here is where there should be an application of that principle which requires a broad and liberal construction of the instrument that its purpose may be carried out. If you apply the principle contended for by those on the other side of the House, then we never were at war by any constitutional declaration of war, because the action taken April 6, 1917, was not a declaration of war; it was a declaration that a state of war already existed. And, applying the narrow rule contended for by those against this resolution, there is just as much warrant in the Constitution to declare a state of war has ceased to exist as there was to declare a state of war existed; just as much and no more. Technically there is no express power to make either declaration, but to apply such a rule in either case is foolish and kills the spirit by the letter.

I wish to call to your attention the fact that there is not one thing in the resolution that has not been agreed to by Germany, all the Allies, the President, and the Senate. Let me repeat—to-day by this resolution no one is asked or required to do, or consent to, a single thing that has not been

agreed to by all interested parties. Certainly the President and the Senate have agreed to it. All agree that the war is ended. All agree that diplomatic and commercial relations should be resumed and war legislation abrogated. No single element affecting the war and its ending is unsettled except the declaration of that fact by a proper authority, so that commercial transactions may be legally conducted and commerce resume its wonted way.

The only matters in dispute are things and conditions not mentioned or thought of as a cause of war. We did not go to war to establish a "League of Nations," but Germany has consented to even that. So have the Allies. We are still at war technically because the President and the Senate can not agree as to matters not related to the war or its cause. Does anyone claim that we must fight with another nation because our President and the Senate disagree, because they disagree about matters which do not touch even remotely the cause of the war between Germany and the United States?

In arriving at a decision as to the course to be pursued with reference to the adoption of this resolution declaring the fact that the war is at an end it matters nothing as to whether the President's or the Senate's action is wrong, or if both are wrong. It is not a sufficient reason that the covenant presents an administration policy. It was an American-fought war, and America, if it so desires, should have it ended technically, if actually it has ceased.

However, the administration's policies have not met with the approval of the people, and many of the Democrats disapprove of the administration's policies.

I received some time since from a Democratic constituent, W. M. Cain, Esq., of Fremont, Nebr., a letter containing comments which demonstrate the truth of this statement and which comments I quote:

In addition thereto—as we often say—have we not reared and delivered a man for "president of the world," who, "accompanied by Missus Wilson," of course, bade fair to "give us the heathen for our inheritance and the uttermost parts of the world for our possessions." Then, too, our progressive Josephus has inaugurated the interesting reversal of things by decorating the chap that does not fight but runs away. I suppose that by this curious innovation we may truly say that "defeat is swallowed in victory." That sir, is as it should be, for if we are "too proud to fight" and if we "thank God for our unpreparedness," why, then, should we not crown defeat and loathe victory?

Why, come to think of it, didn't we openly declare somewhere in the temporal vicinity of the sacred 14 points that we wanted "no victorious peace"? Seems to me we did so declare. So I affirm, upon my word as a Democrat (still), that we are at least consistent and logical. So it is, after all, quite right that Commander Bagley, who, pursuing the dogma of "peace without victory," sailed his craft in a hasty, if awkward, get-away from gunfire, should receive from the august hands of the Secretary of the Navy the distinguished service medal. Why not? If he steamed away from the scene of prospective—though not actual—conflict, he could leave the enemy to his wretched fate of nosing around the high seas until he could find some ship carrying the American flag whose commander had not learned the new idea of "no victory" and would not run. Of course, I don't care a damn about it, except—aye, there's the rub—except that Bagley's ship carried my flag!

It might be in the logical order of fightless victory and shootless guns and soldierless armies that we would have a valueless currency, but I don't believe it. The numerous "deserving Democrats" drawing limitless salaries for workless service would induce us to keep the dollars we are getting sound. So friend Luce is on the wrong track. Why don't he aim at those places in our armor that are worn so thin that "a pigmy's straw could pierce them"?

Look at our record again! Did the Republicans ever produce a president of the world? They did not. In all the successions of Republican administrations what progress did they make toward cultivating amicable relations with the Akhund of Swat or the Duke of Timbucto or the King of the Cannibal Isles down in the tropic seas? No progress whatever. And yet, in the brief span of less than four years, we Democrats have made them our blood brothers, invited them to our councils, and made ourselves their equals. This is little short of magic. Is it not? It is—not!

I asked unanimous consent to insert as a part of my remarks a letter from W. M. Cain, Esq., a Democrat and a citizen of the district I have the honor to represent.

The gentleman from Texas [Mr. BEE] objected. I had desired, in justice to Mr. Cain, to insert the entire letter, as he had claimed for his party achievements with which I do not agree and which ought to appear to correctly set forth his attitude. As I am prevented from quoting the letter at large I have quoted the above as evidence of the disapproval I have mentioned and to challenge the attention of the other side of the House to this estimate placed upon the achievements of the present administration by members of that party in the hopes that it may have a beneficial effect.

This administration in the conduct of foreign affairs has not won the confidence of the people of the United States. Its conduct of foreign affairs has lacked an insight into and a comprehension of the matters involved and the ability to solve such problems as it did seem to understand. In Mexico it has been following a policy of "watchful waiting," which has consisted largely of waiting without watching, and were it not for the cries of outraged women and the graves of murdered citizens it might be allowed to pass by calling it "witless wabbling." Its chief protest has been letters so numerous as to waste almost enough paper to form winding sheets for the victims which its puerile policy has permitted Mexican outlaws and bandits to ravish and kill.

The President's triumphal procession with royalty through Europe, borne about upon the hard-earned or carefully saved dollars of American citizens and the shed blood of American soldier boys, the trip across the Atlantic with an exclusive company and an excluded soldiery, a discarding of the idea of open diplomacy and, indeed, nearly all of the sacred fourteen points, the threatening of a coordinate branch of our Government, backed by a record unsurpassed for its instability, does not suggest a great statesman and patriot, animated by a great idea, but rather an intensely selfish disposition, moved by an overweening ambition, and whose every move merits close scrutiny, and which, in this instance, with every advantage in his favor, has fallen so that now there is scarce one to commend him.

Indeed, if the party of this administration could have the people forget, it would flee from the record it has made as from a pestilence.

Recall and reconsider the conditions present: Germany had sunk our ships, murdered our women and children, and our Chief Executive, being "too proud to fight," opened a school for letter writing, in which he greatly excels. Germany continued to sink our ships and send our people to watery graves. Our Executive still taught letter writing, and so things continued until in 1917, when it could be borne no longer, and the Chief Executive informed Congress that a state of war existed and asked Congress to so declare, which it did. Mark you, there was in the prewar correspondence no dispute about any of the various provisions of the so-called "covenant," which the President has said must be accepted without dotting an "i" nor crossing a "t." The cause of the war was violations of international law—ships sunk and citizens murdered. Our boys, with courage unsurpassed, were instrumental in snatching victory from defeat. The war ends. An armistice is signed. A treaty is negotiated and signed by all parties engaged but United States and China, if my memory is correct. By the treaty terms Germany consents to everything the United States asks; all other nations engaged in that war consent to these arrangements.

To-day neither the United States nor the President is making any demand from Germany which in any way affects this war or its ending. There is nothing that the United States is to do to or for Germany. Yet with no cause for quarrel with Germany and with Germany having no cause for quarrel with us and with both peoples anxious to resume the ways of peace we must remain at war. Why? The answer of those who oppose this resolution must be, "Because Woodrow Wilson wishes to give England 6 votes to our 1 in the council of nations." Germany does not care or object to that. Why should we remain at war with Germany until Wilson can convince the American people that England is six times as intelligent as they are?

Why must we remain at war with Germany? Because Woodrow Wilson insists that when our enemies are invading our country or we are at war we can not increase the limit fixed for our military forces unless Spain and Japan and Italy and the other members of the council say so. Of course, Germany did not fight about that. But what do you think about remaining at war with Germany because the President insists on having the size of our armies fixed by foreign nations?

Why should we remain at war? Because Woodrow Wilson insists Japan must be permitted to steal Shantung from China. Germany does not care; she has given up all control and title thereto. God pity a party that has so far lost its self-respect and honesty that it insists on continuing a state of war to satisfy an unrighteous ambition of one of its own members and to aid another power to rob a weaker ally.

Why must we continue at war with Germany? Because Woodrow Wilson insists on placing in the hands of eastern nations, who are now criticizing us as a Nation and him as an individual and an officer, the right to enforce article 10 of the covenant against us as a guarantor of the territorial boundaries of every real estate grabber among European nations.

Why must we continue at war with Germany? Because Woodrow Wilson insists that the laboring people of the United States must go back to European standards and again develop along lines suitable to European, Asiatic, and African conditions. That we must without question accept the change made when the

word "merely" was inserted in the following sentence: "But holding, as they do, that labor should not be regarded merely as an article of commerce," and so forth.

Why must we continue at war with Germany? Because Woodrow Wilson insists that in the construction and application of the Monroe doctrine to conditions as they shall arise in the future, European and Asiatic nations shall have full power to construe and apply that doctrine. We shall in all cases be the interested Nation, and hence without a vote. They now are and always have been against the doctrine. Imagine, if you can, Spain and Japan and Italy or even France and England sitting down in a judicial frame of mind to pass upon the application of the Monroe doctrine when one of their number had taken possession of the oil fields of Mexico or when Japan had purchased or taken a coaling station on the western coast of Lower California.

The American who hopes to get justice under such circumstances has made a prima facie case against himself before the insanity commission. Yet, before we may have peace with Germany we must, as a Nation, agree to this condition. God help America if this is to be a sample of its twentieth century diplomacy.

Why must we continue at war with Germany? Because Woodrow Wilson insists that after having allowed the European, Asiatic, and African countries to fix the size of our armies and navy, if perchance we are invaded or engaged in actual warfare before we could increase our Army or Navy, permission must be secured from European, Asiatic, and African nations in the council. Suppose war with Mexico. Do you find yourself able to imagine Japan hurrying to give the needed permission? Do you think that Spain will find herself in a position where she is convinced that we ought to have the help asked for? What would be Spain's influence on her daddy-in-law, England? What would Italy say and how quickly would she say it?

Does any man on this floor believe that the fate of our country is in safe hands so placed? Even now the echo of the cannon comes not faintly from European battle fields, started under rights claimed under this treaty and which are disputed by other signatories, allies in the late conflict. There are now under this covenant and treaty more serious disputes between practically all of the European nations than existed on July 26, 1914.

When you vote against this resolution and go to your home and your neighbor asks you why you so voted, tell him truly you wished England to have six votes in the assembly to our one; that you believe the laborer of our country should still wallow in the mire of European conditions; that you believe in the kind of national honor that aided Japan to steal Shantung from our ally, China, and after the theft was complete, in guaranteeing the thief in the possession of his loot; that we should give up the Monroe doctrine and send our boys to act as policemen for the Turks; and that we should bind ourselves and our posterity—because the covenant leaves with the council whether we have performed our obligations so as to retire from the "league"—to the tender mercies of those who hate us for our freedom, laugh at our simplicity, live off of our charity, and, until the Wilson administration, have damned our independence.

We all know the reasons I have enumerated are the real cause and the only cause the peace treaty is not signed. We all know that no one of these causes had any relation to the war. We all know that not a corporal's guard would vote in favor of adopting any one of them if presented so that a direct vote was required. But to save the political face of one who has abandoned nearly every policy he has espoused down to and including the sacred 14 points, almost the entire Democratic membership will, in this indirect manner, vote for them.

Where is that patriotism that is more potent than party fealty?

The time has come when we should be brave enough to do in the national legislative halls what our boys did on the battlefields—end the war. They carried that flag through the hell of war and returned it to you and to me and to our common country and never allowed it to dip to an enemy. Does it remain for the Democrats in Congress to bid our country bow to a foreign commander and kiss the hand that smites? I hope not, but if so, the mandate will be in vain.

The Republican Party would be pleased to join with the Democratic Party in keeping our sovereignty undivided and tributary to no foreign power. The Republican Party has never faltered when duty called. If need be, it will again maintain the dignity of our common country and prevent its bowing to any supersovereignty or its being made subservient to any other power.

Gentlemen of the House, let us adopt the resolution and "Let us have peace."

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Iowa [Mr. BOIES].

Mr. BOIES. Mr. Speaker, I favor this resolution for the reason that the time has long since passed when peace with Germany might and should have been accomplished.

Peace with Germany could easily have been effected within six months or less, following the date of the signing of the armistice, but for the uncompromising and unusual purpose of the President to force the Senate of the United States to accept the covenant of the League of Nations as he presented it—"without the dotting of an 'i' or the crossing of a 't.'" This Government would long ago have been at peace with all the world, and in all probability a sane arrangement entered into by the leading nations of the world, guaranteeing the peace of the world, in so far as it is humanely possible, at one broad jump, thereby saving to the world billions of money and thousands of lives. That part of the world once known as civilized is now from 5 to 10 years further removed from normal conditions than it would have been had a peace plan been presented and adopted that contained the roots of reason, that appealed to the common sense of the people of the world, that was fitted to the practical uses and benefits of the people as we find them in the various countries of the world, that was the product of many of the best minds of the world, that had received the baptism of the thought, the reason, the suggestions, the mature deliberations of the master minds of the world in the broad and open sunlight of confidence and generosity "openly arrived at."

The all-absorbing question should have been, What do the people of my country desire? Aye, question upon question should have passed uncensored under the waters and through the heavens to this country, to the people, and especially to our Senators, whose advice and consent must finally have been heeded and secured.

The voice of the people still rules in this country. Threats and attempts to thwart the will of the people cause unrest and destroy business, and carry from safe moorings the radicals and the irresponsibles who are always eager for the chance to "raise the devil." But the great bulk of the American people finally bring about times that are right—under the authority of the Constitution, which points plainly the duties, responsibilities, and separate powers of the executive, legislative, and judicial branches of this splendid Government—and which we love too well to discard or betray any of its functions into the hands of any foreign countries.

In most of the countries of Europe the heads of the government will, and the people acquiesce. It is different here. The will of the majority rules. In the secret negotiations at Paris the men of Europe naturally did not consult their people, and, judging from the result of that convention, as handed to America, they felt sure that the people of this country would calmly accept any trade contract carried away from the seat of fashion and gayety.

The men of Europe there assembled evidently never understood the station that the individual citizen occupies under our form of Government, nor did they interpret correctly the responsibility felt by the average officeholder toward the people and to the laws and the good order of the land. This must have been their attitude of mind, else they would have been unwilling to expend six months of time and as much money as it costs this Government, for the simple privilege of the six months of sociability at Paris. This may be getting separated a trifle from the serious side of the question. It is a mighty serious matter—so much time, and money, and rancor, and tribulation, and misunderstanding, and heartaches, and deception, and arrogance following, and nothing of first hope to come except disappointment, discord, and distrust. Such results are especially to be regretted when it was more important that harmony and good will prevail during the past year and a half than at any like period of time in the history of the world.

Had the peace with Germany been made when it should have been, Russia, Germany, Austria, and other countries, including our own, would have been in immeasurably better condition than they are to-day. Europe at war then is generally at war now, with 14,000 of our boys under arms in a foreign land; war-time laws disturbing the business of the country; war-time expenses yet piling up to be liquidated; unheard of prices oppressing the poor, the laborer, and the moderately well to do.

All hands must join, in good faith, if this great burden is to be lifted. In sight and hearing of it all we are told by the chairman of one of the two great parties in this country that this resolution must not pass; that notwithstanding the Presi-

dent's health he is able to reach the President when "crucial questions" arise, and that it will be folly for Congress to adopt this resolution because the President will veto it.

This position means nothing more than a "crucial question" in politics—that the League of Nations must be made an overshadowing issue in the coming campaign.

I predict that, in case this resolution is vetoed, and the President refuses to allow his followers to accept the proposed reservations to article 10, and a plank appears in the San Francisco platform placing the League of Nations before the voters of this country, the friends of the League of Nations, with or without reservations, will never see it presented to another Senate.

I am young in this business and my advice may be ridiculed and spurned, yet I believe that I have some knowledge of men, and my advice to the gentlemen of the minority of this House is that you have one chance to secure the adoption of the covenant of the League of Nations, with reservations, and that is, by forgetting your politics and voting your judgment upon this resolution, thereby informing the President that you can follow his advice no further on this question. You owe this to yourselves and to your country. Should you thus advise the President, the document, in my judgment, with the reservations, will be returned to the Senate within a week and will receive the "consent" that the Constitution requires.

My Democratic friends, if you do not now see the handwriting on the wall, you are blinder than a bat sitting on a street pavement at high 12 on a cloudless day with the Government thermometer standing at 119 degrees in the shade.

Really the handwriting I refer to, that should make any Democrat, high or low, quake in his "innards" who dreams of making the league an issue, is not on the wall, but appears upon the ballots most recently cast for Hiram Johnson. Can not you put two and two together?

If you bear such love for the President as tradition speaks, help to save his face; attend to it that the league is adopted with reservations.

Please do not answer that such action on your part "will break the heart of the world." England does not care a snap for the covenant of the League of Nations only in so far as it would require of this Government to bear a large part of the expense connected with the managing and bossing of that half of the world over which she presides.

France would rather be assured that under like circumstances this country, in the name of humanity, in the defense of womanhood, and in the love and adoration of the very name of mother, would come again and whole-heartedly, as France would come to us again in days like the time when Lafayette said to Washington, "We are here."

There are some things in this world broader and deeper and better than partisan politics. When the good of the country requires we should first and last and all the time be Americans.

Do not advance the empty argument that the adoption of this resolution will prevent securing a just settlement of property matters with Germany. The property now in our possession may be handled as justice dictates. Whatever else we might be entitled to will be settled as Germany may agree. The Congress, the people of this country, will not consent that we engage Germany in further bloodshed in order to possess ourselves of anything Germany might refuse to concede.

The President has taken undue advantage of his position to force the Senate to yield, having no regard for the Constitution or the rights and privileges of the Senators thereunder. He has had ample opportunity to draw the people to his way of thinking; he has worn himself out, destroyed his health, closed the doors upon himself and the orderly business of his Cabinet; he has stopped the wheels of progress and brought the world into a state of unrest by his prolonged insistence upon the adoption of a plan of world government that the people of this country will not assent to; and now threatens in advance the veto of a resolution to restore peace. Is it not about time that the man who claims to be so much interested in the freedom of men and of nations be required to remove his grip from the throats of those officers of this Government who regard their oaths as of some concern in the exercise of their duties?

Is it possible that one man can be in the right and the overwhelming majority of the American people wrong?

"Break the heart of the world?" Listen to the voice of France as contained in that great journal, the Paris Matin:

> At the most troubled moment in history America has a sick President, an amateur Secretary of State, and no treaty of peace. A President in the clouds, a Secretary of State in the bushes, and a treaty in the cabbage patch. What a situation! However, America is America; that is to say, our great sister nation, which has our love and eternal confidence. Colby or no Colby, treaty or no treaty, the American people know that we call them friends.
>
> It is only a little longer that a sick man will be able to keep the cloud in the sky above the two sister republics. And soon there will be a Secretary of State with whom Europe can speak and whom we can understand. France needs no written guaranty to know that America will send her boys again if we are menaced as we were in 1918, and let America know that we will send another Lafayette if she ever needs him.

The argument thus far has been an attempt to point to the necessity for the adoption of this resolution, rather than to the power of Congress to legally act in the premises. What is the legal phase? Among the powers conferred on Congress and delegated to no other branch of the Government is the power "to declare war." Nowhere is it found that the President has any voice in this matter. Nowhere is it found, by implication or otherwise, that the President can veto a declaration of war by Congress. It would be a most dangerous rule if the President held a veto power in this connection.

Section 1 of Article II of the Constitution provides, among other things, that—

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of his office, * * * the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and the Vice President.

Supposing a President should become wholly unable to discharge the powers and duties of his office, and, in the interests of the country, it became imperative that the Congress by law provide for such an emergency, declaring the inability of the President to discharge the powers and duties of his office, would anyone contend that the President then in office and thus disqualified could veto such an act of Congress? If the question may rightfully be answered in the affirmative, we might be confronted with the case of a President wholly unable to discharge the powers and duties of his office and by his own veto obstruct the business of the office for four years. It appears that this is the only method by which a case of this character could be reached, as the Constitution provides for only three grounds of impeachment of the President, Vice President, and all civil officers of the United States, to wit:

> Conviction of treason, bribery, or other high crimes and misdemeanors.

It might be contended that this provision of the Constitution only contemplates the voluntary resignation by the President during his inability to discharge the powers and duties of his office. If that is the construction to be placed upon the Constitution, then there is no way whereby the inability of the President can be determined except by his own admission and by his willingness to permit some one else to act until the disability be removed. If this part of the Constitution is meaningless and unenforceable, then certain it is that the Constitution should be amended. These provisions of the Constitution are cited in order to show that the third paragraph of section 7 of the Constitution does not apply when the clear language of the Constitution would be inoperative if controlled by said paragraph.

The Congress having absolute power "to declare war," it is an anomalous situation if Congress is not likewise empowered to declare that a state of war which it brought into existence is at an end. If Congress has not the power to so declare the state of war at an end, then a state of war once declared may continue indefinitely or until some President is found who would not veto a resolution by the Congress declaring that a state of war was ended. In this connection, as having some bearing upon the question at issue, it may be stated that Germany did not declare war against this country, and in such case a very different proposition would confront this Congress.

Laying aside the matter of the legal right of the President to veto the action of Congress in the event of the adoption of this resolution, what reason can be suggested why he should do so? Laying politics aside and looking to the welfare of this Government and to the needs and the wishes of the people of this country, there is no excuse for the rejection of this resolution.

The President may assign, as an excuse for vetoing the action of Congress, in case it adopts this resolution, that Congress, the legislative branch of this Government, is encroaching on the prerogatives of the Executive as related to his power to negotiate treaties. If this is the only reason that may be advanced for the exercise of the veto power lodged in the President, it probably will occur to the people of this country that the prerogatives and powers of the other branches of this Government have been so often usurped in past years as that it has lost its meaning, influence, and natural application altogether.

I shall vote for the adoption of this resolution because I believe that the people of this country are earnestly in favor of its adoption, for the reason that it will be of benefit to all matters of business in this country, for the reason that it is the right thing to do, and for the further reason that the peace with

Germany should have been disposed of long ago and never "entangled" with the covenant of the League of Nations. The Senate of the United States possessed the undoubted right to pass upon both propositions, and separately without coercion or handicap of any kind or sort.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker, I am very glad that there is no reason of any kind which will prevent my voting to establish officially that peace which the people of the country are demanding and for which the splendid men of our Army and Navy sacrificed so much; and I believe that no vote that I have cast since I became a Member of this House will come nearer meeting the unanimous approval of the people I have the honor to represent as the one I shall cast for this resolution declaring officially the state of war with Germany at an end and revoking the war-time powers of the President.

I regret that our friends on the Democratic side of this House are not to be allowed by their party to have the pleasure of voting for this resolution, for I know many of them would like to do so. It is unfortunate for the country that now that the Republican Party is in the majority the Democratic Members of the House must become obstructionists, opposing all measures we propose. This is so in the matter of appropriation bills. If because of the fact that they left us an empty Treasury, a national interest-bearing debt of $26,000,000,000, and a deficit between our yearly income and expenses of $3,000,000,000 we are forced to adopt a program of economy they at once try to prevent our carrying the same into effect. It was true with the railroad bill. The President having set March 1 as the time for returning the roads to their owners, it was the duty of the majority party to provide legislation governing such return and to enable the roads to continue to give service to the people; yet our Democratic friends obstructed and denounced us for doing what the needs of the country required, and so it is with this resolution.

The Nation has waited for 17 months since the armistice for a declaration of peace, yet now that our party has introduced this resolution the leaders on the Democratic side denounce it and write long technical briefs in an attempt to show that "we should not make a separate peace with Germany" and "that it is a violation of the Constitution." They overlook the fact that the President led our allies into a separate peace with Germany which they have already consummated but with which he interwove his League of Nations and made it impossible to us, because it destroyed our independence. So we are left but two alternatives—to either declare a separate peace or to delay until we can have a Republican President who will negotiate an American treaty.

In order to make their cry of "unconstitutionality" they point out that Congress has no power to make treaties, and then insist that this resolution is a treaty. Yet these same "constitutional objectors" applauded the President when he ripped open the Constitution and took therefrom the right of Congress to declare war and gave it to a League of Nations across the sea, dominated and controlled by a nation that was to have six votes to our one.

Is it possible we can pass a resolution stating that war exists, as this Congress did, and yet can not pass a resolution stating that it no longer exists? Or must we remain technically at war because the President insists upon having the treaty signed upon the dotted line?

Our Democratic friends say "the President will veto the resolution if we pass it, and we have not a majority large enough to pass it over his veto, and they will not help us to do so." Well, if this result comes I believe the people in November will give us both the Presidency and a two-thirds majority in this House. The people want peace; they want the unusual war powers which interfere with business and restrict free speech and American rights taken from the Executive. They are tired of a government of the President, by the President, and for the President. For my part I could not look the people I am representing in the face if I failed to vote for this resolution. I would feel that I was not loyal to the sacrifice of those who made this resolution possible. I shall vote for peace.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Speaker, I am heartily in favor of this resolution. The only criticism I make is that it was not introduced long ago. I favor it because the country demands it. I favor it because our financial, industrial, agricultural, and commercial interests demand it. I favor it because it is an absurd and silly thing to be technically at war and virtually at peace with Germany. I favor it because all our allies with whom we were associated in the late war have already concluded peace with Germany. Seeing that peace is eminently desirable, what, after all, is the real opposition to the passage of this resolution? When the situation is carefully analyzed it is seen to be solely the opposition of the President, the same opposition that led to months of vexatious delay in the matter of the League of Nations, and finally to its rejection, because one imperial will was set against the constitutional right of the Senate and the will of the people, even though our allies had openly declared that they would accept the league with the Lodge reservations.

While the world is in a vast turmoil, and is muddling along in confusion and uncertainty, our projects of reconstruction, involving not only those of this country but of world-wide inclusion, and the supreme necessity for coordination on the part of all the functions of our Government are delayed and even arrested, because of the strange and inexplicable attitude of the President.

The universal query on the lips of everyone at home and abroad is what sort of a Government now exists in the United States. Have we still a constitutional Government or a dictatorship? Have the legislative bodies lost their constitutional powers, or has all power passed into the hands of one man whose whims and desires have become supreme and who evinces a determination to evade the Constitution and all those precedents which time has sanctified for more than a century? I confess I am astounded and even dismayed at the situation, and am utterly unable to understand the position of those in this House who celebrate appropriatingly the memories of the fathers who formulated and delivered to us those splendid principles which we all, whether Republicans or Democrats, profess to revere and cherish. And more especially do I feel this when I see men sacrifice their own independence and gradually submit to encroachment after encroachment upon constitutional rights seemingly careless of their trust and weakly yield themselves to an autocratic will. I am called a Republican, but I yield to no Democrat a deeper and more sincere regard for the principles of a representative democratic Government which was so clearly enunciated by the framers of our Constitution.

In a representative democratic Government there should be no will but the will of the people, no force to prevail over that of the representatives of the people. A President is chosen by the same power which chooses the Members of this House. Under the fundamental law of the land they are each supreme in their respective spheres of action, but the whole spirit of the Constitution implies and demands a hearty and harmonious coordination of the three separate functions of our Government in order that the people may receive those blessings which can only flow from harmonious and coordinate action.

This resolution is not only right, but timely. The war is over. For all practical purposes it has been ended for a year and a half. This country alone is still technically at war because of the pique of one man, who seeks to thwart not only the popular demand, but the needs of the world because his own supreme will was not submitted to in the matter of the League of Nations.

The power to declare war lies in the Congress. The power to end war should be determined by the same authority, otherwise the declaration that this is a country where the people rule is a farce and that rule has been supplanted by the rule of one man. In this connection, in order to throw a bright light upon the subject of this resolution, I desire to quote as a part of my remarks the following editorial, taken from the Washington Post of date April 5, 1920, which, to my mind, furnishes an illuminating analysis of the resolution now under discussion:

Those who oppose the resolution which proposes to terminate the state of war and repeal the war powers of the President are beginning to dispute the constitutional right of Congress to make peace. They intend to attack the resolution on this ground. They hold that peace can be made only by treaty, which the President alone has the power to negotiate.

While there are features of the pending resolution which are open to criticism, it will be safer for its opponents to attack it on other grounds than those of constitutionality. A little analysis of the matter ought to convince any American that Congress can constitutionally exercise the power to make peace when necessary.

There is no limit to the powers of Congress in making war. Congress may do anything necessary to preserve the Nation's existence.

The power to make war is the power to preserve the Nation. The power to make peace is also the power to preserve the Nation, as would be demonstrated very quickly in case of a disastrous war.

The sword and the purse are held by Congress. It handed the sword to the Executive and told him to carry the war to a successful termination, which he did. Congress can take back the sword when it will.

War is a policy which can be adopted only by Congress. It is a continuation and development of a precedent policy, merely substituting force to accomplish what had been unsuccessfully sought by protest and warning. The Executive executes the policy declared by Congress, using the means provided by Congress and subject to the rules regulating the forces which are laid down by Congress.

The Executive can not terminate the policy any more than he can refuse to execute it. The policy may have been adopted over his veto, but it remains in effect until Congress decides otherwise. The termination of war must be in accordance with the policy of Congress, and therefore with the consent of Congress open or tacit. An attempt to terminate the war against the will of Congress would be equivalent to an attempt by the Executive to repeal the declaration of war.

The Executive and Congress may disagree as to the wisdom of continuing a war. The will of Congress controls.

Executive neglect, failure, or refusal to treat for the termination of war does not affect the power of Congress to determine the national policy and to change the policy from war to peace.

An Executive might treat for the termination of a war which Congress did not wish to terminate. His effort would be in vain.

Congress can by law direct the Executive to treat for the termination of war, in pursuance of the policy it has decided to execute.

War is usually terminated by a treaty, but not necessarily. But it is always terminated with the consent of Congress, and tacitly under its direction. This direction can be made explicit by law, but usually it is not necessary to do so.

The conduct of foreign relations is in charge of the President, operating through the Department of State. Congress created that department and can abolish it. But while the President is in charge of the conduct of foreign relations he is subject to law and he can not conduct foreign relations in violation of law. If Congress desires peace he can not prosecute war, and if Congress desires war he can not make peace.

The termination of war is the termination of the policy of force. The continuation of the policy may depend upon a foreign government but the termination can not be decided by a foreign government or by the Executive without the consent of Congress.

The Executive can not declare war or declare peace. He can proclaim either, but only in pursuance of law. If peace is made by treaty, it is law.

The reason why war is usually terminated by treaty is because it is usually desirable to treat with the enemy. But this is not always necessary or desirable. A treaty proposing to end war has just been rejected by the Senate, because it is not the policy of Congress to end the war on the terms stated in the treaty.

The Senate in making treaties acts according to the will of Congress. No treaty ending war can pass the Senate against the will of Congress, for the Senate is a part of Congress. The Senate does not possess two natures, although it exercises two powers. It exercises its share of the treaty-making power in harmony with its share of the lawmaking power. As the Senate helped to establish the policy of war, it will act according to its nature in dealing with that policy. As a lawmaker it can not favor war and then as a treaty maker favor peace.

Any treaty ending war, if acceptable to Congress, can readily pass the Senate.

The Executive can make treaties only if the Senate concurs.

Congress can make laws even if the Executive does not concur.

If Congress, in pursuance of its policy, determines to change from a state of war to a state of peace, and the Executive should refuse to cooperate in the treaty-making function, or if he should insist upon a treaty that would be equivalent to a refusal to execute the policy of Congress, then Congress can make peace by law instead of by treaty.

Any act of Congress is just as much the supreme law of the land as is a treaty.

The power to terminate war by law is an indispenable alternative. It does not disturb, deny, or destroy any of the powers of the Executive. It is available, however, in case he fails to exercise his powers or attempts to abuse his powers; as, for example, an attempt to continue a war by refusing to negotiate peace or by negotiating an unacceptable treaty for the purpose of having it rejected or by refusing to proceed with ratification of a treaty to which the Senate had attached reservations.

The question of policy always remains in the control of Congress, and by its power to overrule the Executive in the making of laws Congress can compel him to execute its policy of war or peace.

In my judgment the time has come—indeed, it has been too long delayed—when all of us here, we who came here as the representatives of the people and not as the representatives of an imperial will, should forget everything except our duty to the country. For my part, be he Democrat or Republican in the White House, I stand for the old-time powers and precedents. As long as I have a vote in this body I shall act as an independent representative commissioned by my constituents to observe their will. I have no other conception of my sworn duty as long as I believe that this should be a Government of the people, by the people, and for the people.

Gentlemen on the other side of the House prate of unconstitutionality, suddenly and strangely sensitive to what they term an infraction of the Constitution, and yet silent and nerveless for a long time past under repeated assaults upon the same Constitution and those revered precedents which time has given a plain sanction to, equaling the force of constitutional laws themselves. This attitude can only be explained by assuming that they feared a conflict with the presidential will and at any cost determined to avoid it.

The gentlemen upon the other side who subordinate their wills and their judgments to one man, and by so doing rob their party of the last vestige of national confidence, present a spectacle so strange that one is almost led to believe in some malign fate following upon their footsteps. They say that this resolution is merely a declaration; that it will amount to nothing if passed; that it is void in law; that it is a trespass upon the constitutional rights of the President and the Senate; and that its design is solely to embarrass the President. Let us leave out all these considerations except the last. Why should not the President be embarrassed? For long months he has embarrassed not only this country but the world. Has the time come when the whims and desires of one man become of such supreme importance that a royal consideration must be extended to him while grave matters affecting the public welfare are held in uncertain abeyance? And yet this is what we are asked to do.

The illness of the President is used as an excuse for opposing all legislative action contrary to the President's will. If criticism of this condition occurs, a hot flame of indignation flows from the mouths of his partisan and sycophantic supporters, charging against such critics a lack of the commonest decencies and sensibilities of human intercourse and an absence of the very commonest instincts of kindness and sympathy. If true, this charge would be shameful. The facts are the President is ill under certain circumstances and should be almost reverently considered, and under other circumstances he is in such a splendid state of mentality that all other minds should cease to function and his alone be allowed to determine every domestic and world-wide problem.

I desire to make this declaration: The Members of this House, and those of the Senate, can not intelligently discharge their duties to the country without keeping in mind the peculiar temperament and mentality of the President. At a time when counsel, wisdom, and the heartiest coordination is demanded, it is lacking, because the President will have nothing but his own way. It is not necessary to dwell upon this. Multitudinous facts are known to every American, substantiating this declaration, and thousands more to be found in Europe during the President's sojourn there. There is no doubt, and no one on calm reflection and with an informed mind can escape the conclusion, that the President by his peculiar quality of mind and temperament became at the most critical need of the world its greatest marplot. Long continued and glowingly voiced altruism, including those 14 alkaloidal extracts of human righteousness in government, were gradually given away under the delicate but keen and cold manipulation of those astute representatives of England, France, Italy, and Japan. Recognizing as they did the voracious ambition of the President to become the first President of a united states of the world, they fed his vanity to repletion, tricked him at every point, and gave him the empty shell of a righteous League of Nations, while they robbed the world and at the same time obtained the President's assent thereto. The argument is advanced that the President's pledges and promises should be made good because those to whom he made them accepted them in good faith. This is an outrageous argument. It is not to be believed for a moment that such men as Lloyd-George, an Englishman, and acquainted with the constitutional history of this country by reason of our historical relations to his own, or Clemenceau, who spent years in this country, breathing the life and the spirit of our laws, nor in fact Sontino nor the Mikado were not aware of the supreme fact that the President of the United States had no power to bind the Senate of the United States in the making of treaties, and also of the further fact that historically no former President had ever dared to assume such power. The President went across the ocean to match minds. It is perfectly plain now how that mind matching concluded.

I desire to call attention to another fact of supreme importance which ought to be more and more considered. When the armistice was signed we possessed the confidence, the esteem, and the profound gratitude of all our allies, at least in Europe. To-day we have inherited by reason of the regrettable pilgrimage of the President in Europe general scorn and blame. The President's stay in Europe was one of royal magnificence. The American entourage was more costly than that of kings. His seclusion was that of an august potentate. He had more than a thousand in his royal train, and took the advice of none of them. He journeyed hither and thither attracting great crowds of the proletariat, who followed him as a Pied Piper of Hamlin, hanging upon his lips, entranced and exalted, by reason of the glorious things that would be born out of his conception of a supergovernment of the world. He threatened established governments, forgetful that they had just been recently confirmed by the will of their respective peoples, while he himself had been repudiated.

This attitude of arrogance and of power was unutterably deplorable. While the President was dwelling in an unreal world of his own creation the representatives of England, France, Italy, and Japan—those mastercraft men in the arts of diplomacy—were not only stealing every one of the principles of the 14 points from under the President's nose and executing the most monstrous and colossal territorial grabbing scheme that the world had ever known, but were themselves looting and robbing, and in such a way, notably in the Shantung matter, as to build up and make great the potential power of Japan, which England is undoubtedly designedly doing in order to have a club over the head of this country in the future.

For our money and our dead we traded off confidence and friendship for scorn and ill will and territorial adjustments that will serve as a serious menace to our future peace.

The time has gone by for further inaction. If the President be of sound mind, and if the only obstacle to peace and to reconstruction is an imperial determination to have his own way regardless of the will of the Senate and of the House and of the whole people, this resolution should be passed as quickly as possible. If the President's mind is unsettled, and if he no longer can think and act in a normal way responsive to the needs and the necessities of the country at large, this resolution should be all the more quickly and promptly passed or the strange spectacle of a Government without a normal mind at the head of it will be presented to the gaze of the whole world. It will be a spectacle of a representative democracy drifting along like a ship in the turbulent waters of a stormy sea without a pilot. The plea is made that we have no constitutional right to make a peace treaty in this House; that that power is reserved for the President and the Senate. This resolution makes no treaty. It simply sanctions and approves in a solemn way the terms of peace already approved by the President and all our allies in the late war.

The crux of the matter is that the President does not want a peace treaty without his own particular League of Nations. He has openly declared that he would so interweave his scheme for a League of Nations with the peace treaty that both would have to be taken or neither of them. The country wants the peace treaty but does not want the President's particular brand of a League of Nations. This is as manifest as a fact can be, and is evidenced on every hand by the public press and the declarations of the people whenever they have had an opportunity for expression. But this state of facts makes no impression upon the presidential mentality. He cares nothing for the constitutional rights of the Senate, nothing for the desires and necessities of the people. Like a dictator, he is bent, at any cost, on having his own way.

This resolution simply expresses what the country wants. It is a proper expression of the popular will. If passed, it will serve not only to calm the people here but to give to other countries a proper understanding of the will and purpose of this country, which the President so continuously and so grossly perverted while abroad. If the resolution is new as to precedents, it can be said that the present situation is new also. It is time when the sincerest and wisest thought in the country, regardless of partisanship or politics, should be united in a common purpose, not for our national welfare only, but for world-wide good. At this time when, to a greater degree than ever, the three branches of Government should be in the most harmonious accord, the Government of the country is largely impeded in every proper function by the imperial, or impaired, mind of one man, and those necessary and imperative steps looking to the restoration of peace with Germany, and the reconstruction necessarily demanded after the late war of such fearful magnitude are arrested.

Finally, the situation is this: The President says, "You shall have no peace with Germany and her allies unless you take my League of Nations with it." The Senate says, "We will not take your League of Nations unless it is properly safeguarded by such reservations as shall preserve our old-time independence and liberty." In reply, the President says, "I will throw the whole thing into the campaign as a political issue, and keep in the seclusion of the White House while I pray that some other war will break out, so that I can point to it as a proof of my foresight and wisdom and the foolishness of the Senate and the people." All of which means the country has for a President one who, regardless of every demand of the hour, demands his own way. What is the remedy for this anomalous situation? It is clearly to pass this and all other proper legislation that will reassure the country, and then wait patiently on time and the dispensation of Divine Providence and the American voter for the certain solution of this unprecedented problem.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Speaker and gentlemen of the House, I heartily indorse the pending resolution and count it a rare privilege to assist in its passage.

It reads as follows:

[H. J. Res. 327, Sixty-sixth Congress, second session.]

Joint resolution terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Whereas the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification, commercial intercourse between the United States and Germany and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 4. That whoever shall willfully violate the foregoing prohibition whenever the same shall be in force, shall upon conviction be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation, shall be forfeited to the United States.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

This resolution recalls great historical events. Most of us sat upon the floor of this House on the 2d of April, 1917, to hear the message of the President of the United States in relation to the momentous questions that were then endangering the civilization of the world. As we listened to the words of President Wilson at that time and reflected upon the grave consequences involved we found it impossible to banish from our minds the words "he kept us out of war."

Let the American literature of 1916 be flashed upon the screen in contrast with that war message of April 2, 1917. Let the citizenship of America to-day consider calmly and thoughtfully the significant examples therein revealed. In the midst of such reflections an irresistible exclamation forced itself into expression, "What a change!" Immediately the thoughtful mind began to search for the reasons and to weigh the consequences of the future.

The war resolutions passed quickly through the House and Senate and were approved by the President April 6, 1917, three years ago last Tuesday. Great events followed one another in rapid succession as the Army, the Navy, the financial, the industrial, the commercial, and the agricultural affairs of the Nation sprang into lively activity for the mobilization of an Army and a Navy of adequate proportions, and also the mobilization of the financial resources of the country to furnish the sinews of the war. Never had the dogs of war been unleashed in such a mighty contest before.

Our country was speedily transformed from an era of peace into an era of war, death, and destruction. The smiling countenances, the merry laughter, the good cheer, the happiness, the plans, and the hopes of a day of peace were speedily exchanged for sorrowing faces, tearful eyes, sad voices, throbbing hearts in the opening days of war.

Fathers and mothers, young men and young women, have laid aside the cheerfulness of the day of peace and now breathe the sadness of the days of war. Young men by the millions turned sorrowfully from their homes to the camps and fields of battle. What did it all mean? Must this tremendous price in treasure and life be paid that liberty and free government may live? What has entered into the soul of humanity that forces this unspeakable cruelty into the experiences of human life? Does it cost more to subdue human passion and deliberate destruction of life and property than it does to supply all the peaceful agencies of government? Such is the sad commentary upon the civilization of the world.

Notwithstanding these grave consequences American boys by the million marched bravely to the front and carried our flag of liberty across the ocean to the field of contest on European soils, and helped to destroy tyranny, monarchy, and oppression. American girls by the thousand and hundreds of thousands turned aside from their schools and ordinary vocations

of life, comfort, and ease to help in war work at home. Many of them went to the front with their gentle ministrations of kindnesses, sympathy, and helpfulness in the midst of the contest. But since the victory and signing of the armistice on the 11th of November, 1918, what progress have we made toward the reestablishment of safe and sane government throughout the world? This period of reconstruction is quite as important as the war period itself. Calmness and patient loyalty to human rights under free government are essential characteristics that must be molded into the citizenship of the nations of the world.

In the midst of this period of reconstruction came the consideration of the treaty of peace and a League of Nations. Never in all the history of the world was broad, intelligent, Christian statesmanship needed more imperatively than it was at that great crisis. Those great problems demanded broad-mindedness, the absence of selfish ambitions, the absence of autocratic, dictatorial manifestations of individuality. We waited patiently and anxiously during the months covered by the sessions of the peace commission in Paris. Debates upon great problems were passing to and fro in the meantime. On the 10th of July, 1919, the President submitted to the American Senate the treaty of peace with Germany interlaced with a covenant for a League of Nations.

It would be unduly painful to attempt to rehearse even a small portion of the debates that have followed on that subject in the Senate and throughout the country. An opportunity appeared last October for the ratification of that treaty of peace and the League of Nations with mild reservations, but the representatives of the President on the floor of the Senate rejected all overtures and the debates went on. By and by a decisive majority of the Senate adopted reservations and embodied them in a resolution of ratification. When the treaty and covenant for the League of Nations was submitted under that resolution with the reservations the administration directed its rejection, and so it passed to defeat in the Senate on the 17th of December, 1919. Within a few weeks it was resurrected from the files of the Senate, brought forward in the second attempt to secure ratification, but after prolonged discussion the administration again directed its rejection, and accordingly on March 19, 1920, it was rejected a second time and returned to the President with an official notification that the Senate had failed to advise and consent to its ratification. It has been since that time in the possession of the President, with no indication that any movement will be made by him to secure ratification upon terms agreeable to the Senate.

As the President and the Senate are clothed by our National Constitution with coordinate powers in making treaties with foreign Governments, each has its right under the Constitution to exercise its judgment according to its own convictions.

So far as we are able to understand conditions at this time there is no prospect of an agreement between the President and the Senate upon this important question.

Each of us, therefore, as Members of the House, having no authority in the matter of the ratification of the treaty, must exercise individual judgment as to our duty in relation to the decision of peace between the United States and Germany. Nearly 17 months have elapsed since the signing of the armistice, and yet we are technically at war with Germany.

For myself I regard it as my imperative duty to vote for the adoption of this resolution as a means of removing that legal technicality which holds our Nation constructively at war with the German Government. Personally I have been from the outset, and I am now, in favor of the ratification of the covenant for a League of Nations with such reservations as will harmonize it fully with our National Constitution, the Monroe doctrine, and the settled policies that have made our Nation strong and great.

When that document was submitted to the Senate two extremes immediately manifested themselves—unqualified ratification on the one hand and unqualified rejection on the other. Investigation and discussion brought a majority of the Senate to a compromise midway between the extremes. Certain reservations were agreed upon and adopted by a decisive majority of the Senate, as follows:

Resolution of ratification.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany, concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any forms of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until Part I, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than 1 vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

These reservations were inserted in the resolution of ratification by a majority vote.

In this connection I urge the gentlemen on the other side of the aisle to read and study the clear, forceful speech delivered by Senator HOKE SMITH of Georgia and printed in the CONGRESSIONAL RECORD for March 19, 1920, pages 4588 to 4593.

Those reservations expressing the deliberate judgment of a decisive majority of the Senate should have been accepted and the covenant ratified upon that basis long ago. A refusal to accept the rule of the majority is a positive declaration that the minority shall rule. No one can consistently advocate democracy and the rule by the minority at one and the same time. He may say, "Make the world safe for democracy," but at the same time he says, "Make America safe for autocracy"—rule by the minority, even one person.

The CONGRESSIONAL RECORD demonstrates that the treaty of peace with Germany and the proposed covenant of the League of Nations could have been ratified last October, also on the 17th of last December and again on the 19th of last March with the Senate reservations, if the will and recorded judgment of a decisive majority of the Senate had been permitted to control.

Since a minority has repudiated the rule of the majority and thus substituted autocracy for democracy, ratification by the Senate under existing conditions seems impossible. The House, therefore, should go to the full limit of its authority in the restoration of peace by repealing the war resolution enacted by the House and Senate and approved by the President on the 6th day of April, 1917. Such action will prepare the way for the repeal of the oppressive war statutes which clothed the President with arbitrary and dictatorial power. The business and citizens of the country should be relieved as speedily as possible from those oppressive war measures.

It has been stated on the other side of the aisle that the passage of this resolution will be an embarrassment to the President. He can avoid all embarrassment by signing the resolution as soon as it reaches the White House. If the gentlemen on the other side of the aisle wish to remove their embarrassment, let them vote for the resolution, and we will give the country the peace that it has been demanding for many months. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin already has that privilege.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Alabama [Mr. RAINEY].

Mr. RAINEY of Alabama. Mr. Speaker, the attainment of peace with its manifold blessings is a consummation devoutly to be wished. But peace at any price, peace in violation of the Constitution, peace in usurpation of vested constitutional authority, peace contrary to all the honored precedents and established forms of the American Government is more to be despised by a great and courageous people than to be desired. On yesterday gentlemen loudly exclaimed that the people demand peace. The American people do demand peace, but they demand a constitutional and an honorable peace. They are not now, and will never be, willing to destroy the constitutional basis of the American Government, conceived in the wisdom and experience of our fathers, in order to gain the accomplishment of any end, and much less the accomplishment of the ambitious aims of a political party seeking to ride through popular favor over constitutional authority into political power.

Loud complaint was made here yesterday that all the allied nations are now at peace with Germany, while America is technically still at war. All the other allied nations were wise enough to ratify the treaty of peace, while America, bound and fettered by designing politicians, has been held back while those politicians gambled on the destiny of our country over the graves of our soldiers who died that America might live. The Constitution expressly provides that the President shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. No one surely, I presume, will say that the House of Representatives has any authority whatever in the negotiation, making, or ratification of treaties. The sole question then remains whether the joint resolution, or declaration of peace, under consideration, if consummated, is a treaty. The consensus of all authority is that a treaty is an agreement made by negotiation or diplomacy; specifically, an agreement, league, or contract between two or more States or sovereigns, formally signed by representatives duly authorized, and solemnly ratified by the several sovereigns, or the supreme power of each State, unless the treaty is personally concluded by the sovereigns or other persons exercising the sole treaty-making power.

The joint resolution before the House provides, among other things, that Germany must accept the terms thereof within 45 days from the date when the resolution becomes effective, and unless Germany does accept or agree to said terms then the United States shall prohibit commercial intercourse between this country and Germany, also prohibit the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany. It is clear, therefore, Mr. Speaker, that in order to make this resolution effective Germany must acquiesce in and agree to the terms of the resolution. Hence, the joint resolution here proposed is an attempt by the House of Representatives to negotiate a treaty; an attempt to usurp the functions of the President and the Senate of the United States; an attempt to violate the Constitution and here set up, in defiance of constituted authority, an arbitrary power. This daring political move on the part of the dominant party in this House; this open defiance of constituted authority; this bold attempt at usurpation of vested constitutional authority finds no precedent anywhere in all the annals of American history.

In every instance where the United States was involved in war with a foreign nation the termination of that war was affected through a treaty of peace. The Revolution terminated in the treaty of Paris, September 3, 1783. Following the War of 1812, President Madison, availing this Government of the offer of Russia as mediator between the United States and Great Britain, nominated, as envoys extraordinary and ministers plenipotentiary, Albert Gallatin, James A. Bayard, and John Quincy Adams. The President forwarded to the Senate, May 29, 1813, the nominations made for confirmation. On July 19, 1813, the Senate confirmed the nominations with the exception of Gallatin. Subsequently the British Government refused the mediation of Russia and sought to treat directly with our Government. The President proceeded immediately to nominate John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell as the commissioners to effect a treaty of peace with the British Government. On January 18, 1814, four days after the nominations were made, the Senate confirmed them. On February 9, 1814, Gallatin was again named by President Madison, and his nomination was duly confirmed. The treaty of Ghent was signed on December 24, 1814, and unanimously ratified by the Senate on February 16, 1815.

Directly following the victory of American arms at Buena Vista, in the Mexican War, President Polk appointed Nicholas Trist as a representative to negotiate a treaty of peace with Mexico. The President and his Cabinet drafted a treaty, and on April 16, 1847, Trist, in secrecy, and traveling under an assumed name, went to New Orleans with the treaty. The Mexican authorities refused this treaty and offered in lieu thereof another treaty. Finally, February 2, 1848, Trist succeeded in concluding a treaty with the Mexican plenipotentiaries, and the Senate ratified this treaty on March 10, 1848, which is known as the treaty of Guadalupe Hidalgo.

The Spanish-American War was concluded in the treaty of Paris, December 10, 1898, and was ratified by the Senate of the United States February 6, 1899. No attempt heretofore has ever been made by any Congress to transgress the Constitution in the settlement of any war or concluding of peace.

In the War with Mexico there was much opposition in the United States to the prosecution of that war. Efforts were made through Congress to terminate the war. These efforts, it is claimed, were not altogether honest, but used as instruments to embarrass and discredit the administration. These efforts, however, do not come up to the high-handed proceedings here proposed, but consisted in measures to terminate the war by cutting off or limiting appropriations and efforts to exercise pressure on the President by political strategy and maneuvering. These efforts were designed to so cripple the Chief Executive as to render further prosecution of the Mexican War impracticable or impossible. The joint resolution before us seeks not only to embarrass the Chief Executive but to usurp the authority expressly vested in him and in the Senate by the Constitution. It is a deliberate effort to negotiate a treaty of peace with Germany, and it is surprising that the joint resolution fails to nominate certain persons as ambassadors and ministers plenipotentiary to Germany.

Permanent peace following a war can only be properly attained by negotiation of a treaty. In the event the proposed legislative act passes and is signed by the President, then Germany, within 45 days, must enact a corresponding declaration of peace, in terms accepting and agreeing to the provisions set forth in the joint resolution. Such a peace would be one without definite conclusions—a peace fraught with a multitude of lawsuits over alien property and property rights, countless complications arising from German vessels seized and in American ports—in short,

it would be an inconclusive, unsettled, disjointed, undefined peace. After the inhuman sinking of the *Lusitania* America specifically entered the war in order to maintain the rights of our ships as a neutral nation upon the high seas, and the rights of American citizens on foreign commercial vessels sailing the high seas to be protected against submarine warfare. These rights Germany bitterly disputed and launched forth her unrestricted submarine warfare. If this resolution is to be the treaty for the conclusion of peace with Germany, none of these indisputable rights will be established; the millions of dollars of alien property in custody will become involved; the $25,000,000 of seized German vessels will be a subject of dispute, together with countless complications that will inevitably arise. The brand of peace proposed would indeed be a makeshift, charged with innumerable embarrassments and guillotining the glorious victory we achieved at such a tremendous sacrifice in money, blood, and life.

Such a consummation would be the negotiation of a separate peace with Germany, regardless of and ignoring our allies. However much we may conjecture as to such a peace, we but waste time and spend our thoughts in extravagant waste. It is utterly impossible to conceive that any President of the United States would ever sign such a document. The presidential veto, to all sane men at least, is a foregone conclusion, and the American people will loyally, patriotically sustain him in that veto. No political party can commit a travesty on law, defeat constitutional authority, and maintain the confidence and respect of the people. Such an unwise procedure in an endeavor to blind the people is but a rude makeshift and will fail to stiffly bear them up.

Is there any man here so unwise as to believe the President would sign such a resolution? Or is there any man here so foolish as to believe that two-thirds of either House would pass such a resolution over his veto? Miserable scapegoat for duties unperformed by the dominant political party! It is only a seductive whirlpool, fraught with countless dangers to the Republic had it the semblance of passage; but impotent and impossible as it is, it resolves itself into a political trick and scheme which inevitably must turn upon its creator to wreck a much-deserved punishment and chastisement.

It is contended by some, as was asserted by the gentleman from Alabama [Mr. HUDDLESTON] on yesterday, that he favored the resolution, and presumably for two reasons: First, because public sentiment demands peace, and second, because "the people continue to groan under harsh and restrictive war laws." In answer to his first assignment, let me say to the gentleman that the American people are averse to the conclusion of any peace other than an honorable one; a peace in violation of the Constitution is not an honorable peace. As to his second contention, let me say that it is not essential to the repealing of burdensome war measures that a peace resolution should be passed. The Republican Party could long ago have repealed these war measures had they desired to have done so.

Let us hope that constitutional procedure will be the only course America will follow. In that no question is ever settled until it is settled right, let us hope that the President and the Senate will yet negotiate a righteous peace, preserving all the rights that American soldiers fought and died for, and for which the American people sacrificed and prayed. Gentlemen, lay aside, in this solemn hour of the Republic, partisanism and political hatred—assume a virtue, if you have it not. Though ardent in politics and zealous for coming victory, let these ambitions not usurp your patriotism as your resolution seeks to usurp constituted authority. Let patriotism, wisdom, and unity of purpose prevail in this crucial period for the common good and the glory of the Republic.

When the proposition of the passage of this resolution is based upon a purely legal and constitutional status the position of those who favor the resolution is absolutely untenable, while the position of those opposed to the resolution is sustained by precedent, the Constitution of the United States, and every authority on international law. As a part of my remarks, I herein embody a memorandum furnished me by the Library of Congress, as follows:

Memorandum relative to the power of Congress to declare a state of peace through the agency of a joint or a concurrent resolution.

This question, it appears, was really anticipated in the discussion in the Federal Convention on August 17, 1787, with regard to the powers that should be bestowed upon Congress. The following excerpt taken from Madison's Journal is illuminating:

"To make war

"Mr. Pinkney opposed the vesting this power in the legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depositary, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

"Mr. BUTLER. The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities and will not make war but when the Nation will support it.

"Mr. M[adison] and Mr. Gerry moved to insert 'declare,' striking out 'make' war, leaving to the Executive the power to repel sudden attacks.

"Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. 'Make' better than 'declare,' the latter narrowing the power too much.

"Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

"Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration; peace attended with intricate and secret negotiations.

"Mr. Mason was against giving the power of war to the Executive, because not [safely] to be trusted with it, or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war, but for facilitating peace. He preferred 'declare' to 'make.'

"On the motion to insert 'declare' in place of 'make' [it was agreed to].

"N. H., no; abst.; Cont., no; Pa., ay.; Del., ay.; Md., ay.; Va., ay.; N. C., ay.; S. C., ay.; Geo., ay. [Ayes 7, noes 2, absent 1.]

"Mr. Pinkney's motion to strike out whole clause, disagd. to without call of States.

"Mr. Butler moved to give the legislature power of peace, as they were to have that of war.

"Mr. Gerry 2ds. him. 8 Senators may possibly exercise the power if vested in that body, and 14 if all should be present, and may consequently give up part of the U. States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

"On motion for adding 'and peace' after 'war.'

"N. H., no; Mas., no; Ct., no; Pa., no; Md., no; Va., no; N. C., (no); S. C., no. [Ayes 0, noes 10.]

"Adjourned."

In this connection, Dr. William Rawle, in his view of the Constitution (Philadelphia, 1829, p. 110–111), remarks:

"Treaties by which peace is completely restored may, as already shown, be made by the President and Senate alone, without the concurrence, and against the will of the House of Representatives.

"It has been made a subject of doubt whether the power to make war and peace should not be the same, and why a smaller part of the Government should be entrusted with the latter than the former. Sufficient reasons may certainly be assigned for the distinction. Peace is seldom effected without preparatory discussion, often of length and difficulty, the conduct of which, of course, belongs only to the President and Senate. War is always an evil; peace is the cure of that evil.

"War should always be avoided as long as possible, and although it may happen to be brought on us before observed, without the previous assent of Congress, yet a regular and formal war should never be entered into without the united approbation of the whole Legislature. But although a peace is seldom obnoxious and unacceptable to the public, yet its necessity or propriety may not always be apparent, and a public disclosure of the urgent motives that really exist in favor of it, may be prejudicial. The people have, in such case, a stronger motive for relying on the wisdom and justice of the President and Senate, than in the case of ordinary treaties. They are less likely than a larger body to be influenced by partial views or occasional inflammation, and the very circumstance of the smallness of their numbers increases their responsibility to public opinion."

Mr. Joseph Story, in his valuable Commentaries on the Constitution (Boston, 1872, p. 88), contributes the following:

"SEC. 1173. In the convention, in the first draft of the Constitution, the power was given merely 'to make war.' It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power 'to make peace,' but this was unanimously rejected upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress, under the confederation, of the difficulties attendant upon vesting the treaty-making power in a large legislative body, was too deeply felt to justify the hazard of another experiment."

Mr. J. I. C. Hare, in his treatise on American Constitutional Law (Boston, 1889, p. 171–172), first contrasts the systems of government in the United States and England, and then with reference to the President of the United States he adds: "He is as much the representative of the entire people of the United States as any Member of Congress can be of his district, and should therefore exercise the discretionary powers confided to him by the Constitution in the way that he may deem best calculated to promote the welfare of the country, which may not be the way deemed best by Congress. Take, for instance, the case of a war which Congress thinks unnecessary or unjust and wishes to close on terms that the enemy are willing to accept. Still, it is the right of the President, and not of Congress, to determine whether the terms are advantageous, and if he refuses to make peace the war must go on."

The legal authorities on international law, heretofore referred to, holding that a treaty of peace is necessary to establish a state of peace, I quote as follows:

Fiore: A war between two or more States can only be considered as legally ended by the conclusion of peace stipulated in a final treaty of peace.

Military occupation, although extended over a considerable period of time and rendered stable by the constitutional government, can not have the effect of causing the war to be considered as legally at an end, as the result of the tacit relinquishment of the territory occupied; but a formal treaty shall always be required, which shall recognize the new state of affairs, and thus war shall be declared at an end.

When under the provisions of constitutional law peace can only be concluded on condition that the treaty be ratiled by the legislative bodies, the war must be considered at an end by the stipulation of the treaty of peace, but subject to the condition subsequent of ratification. The agreement must, however, be regarded as effective and can not be considered as broken unless the legislative assemblies have expressly refused to ratify the treaty. (Fiore, Pasquale, International Law Codified, secs. 1953, 1955, 1961.)

Lawrence: War between civilized States is almost invariably ended by a treaty of peace. It has sometimes happened that the belligerents have exhausted themselves and tacitly ceased from further operations,

but there are no recent instances of such a termination to hostilities in a struggle of any consequence, except the withdrawal of the French troops from Mexico in 1867 at the instigation of the United States. Wars may come to an end through the destruction of one of the communities engaged in them, as Poland was destroyed by the third partition, or as the Southern Confederacy fell after four years of strenuous warfare. In such cases no treaty is possible because there is no body politic left for the victor to treat with. Great Britain, however, strained a point in 1902 because of the special circumstances of the Boer War and consented to negotiate with the leaders of the Boer commandoes still in the field against her, though the Governments in whose name they waged war had ceased to govern and no longer exercised any powers of sovereignty over definite territorial areas. But when each of the belligerents preserves its political identity after the war a treaty is drawn up embodying the conditions of peace. (Lawrence, T. J., Principles of International Law, sec. 217.)

Bluntschli: War is terminated by the conclusion of peace, i. e., by a treaty between the belligerent States fixing the conditions and regulations of the renewed state of peace. (Bluntschli, Dr. J. C., Das Moderne Völkerrecht, sec. 703.)

Pomeroy: * * * practice has become universal, and as such incorporated into the positive law of nations, that all treaties should be written and executed with great formality. Whenever an agreement in the nature of a compact is verbal it must be reduced to writing as soon as possible.

The consent must be positive and certain, but it may have this quality of positiveness, and be either express or tacit or implied. A tacit or implied consent would generally have place in the case of a ratification. But mere silence would never amount to an implied consent; there must be some positive act indicating the assenting intention of the party. (Pomeroy, J. N., International Law, sec. 272.)

Oppenheim: Many publicists correctly call a treaty of peace the normal mode of terminating war. On the one hand, simple cessation of hostilities is certainly an irregular mode. (Oppenheim, L., International Law, vol. 2, sec. 266.) Subjugation, on the other hand, is in most cases either not within the scope of the intention of the victor or not realizable. And it is quite reasonable that a treaty of peace should be the normal end of war. (Oppenheim, International Law, vol. 2, sec. 266.)

Rivier, A.: Hostilities may cease and a de facto state of peace may be established without a special treaty of peace. This, however, is a rare occurrence and may be regarded as an anomaly.

Sooner or later a treaty of peace will have to take the place of the de facto state of peace. (Rivier, A., Lehrbuch des Völkerrechts, sec. 69.)

AUTHORITIES HOLDING THAT A TREATY OF PEACE IS NOT ABSOLUTELY NECESSARY TO ESTABLISH A STATE OF PEACE.

Phillimore: There appear to be three ways by which war may be concluded and peace restored:

1. By a de facto cessation of hostilities on the part of both belligerents and a renewal de facto of the relation of peace.
2. By the unconditional submission of one belligerent to another.
3. By the conclusion of a formal treaty of peace between the belligerents.

A formal declaration on the part of the belligerents that war has ceased, however usual and desirable, can not be said to be absolutely necessary for the restoration of peace. War may silently cease and peace be silently renewed. So ended the war between Sweden and Poland in the year 1716, namely, by a reciprocal intermission of hostilities; it was not until after the lapse of 10 years that peace was formally and de jure recognized as subsisting between the two Kingdoms.

In such a state of things the presumption of law would be that both parties had agreed that the status quo ante bellum should be revived. Yet, in the absence of any formal declaration, it would not be concluded that the claims which had given occasion to the war, or which had grown out of the war, were abandoned, but they must be considered as in abeyance. In fact, it is as difficult to predicate the consequences, legal and practical, of such a state of things as it would be to predicate the consequences of a treaty of peace which contained no clause of amnesty. (Phillimore, Sir. Robert, International Law, pt. 12, ch. 1, pars. 510, 511.)

Oppenheim: Be that as it may, a war may be terminated in three different ways. Belligerents may, first, abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty. Or, secondly, belligerents may formally establish the condition of peace through a special treaty of peace. Or, thirdly, a belligerent may end the war through subjugation of his adversary.

The regular modes of termination of war are treaties of peace or subjugation, but cases have occurred in which simple cessation of all acts of war on the part of both belligerents has actually and informally brought the war to an end. Thus ended in 1716 the war between Sweden and Poland, 1720 the war between Spain and France, in 1801 the war between Russia and Persia, in 1876 the war between France and Mexico. And it may also be mentioned that, whereas the war between Prussia and several German States in 1866 came to an end through subjugation of some States and through treaties of peace with others, Prussia has never concluded a treaty of peace with the Principality of Lichtenstein, which was also a party to the war. Although such a termination of war through simple cessation of hostilities is for many reasons inconvenient, and is therefore, as a rule, avoided, it may nevertheless in the future as in the past occasionally occur. (Oppenheim, L., International Law, secs. 261, 262.)

Heffter: It is not necessary that the termination of a state of war shall be formally declared by the belligerent parties, although it is advisable and customary. Hostilities may be silently ended. After friendly relations have thus been reestablished neither party may claim privileges which may accrue from a continued state of war. (Heffter, A. W., Das Europäische Vökerrecht der Gegenwart, sec. 177.)

Seward: It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances.

The proceedings of Spain and Chile which have been referred to, although conclusive, require an explanation on the part of either of those powers which shall insist that the condition of war still exists. Peru, especially with Spain, has an absolute right to decline the good offices or mediation of the United States for peace as either has to accept the same. The refusal of either would be inconclusive as an evidence of determination to resume or continue the war. It is the interest of the United States, and of all nations, that the return of peace, however it may be brought about, shall be accepted whenever it has become clearly established. Whenever the United States shall find itself obliged to decide the question whether the war still exists between Spain and Peru, or whether that war has come to an end, it will make that decision only after having carefully examined all the pertinent facts which shall be within its reach, and after having given due consideration to such representations as shall have been made by the several parties interested. (Seward, W., Secretary of State, to Mr. Goñi, Spanish minister, July 9, 1868, U. S. Diplomatic Correspondence, 1868, II, 32, 34.)

Vattel: We shall therefore content ourselves with observing that in case of a pressing necessity, such as is produced by the events of an unfortunate war, the alienations (of a part of a State) made by the prince in order to save the remainder of the State are considered as approved and ratified by the mere silence of the nation, when she has not, in the form of her government, retained some easy and ordinary method of giving her express consent, and has lodged an absolute power in the prince's hands. (Vattel, E. de, Law of Nations, Book IV, ch. 2, sec. 11.)

Hall: War is terminated by the conclusion of a treaty of peace, by simple cessation of hostilities, or by the conquest of one, or of part of one, of the belligerent States by the other. (Hall, W. E., A Treatise on International Law, III, ch. 9.)

EFFECT OF TERMINATION OF WAR THROUGH SIMPLE CESSATION OF HOSTILITIES.

Oppenheim: Since in the case of termination of war through simple cessation of hostilities no treaty of peace embodies the conditions of peace between the former belligerents, the question arises whether the status which existed between the parties before the outbreak of war, the status quo ante bellum, should be revived, or the status which exists between the parties at the time when they simply ceased hostilities, the status quo post bellum (the uti possidetis), can be upheld. The majority of publicists correctly maintain that the status which exists at the time of cessation of hostilities becomes silently recognized through such cessation, and is, therefore, the basis of the future relations of the parties. This question is of the greatest importance regarding enemy territory militarily occupied by a belligerent at the time hostilities cease. According to the correct opinion, such territory can be annexed by the occupier; the adversary, through the cessation of hostilities, having dropped all rights he possessed over such territory. On the other hand, this termination of war through cessation of hostilities contains no decision regarding such claims of the parties as have not been settled by the actual position of affairs at the termination of hostilities, and it remains for the parties to settle them by special agreement or to let them stand over. (Oppenheim, L., International Law, sec. 263.)

EFFECT OF REJECTION OF RATIFICATION OF PEACE TREATY.

Fiore: As soon as the decision not to ratify the treaty has been finally reached, the law of war shall once more be in full force and hostile acts may again be undertaken without reservation or condition. (Fiore, Pasquale, International Law Codified, sec. 1962.)

Westlake: The contracting authorities, of whom only one can, in general, be present at the court where the treaty is signed, reserve to themselves the power to conclude finally. The ratification may be refused by any party; and although this would be offensive if done without grave reason, it is impossible to limit the right of doing it, and there are sufficient examples of its being done even by foreign ministers who all along had control over the negotiations. Where the contracting authority is shared by a body having no such control, as the Senate of the United States, refusal of ratification may result from the exercise of independent judgment, and is very natural. Such a body will occasionally attempt to qualify its ratification by a modification of the terms of the treaty, but such a proceeding is nothing more than the proposal of a new treaty, which may or may not be accepted. (Westlake, J., International Law, Pt. I, ch. 12.)

INSTANCES WHERE RATIFICATION OF TREATIES WAS REFUSED.

Twiss: It may happen after a treaty has been signed by the plenipotentiary of a nation that grave circumstances occur under which the provisions of the treaty may be likely to have a prejudicial effect upon the interests of that nation which were not known at the time of signature. Under such circumstances the sovereign power of a nation is by usage justified in declining to ratify the treaty. Thus, the King of the Netherlands refused in 1841 to ratify a treaty for the incorporation of Luxemburg into the Customs Union of the Germanic States on the ground of the injurious effects which it was likely to exercise upon the commercial interests of his subjects, which had been brought to his knowledge subsequently to the signature of the treaty. So the King of the French declined in 1841 to ratify the quadruple treaty for the suppression of the slave trade on account of the objections raised against it in the French Chambers. So Great Britain declined in 1859 to ratify a treaty which her minister plenipotentiary had concluded with Nicaragua, and Nicaragua in the same year declined to ratify her convention with Great Britain for the settlement of the Greytown and Mosquito question. If, however, there should be an express provision that the preliminary engagements shall take effect immediately without waiting for the exchange of ratifications, such a treaty will be an exception to the rule. (Twiss, T., the Law of Nations, sec. 233.)

It is, therefore, evident and beyond all question that the proponents of this resolution and its supporters have arrayed themselves against all constituted authority and against the recognized authorities on international law. It can not be presumed that all the gentlemen on the other side in this House are ignorant of international law, or that they are unaware of the fact that their position can not be legally and constitutionally maintained. The proposition, therefore, narrows itself down to the justified presumption that the Republican leaders in Congress have deliberately launched a political scheme, hazarding the rights of the Republic and in defiance of the Constitution, in order to mislead the public, embarrass the administration, and with the hope that they may gain political ascendancy in the fall elections.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Utah [Mr. WELLING].

Mr. WELLING. Mr. Speaker, I shall vote against the pending resolution. I am not a lawyer and have no right to assume or pretend to be able to pass upon the question from a lawyer's point of view. I have during the course of this debate, however, listened to at least two great addresses directed to the constitutionality of this proposed resolution. Both the gentleman from Mississippi [Mr. VENABLE] and the gentleman from Texas [Mr. CONNALLY] have presented arguments which no Member of the majority in favor of this resolution has undertaken seriously to combat or answer.

Every proponent of this resolution has addressed himself to the question of expediency. They declare, in effect, that the President and the Senate have failed to bring about peace in a constitutional way. These agencies, clearly under the mandate of the Constitution charged with the duty of making a treaty, having done wrong, it is now proposed that we do a thing confessedly indefensible and wrong to correct the evil.

A man does not need to be a lawyer, either constitutional or otherwise, to have some regard for his oath of office as a Member of this great body. A careful reading of the debate on the treaty-making and war-making power under the Constitution clearly reveals the fact that the framers of that great instrument did not intend that the House should participate in the framing of a treaty or concluding peace with a foreign power. To the contrary, by unanimous vote, these men denied the right of the House to have any part in the business of making peace.

At a time of uncertainty like this, when the passions of men lead them to denounce our institutions and our laws, it seems a shame that a great party should lend itself to a deliberate violation of the supreme law simply to obtain what they hope to be a political advantage.

Much as I desire the resumption of normal prewar conditions, I refuse to barter for them by tearing down the very foundations of liberty and free government. At a time when we should be holding up the principles of free constitutional government, the Republicans of this House are by this resolution exchanging those principles for a political mess of pottage.

The excuse for all this is a pretended desire to escape from the essential restrictions and oppressive prohibitions of necessary war-time legislation. Section 2 of this resolution repeals in one sentence 65 such laws. The hypocrisy and insincerity of such proceeding is clearly apparent upon a simple statement of our legislative history for the past year. The Republican Party has been in complete control of both branches of Congress during that time, and Congress has been continuously in session. Every day for a full year this House has been organized and competent to consider and repeal any one or all of these laws. No such action has ever been presented for consideration of this body. Not only so, but no committee has yet during all that time ever considered the repeal of these laws, much less reporting such legislation for action of the House. Furthermore, no member of the majority has yet been able to point to any measure he has proposed looking to the repeal of these necessary war-time laws. Perhaps one exception to this general statement should be made, namely, the railroad-control act, which terminated Government operation of railroads. But this was not done until the President had fixed the date for the return of the roads. Later, on account of the delay of this House in providing the necessary laws, the President was forced to extend the time, giving the House an additional 60 days in which to act.

This failure of the majority to consider the repeal of any of these war-time laws is all the more remarkable because it has been notorious that we have literally spent months here with nothing important to do. Those who remained here during all the dreary months of last summer remember well that the result of our work then was accurately described as "chicken-feed legislation" by the gentleman from Illinois [Mr. MANN], who manifested his own distaste and disgust with the proceedings by going home for the summer and recommending that his colleagues do the same thing.

The Republicans of this House, as a basis for this meddling with our treaty-making power, seize eagerly upon the noble utterance of the President on November 11, 1918, wherein he stated: "The war thus comes to an end." Their hypocrisy in basing the whole structure of this resolution upon a rhetorical statement that the fighting had stopped is apparent when it is known of all men that the Supreme Court has held that war-time laws could only be terminated by their repeal, or the signing of a treaty of peace, and the proclamation of that peace by the President.

For months you have shown a studied disregard of the plain demand of the President in regard to the repeal of war laws in a proper and orderly manner.

In his message to this House on October 27 the President said:

> I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war, and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

Here is an express demand for the repeal of one war-time law and a general statement recommending the repeal of the others. The very men to-day who denounce these war laws voted that day to keep the particular one then under discussion in force in spite of the veto of the President, and they have refused ever since to seek the repeal of any others.

Moreover, the men who to-day denounce the continuance of war-time laws and demand their repeal were only 30 days ago denouncing the President because he did not prosecute so-called coal profiteers and sugar profiteers under the terms of these same laws. As this debate proceeds to-day the forces of labor are ominously threatening a great strike on the railroads of this country, and it will not be a week before some Republican rises in his place here and denounces the President for failure to act under these same restrictive measures.

What is the effect of this resolution? You say to Germany by this abortion of justice, "Shake hands. War is not such a bad thing after all. We forgive you for sinking our ships and murdering our women and children upon the high seas. We approve of your inhuman slaughter of our men from Chateau-Thierry, through San Mihiel and the Argonne Forest, to the armistice at Sedan. We are now willing to make a separate peace with you, disregarding all claims of reparations and without your promise of any reform. We cheerfully abandon Belgium without your promise of reparation or reconstruction or indemnities. We leave France without guaranties and turn our back upon England and Italy. We invite you to rape and destroy the new government set up in central and southern Europe. And after you have accepted our resolution, we will come to you, hat in hand, and ask you to form a more extended treaty of peace." No more contemptible attitude of servility was ever assumed by any nation since history began than is contemplated by the House to-day.

Thank God at last for the obstinacy and self-righteousness of the Senate of the United States. Having sought to usurp the power of the Executive in this treaty making business, they are unlikely to abdicate to this House in a matter over which they have undoubted concurrent jurisdiction.

The majority in this House have by their action to-day and by their words throughout this debate been given a rare opportunity to criticize the President and denounce his conduct of our foreign relations. During this debate men on that side of the aisle have broken into delighted applause when the sickness of the President was mentioned. It is probable that no public man in the history of our Government was ever so hated by those who would tear him down from the high place he has won in the affections of his countrymen and the statesmanship of the world. He is passing to-day through the bitter experience of every lofty spirit which has swayed the destiny of the world in times that are past. As I contemplate his place in history and see about me the weaknesses and failings of those to-day who hate his success, I am reminded of the force and justice of what was said 2,000 years ago:

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

[Applause.]

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Speaker, no one who witnessed celebrations of the news of the signing of the armistice can ever forget the unbounded happiness of the mothers and fathers of America. Hostilities had come to an end. The gallant soldiers of the Republic had suddenly brought the world's greatest war to a close and would soon return to the arms of their loved ones at home. The American people love peace and hate war, and it was their hope that the end had come to all wars. The terms of the armistice were such as to preclude the enemy from renewing hostilities. Everyone knew that the war was at an end so far as further fighting was concerned.

It became necessary to draft the treaty of peace, and the foremost men of the allied nations met at Versailles, and among the group was the President of the United States. Before the treaty was completed or its terms known the enemies of the President commenced a hue and cry in this country about his going to Europe to negotiate the treaty and tried to cause him every embarrassment and humiliation possible while his great task was the hardest.

Under the Constitution it was the duty of the President to negotiate the terms of the treaty, but it could not become effective and binding until it had the approval of two-thirds of the Senate present consenting thereto. Article II, section 2, reads:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

It was the purpose of the makers of the Constitution to vest the power to fix the terms of peace in the President and the Senate. The power to declare war is placed in both branches of Congress, but the moment war is declared the President is granted supreme power to conduct the war. The authority to conduct the war having been once vested in the President, the Congress can not divest him of that power by an attempt to declare peace.

No one will contend that while the war is in progress the Congress could pass a resolution to end the war. If the resolution could not be passed by Congress under such circumstances then under what claim of authority do the proponents of this resolution act?

It is certainly not based upon the construction placed upon the Constitution by its makers, for we read from Madison's Journal the following excerpts:

To make war.

Mr. Pinckney opposed the vesting this power in the legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depositary, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

Mr. Butler: The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities and will not make war but when the Nation will support it.

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war, leaving to the Executive the power to repel sudden attacks.

Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare," the latter narrowing the power too much.

Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration; peace attended with intricate and secret negotiations.

Mr. Mason was against giving the power of war to the Executive, because not [safely] to be trusted with it, or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war, but for facilitating peace. He preferred "declare" to "make."

On the motion to insert "declare" in place of "make" [it was agreed to].

N. H., no; abst.; Cont., no; Pa., ay.; Del., ay.; Md., ay.; Va., ay.; N. C., ay.; S. C., ay.; Geo., ay. [Ayes 7, noes 2, absent 1.]

Mr. Pinckney's motion to strike out whole clause, disagd. to without call of States.

Mr. Butler moved to give the legislature power of peace, as they were to have that of war.

Mr. Gerry 2ds. him. 8 Senators may possibly exercise the power if vested in that body, and 14, if all should be present, and may consequently give up part of the U. States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

On motion for adding "and peace" after "war."

N. H., no; Mas., no; Ct., no; Pa., no; Md., no; Va., no; N. C., (no); S. C., no. [Ayes 0, noes 10.]

Adjourned.

The fourth section, to wit, "The President, by and with the advice and consent of the Senate, shall have power to make treaties," etc., was then taken up.

Mr. Wilson moved to add after the word "Senate" the words "and House of Representatives." As treaties, he said, are to have the operation of laws, they ought to have the sanction of laws also. The circumstance of secrecy in the business of treaties formed the only objection; but this, he thought, so far as it was inconsistent with obtaining the legislative sanction, was outweighed by the necessity of the latter.

Mr. Sherman thought the only question that could be made was whether the power could be safely trusted to the Senate. He thought it could, and that the necessity of secrecy in the case of treaties forbade a reference of them to the whole legislature.

Mr. Fitzsimmons seconded the motion of Mr. Wilson; and, on the question—ayes 1, noes 10.

It is seen from this record of the proceedings of the convention that it is settled that Congress does not possess the power to make peace.

The safety of the Republic lies in the balance of power between the three coordinate branches of the Government, and it is the duty of each branch to prevent as far as possible any encroachment upon its jurisdiction by any other branch. The President has no right to encroach upon Congress, and neither has Congress any right to invade his duties. Because he has not conducted the making of the treaty in accordance with the views of the Republican leaders of the House is no excuse for them to try to make the treaty after their own fashion. There being no warrant of authority in the Constitution by which the House of Representatives has any power to make a treaty of peace, the lawyers on the majority side attempt to justify the passage of the resolution on the ground that the resolution is not a treaty.

A treaty is nothing more than a contract between independent nations. The resolution attempts to make a contract with the German Government relating to reciprocal trade between the nationals of the two countries. The German Government must give its assent to the terms of the resolution within 45 days or a financial and trade boycott on the part of the United States follows:

Sections 3 and 5 of the resolution undertake to fix the rights of the respective Governments and their nationals by the terms of the treaty of Versailles. These sections provide as follows:

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise, and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

These sections disclose beyond a doubt that the resolution is an attempt to make terms of peace and thereby beyond the power of the House of Representatives. It is worthy of notice that although the treaty negotiated by the President is so obnoxious at times to the proponents of this resolution, yet when it will serve the political convenience of the majority party they invoke its terms in the resolution.

Aside from the question of the power of the House of Representatives under the Constitution to pass such a resolution, is it the right thing to do under all the circumstances? If the passage of the resolution would hasten the settlement of the turmoils of the world and bring quietude to the people of the United States, its enactment might be justified, notwithstanding the doubtful authority of the House to act. But the passage of this resolution means that we abandon the allied nations of the world and make a separate peace with Germany; that we are willing to take advantage of all the benefits of the treaty of Versailles without assuming any of the obligations; that we are willing to sacrifice the good opinion of the world for the right to trade with our recent enemy.

By the adoption of this resolution we indicate that we are willing to abandon the hope to settle disputes between nations by arbitration, the disarmament of the world, and the abolition of secret treaties. Our gallant soldiers brought this World War to an end, and it is our duty to see some means is provided to end all wars.

This resolution will only add to the confusion now existing caused by the failure of ratification of the treaty.

The failure of the treaty-making powers to conclude the treaty of peace does not justify the House of Representatives in passing an unauthorized resolution. By so doing is adding hope to the "bitter enders" and joy to those who make munitions of war. By such a course we say to the world that we prefer to stand with Germany outside of a League of Nations than to stand with the rest of the world in a League of Nations.

The resolution provides for the repeal of the war-time acts. Of course, this Congress has the power to repeal the emergency legislation enacted during the war. This is a duty that this Congress should have entered upon long ago in a systematic way. I favor the repeal of much of the war-time legislation, and but for the attempt by this resolution to make a treaty I should lend my vote and support to the same, although it is entirely too general in its scope.

Mr. Speaker, in view of the sacrifices our people have made in hardships and heartaches, and in lives and broken bodies, to bring this war to a speedy termination, I for one am unwilling to offer to the memory of our heroic dead this resolution as the finale in American statesmanship in treaty making. I am unwilling to offer it to the broken-hearted relatives as the only hope to prevent future wars.

I am for peace and for a permanent peace in the world. I oppose the maintaining of great war machines and compulsory military service or training in time of peace, but this resolution makes no provision for the reduction of armaments of the nations nor for the regulation among the nations of compulsory military service in times of peace.

The voice of those who have merchandise to sell has been heard and this resolution must be adopted at once.

The adoption of the resolution is an attempt to trade the hopes of the Nation for the right to bargain and sell to the enemy.

In my desire for peace I am unwilling to act the part of Esau and trade the birthright of the Nation for a mess of pottage. I cast my vote against the resolution.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I am opposed to this resolution because it violates the Constitution of my country. [Applause on the Democratic side.] I am opposed to it because it would be a failure in imposing ample and sufficient terms on the German Government, and I am opposed to it because I feel that we should not, by attempting a separate peace, desert those who were associated with us in this war. [Applause on the Democratic side.]

No resolution of this character was ever before in our history presented to Congress for consideration. It is a mockery to the passionate demand for peace that is world wide. It is a deceptive response to the demand of the American people for a legal status of peace. All the nations associated with us have already signed the treaty of Versailles and, under peace conditions, are now attempting to reestablish themselves in all activities of their lives. The United States alone of the countries who participated in the war has refused and rejected this treaty. Even nations who were neutral during the great conflict have come in and made themselves parties to the treaty by accepting membership in the League of Nations provided in it. It is hard to escape the conclusion that partisan politics of the most unrighteous sort has prevented us from accepting this treaty, and from thereby establishing and creating in the method provided by our organic law a legal status of peace for the guidance and benefit of our citizens.

A method is provided by our Constitution for the purpose of negotiating treaties and bringing to an end conflicts with foreign nations. In clear and distinct language our Constitution confers upon the President of the United States the duty of negotiating such treaties, which become effective upon the assent and with the advice of two-thirds of the Senate. But the measure now under consideration is a clear and distinct violation of the powers conferred upon the House of Representatives. This is purely a legislative body, created with well-defined limitations of power, and now undertakes to declare the war at an end and to negotiate terms of peace with the German Government.

If the Republican leadership had consulted the Constitution of their country instead of their hatred for Woodrow Wilson, this resolution would not have been brought forward. It is conceived in partisan venom toward the great Chief Executive of this Nation. He endeavored to prevent war as long as it was possible to do so, but when no longer possible he led this Nation into the war with vigor, and under his matchless guidance the armies of the German Empire were thrown back across the Rhine, Belgium and France were relieved from the foot of the invader, militarism was destroyed, and civilization once again set upon its forward march. This is an attempt by his political opponents to embarrass him in the management of foreign affairs and to destroy his prestige at home and abroad. I for one shall not be a party to such unholy purpose.

The Government of the United States was created, formed, and given life by the Constitution. This Constitution, a compact for the purpose of forming a more perfect Union, was entered into by the thirteen original sovereign States. In forming the Union the Constitution has provided three separate, independent, coordinate departments—the executive, the judicial, and the legislative. The Constitution itself has marked the lines of power for each of these.

An examination of this great instrument of government will disclose the powers which are conferred upon the Congress. They are set out in section 8 of Article I of the Constitution. Clause 2 of this section provides that Congress shall have power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." Congress is further empowered to raise and support armies and to provide and maintain a navy. But nowhere in the Constitution is it provided that Congress by a joint resolution, as a legislative body, may prescribe the terms of settlement of disputes with foreign countries and enter into agreements for ending hostilities.

On the contrary, this power is particularly and expressly conferred by the Constitution, in Article II, upon the President, by and with the advice and consent of the Senate, providing two-thirds of the Senators present shall concur.

It is easy to perceive the reasons why the Constitution placed in the House and Senate the power to declare war. The declaration of war is a single act. We can declare war against another nation whether the latter shall wish war or shall not wish war. It involves the raising of armies and vast expenditures of money. Before this status shall be created it was the purpose of the framers of our Constitution that there should be action by Congress, including the House of Representatives. The declaration of war involves merely our attitude as to belligerency toward a foreign power, and they wisely left this to the Congress.

But the making of a peace—of a permanent peace—involves the consent and agreement of the nation with whom we are at war. It is necessarily the subject of negotiation. If the causes of a war are to be eliminated an agreement is necessary. We went to war with Germany for certain definite reasons. A treaty of peace is necessary that Germany may no longer assert the right to do the things which involved us in the war. Unless we shall insist upon this, while we may have destroyed her armies and rendered her unable to fight for the moment, as between us and her the war will become a draw. The same causes of war, the same arbitrary action, may be continued by Germany which led us into the war. A treaty of peace must be made, and it must be made in the constitutional method.

A treaty is a compact between sovereign powers. Hamilton has pointed out in the Federalist, in discussing the Constitution and the treaty-making power conferred therein, that the making of a treaty is in a sense neither within the ordinary duties of the legislative branch of the Government nor of the Executive branch. It is not of the nature of an ordinary law which may be enacted. It is a contract between two sovereignties and becomes effective through the power of good faith between nations. An agreement of this nature can not successfully be made by a mere legislative body. It requires negotiations and adjustments which can only be made by a contract, and this contract, it is specifically provided, shall be negotiated by the President and become effective when consented to by the Senate, upon a vote of two-thirds of its Members. In fact, the journal of the general convention which formulated the Constitution shows that a motion was made by one of its members to confer upon Congress, in addition, the power "to make peace," and this motion was defeated by unanimous vote.

In Story on the Constitution, section 1173, we find:

> In the convention, in the first draft of the Constitution the power was given merely "to make war." It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power "to make peace," but this was unanimously rejected, upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress under the confederation of the difficulties attendant upon vesting the treaty-making power in a large legislative body was too deeply felt to justify the hazard of another experiment.

Washington was a member of the general convention and presided over its deliberations. After he became President, because of disputes, especially involving our frontier and our commercial rights, it became necessary to negotiate a further treaty with England. He selected John Jay, at that time Chief Justice of the Supreme Court, to negotiate a treaty. This treaty, known as the Jay treaty, after much acrimonious and bitter debate, was finally ratified, but it aroused the passions of the people. Those who disliked Washington and opposed the treaty brought forward the now familiar argument against the British Empire and alleged that the Jay treaty conceded rights to England which should not have been conceded. Even after it was passed, when it became necessary to carry it into effect, the debate was continued in the House of Representatives. By resolution, solemnly adopted, the House called upon Washington as President to lay before it all instructions which he had given Jay and all papers relating to the treaty. On March 7, 1796, he replied to this resolution of the House, declining to transmit the papers desired and discussed the treaty-making power under the Constitution. In his letter to the House he says:

> The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.
>
> Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur, and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In

this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt of suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced, for till now, without controverting the obligations of such treaties, they have made all the requisite provisions for carrying them into effect.

From that time until this the correctness of these views of the first President has not been questioned, and no other House of Representatives, except this, has since embarked upon such an attempted violation of our fundamental law.

I wish also to call the attention of the House to the fact that Washington expressed these views with the full concurrence of his Cabinet. He outlines the nature of foreign negotiations, which would clearly indicate how impractical it is for this House to undertake to settle our relations with Germany in the method now proposed. He further said:

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic, for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have, as a matter of course, all the papers respecting a negotiation with a foreign power would be to establish dangerous precedent.

Thus, with a calm dignity but with certainty and courage, Washington declined to comply with the resolution of the House upon the ground that the treaty-making power was not included in its functions. Again I quote from this letter and recommend it to the consideration of the Republican leadership, which now, after more than 100 years, would again undertake, in a paroxysm of political hate, to violate the Constitution which they have so clamorously declared they were desirous of maintaining:

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of the treaty, as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all circumstances of this case, forbids a compliance with your request.

Let us suppose that President Wilson had declined a request of this House as Washington did. To what extent of denunciation would the authors of this resolution have proceeded? The clamorous cry would have gone forth that the President was drawing to himself the powers of an autocrat and was refusing to give information to the Congress. They would have been forgetful of the fact that Congress is but one of the three separate, independent, and coordinate branches of our Government. What right has Congress to take to itself powers which are not given it by the Constitution? And shall we now yield to this partisan attempt to destroy the distribution and balance of powers conferred by the Constitution upon the several departments?

But Washington himself did not escape the tongue of calumny. I was about to say that in history there was no parallel with the savage and frenzied attacks made upon our present Chief Executive. But such parallel does exist in the Jay treaty itself. I read to you from Washington and His Colleagues, written by Henry Jones Ford:

During the agitation over the Jay treaty the rage of party spirit turned full against Washington himself. He was blackguarded and abused in every possible way. He was accused of having embezzled public funds while President. He was nicknamed "the Stepfather of his Country." The imputation on his honor stung so keenly that he declared "he would rather be in his grave than in the Presidency," and in private correspondence he complained that he had been assailed "in terms so exaggerated and indecent as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket."

But they who made the attacks are now forgotten. You will have to search the annals of Congress to learn their names. Washington still stands out in grand and glorious dignity as the founder of our Republic, and I predict that in the years that are to come those who similarly attack Woodrow Wilson will be forgotten and the record of these acrimonious denunciations of him will be read with surprise and condemnation, while his name shall be a household word throughout the world.

Even Congress itself has uniformly recognized that the war would come to end by treaty negotiated by the President and ratified by the Senate. In all of the war-time legislation intended to end with the war we find recognition of this fact.

For instance, in the emergency shipping act of March 15, 1917, it is provided "that all authority under the act shall cease six months after a treaty of peace is proclaimed by this Government and the German Empire."

The railroad-control act was to end with "the proclamation of the exchange of the ratification of a treaty." So with the food-control act of August 10, 1914; the soldiers and sailors' civil rights bill of March 8, 1918; the trading-with-the-enemy act of October 6, 1917. This act provides "that the words 'end of war' as used herein shall be deemed to mean the date of proclamation of an exchange of the ratification of the treaty of peace."

It was not even suggested that the war might otherwise end by any action that this House could take.

In attempting to sustain their position the majority report quotes Oppenheim on International Law, as follows:

War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty, or (3) a belligerent may end the war by subjugation of his adversary.

Certainly there is nothing in this authority that even intimates that Congress has the power by mere declaration of this sort to end this war. If it has ended by a cessation of hostilities, it has so ended and the declaration of Congress adds nothing to the situation, even if it had power to act. But all writers on international law state that a treaty is necessary and that "combatant States have seldom resorted to this method of withdrawing from war without arriving at some definite and intelligible decision."

Unless, therefore, Germany is not to be brought to account to us and the world, a treaty is necessary, and this resolution would be but a mere withdrawal from the war with such an accounting unmade.

If this is an attempt to negotiate terms of settlement with Germany, it is essentially a treaty. Let us therefore examine the terms of the resolution.

The preamble indicates the remarkable state of mind and wonderful conception of those who drafted it. With an unparalleled hypocrisy, it undertakes to base the resolution upon the statement that the President himself had advised the Congress that the war with the Imperial German Empire had ended. So he did. In announcing to the Congress in December, 1918, that an armistice had been signed and that hostilities had ceased he stated, "Thus the war comes to an end." This was a pæan of victory, announcing that actual hostilities had ceased. Germany had laid down her arms; the war in a sense had ended, gloriously and triumphantly; but that the relations between the German Government and the world were intended to be settled by this simple declaration of the triumph of our armies no one believes. For many months thereafter the President himself labored to adjust the terms of peace. After months of such labor, heartbreaking and weary, the treaty of Versailles was signed. It was nothing short of an adjustment of the affairs of an entire world. No greater task was ever undertaken by men. Under these labors the very strength of the President succumbed. He discharged his full constitutional duty. He undertook to do the things that our organic law placed upon the Chief Executive. That treaty, as the Constitution provides, was submitted by him to the Senate for ratification. It was rejected by the Senate and returned to the President. There can be no treaty until the method provided by the Constitution is followed.

The language used in the preamble has been given an interpretation by the Supreme Court itself. It was used as an argument in the case of Hamilton against Kentucky Distilleries, decided by the Supreme Court in October, 1919, for the purpose of having that court declare void the war-time prohibition act, but Justice Brandeis held that it was a mere popular expression to indicate the ending of hostilities and that the war was not ended until it was so declared by constitutional method.

Section 3 of the resolution is purely an attempt at treaty making. It undertakes to impose terms upon the German Government. Realizing the awkward and absurd position in which our Government will be without a formal treaty of peace, this section undertakes to provide that if the German Government shall not, within 45 days from the date of the ratification of this resolution, also declare a termination of the war and waive and renounce on behalf of itself and its nationals any claim, right, demand, or benefit against the United States or its nationals, they would not have the right to assent under the treaty of Versailles, and the President shall proclaim the fact that Germany has not so done. It shall then become unlawful for American citizens to trade with the German Empire.

Thus the rejected treaty—the treaty which the Senate has returned to the President and to which it has refused its consent and advice—is undertaken to be written, in part at least, into this resolution. This proposal to Germany involves an agreement between the two sovereigns. An agreement can only be made by treaty, and under the Constitution it must be made by the President with the advice and consent of the Senate. This is an attempt by Congress to negotiate. Let us suppose that Germany should make a counter proposition and should propose that they would do certain things if this Government should surrender the property which it had seized or should in any way seek to modify the provisions of section 3 of this resolution. We would thus be led into the field of negotiation, which the framers of the Constitution themselves knew could not be carried on through this body and for that reason conferred upon the Executive, with the advice and consent of the Senate. The mere reading of this section will show the futility and the lack of power and the absurdity of such an attempt to end the war by such a method.

Section 5 likewise attempts to build up an agreement with Germany based upon the armistice which was signed on November 11, 1918. To whom is section 5 directed? This section provides—

That nothing herein contained can be construed as a waiver by the United States of its rights, privileges, indemnities, reparation, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by the United States or are in the possession of the United States by reason of its participation in the war or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

What possible meaning has this section? Can this House under power granted in the Constitution negotiate with Germany? Can it enact legislation that is binding upon the German Empire? Suppose Congress does provide that we shall not waive any rights or indemnities acquired by virtue of the armistice. Must not Germany agree to such terms before they can rise to the dignity of enforcement between two sovereigns?

And regardless of the assertions contained in section 5, if we are to terminate the war without a treaty, if we are to withdraw from the conflict by a mere declaration that hostilities have ended, under the rules of international law what shall prevent the United States from losing the indemnities, and reparations, and advantages which it may have acquired or taken into possession during the conflict? Certainly the mere act of the House can not arrange an international status nor affect the rights of individuals of other countries. The armistice is a mere agreement for the cessation of actual hostilities, and only under a treaty based thereon could war be ended between the contending nations, if its terms are to be imposed. If, therefore, by this act of Congress we withdraw the right given us by the armistice to demand of Germany that she shall sign a treaty in conformity with its provisions, then, by international law, having foregone the right to make peace by treaty, the indemnities and reparations and advantages which we acquired must be lost to us.

But it is contended that a treaty not having been ratified, the power to declare the war at an end rests with Congress. One branch of Congress has failed to agree to the terms of the treaty and has rejected it, but this did not have the force of giving to this House the right to take over the duties of the Senate. Suppose Congress itself should fail to pass a necessary law, could the President claim the power to declare it by proclamation? Suppose the Supreme Court should refuse to perform some duty, could the Congress assume it? The argument is idle. Congress has often failed to pass laws that the people demanded, and the people have changed the membership of Congress, not the Constitution.

Section 1 of the resolution is a mere declaration by Congress that a state of war as declared by the joint resolution of Congress of April 6, 1917, is thereby declared at an end. This is in effect no more than an attempted repeal of the resolution of April 6, 1917. It is a foolish attempt on the part of Congress by its mere declaration, regardless of the powers with whom we have been at war, to create a legal status of peace between us. Such a declaration by Congress might be harmless enough, because of the lack of power to enact it, were it not for the fact that it might also involve us in a maze of difficulties. Since the resolution of April 6, 1917, many things have happened throughout the world. There has been a change in the possession of property. We have taken possession of millions of dollars of property belonging to private individuals and private corporations, subjects of the German Government. Damages have been incurred by our citizens and property belonging to them has no doubt been seized by the German Empire. When we declared war on Germany she had then been at war with the Allies since 1914. Our harbors were filled with her interned shipping. We took possession of it. We have it now. But it was not the property of the German Government; it was the property of her nationals.

By act of Congress we created an agency of Government known as the Custodian of Alien Property and we conferred upon this agency the power to take and dispose of the goods and property of every kind of our alien enemies. Under this power vast amounts of the property belonging to German nationals were seized and disposed of. Stocks in corporations, tangible property of every kind, trade-marks, and patent rights were all taken by our Government and sold by the Custodian of Alien Property. It is now claimed, I am informed, by the German nationals that the value of this property so confiscated amounts to several billions of dollars.

If, therefore, the great conflict with Germany is to end by a simple declaration of this character the title to this property would remain in the German nationals, corporate or individual, to which it originally belonged. It is therefore necessary that treaty agreements shall be made between our respective Governments to provide for the many and complex situations that have arisen. It is impossible that the American people would be content to let the war so end and to remit every German national, or every alien enemy of Austria, to their rights of the property so seized and to the prosecution of claims against our Government therefor.

At the same time, if such declaration is to end the war and Germany is not to be forced by this Republic to sign a treaty of peace that will protect American citizens, all their rights to damages of every kind against the Imperial German Government must likewise be remitted and foregone.

Never before has Congress, by a simple resolution, undertaken to settle the issues of any foreign war. History is to be reversed if this resolution is adopted.

When we had fought the Revolution, when Cornwallis had been defeated at Yorktown and the last vestige of British authority over the Colonies had been overthrown, the issues of the conflict were settled by a treaty of peace. Suppose we had been content with the mere declaration that hostilities had ceased. Suppose the leaders of those days had suggested to the American Colonies, who had shed so much blood for their independence, that all that was necessary was that Congress should adopt a resolution that the war was at an end. They had fought for a purpose. They had declared that the Colonies were and of right ought to be free and independent. They had declared that taxation without representation was intolerable. They had sought to establish themselves as free and independent sovereignties. It took more than a declaration of Congress to determine the rights for which they had so courageously fought and, though the British armies had been defeated and captured and Great Britain was no longer able to contend and her soldiers had laid down their arms, the American Colonies demanded, as of right they should have demanded, that the things for which they had fought should be embodied in the stipulations of a treaty that would guarantee their independence to themselves and their children forever. A protocol was signed at Paris on November 3, 1782. By it Great Britain acknowledged the independence of the United States, relinquished all claims, and specified the boundaries between the United States and Canada. Later a further and permanent treaty of peace embodying these terms and other terms imposed by the victorious Colonies was signed at Paris on September 3, 1783.

Again in 1812 we became involved in war with Great Britain. Again American armies were victorious. The war came to an end, but not by an absurd declaration by Congress that "war is hereby ended." This war was ended by the treaty of Ghent, which was signed on December 24, 1818. It declared peace between the two countries and provided for restoration of territory and established other rights for which we had contended.

In 1848 war again came to the American people. For the first time we had to lead American armies from American soil. The war with Mexico was in fact ended on September 14, 1847, when Gen. Scott marched a victorious army into the city of Mexico. In a sense the war had thus ended. Mexican armies had been defeated. The conflict was over just as surely as when Germany signed the armistice of November 11, 1918, but the matter did not thus end. The Army was not merely withdrawn to American soil and demobolized. We did not merely pass a declaration of Congress that the war had ended. The treaty of Guadalupe Hidalgo concluded the war in 1848, about one year afterwards, and we are told by historians that this closed the Mexican War. Under its provisions territory which is now embraced in the States of Nevada, Utah, California, and parts of Arizona, New Mexico, Colorado, and Wyoming was ceded by the Mexican Government to this Republic. It was done by treaty negotiated by the President, signed by him on the part of the American people and by the Mexican Government, and ratified by the Senate. If we had been content to rest upon the mere declaration by Congress that the war was over, these States would still have been

Mexican territory. But, having followed the constitutional method of ending war, they were acquired by this Republic and seven new and brilliant stars took their places upon the blue field of the American banner. We ought to be thankful that we did not have, during those times, a leadership such as now dominates the American Congress.

The next foreign war was with Spain. The present Republican Party controlled both the executive and legislative branches. The war was fought to a successful conclusion. The American Squadron under Dewey boldly entered the harbor of Manila and destroyed the entire Spanish fleet and captured the naval stations. This was followed by further destruction of the Spanish warships at Santiago. American troops in Cuba took possession of the island and the war ended, but Congress did not content itself with a simple resolution of this character. Cuba had been oppressed by Spain for centuries and Spanish rule in the West Indies had become intolerable. And although Spain had been rendered helpless and was thoroughly conquered, she was required by treaty to abandon her claim of sovereignty over Cuba and to cede to the American Government the Philippine Islands and other of her possessions. Although the war had ended in 1898 a formal exchange of ratification between the two Governments did not take place until April 11, 1899, and the Attorney General ruled that the war did not end until this exchange.

If the leadership of the Republican Party at that time had been such as it is at this time, when Spain had been defeated and her army had been withdrawn Congress would have simply declared that the war was over. Cuba, the Philippine Islands, and other territory which Spain relinquished would still, under international law, have been Spanish territory. But having proceeded under the constitutional method and having required Spain to make a treaty of peace, the Philippines passed to us, and under our guidance it shall become a self-governing people. And the flag of the Queen of the Antilles was flung to the breeze as an independent sovereignty, and she has already ratified the treaty of Versailles and has become a member of the League of Nations without reservations or interpretations.

We entered the war with Germany because her militaristic spirit had undertaken to dominate the world. Belgium had given her no cause for war, and yet her armies had overcome and trodden down that little Empire. France had given her no cause for war, but the gray lines of the German armies had flowed like a mighty flood almost to the doors of Paris. Every principle of modern warfare had been outraged. Women had been murdered. Children had been trampled under foot of the advancing armies. Merciless submarine warfare had been waged upon every merchant ship that crossed the Atlantic. The *Lusitania* had gone down with more than 125 of our citizens aboard. She had declared, in effect, that America could not travel the lanes of the sea and had sunk our shipping wherever it had been found. Savage with power, she had determined that Prussian militarism should dominate the world. England and France and Italy were struggling under her fierce attacks when President Wilson called the special session of the Congress of the Nation and told them that the Imperial German Government in total disregard of American rights was destroying our commerce upon the seas, was murdering American citizens, and was, in fact, carrying on war against this Nation. He advised that Congress should immediately declare war and proceed to raise and equip an Army. This was done. Our soldiers ended the war by their courageous spirit and indomitable courage. They were told that they were fighting that all wars might end forever. The armistice itself was signed upon certain definite ideas of justice and right. The President has written these into a treaty of peace which he signed at Paris. As the Constitution has required, he has brought back this treaty of peace and submitted it to the Senate for its consent and advice. This treaty, which Germany was compelled to sign and which has been rejected and returned to the President, carries into effect by its stipulations the destruction of Prussian militarism; it guarantees to this Republic, and to all our allies, all the rights which they won upon the field of battle. If this resolution is to end the war, then this is to be lost to us. Even if Germany should accept the provisions of this resolution and so notify the President that the war was ended in accordance with its provisions and should attempt to waive the rights of its nationals to the property seized by us, we would have ended the war by settling nothing with Germany except some miserable property rights in vessels which were interned in our harbors and the property of individual German citizens.

But what shall we say to our dead and wounded? Is this the answer? More than 150,000, while living, bear the cruel marks of war. More than 50,000 sleep along the western front, at Chateau-Thierry, in the Argonne, and in Flanders fields, where—

> * * * poppies grow
> Between the crosses, row on row.

From their silent tombs they have cried to us:

> To you, from failing hands, we throw
> The torch. Be yours to hold it high.
> If ye break faith with us who die,
> We shall not sleep, though poppies blow,
> In Flanders fields.

Who has broken faith with our heroic dead? Woodrow Wilson grasped the torch in his illustrious hands. Obedient to the Constitution of his country, he bore it, aflame with the light of justice and glowing with the love of humanity, to the portals of the Senate of the United States. He left it in their keeping. After weary months, the leadership of that body, with sneers and vituperation, returned it to him, the light extinguished by partisan venom and the glow transmuted into the dead ashes of national selfishness. In its stead they now offer this abortive measure. Upon such a record of boasted statesmanship I am constrained to believe that the American people instead of assaulting their Constitution will elect to change this leadership.

Mr. FIELDS. Mr. Speaker, much has been said about the constitutionality or unconstitutionality of this so-called peace resolution. I am not a constitutional lawyer and shall therefore not attempt to deal with the question of its constitutionality except in a very general way.

The Constitution provides that the power to make treaties shall be vested in the President, by and with the advice and consent of the Senate, two-thirds of that body concurring. The Constitution vests in the House of Representatives the sole power of impeachment, the exclusive power to decide upon the eligibility and qualifications of its own Members, and the power to initiate all bills for raising revenue for the support of the Government, and so forth. But nowhere does it lodge in the House of Representatives the treaty-making power.

If this resolution is anything, it is a treaty. It proposes to reestablish commercial relations between the United States and Germany, which clearly makes it a treaty. The House therefore has no constitutional jurisdiction over the question; if it has, then the Senate by a majority vote could pass the peace treaty as it came from Versailles in the form of a resolution.

Let us take a concrete case for example. Let us suppose that both the Senate and the House are Democratic by small majorities; that the President presented the treaty of Versailles to the Senate for ratification; and that a majority voted to ratify it, but that it was not a two-thirds majority. Then, if the House has constitutional jurisdiction over this resolution, the purpose of which is to treat with enemy countries, the treaty of Versailles could be put into the form of a resolution, passed by both the House and Senate by a bare majority vote, and be approved by the President, thereby becoming effective without having received a two-thirds majority of the Senate, as required by the Constitution.

It has been cited by the proponents of the resolution that Chile and an enemy country once made a treaty by the passage of a similar resolution, and that Spain and Mexico did likewise; but gentlemen must bear in mind that we are not operating under the constitution of Chile, Spain, or Mexico; we are operating under the Constitution of the United States, which specifically provides that the President shall make treaties by and with the advice and consent of the Senate, two-thirds of that body concurring. So if the House has not the constitutional power to act upon the resolution, its doing so will only delay a final settlement between the United States and Germany. If it has authority to do so, which I do not concede, then let us see what the resolution purposes to do. Does it purpose to cease hostilities between the United States and Germany? No; hostilities have long since ceased. Does it purpose to demobilize the emergency army? No; the army has already been demobilized. Does it purpose any action looking to the prevention of war in the future? No; it does not. Then, what is its purpose. According to its text, it is to permit the resumption of trade with Germany. Paragraph 1 of section 1 reads:

> House joint resolution No. 327 terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany.

And paragraph 1 of section 3 reads:

> That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose—

And so forth.

We find much in the resolution designed to establish and maintain trade with the German Government, but nowhere do we find a line, a word, or a syllable designed to establish and maintain peace in the immediate or remote future. It is therefore

obvious that the author of this resolution is more concerned about the establishment of trade than he is about the establishment of peace, and is more concerned about the maintenance of trade in the future than he is about the maintenance of peace in the future. And if the resolution is adopted and becomes a law it will doubtless serve its purpose to reestablish trade between the United States and Germany and will preclude from further consideration the Versailles treaty, the chief object of which is to restore and maintain the peace of the world, and as I am more interested in the establishment and maintenance of peace than I am in the establishment and maintenance of trade with Germany, I can not support the resolution; as I am more interested in preserving the life and the blood of the young manhood of the country that must fight wars than I am in establishing trade relations with Germany for the purpose of swelling the fortunes of those who happen to be fortunate enough to have goods to sell to Germany, I shall vote against this resolution, which is designed not to preserve peace in the future, not to save the young manhood from future wars, but to establish trade for the benefit of those who do not participate in war when it comes.

In fact, Mr. Speaker, everyone here knows that while this resolution is referred to here as the Porter resolution, it was drafted by Senator KNOX, who is one of the archenemies of that provision of the peace treaty of Versailles which undertakes to prevent future wars, namely, the covenant of the League of Nations, and who was also one of the ablest supporters of the Lodge reservation to the league which provides that the power of economic discrimination shall not be invoked against warring nations except by act of Congress. I will say in passing that, while that reservation was not discussed as extensively as other reservations, it is the reservation most sought by the selfish interests that oppose the League of Nations.

The power of economic discrimination, the exercise of the power of boycott, suggested by Roosevelt, advocated by Taft, and written into the treaty of Versailles by Wilson, if directed against a warring nation, would render it unable to wage a war of any consequence. No nation could wage an effective war if cut off from and ostracized by the rest of the world. But if the power to declare a boycott against a warring nation is withheld from the league or the Executive and can not be exercised until authorized by Congress, we all know what would happen in the event another war should come. The interests engaged in the manufacture and sale of war materials and other supplies would move upon Congress with their powerful influence, and any legislation designed to establish economic discrimination, to exercise the power of boycott, would be debated at the other end of the Capitol, where it is difficult to limit debate, until an ordinary war would be ended or until the whole world would become involved. Everyone who has given any thought to that question knows that any bill designed to stop the shipment of supplies to a warring nation would be talked to death at the other end of the Capitol, or delayed indefinitely by those representing the great manufacturing sections of the country, who do not want their trade interfered with even though such interference may be essential to the maintenance of peace. And it is in that spirit of selfish greed that the League of Nations finds its greatest opposition among those who would maintain commerce at the expense of peace, who would sell goods while the world fights, who would swell their fortunes while the bloom of the world's manhood is sacrificed on the field of battle.

The resolution has another purpose also; it is being used as a means of attempting to pull certain Members of another body out of a hole in which they placed themselves by their temporary defeat of the peace treaty, and I refuse to join in that effort.

We have also heard a great deal of discussion of and a great deal of opposition to that provision of the League of Nations which guarantees the territorial integrity of nations, but a canvass of the opposing forces discloses the fact that they belong to that class of Americans who have been clamoring for years for American intervention in Mexico, and who express the opinion that once the American flag is planted in Mexico it should not and will not be withdrawn; and let it not be forgotten that those same forces criticized Wilson in the 1916 campaign because we were not at war with Mexico, and many of them criticized him because we had not declared war on Germany. They wanted war then and many of them are still urging that we fight Mexico. I heard a prominent Republican, a Member of this House, say a few weeks ago, "We expect to clean up Mexico if we get control of the Government at the next election."

Mr. Speaker, it is true that conditions are bad in Mexico; it is true that there are American investments there that are suffering as a result of those conditions; and it is also true that the invasion and occupation of Mexico by the armed forces of America would cause those investments to multiply ten, a hundred, yea, a thousand fold in value. But that would be worth nothing to the Government of the United States or to the American boys who would be forced to fight the battles. It would benefit only the mighty rich who have elected to invest a portion of their surplus in Mexico. If it is their choice to invest in Mexico instead of investing under the flag of their own country that is their business, but so far as I am concerned, I am unwilling to sacrifice one American boy or spill one drop of American blood to protect their investments or enhance the value of them.

Mr. Speaker, the hope and the prayer of civilization for the last century has been that the day would come when the sword would be supplanted by reason, when nations like individuals would be forced by the power of public opinion to settle their differences in a court of justice instead of on the battle field. And with the completion of the peace treaty of Versailles the world breathed a sigh of relief and felt that the long-hoped for, the long-sought result, had been achieved, and no one doubted that America, which had stood as the world's champion of peaceful settlements of international disputes for a quarter of a century, would hesitate to ratify the treaty. But, alas, out of petty political jealousies and prejudices by the one element and selfish greed by the other an opposing force was organized and put into action which seeks to destroy the glorious opportunities for future peace for which we as a Nation had prayed for a hundred years, and for which American heroes died on the fields of France and Flanders. But I for one shall not despair; I shall continue to hope, as I have since the day we entered the war, that out of the great conflict will come a settlement that will make future wars impossible or reduce them to a minimum. I shall therefore support no resolution or movement that will impede the progress of that great humanitarian movement. I shall vote for the motion to recommit that is to be offered by the gentleman from Virginia [Mr. FLOOD], the purpose of which is to repeal all war legislation; but this resolution is a deception, a sham, and a fraud, and I shall vote against it. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, we are asked by the Republicans in this House to do a foolish thing. We are asked by them to do a ridiculous thing. We are asked by our colleagues on the other side of the aisle to do an unlawful thing—to violate the sacred Constitution which each of us has taken a solemn oath to uphold and support—for the Constitution of the United States plainly and clearly provides that all treaty-making power is placed only in the hands of the President and the Senate of the United States. The House of Representatives has nothing whatever to do with it.

Then why has this sham of a so-called resolution of peace with Germany been brought in here by a Republican steering committee under an autocratic rule which allows two whole days of debate, yet will not permit it to be amended in the slightest particular? Dirty Republican politics is the only answer. It is an attempt to camouflage the people of the United States into believing that Republicans tried to bring about peace, when but for their action in the Senate, in killing the peace treaty, there would be peace—dirty Republican politics interfering with the peace of the world, placing pages of unfair, misleading, vicious, hot-air attacks upon the President and his administration in the RECORD, to be franked over the United States in an attempt to win another election.

If only the President had given the United States Senate representation on the peace commission there would have been no opposition to the treaty of peace. We are victims of pique. If on his return from war-stricken Europe with the signed instrument that tends to make future war impossible the President had not been accorded such great ovation from the American people from Columbus, Ohio, across the United States, there would not be this continued effort on the part of Republicans to discredit him, to embarrass him, to hamper him, to jibe him, to persecute him, aye, even to destroy him, if possible; for his greatness worries our Republican friends. It disturbs them; it disquiets them; it unnerves them; it makes them apprehensive; early in the morning, at noontime, in the evening, and late at night it somnambulates them, and they can not rest. Verily, we are victims of pique, of enviousness, of covetousness, of political hatred.

The great Theodore Roosevelt was in favor of just such a League of Nations to prevent war.

The great William Howard Taft is in favor of just such a League of Nations to prevent war.

In 1916 the great Henry Cabot Lodge was in favor of just such a League of Nations to prevent war, for in his speech here in Washington before the League to Enforce Peace, on May 16, 1916, he said:

The limit of voluntary arbitration has, I think, been reached. Much has been achieved by it. It has taken out of the range of arms a large mass of questions which once were causes, frequently of war, constantly of reprisals, and by the general consent of civilized mankind has put them before a tribunal and had them there decided. If we have reached the limit of voluntary arbitration, what is the next step? I think the next step is that which this league proposes, and that is to put force behind international peace.

We may not solve it in that way, but if we can not solve it in that way it can be solved in no other.

But alas, the President did not give the United States Senate representation on the peace commission. The President was becoming too popular and beloved in the United States. The people were forgetting to applaud anyone else. The President's Democratic Party was becoming too much in the limelight and gathering too great a following. Something had to be done to stop it, else it presaged harm for Republican hopes during the years to come. But more important than all else, if this League of Nations plan and the President's treaty of peace were adopted it would stop the manufacture of war munitions; it would close up a lot of Republican gun and munition factories, and they would have to change their machinery to create more useful utensils; the war program would stop; the war-preparation program of 1916 would stop; the $50,000,000 dreadnoughts would not be built; the arms, ammunition, supplies, and equipment for a great Navy and a great Army would not be sold; and the immense profits anticipated by the Republican plutocrat manufacturers who furnish all the Republican campaign funds would not go into their already bulging pockets, but would be kept in the pockets of the people, out of which otherwise the same would be taken through increased taxation. And under such pressure of political hysterics our Republican steering committee is cramming this absurd, meaningless thing down our throats.

When it passes by Republican votes, what will be accomplished? Absolutely nothing. Will there be peace? No; and our Republican friends know it. Millions of men, women, and little children throughout Europe will still suffer the outrages of anarchy now menacing the enemy country until a treaty of peace is entered into in a constitutional way, and this country will still remain in a state of disquiet and turmoil until the people elect a Senate that will ratify a proper treaty.

The same Republican colleagues of ours who are now forcing this sham through the House are the ones who have voted for an Army several times the size that would be necessary had the treaty been ratified, and are the same ones who voted for a Navy program several times the size that would be necessary had the treaty been adopted, for had the treaty been ratified every country would have begun to disarm, would have reduced its standing army, would have stopped its navy program in the line of building battleships that serve no useful purpose whatever out of war and are a dead expense to every Government, and would have stopped over half of its annual expenditure now made necessary in keeping up departments attending to the war program. They are the same Republican friends who have been trying to curse this Republic with compulsory military training, that will take all of the young men in this country from their homes and put them into the camps to learn bloody warfare. They are against furnishing a few police to assist our allies in keeping the peace of the world and preventing cruel war in the future, but they want to build dreadnoughts, maintain a big fighting Navy, manned with boys taken forcibly from the farms and businesses of the country, maintain a big standing army, garner war engines, war munitions, buy millions of war supplies annually, and turn our friendly allies against us, so that if Republican munition sellers can ever inveigle our country into some fuss with another, we can use all of the man power of this country from 15 and 16 year old boys up to fight the combined powers of the world. That is what our Republican friends seem to be in favor of doing.

I am for peace. I am against war. I am in favor of reducing to the lowest minimum the chances of war in the future. When I ran for this office in 1916 one plank in my platform was the following:

INTERNATIONAL PEACE.

In a short time the world will have had enough of war. We must find a permanent solution of this question and make it impossible for any country to successfully declare war, and at the same time provide a just and adequate means of honorable settlement of all international disputes.

I am against a large standing army. I am against building these helpless battleships and dreadnoughts, costing hundreds of millions, which would not be needed with a League of Nations. I am against compulsory military training. When you go to take an 18 or 19 year old boy out of a home now that has one or more loved ones buried in France to send him to a training camp each year during peace time you are going to hear from the fathers and mothers of this country. The people of a county enforce peace in that county. The people of a State enforce peace in that State. The people of the United States enforce peace in the United States. But when the peace of the world is involved, it is the nations of the world that should enforce it. "United we stand, divided we fall" is just as true when applied to the civilized nations of the world concerning the peace of the world as it is true of the United States when applicable only to the peace of the United States.

This Republican sham resolution will accomplish nothing when passed. Republicans are camouflaging when they say that they want war-time laws repealed. We Democrats have wanted these laws, such as the Lever Act, which has cost the producers of the country hundreds of millions of dollars, repealed ever since the armistice was signed. We are going to give you Republican colleagues of ours a chance to vote on the subject of repealing these war-time laws, for the gentleman from Virginia [Mr. FLOOD], who has charge of this debate on the floor, is going to offer the following substitute for your sham so-called peace resolution, which substitute will read as follows:

Be it enacted, etc., That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present and existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution.

Now, this substitute to be offered by our Democratic colleague from Virginia will repeal all of the emergency war-time laws, and if you Republicans are sincere in wanting them repealed you can repeal them. But every Republican in this House, whipped into line by your party leaders, will vote against this Flood substitute, and will thereby prevent these war-time laws from being repealed, and the responsibility of keeping such laws effective will be on you Republicans.

This Congress has declared a state of war to exist between this Government and not only the Imperial German Government but also the Royal Austro-Hungarian Government. Why the urgent necessity of now by this sham resolution declaring peace with one and not with the other?

On April 6, 1917, this Congress passed the following resolution:

Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved, etc., That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

And notwithstanding the fact that the power to end this war through a treaty of peace is by the Constitution placed solely with the President and Senate of the United States, the Republican steering committee of this House seeks to make this House look ridiculous in the eyes of the whole world through the passage by their party vote alone of this sham resolution of so-called peace, now before the House, which means nothing.

What are these Republicans going to do with the other declaration of war against the Royal Austro-Hungarian Government? Are we still to be left at war with Germany's main allies, though put at so-called peace with Germany? This Republican action is ridiculous even to the children of our country, who understand such camouflage.

In the Star-Telegram, published at Forth Worth, Tex., issue of last Tuesday, April 6, 1920, is a splendid editorial predicting that the Texas delegation will register its 18 votes solidly against this foolish measure, indicating that its ulterior, vicious purpose and design will fool no intelligent person.

Now examine the other declaration of war, concerning which no action is taken. On December 7, 1917, this Congress passed the following:

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved, etc., That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war

against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

Why do Republicans want to remain at war with the Royal Austro-Hungarian Government? Why is it not just as important for the House of Representatives to assume functions not given by our Constitution and declare peace with the Austro-Hungarian Government as with Germany? This House of Representatives will have wasted two whole days and thousands of dollars in this useless, resultless debate, without accomplishing anything. The people of this country are going to hold you Republicans responsible for such incompetency, waste, and inefficiency.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker and gentlemen, everyone admits that the end sought by the resolution under consideration is a most desirable one. The sole question is whether the Congress has the power to pass the resolution. That being the only question at issue, I pass to a discussion of it.

Section 1 of the resolution simply declares that the war is at an end. There can be and is no dispute that, as a matter of fact, it is at an end. The two questions involved are: Does its ending in fact so terminate it in law as to invest the Congress with the power to make the declaration which it attempts to make by this section? As a general rule, well recognized by all the authorities on international law, wars may end by the long-continued suspension of hostilities. There has been such suspension here for 18 months—surely a long enough time of itself and alone to bring us within this general rule. But we have much more than a simple suspension of hostilities; the halting of the war was inaugurated by a solemn written agreement of armistice, executed with the usual formalities by the contending countries, providing not alone for the suspension of hostilities but for the conclusion of a treaty of peace and stipulating as much in detail as could be done in the haste required in such a document the terms upon which peace should be concluded.

In pursuance of the preliminary agreement negotiations promptly followed the signing of the armistice, which were delayed a most unusual time, not because of disputes between Germany and the Allies, but solely on account of the difficulties among the Allies themselves in agreeing upon the terms of another instrument, included in but no part of the peace treaty, creating a League of Nations, to which, for a considerable time at least, Germany was not even to be admitted.

So there is and there can be no dispute that, in fact and in law, the war is at an end. The question remains whether Congress has the power to declare that the war has ended. No question is raised except as to whether it involves the assumption by Congress of the treaty-making power. Congress does not attempt by this declaration to make a treaty or even to negotiate with Germany. It does nothing more than to recognize an indisputable fact, proven by incontrovertible evidence. As the war has terminated by the suspension of hostilities and it does not attempt to make a treaty or even to negotiate with Germany by doing so, the Congress, under its general legislative power, would clearly have the right to declare by resolution the fact and settle all questions on the subject in the business community and among the people generally. The Supreme Court has recognized the right of Congress to pass such a resolution under peculiar circumstances, and while the case then under consideration was not one of a world war, the principle upon which the case was decided was that some public proclamation of legislation would seem to be required to inform those whose private rights were affected by it of the time when it terminated—United States *v.* Anderson (9 Wall., 56)—and that principle applies with equal force and necessity here.

Section 2 of the act simply repeals war-time legislation. It is assumed that the minority report contains the sober, well-considered views of those who oppose this legislation, and it is conceded in that report that the Congress has power to repeal this legislation. (General statement, top p. 3.)

Section 3 provides for the resumption of trade relations with Germany. It can not be disputed that Congress has power to regulate commerce with foreign nations. That power is expressly conferred upon Congress by subdivision 3 of section 8 of Article I of the Constitution, and can not be disputed. The question involved is whether the Congress seeks to exceed this power by imposing certain conditions upon Germany, requiring her to assent to them and give us notice of her assent, and prohibiting intercourse of all kinds between the two countries in the event that she fails to fully comply with these conditions. It is strenuously urged that Congress is exceeding its powers in imposing and requiring an assent to these conditions, because—

(1) Any encroachment upon the treaty-making power by Congress is unconstitutional; and (2) the imposing of the conditions and requiring an assent to them is such an encroachment.

I deny both of these propositions. What has been settled by legal decision is much more conclusive than the best of argument, and it has been settled by the decision of our Supreme Court that under the power to regulate commerce with foreign nations the Congress has the power to provide in a tariff law that foreign nations which comply with certain conditions imposed by the act shall enjoy exceptional privileges conferred by it. The only difference between such a tariff law and section 3 is that by the terms of the section under consideration the German Government is required to notify us of its assent, while in the tariff law the giving of such notice was not required. However, it can not seriously be contended that the giving of this notice can make any material difference. In both cases the provisions are in substance the same: A foreign country is given certain trade benefits, provided it complies with certain conditions. The important thing is, not notifying us that it has complied, but compliance.

Besides, the argument that section 3 is void if it encroaches in the slightest degree on the treaty-making power is not well founded. By subdivision 17 of section 8 of Article I of the Constitution, Congress is given power—

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

However, the fact that one of the three coordinate branches of the Government encroaches by its acts on a function properly belonging to one of the two other branches is not even evidence that the act so done is unconstitutional.

This is well recognized by the authorities.

It has from the beginning been necessary to vest in each of the three departments of Government certain powers which, in their essential nature, would not belong to it. * * * The courts have been given the legislative power to establish rules of practice and procedure and the executive power to appoint certain officials—sheriffs, criers, bailiffs, clerks, etc.; the legislature has been given the judicial powers of impeachment and of judging of the qualifications of its own members, and the Senate the essentially executive power of participating in the appointment of civil officials; and the Executive has been granted the legislative veto power and the judicial right of pardoning. (Willoughby on the Constitution, vol. 2, 1262–1263.)

From this quotation it is obvious that the encroachment by one of the branches on the powers and functions of the other is not infrequent and often recognized as valid, and the question is whether or not the principal act done is one within the powers of the Congress and the encroachment only incidental to the carrying out of the principal act. Congress is given the right to regulate commerce with foreign nations and to make all laws necessary and proper for carrying into execution that power. It becomes necessary for Congress in regulating commerce with Germany, a nation with which we have ceased to be at war but with which we have waged a war, to impose certain restrictions, the necessary consequences of that war. In imposing these conditions Congress has the right to do what it has heretofore done in passing tariff laws containing reciprocity provisions. It could not for a moment be contended that the provisions contained in these tariff laws were the only provisions which could be imposed. The fact has been recognized that Congress has the right to impose conditions, and that is what it is doing and all that it is doing now. The circumstance that the conditions imposed are described in a certain document does not bring the document referred to in question here at all, except for a description of the conditions.

So, it is evident that even if we incidentally encroach on the treaty-making power, this would not make the legislation unconstitutional unless the encroachment was the main and principal thing which was done and not a mere incident of the exercise of the power to regulate foreign commerce, which we are granted.

It is exceedingly clear that we do not encroach at all, however, on the treaty-making power. The armistice has been signed. It defines, in a general way, the terms on which the treaty shall be concluded. It stands in the same relation to a treaty that a land contract would stand to a deed. The parties have entered into this preliminary arrangement which defines their rights and the United States can insist on its rights either under the armistice or in a treaty to be concluded in accordance with its terms.

The gentleman from Texas says that if we have the right to declare peace now, we had the same right to declare it while hostilities were being actively waged—in the midst of one of the drives. In making such a declaration he misses entirely the point under consideration. This is not a declaration that the

war shall end, but simply a recognition by solemn declaration of the circumstance that the war has long since ended. During the continuance of the war the only right of Congress would be to end it by refusing to grant appropriations, but when once the war is ended Congress has the right to declare the fact.

The gentleman from Texas, too, very eloquently refers to the wonderful services of our boys in the Great War, which has ended with such a splendid victory owing to their bravery and devotion. He seems to urge that in some way it is to their interest to have a technical state of war continued. This would be a bad return for all the wonderful services they have rendered their country. We should not permit them to return to a country where they have won peace by their sacrifices of life and vigor, and impair and lessen the prosperity of the country by continuing a technical state of war when the real war has ended. It is our duty to make the country as prosperous as possible. We should give them the best opportunities that a prosperous country can afford them, and not ask them to resume the duties, obligations, and routine of civil life under discouraging circumstances by saying, as we would say by the defeat of this resolution, something that is not true, something that is not the fact, that a state of war exists when those boys have by their arms and by their valor ended that war.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. GALLIVAN. Mr. Speaker, I thank God in this hour that I am not a constitutional lawyer. [Laughter and applause.] I am not even a curbstone lawyer. I have heard this question discussed by constitutional lawyers and by curbstone lawyers and none of them have impressed me. [Laughter.]

Now, it does not take a constitutional lawyer to know that the House of Representatives has nothing whatever to do with negotiating a treaty. The Constitution very clearly provides that such authority lies in the hands of the President and the Senate. There can be no question about the letter or the intent of the provision of the Constitution. But in this peculiar case which lies before us the condition of war into which we entered in April, 1917, can be summarily ended without the necessity of any negotiations. We have not only defeated the Government with which we were at war, but we have annihilated it. [Applause.] It no longer exists. The Imperial German Government has as completely disappeared as the imperial government of Napoleon or of Augustus. There is as a matter of law and of fact no government in Germany with which we were at war, and consequently no government in Germany with which we are bound of necessity to negotiate at all. [Applause on the Republican side.]

The Kaiser, the head of the old Imperial German Government, is now an exile in an asylum State. No longer does his imperious will sway and control the German people. He is now content to saw wood within peaceful Holland. [Applause on the Republican side.]

Mr. Speaker, I am one of those who believe that it is within the power of Congress to say by resolution that the war we waged with a vanquished Government has, like that Government itself, ceased to exist; and if we deny the right of Congress to declare that this war has ceased, we deny the right of Congress to state an accomplished fact. In other words, we assert that it is unconstitutional for the Congress of the United States to say that something has happened which every child knows has happened. To talk about the President and the Senate being compelled to go hand in hand to Germany to ask for terms of peace is to talk as the foolish talk. [Applause.]

Every sensible man knows quite well that Germany in her present exhausted and chaotic condition will consent to whatever terms of negotiation the President and the Senate, in the exercise of their constitutional authority, may present to the German Government. Nor, in case that Germany should demur, would it be necessary either to resume military and naval warfare or even to threaten the resumption of warfare; a mere threat of breaking off commercial relations would bring the German Government to submission at once, because Germany can not possibly continue to exist, much less hope to get again upon her feet industrially, if the great markets of the United States were closed to her exports. The Congress clearly having the right to declare that the war has ceased, the only question to be answered is whether Congress should take that action at once.

To this question there can be but one answer.

In the interest of our own trade and commerce it is highly necessary that untrammeled communication between the United States and Germany should begin at once, or else, when we do open the highways to the German markets, we will find them couped by the commercial invasion of England and other competitive nations.

But, Mr. Speaker, there is another point. At this very moment, while we gather here, well clothed, well fed, and comfortable, there are literally millions of men, women, and children in Europe dying from lack of food, from lack of medicines, from lack of every convenience and necessity which make civilized life comfortable, and which make even life itself possible.

If some inhuman ashman were to place a cage here on the floor of this House and exhibit the skeleton form of one little baby being slowly starved to death, there is not a man in this House who would not rush to rescue the little victim and kill its inhuman tormentor; and yet in Germany, in Austria, in Hungary, and in Russia there are literally millions of little babes who die slowly before their mothers' and fathers' eyes, in the agonies of starvation, and we, civilized Americans, are asked to let this hideous spectacle of awful agony continue until certain gentlemen can debate for several more months the important question as to whether the majesty of the Executive and the dignity of the Senate would be outraged by a simple declaration of fact by the Congress of the United States. [Applause.]

Mr. Speaker, to sum up, may I say that on this question and in this hour I can not give to my party what I owe to humanity? [Applause.] I am for peace now, and I propose to vote for this resolution with a conscience that is clear and a conviction that I hope is an honest conviction. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. CANDLER].

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. CANDLER. Mr. Speaker and gentlemen of the House of Representatives, I yield to no man in this great legislative body or elsewhere in a sincere desire to see this magnificent Republic at peace within its own borders and at peace with all the nations of the world. I am a man of peace, and every fiber of my nature at all times yearns for peace and quietude and abhors war and unrest. Therefore I would go a long ways—even to the extreme limit—to have peace and end war.

I shall never forget as long as life lasts how awful and solemn I felt in my innermost heart, under the most terrible responsibility resting upon me, when we declared by act of Congress on April 6, 1917, that a state of war existed between the Imperial German Government and the United States of America; when I came to the full realization of the fact that real war, so long dreaded by us, was on in earnest between our country and the Government of the arch enemy of civilization and mankind—the German Kaiser. Neither will I ever forget the gladness and the joy that filled my soul when real hostilities came to an end with the signing of the armistice on November 11, 1918. The burden that had been on my heart with ever-increasing weight, if possible, from the day we entered the war was rolled away by the joyous voice of victory and the resultant prospect of permanent peace not only for our own country, but for the world.

I shall never forget how glad I was to see our brave boys returning home to their loved ones in a blaze of glory, resplendent with honor, and aglow with the purest patriotism, having achieved a triumphant victory over autocracy and despotism and established as we believed the democracy and freedom of the world. While filled with joy to see these thus return, we felt the sadness produced because others of our noble boys had paid the supreme sacrifice to bring about this glorious result; but we found comfort and solace in believing they had not died in vain, but had wrought well for the future of mankind and in their sacrificial blood had written another chapter in the history of America which would shine on with ever-increasing brilliancy and glory to the end of time. Never will I forget how we watched the supreme efforts of our great President to make secure the results obtained by these noble American soldier and sailor boys in securing the execution and the signing of a permanent treaty of peace.

How America rejoiced when it was signed and we believed war was to be no more and world peace had been made secure; but, alas, the Senate of the United States has rejected that treaty, although it has been ratified by 32 of the civilized nations of the world, including all our allies in the war and all the nations who signed the treaty with us. Only the United States, of the nations signing it, has failed to ratify it. The Senate by refusing to ratify the treaty has caused the United States to turn away from all our allies and those who signed the treaty with us and practically all the civilized nations of the earth

and placed us in the company of China and Russia. They did not sign the treaty, and hence did not ratify it. We did sign it and then refused to ratify it. We are standing alone with superstitious China and bolshevik Russia. Do you think the people of America will be proud of the company we are placed in by this action of the Senate?

Nay, verily. Now, we are called upon by you Republicans to violate our oaths of office and pass this resolution, which is contrary to the letter and spirit of the Constitution of our country. You hope thereby to try to make a separate peace with Germany in a little, short resolution of a few lines, which is not worth the paper it is written on, but which if effective would cause us to prove faithless to our allies, who sacrificed the blood of millions of their brave men and billions of their treasure in a righteous and common cause with us, and in addition to that cause us to turn our backs upon the 32 civilized nations who signed the treaty with us and have ratified it, thereby standing by their agreement to aid in its enforcement to secure permanent world peace and prevent wars for all time. You would also have us turn aside from the ideals of our brave soldier boys, who fought our battles and won victory. We will not do it.

By proposing this resolution you are trying to practice a deception and a fraud upon the American people. If it should become law, it would be a nullity, because it violates the Constitution, and it could not and would not bring about the peace so much desired. One party to a war can not make a treaty of peace by resolution or otherwise, and you know that. You are not sincere in this grandstand flourish of trumpet's play. It is a barrage; it is a camouflage.

It takes the agreement of both parties, solemnly entered into by a contract, by a treaty, to secure peace, and a treaty can only be negotiated by the President, and must be ratified by two-thirds of the Senate.

The President, with the advice and consent of two-thirds of the Senate, is the treaty-making power. The House of Representatives has nothing on earth to do with it, and to-day you are doing a vain, foolish, and ineffective thing. It would be funny, indeed it would be perfectly ridiculous, if you were not dealing with such a tragic and solemn situation. Now, let us see what this resolution proposes to do. In section 1 it proposes "that the state of war" * * * "is hereby declared at an end." Such a thing never before in the history of this Republic was attempted to be done except through the instrumentality of a treaty, solemnly entered into between the belligerent nations.

In section 2 it provides that all the war measures in which it is provided they shall terminate upon the termination of the war shall terminate when this resolution becomes effective.

That is a legislative power, and if you are honest and sincere in desiring the repeal of the war legislation, we Democrats will give you an opportunity to do that by voting for our motion to recommit to be offered by Mr. FLOOD. If it is adopted it will repeal the war measures outright and leave no doubt about it. Will you vote for it? No; you will vote against it, thereby demonstrating your insincerity and your determination in the sacred name of peace to impose upon the credulity of the American people and deceive them if you can. I warn you now you will not be able to do it. The people will see your hypocrisy and visit upon you their just censure and condemnation.

Section 3 requires that to secure reciprocal trade with Germany the German Government must, within 45 days after the passage of this resolution, notify the President that it has declared the war ended and that it waives all claims, demands, and benefits against the United States. In other words, it says to Germany, "You must accept the treaty of Versailles, although we have not ratified it." The resolution refers to the treaty specifically; it makes reference to its terms and makes the acceptance of those terms a part of the proposed settlement in effecting peace. This is clearly nothing less than an attempt to make a treaty by a resolution of Congress, and is unconstitutional and would be wholly ineffective to accomplish that result.

Section 4 provides that any of our citizens found trading with Germany during the time when trade with them is not permitted shall be fined not more than $10,000 or be sent to the penitentiary for not more than two years.

Section 5 provides that we shall not waive any of our rights secured under the armistice or forfeit anything acquired during the war by reason of our participation in the war—simply another treaty provision which can not be made certain by simply "resoluting" ourselves.

Such provisions as are here proposed can only be made valid when secured by treaty. How are treaties made? The Constitution of the United States says: "He—the President—shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Then if the President is given the power, by and with the advice of two-thirds of the Senators, to make treaties, certainly the House of Representatives has no part or parcel in the treaty-making power of the Government. All our diplomatic affairs, and a treaty is a diplomatic affair, belong to the executive branch of our Government and not to the legislative branch. The Constitutional Convention fixed that beyond question. They provided "that Congress shall have power to declare war," but denied to Congress the power "to declare peace."

In the Constitutional Convention an amendment was offered to add after the words "to declare war" the words "and to declare peace," and the amendment was unanimously voted down and defeated, thereby showing that the Constitution makers denied Congress the power "to declare peace," and provided that that power should be vested in the President to be exercised by making a treaty to secure and to proclaim peace. As a further unanswerable proof of that fact I offer the history of our country during all the years of our existence as to the unbroken procedure adopted to secure peace at the conclusion of all the wars in which we have engaged. During our national existence up to the time of this great World War we were engaged in the Revolutionary War, the War of 1812, the Mexican War, and the Spanish-American War—four great wars with foreign countries.

How were they terminated, by a resolution of Congress? No, sirs; not at all. They were terminated by a treaty of peace at the end of each of the wars. To substantiate this statement I call your attention to the following memorandum furnished me by the Legislative Reference Service, Library of Congress. Now, listen; here it is. It comes from a nonpartisan, unbiased, authoritative source and is a simple statement of the truth of our history:

[Library of Congress—Legislative Reference Service.]

TERMINATION OF WARS IN WHICH THE U. S. WAS INVOLVED.

In every case in which the United States has been involved in a war, the termination of this hostile state has been effected through a treaty of peace. The following memorandum shows the mode followed by the United States in its four wars with foreign countries.

Memorandum on peace negotiations in wars of the United States with foreign countries.

TREATY OF PARIS, SEPT. 3, 1783.

The commissioners appointed at the close of the Revolutionary War, June 14, 1781 (Journals of Continental Congress, v. 20, pp. 647–648)—John Adams, John Jay, Benjamin Franklin, Thomas Jefferson, and Henry Laurens—were chosen by the Congress under the old Articles of Confederation (1781–1789). This Congress was a unicameral body, and owing to the absence of any provision under the "articles" for a Federal executive it exercised both legislative and executive functions. Being the sole piece of Federal machinery, the right of appointment was naturally vested in it (Journals of Congress, v. 4, p. 80; also Butler, C. H., Treaty-making power of the U. S., V. I, C. V).

The provisional treaty of peace was signed at Paris Nov. 30, 1782, and the definitive treaty was signed on Sept. 3, 1783. It was ratified by Congress Jan. 14, 1784, and proclaimed Jan. 14, 1784.

TREATY OF GHENT, DEC. 24, 1814.

(War of 1812.)

On April 17, 1813, President Madison, having accepted the offer of the Russian Government to mediate between the United States and Great Britain, appointed Albert Gallatin, James A. Bayard, and John Quincy Adams as envoys extraordinary and ministers plenipotentiary to negotiate a treaty of peace with Great Britain. On May 29, 1813, Madison sent these nominations to the Senate for confirmation. A debate immediately arose as to whether the functions of the Secretary of the Treasury, which office Gallatin was then holding, were compatible with those of envoy extraordinary. On July 19, 1813, the Senate confirmed the nominations of Bayard and Adams, but by the close vote of 18 to 17 rejected the nomination of Gallatin. (Adams, H., History of the U. S., 1801–1817, V. VII, pp. 1–65.)

The British Government now refused to accept the offer of Russian mediation, and instead offered to treat directly with the United States. This offer President Madison hastened to accept, and on Jan. 14, 1814, he nominated John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell as the new commissioners to negotiate directly with Great Britain. (Adams, H., History of the U. S., 1801–1817, V. VII, pp. 339–370.)

Four days later, Jan. 18, 1814, with but little opposition in the Senate, these nominations were confirmed. On Feb. 9, 1814, Gallatin was once more nominated by President Madison as one of the envoys to negotiate the treaty of peace with Great Britain, and on this occasion his appointment was promptly confirmed by the Senate. (Adams, H., History of the U. S., 1801–1817, V. VII, pp. 371–372; V. IX, pp. 52–58.)

On Dec. 24, 1814, the treaty was signed at Ghent. On Feb. 15, 1815, President Madison transmitted the treaty to the Senate, and on the following day it was unanimously agreed to by that body. On Feb. 17, 1815, it was ratified by the President; ratifications were exchanged Feb. 17, 1815; and on Feb. 18, 1815, the treaty was proclaimed.

TREATY OF GUADALUPE HIDALGO, FEB. 2, 1848.

(Mexican War.)

On April 10, 1847, immediately after the news of the American victory at Buena Vista and the occupation by American troops of the important town Vera Cruz, President Polk, upon the advice of James Buchanan, Secretary of State, decided to appoint a representative or commissioner to negotiate a treaty of peace with Mexico. Nicholas Trist, chief clerk of the Department of State, was chosen for this commission, and on April 16, 1847, in great secrecy, and under an assumed name, he left for

New Orleans with a *project* of a treaty drawn up by President Polk and his Cabinet. (Rives, G. L., U. S. and Mexico, 1821–1848, V. II, pp. 424–428.)

On Monday, September 6, 1848, Trist had a final conference with the Mexican plenipotentiaries, who flatly refused to accept the American project, and instead offered a counterproject which Trist declared wholly inadmissible. President Polk now decided to recall Trist, and on October 6, 1847, instructions to that effect were forwarded. (Rives, G. L., U. S. and Mexico, 1821–1848, v. II, pp. 520–521.)

Trist, however, despite his instructions, remained in Mexico, and on February 2, 1848, formally concluded a treaty with the Mexican plenipotentiaries. This treaty arrived in Washington on February 19, 1848, was accepted by the President, and on February 22d was sent to the Senate, where, after a long and spirited debate, it was agreed to on March 10, 1848. (Ex. Journal, v. 31, pt. 2, pp. 1161, 1284.) It was ratified by the President on March 16, 1848; ratifications were exchanged on May 30, 1848; and the treaty proclaimed July 4, 1848.

TREATY OF PARIS, DEC. 10, 1898.

(Spanish-American War.)

On August 12, 1898, M. Cambon, the French ambassador to the United States, was authorized by the Spanish Government to sign a protocol suspending hostilities between the United States and Spain. In accordance with the fifth article of this protocol President McKinley on August 26, 1898, appointed five commissioners to represent the United States in the negotiations for peace—William R. Day, who resigned the office of Secretary of State to head this mission; Cushman K. Davis (Republican from Minnesota), chairman of the Senate Committee on Foreign Relations; William P. Frye (Republican from Maine and a member of the Senate Committee on Foreign Relations), president pro tempore of the Senate; George Gray (Democrat from Delaware and also a member of the Senate Committee on Foreign Relations); and Whitelaw Reid, editor of the New York Tribune. (Congressional Directory, 55th Cong., 2d sess., Dec. 1897, pp. 26, 55, 68, 149–151; ibid, 56th Cong., 1st sess., Dec. 1899, pp. 40, 54. Richardson, Messages and Papers of the Presidents, v. 14, pp. 6321–6322.)

On December 10, 1898, at Paris, the treaty of peace was signed by the commissioners of both Spain and the United States. On January 4, 1899, President McKinley transmitted it to the Senate, where, on February 6, 1899, ratifications were advised by a vote of 57 to 27. On the same day, February 6, 1899, the treaty was ratified by the President; ratifications were exchanged April 11, 1899; and the treaty proclaimed April 11, 1899.

Now, then, if the Constitutional Convention said Congress should not have the power "to declare peace," but did say in the Constitution that the President did have that power conferred upon him in authorizing him to "make treaties," to be ratified by the Senate, and that course has been followed since September 3, 1783, upon which date the treaty of Paris was signed which ended the Revolutionary War, up to this, the 9th day of April, in the year of our Lord 1920, "without deviation or shadow of turning," I ask you, my Republican friends, where you get your authority, either from Constitution, international law, or precedent, to end this great World War by a little five-section resolution of Congress? You know you have no such authority and you can not point to any in the Constitution, in international law, or in the precedents of this Republic.

In your attempt to deceive the people by calling this a "peace resolution" and in passing it by your votes you will but stultify yourselves, violate the Constitution you swore to support, and make yourselves the laughingstock of the people of this country and the people of foreign lands. I will not join you in such a foolish, vain, and nonsensical performance. You say it is a "peace resolution." I say it would be more appropriately styled "a resolution to involve America in more difficulties, more complex situations, more friction, and possibly more war," because it might bring about diplomatic complications and friction with other nations, who already distrust us because we have rejected absolutely the treaty which we signed with 32 other nations, all of whom have ratified it, and we stand alone in rejecting it.

But you say as a justification for undertaking this unconstitutional and unheard-of proceeding that you want to restore domestic peace and normal conditions by repealing the war legislation. Well, we will see whether you are sincere in that statement. We will give you a chance and put you to the test. You have had since this Congress met on the 19th day of last May to repeal war legislation, and you promised the people to repeal it and pass reconstruction legislation in its stead, and you are in the majority in the House and in the Senate, but you have as usual proven false to your promises, deceived the people again, and up to this good hour you have not repealed a single war law or passed a single reconstruction statute. But you say you want to do it now. All right.

Mr. FLOOD will offer the following motion to recommit:

That House joint resolution No. 327 be recommitted to the Committee on Foreign Affairs with instructions to the committee to report the same to the House forthwith with the following amendment:

Strike out all the preamble and all after the enacting clause and insert following the enacting clause the following:

"That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present or existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution."

We propose a legislative proposition, and if you will pass Mr. FLOOD's motion it is constitutional and will effectively repeal the war laws now on the statute books. The Democrats practically to a man are going to vote for it, and I am going to vote for it, because we want domestic peace and normal conditions.

Will you Republicans make good your statement that you want domestic peace and normal conditions and make good your preelection promises to the people by voting for it and thus secure the repeal of these war laws? If you fail to vote for it—if you vote against it—you will again expose your hypocrisy and insincerity by losing this certain, definite, and specific opportunity to pass a law to repeal these irritating, objectionable, and burdensome war measures, the enacting of which was made necessary by the war and for which there is no other justification. So turn aside once from your partisanship and give your better nature and your patriotism a chance and join us in the repeal of these war measures. Will you do it? We will see very soon.

Now, in conclusion, let me reiterate with all the earnestness of my nature, I am for peace. I never wanted war, but am now and have always been against war, where it could with honor and safety to our people be avoided. When we had no other alternative but war or dishonor we preferred to fight and did fight for the preservation of our national honor and the security of our institutions and the safety of our people, and to destroy autocracy and despotism and to establish democracy and preserve liberty. And our brave boys won a glorious victory, and I for one am opposed to throwing away the results to which that victory entitles us. Yes; I want peace, but I want a sure-enough peace, secured in the proper way, and then it will be, as it should be, a lasting peace; otherwise it will not. Therefore, in this august presence at this solemn hour I pray God to give us abiding peace within our borders and with all the world, to the end that our people may enjoy contentment, happiness, and prosperity in the full realization of universal peace and the hope at least that there will be no more war evermore. May God preserve our great Republic and bless all our law-abiding, liberty-loving, loyal, and patriotic people. [Loud applause.]

Mr. FLOOD. Mr. Speaker, I yield half a minute to the gentleman from Virginia [Mr. HARRISON].

The SPEAKER. The gentleman from Virginia is recognized for half a minute.

Mr. HARRISON. Mr. Speaker, under the authority conferred on Congress by the Constitution, Congress on April 6, 1917, declared a state of war to exist between this country and the Imperial Government of Germany. I voted for that resolution, as our American sovereignty could no longer subsist if we submitted to Germany's attempted dominion over our undoubted international rights. It was an epoch-making resolution, of stupendous significance, not only to the world of to-day, but to generations yet unborn. All criticism of that vote has died, if any ever had existence, and every thoughtful person now realizes that no other course was consistent with the honor and safety of this Nation.

As we are now considering the powers of this House to officially end what that resolution initiated, a brief résumé of the congressional history from that date does not seem inappropriate. I speak to some extent of my own part in it, not that it was in any sense as important as that of others, but for the personal touch which generally lends interest to a subject of discussion.

The first great act was the selective draft. I believe of all the important measures enacted by Congress it contributed most to the successful issue of the war. It came with a minority report from the Committee on Military Affairs, but it is a great satisfaction to me to recall I was one of the eight minority members of that committee who successfully carried it through the House in the face of the opposition of many of the leaders. It was novel legislation and its enactment as an initiative method of raising armies was contrary to all precedent. Under its provisions, however, 4,000,000 men, carefully selected so as least to disturb industry, were speedily mobilized. Vast sums of money had to be raised, in all aggregating, with the loans to our allies, $34,000,000,000. Such sums had never been dreamed of before in the history of the world. Aladdin with his lamp had never pictured to the imagination of the East such vast treasures.

As a member of the great Committee on Military Affairs, I had my part in framing one appropriation bill alone which carried $14,000,000,000.

New methods of taxation had to be devised so as to place the enormous burden on those best able to bear it. Taxation was laid so as to reach as far as practicable those who were reaping

a profit out of the war. "Work or fight," "Make no dollars out of this war," were the slogans of the day as applied to labor and capital. Time was all important and money had to be spent, not with economy in view, but solely to get immediate results. Great factories for all possible supplies had to be established, enlarged, or pushed to the utmost capacity, and the country to a certain extent must finance them. Wharves and piers and all forms of facilities for handling shipments rose like magic at many terminals both in this country and in Europe. Congress made this possible. The telephone and telegraph systems, in order to give priority to governmental service and to prevent hostile use, were taken over by the Government and operated as governmental agencies under legislative sanction. The great railroad systems and all methods of transportation became crowded far beyond capacity, and legislation was enacted by which these great public agencies passed under governmental control. Priority of shipment and priority of service were regulated by authority of law.

After the armistice it was necessary to provide for the return of the railroad systems to private ownership. This must be done without burden upon the public and without peril to the business interests dependent upon the transportation systems of the country. The conservation of food and of fuel demanded of Congress the Food Administration and the Fuel Administration, and public suffering was avoided by appropriate legislation along these lines.

One of the great operations of the Government under congressional legislation was the building of a great merchant marine to supply the loss from the ravages of the U-boats. The construction work was on a vast scale, and in no war work was governmental energy so conspicuously displayed. Every one who visited the great shipyards during their maximum development was thrilled by the tremendous energy everywhere visible.

Congress enacted laws for compensation to the disabled soldier, to the dependents of those who died in the service of their country, and provided for allotments and allowances to the dependents of the men in the service, for insurance of those in the service, for vocational training, and, finally, for the return to civil work of the discharged soldier, so that he should not go home penniless, and these laws in themselves constitute a code.

Legislation of the gravest importance is now pending before appropriate committees, providing for the payment of a bonus or otherwise making adequate compensation to all who entered the military service. These propositions are now receiving careful and considerate investigation, so that the Government may be generous to the defenders of the country within the capacity of the country's resources.

It is impossible to narrate all the important laws under the operation of which 4,000,000 men were mobilized in such fashion as to cause the least possible injury to industry; were armed and equipped with every weapon of modern warfare, fed, clothed, trained, and 2,000,000 of them transported across the sea, where by their unconquerable valor they turned threatened allied disaster into a great American victory.

Besides these measures, more or less dealing with war conditions, good-roads construction has received attention. I call attention to the bill by which surplus war material has been turned over to the State highway authorities of the several States, and I greatly appreciate the following letter from the State highway commissioner in regard to my efforts therein:

RICHMOND, VA., *March 24, 1920.*

Hon. H. F. BYRD,
Winchester, Va.

MY DEAR SENATOR: I am just in receipt of yours of the 22d instant, asking with reference to the distribution by the Government of war materials to the various States. This has been done through the Department of Agriculture in Washington in connection with the Federal aid act. Considerable delay, however, has been occasioned by the unwillingness on the part of the War Department to declare machinery or materials which could be used in highway construction or maintenance as surplus. It was therefore necessary for the highway officials of the United States to try to get through Congress legislation which would clear up the situation.

As chairman of the executive committee of the Highway Officials' Association, I took more or less active part in this work, and, by the way, I found your Congressman, Hon. T. W. HARRISON, most active in his willingness to assist us in these matters, and I feel that it is only fair that I should say to you that I feel the State of Virginia, and, as a matter of fact, all the other States, owe to him the legislation which has just been enacted by the Congress. Judge Harrison's position on the Military Affairs Committee placed him in a particularly advantagous position to bring about results.

This legislation, we believe, materially clears up the situation and will enable the States to procure road materials which will be of inestimable value to us in carrying forward our highway programs. The greater part of this machinery will be used in connection with the State and Federal construction and maintenance.

Trusting that this will give you all the information asked for, I am,
Very truly, yours,

G. P. COLEMAN,
State Highway Commissioner.

But this House has not fairly treated the agricultural interests. Under the guise of economy it has made injudicious cuts in appropriations of great importance to the farmer, and this in the face of earnest protests by Democratic Members who more especially represent agricultural interests. The fight is being carried to the Senate.

The great strain under which the Members of Congress have worked in the last three years has taken a heavy toll of its Members. Many times has the flag on the Capitol floated at half-mast. Three of the Virginia delegation, of long and faithful service to their State and country, full of honors, amidst the tears of their people, have been laid to rest beneath the sod of their native State.

During this period Congress, in obedience to an overwhelming mandate of the people, proposed by over a two-thirds vote the eighteenth amendment to the Constitution, providing for national prohibition, which was ratified by 44 of the 48 States of the Union. I was elected to Congress in the first instance on this direct issue for national prohibition, and I would have been untrue to every pledge had I voted otherwise. Virginia was one of the first States to ratify.

This Congress has enacted the Volstead Act to enforce the provisions of the eighteenth amendment. The Republican Party alone is responsible for such imperfections as are found in this act, as at the time of the passage of the Volstead Act the Republicans were in control of both Houses of Congress.

The Volstead Act contains many imperfections and shortcomings, and I favored amendments to it, which were not accepted. When it came up in the House it had passed the stage of amendment, and the question then was whether it should be accepted or rejected as written. To vote to reject the bill meant that I was not in favor of enforcing the eighteenth amendment. To vote to accept the bill still leaves it open at the proper time to make such corrections as experience under it shows proper.

The drastic features of the bill have been grossly exaggerated, as it is not nearly so drastic as the Virginia State law.

The veto of the President was directed solely to that portion of the Volstead Act which related to the war-time prohibition. At the time the vote was taken in the House this feature of the Volstead Act had become immaterial. War-time prohibition, with or without the Volstead Act, continued until peace was declared and terminated, with or without the Volstead Act, when peace was proclaimed. On January 17 constitutional prohibition became operative and war-time prohibition ended.

The President had recommended a repeal of war-time prohibition, but Congress refused to act on his suggestion, and he could not, therefore, consistently sign the Volstead Act with this provision in it. As he had no fault to find with the other provisions of the bill, and after January 17 the vetoed provision passed out, my vote was in entire accord with the veto message of the President. I may add that my position on the Volstead Act was also in entire accord with the Democratic members of the Virginia delegation, including the late Senator Martin.

A certain slogan has gone forth in favor of "beer and light wines"; but it is difficult to understand what this comprehends. If it means nonintoxicating beer and light wines, then the Volstead Act does not interfere with such traffic. If it means intoxicating beer and light wines, then the traffic necessarily involves the return of places of sale and distribution. But no act of Congress can authorize the sale of intoxicating beverages, and the promise of a return to the traffic in such drinks is false and delusive.

An impression exists in some quarters that Congress may by definition of the amount of alcohol authorize traffic in intoxicating drink. This would permit Congress by mere definition to set aside a constitutional provision, which to any open mind obviously can not be. The Supreme Court has held that Congress may forbid the sale of liquor, even though the amount of alcohol is far below the intoxicating point, but the court has never held, nor is it within the range of possibility for the court to hold, that Congress may define intoxicating drink and authorize an amount of alcohol which would set aside the constitutional provision. Congress can limit the amount of alcohol below the intoxicating point, as a part of the necessary measures to suppress the traffic in intoxicating drink, but this is the very antithesis of authorizing an amount of alcohol in drink which produces intoxication.

Absurd ideas are scintillated about the effect of the Volstead Act as to traffic in liquids which have alcohol therein but which are not used as beverages. It has been stated in public places that traffic in vinegar is forbidden. This is wholly false. The Volstead Act applies only to malt, vinous, and fermented liquors for use for beverage purposes.

Mr. Speaker, the resolution before the House embodies the latent hope of everyone and that is a return to official peace and

to normal conditions, but a resolution can not bring about that which does not exist. In order to obtain official peace the war must terminate according to the regular and prescribed method. The Constitution prescribes the method and that must be followed. Nor can one nation make peace with its belligerents by its independent action, and a declaration of this kind simply leaves this country with its hands tied in dealing with Germany, and in the attitude of abandoning her allies. I can not therefore vote for it.

Never were conditions in this country and in the world generally so abnormal. The aftermath of war has left us problems to solve almost as menacing as faced this country in time of war. Stern and unflinching adherence to principle, conscientious devotion to duty, is demanded of all who have their country's good at heart. Instead of partisanship at this time, all conservative men should stand shoulder to shoulder in the great work of restoration. Instead of division on matters of minor importance, there should be unity of purpose on the part of every true American to keep the country free of the dangers now casting their shadows on her destiny.

Mr. PORTER. I hope the gentleman from Virginia [Mr. FLOOD] can use some of his time.

Mr. FLOOD. I think there will be only one more speech on this side.

SEVERAL MEMBERS. "Vote!" "Vote!"

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I have listened to most of the speeches made in opposition to this resolution, and my feelings have been a combination of amusement and sympathy—amusement at the gyrations of some of my distinguished friends to get themselves in line, and sympathy with the dilemma in which they find themselves. The general inadequacy of their arguments shows that it is difficult even for the most astute to defend the indefensible.

Constitutional lawyers have sprung up overnight upon that side of the aisle, and from their arguments it would seem rather evident that they have confined their study of the Constitution to overnight. [Laughter.] In fact, some have displayed that quality of statesmanship which spells America with a little "a" and constitution with a "k." [Laughter.]

It has been 17 long, weary months now since the American people were electrified by the news that the enemy had laid down their arms and that hostilities had ceased. They heard that the Kaiser, the archfoe of civilization, was fleeing from his country with his precious progeny, and they rejoiced that peace was at hand. Not for one moment did they contemplate the possibility that a year and a half could elapse and a state of war still continue to exist. Yet to-day, though our Army is disbanded and our Navy reduced to a peace footing, all the war powers of the Executive continue in full force and vigor. Trade and commerce are out of joint. War boards and war commissions flourish, and thousands upon thousands of useless employees and chair warmers abound in the land. Under all the rules of international law we are to-day as much at war as when our guns were thundering in the Argonne, and it is time that this abnormal and anomalous condition should cease. And so far as it lies in the power of Congress to do it, we propose here and now to see that it shall cease. [Applause.]

The people of this country want peace. They are entitled to its fruits. They expected it, and had every right to expect it months ago, and it was beyond their reckoning that it would be so long withheld from them by one man, no matter how stubborn, and armed with no matter how great power and authority. [Applause.] But there has been, and is now, one insurmountable obstacle in our path toward peace, and that obstacle is the President of the United States. [Applause.] More than a year ago the treaty of peace would have been negotiated and ratified had he not forced the inclusion, in a manner and form inseparable from the rest of the document, as he has frequently boasted, of the child of his brain, that un-American monstrosity known as the Wilson League of Nations. [Applause.] It still remains, though twice repudiated, an integral part of the treaty, and in the exact phraseology bargained for and brought back by the President. From the beginning he has insisted, and still insists, that there shall be no peace unless that document as originally conceived and drafted by him shall be kept intact, and in so far as the peace negotiations were concerned he was successful.

As he embarked on the shores of France from the imperial yacht, the *George Washington*—heaven save the mark—he was acclaimed and hailed as a sort of demigod; and small wonder, for had not the American forces clinched the victory and was he not the titular head of the American Nation? The manner in which the people of Europe bade him farewell upon his return from his second voyage overseas is a different story, and one over which it is as well to draw the veil.

As we look back upon the days of the conference of Versailles, the general misconception of the people of Europe as to the precise nature of the credentials brought by President Wilson from the American people seems little short of extraordinary. Few apparently realized that under our form of government he had at best only half the treaty-making power. It seemed to be assumed also—and this assumption was by no means discouraged on the part of the Executive by permitting the truth to be dispatched over the cables—that he came fortified with and possessed of the confidence of at least a majority of the American people. It was known that Clemenceau had previously gone to the country and received an overwhelming vote of confidence, and that Lloyd-George, Orlando, and other dominant figures of the conference had done likewise. It was never suspected, apparently, certainly the President never encouraged the suspicion, that he had gone to the country in the only way possible under our Constitution, namely, in a campaign, urging the people to elect a Congress in control of his own partisans, and that he had been overwelmingly repudiated at the polls. [Applause.]

And so the people of Europe, ignorant of the true conditions, hailed him and glorified him as a conquering hero. He walked with Kings and lost the common touch. Voices in the air whispered to him that honors greater even than the Presidency of the United States lay within his grasp, and he invented the League of Nations, of which he was to be president. Beguiled by the subtle flattery of sovereigns and the councilors of Versailles, he floated in an atmosphere of rosy dreams of power and glory, and soon began to forget his real constituents—the American people—and to barter away their interests for the consummation of his personal ambition. The old foxes about the peace table, trained in the traditions and skilled in the methods of European and Oriental diplomacy, saw in the League of Nations, which to them meant little or nothing, a splendid pivotal bargaining point, and for every inch they yielded during the negotiations in what to them were nonessentials they exacted and received an ell in essentials.

I had hoped to have time to quote rather elaborately from the work of a distinguished author on the subject of the peace conference, but I can read just one sentence from a book written by Mr. Keynes, who was the representative of the British treasury at that conference:

> Clemenceau had been clever enough to let it be seen that he would swallow the league at a price.

That is precisely what happened, and the price was paid by the American people.

And so the league was bought and paid for at the expense of the American people, and the President returned to display his wares to his almost forgotten constituents. To his immense surprise they balked at the bargain. He did not realize that they had had an opportunity to inspect and dissect the document, and had not been slow to conclude that instead of being a means to prevent war it was directly provocative of war and meant an involvement of America in controversies in which she had no possible interest or concern. He found that effective opposition had developed in the coordinate branch of the treaty-making power and had spread throughout the land. Deeply incensed at the course of events and unmindful of his most recent experience he again confidently took his cause to the people.

Reverse after reverse met his efforts. His auditors were respectfully unconvinced of his arguments and his persuasive eloquence fell upon dull ears. Furious at his failure, he raged at his opponents and coined epithets to fling at their devoted heads; but the more he raged the stronger grew the opposition, until finally one day during a paroxysm of fury something snapped, and he returned to Washington a broken man.

Unfortunately for himself the President had made a cardinal and vital mistake in his judgment of the temper of the American people. His specious doctrine of internationalism, which from the time of his declaration of the policy of watchful waiting he had been endeavoring with honeyed phrases to instill into their minds, had made but little impression. He had found that the doctrines of Washington and Hamilton and Jefferson and the other great constructive statesmen were by no means forgotten. He had discovered that the spirit of seventy-six still dwelt untarnished in the souls of the American people. [Applause on the Republican side.] There is no historical instance with which I am familiar of a misjudgment of public sentiment so complete; but it may prove to be not without value to posterity if it shall teach to future Presidents that complete isolation from the everyday citizen, if proper for a sovereign like

the Mikado of Japan, does not comport with the institutions of a great democratic Republic. [Applause on the Republican side.] It will prove of supreme value, in my estimation, if it shall teach the lesson that the proper place during his term of office for the President of the United States is in the United States. [Applause on the Republican side.]

What particularly concerns us to-day is the fact that peace without action by Congress is impossible so long as President Wilson remains in office. Though his following in the Senate has diminished to a mere handful his influence has twice proved effective to block all efforts to ratify the treaty of Versailles. So long as he insists that his League of Nations must remain intact in the treaty so long will ratification be unattainable, for there will be always enough patriots in the Senate who will not accept it under any circumstance or else only when so hedged about with reservations as will make it an American document and preserve the interests of the United States. [Applause on the Republican side.]

For 17 months the Wilson League of Nations has stood between us and peace. To some Members of the coordinate branch of the treaty-making power it seemed so obnoxious to every canon of American institutions as to be unacceptable under any circumstances. To a larger group it has seemed possible in the interests of the procurement of peace to so hedge the document about with reservations as to enable us to participate in it without denationalizing ourselves. Both of these groups stand for the preservation of American rights. They decline to permit this Nation to participate in any covenant which will take from the American people that primary attribute of sovereignty, the right to determine who shall and who shall not be admitted to our shores, later perhaps to enjoy the privileges of citizenship. [Applause on the Democratic side.] They refuse to permit the denaturing of the Monroe doctrine. Above all, they resolutely refuse to bind this Nation to a covenant under which we would be compelled at the behest of some supergovernment to conscript our young men and send them to the uttermost ends of the earth to fight battles in which they have no concern and in which the interests and the honor of the United States are in no way involved. [Applause on the Republican side.] These constitue the American group.

There is still another, which we may for convenience style the international group. Not great in numbers but all-sufficient under existing conditions to prevent the ratifying of any treaty which does not include the Wilson League of Nations in exactly the form he wishes it. They have stood impervious to all arguments save one—"Unacceptable, W. W." And that fact was admitted on the floor of this House only a few moments ago by the distinguished Democratic leader, the gentleman from North Carolina [Mr. KITCHIN], who stated that the President "controlled," to use his own words, more than 20 Democratic Senators. Their stubborn and successful fight to maintain war throughout all these months might be aptly eulogized in such lines as these:

Their's not to make reply,
Their's not to reason why,
Their's to vote "Nay" or "Aye"
As the boss ordered.

[Laughter and applause on Republican side.]

We have arrived at an impasse. The question simply is, Shall we, the chosen Representatives of 110,000,000 of people, sit supine and permit the will of a vast majority to be thwarted by the will of one man, elevated to office originally by a minority and since then repudiated by a great majority? The American people want peace and nine-tenths of them want it now. They are wearied to death of the interminable and futile debates in another body and they know that this resolution affords the only possible way to obtain peace. Gentlemen can not shirk their responsibility by quibbling over legal technicalities. The Constitution of the United States was intended to make effective the will of the people, not to stifle it. Whenever it has been invoked for the latter purpose the courts have intervened. Can it be that the statesmen who wrote the Constitution were so utterly lacking in vision that they devised an instrument under which an insignificant minority can keep this country indefinitely at war when all actual hostilities have ceased and can not be reopened? Is it possible that after a victory nobly won, with the enemy crushed and impotent to renew the conflict, we must forever wait upon the whim of one man before we may return to the normal paths of industrial activity? Must we continue indefinitely to endure the vastly expensive war commissions and boards which cramp and fetter the production of our farms, mines, and factories? Can it be that we, the legislative branch of the Government, are compelled by the Constitution to lodge indefinitely in the hands of the Executive powers which it was never contemplated should be exercised except when our armies were actually in the field? Is there no way by which Congress can terminate what amounts to martial law in this country? To admit that we are without recourse in this emergency is to admit that the Constitution is inadequate to protect our liberties and that our form of government is a failure. If such a preposterous proposition be true, then there is no longer any balance between the legislative and executive branches of the Government. The Executive is supreme and Congress is subordinate. I am loath to admit, but I fear it is true, that Congress stands none too high to-day in the estimation of the people of the United States. Doubtless this is partly due to the insensate greed of the Executive for power, but in my opinion we ourselves are mainly responsible because of our yielding on many occasions when we should have stood firm. An opportunity now offers—no better will ever come in our time—to play a man's part and thereby restore our lost prestige. I repeat, the American people want peace and they want it now. Shall we quibble about technicalities and whine about a possible veto from him who must be obeyed and then finish by doing nothing? Then, indeed, we shall deserve the contempt of the people and a seat in this House will carry with it diminished honor in the years to come.

Congress had and exercised the power to declare that a state of war existed between this country and Germany. Nearly a year and a half ago Germany laid down her arms and her navy passed out of existence. Our Army has disbanded and our Navy has been reduced to a peace footing. Under such circumstances it is mere quibbling to deny that Congress has the power to declare that a state of war has ceased to exist. Under any reasonable interpretation of the Constitution we have that power and by its exercise we may determine the date at which the state of war terminates. That is what is done by this resolution. Under it we also undertake to prescribe the conditions under which Germany may resume and enjoy complete trade relations with us. To assert that this is an exercise of the treaty-making power is pure equivocation and a mighty feeble excuse for avoiding responsibility.

This resolution is designed to meet a situation for which there is no other remedy. Without action by this House no peace is possible except by the sacrifice of principles that millions have fought to preserve and that of all Presidents Woodrow Wilson has been the first to abandon. Holding a club over a requisite number of Senators he has prevented action and will prevent during the remainder of his term of office the ratification in the ordinary manner of any treaty which does not contain as its very essence and heart a covenant which 90 per cent of the people resent as un-American. For nearly a year and a half they have been patient, but patience has ceased to be a virtue. They turn to us as a last resort for the relief which this administration has denied them.

To me our duty seems so clear and manifest that it amazes me that you gentlemen of the Democratic Party should make it a matter of partisan politics. When you were in the majority we upon this side did everything in our power to assist you in winning the victory. Yet now that we are in the majority you do everything in your power to prevent our bringing to the American people the full enjoyment of the fruits of victory. You know—who does not?—that we are proposing the only possible method of bringing about peace. Yet you are doing all you can to thwart us. You suggest no remedy, yet you repudiate the only one available.

We wish that we could have had your help to pass this resolution, but we can and will accomplish our purpose without it. We in this House have a double duty to perform—a duty to ourselves and a duty to the people. By our action to-day we will demonstrate that the House of Representatives has ceased to be the legislative amanuensis of the Executive, that we have again become at least a coordinate branch of the Government. We will demonstrate, too, that when the manifest will of the many is being thwarted by the will of the few there is at least one political party of sufficient constructive ability to see to it that the will of the majority is made effective. Before we adjourn to-night we shall have paved the way to peace, an American peace, a peace of which Washington, or Jefferson, or Lincoln, or Roosevelt would not have been ashamed. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. KRAUS].

Mr. KRAUS. Mr. Speaker, there is apparently one accord here to-day that a state of peace actually exists, and that it is vitally important to the commercial and industrial welfare of the country and to its general tranquillity that the fact of peace be given official expression. The war with Germany ended nearly a year and a half ago. Our Army and Navy have been demobilized to peace status, and our young men have long since laid aside their

uniforms and returned to the pursuits of peace. We are even trading with our late enemies, and the technical state of war we are maintaining is of no consequence to other countries, with effects only internal. The President, too, so recognizes, for he has vetoed legislation founded, as he stated, on war, and which was not justified by the existing peace, and in numerous Executive communications he has affirmed that the war closed in November, 1918. This fact is so palpable that even for convenience in argument no one in the course of this discussion has thought to question it, and yet because the President blocks every avenue to formal peace, except through the League of Nations, this farce of war is to be continued indefinitely.

When the Congress declared war against Germany the President and the Congress said it was because our rights and welfare had been assailed, our citizens and interests attacked, and that we were going to war to vindicate our rights and eliminate from the world the menace of military autocracy. There was no other purpose whatever assigned or understood by the Congress and people, and therefore when these purposes were accomplished our task was done and an immediate peace should have been concluded with Germany that would have vindicated our rights, assured us against future attack and of the permanence of our victory, but as the war progressed the President gave evidence that he had other purposes in view than those expressed in the declaration of war. It was of no consequence that he declared that the object of the war was to make the world safe for democracy, for no one believed it then or believes it now; but when, as the war was drawing to a close, he gave it another meaning of his own creation and he heard voices in the air mandating him to deliver the country to a superior sovereignty, his vision became serious and alarming and the national voice, the material voice of myriads of patriotic men whose feet were on the earth, was heard at the polls in vehement mandate to the Congress, and especially to the Senate, to protect and save the country. But even after this, with astonishing persistency in the mandate which he alone was able to hear, he insisted to the world that it rang so clear, so imperative, that he enmesh his country in a supergovernment—of which, of course and incidently, the same voice whispered he should be the first ruler—that he was left no discretion, but reduced to a mere scrivener to write the instrument of assignment; and yet there is evidence that discomforting doubts came to him and that more and more his confidence became shaken in his inspiration, and that finally he came to distrust and at last lose confidence altogether in his ethereal mandate. Had he remained confident that he was but the utterance of a high authority, certain and definite in a distinct and determined purpose, he would not have hazarded his high commission by complicating its execution with an extrinsic or foreign subject, but would have brought back a League of Nations covenant in perfect purity, untrammeled by the terms of peace with Germany, respecting which he had no mandate and the approval of which there was no certainty. No matter with what distrust or suspicion his manner of executing the league covenant cast upon his sincerity, what appearance it gives of pretense and good faith, or what intense indignation it may stir, we must refrain from free expression, for, after all, Mr. Wilson is the President of the United States. But on the authority of Mr. Wilson himself we are privileged to say that he was so determined to merge the United States with a superstate, to subordinate it to a foreign sovereignty, and to preclude the American people from free consideration and expression in the matter that he purposely and deliberately resorted to the device of interweaving the League of Nations with the treaty of peace with Germany. As he himself has declared in a speech which he delivered in New York on March 4, 1919, when he said:

> And when that treaty comes back gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant, that you can not dissect the covenant from the treaty without destroying the whole vital structure. The structure of peace will not be vital without the League of Nations, and no man is going to bring back a cadaver with him.

Such unprecedented methods have been employed to accomplish a purpose by men who were less distinguished and who were not looked upon as the epitome of the honor of this great Nation. The President appointed himself plenipotentiary to negotiate a treaty with countries with which we have not been at war on a proposition and in consummation of a policy absolutely foreign, independent, and distinct from the cause of our war with Germany, and then not only attempted to deprive the people of free consideration and judgment in the matter by complicating it with the treaty of peace, but he attempted to coerce them into ratifying it by holding the distress of war over them until they should submit to his will. After intertwining the league covenant with the treaty of peace, he said to the Senate of the United States and to the country, "If you want peace, yield to my will. It is this treaty with the covenant rider or no treaty. Take it in this form or leave it. Take this in its entirety or you shall have nothing. Accept this covenant or I shall continue the infliction upon the country of war."

So far as the actual terms of the treaty of peace with Germany are concerned, there is no difficulty. They are acceptable to America and in instances Germany has already agreed to them. Then, in fact, the war is at an end and even the written terms of peace are agreed upon, but as a state of war gives to the President a leverage in his efforts to force the League of Nations on this country, he will not permit a restoration of peace. The same instrument which he handed to conquered Germany with the command, "Sign here or war shall be continued," is now presented to victorious America with this same imperialistic command, with the same threat, and, what is more, his supporters insist that this sovereign country has no alternative but to accept. While, of course, conceding that the Congress alone is vested with the prerogative to declare war, the President and his supporters contend it has no power of initiative in restoring peace; that until the President moves affirmatively and in written terms, the war must continue; and hence, logically, should the President fail or refuse to act at all, such inaction would preclude the possibility of peace. There is no other construction to be given to the President's speeches and letters or the argument of his supporters. To these gentlemen and for their convenience, the Constitution closes every avenue to peace. Because of it we can not follow precedent in our own history or that of nations, or act under the high authority of international law. All of their arguments in construing the means of peace bring us back and confine us to the one solitary method—that of ratifying the league covenant, and this, too, without the dotting of an "i" or the crossing of a "t."

It is mere dictum, I know, but patent and fully sustained, that the proponents of the league covenant have but one interest and but one purpose in the long, protracted struggle for peace which has been going on, and that is to force this country into the League of Nations.

While it is recognized that the House is without voice in the creation of international treaties, yet the situation has made the obligations, expediency, and consequences to America of her entering a League of Nations the text of all speeches on the pending resolution.

The constitutional authority and other means of establishing peace have been so exhaustively discussed that seemingly nothing more can be said without mere repetition, and therefore, as the treaty and league covenant are questions of the gravest importance and consequence to the House of Representatives per se and as the most immediate representative in government of the people, it may be well to consider for a moment the relation of the House to the treaty, which to my notice has not been referred to.

Should this treaty be ratified it would undoubtedly wrest from the House its highest and most sacred constitutional authority of declaring war and judgment in making appropriations of public money for many international uses, and it would vest this authority in the superstate. The Constitution provides that a treaty made by the President and the Senate "shall be the supreme law of the land," and therefore should this treaty be ratified the House would be as subject to its mandates and inhibitions as it is to the Constitution, of which the treaty would become a part, and hence the House would be legally and morally bound to perform all the requirements that would be necessary to the execution of the terms of the treaty. The obligation of the House to obey and carry out the engagements of treaties was considered and confirmed by the House of Representatives as early as 1796, with the cordial concurrence of Washington. The Jay treaty could not be executed without an appropriation of public money, and, as under the Constitution such appropriation must orignate in the House, the question was whether the House was under compulsion by the requirements arising from the treaty to vote an appropriation when the House did not approve of the treaty. In 1835 the House again acknowledged the compelling power of a treaty by making important changes in our tariff laws because an international treaty had pledged to do so. During President Jackson's administration our Government protested against the action of the French Chamber in refusing to vote an appropriation for an indemnity which the King in a treaty had promised to pay. There is one resolution of the House of Representatives holding to the contrary of this principle, but from a study of it and of the circumstances inducing its passage, it will be seen, I think, that this resolution is not authoritative. Then applying this provision of the Constitution and the compulsion of the House to obey it to a hypothetical situation, which is sure to become actual under the operation of the League of Nations, there is no

disagreement with the contention of the President that the league covenant establishes a superstate, endowed with authority to compel obedience to its edicts. One of the superstate's most distinctive powers is to maintain the boundaries and territorial integrity of such subordinate or signatory nations as it may recognize, and another that it may levy upon nations for men and means to enforce its judgments and decrees. There could be no dispute as to these provisions of the covenant without the Senate's reservations.

The league has created and is covenanted to maintain the national integrity of Poland, which country in mere ambition is to-day at war extending her national boundaries. She must be upheld or restrained, as the league may conclude, which, of course, implies force in either event—either against Russia to enforce the ambitions of Poland, or with Russia to compel Poland to withdraw within her own confines, as fixed by the superstate. It would be sheer nonsense to contend that while the league has the duty to establish national boundaries, it has no power to draw upon the man power and resources of its signatories to enforce its authority. Mr. Wilson himself so contends in saying that the Senate reservations to article 10 of the treaty takes the life out of the covenant by depriving the league of authority to draw upon the United States in the conduct of wars it is waging without a declaration of war by Congress. Then by virtue of the Constitution, the treaty having become a part of the "supreme law of the land," the House has no option in the matter, but is under compulsion to tax our people and appropriate public money in any amount which the league would apportion the United States as her part of the cost of establishing by force of arms the boundary line between Poland and Russia. But the case of Poland is only a mere instance.

The city of Fiume is already in open revolt against the league and but the other day sent a statement to Sir Eric Drummond, secretary of the league, that the league was attempting to deprive Fiume of her rights and sovereignty; "that the pseudo League of Nations is nothing more in reality than an instrument by which the British Empire and other capitalistic States serve themselves by insuring the hegemony of the rest of the world."

There was much more in this communication, but enough has been given to show that Fiume is already in revolt against her master and that certainly the league must soon send a fleet and an army there to restore obedience, and here, too, were the United States in the league, the House would have no choice in the matter, but would be compelled to levy a tax and make appropriations to carry out our national obligations under the treaty and thus support this war.

Roumania is likewise in open revolt, for, as she contends, while her territorial dominion has been extended, the league has deprived her of her sovereignty and she is even threatening to withdraw from the league by force of arms. Of course, here also could be a necessity of the superstate making requisition upon our public funds.

Nations are at swords points as to which of them shall have the rich Provinces which have been wrested from Turkey, Egypt, India, Albania, even Greece, and a large part of Italy, and, in fact, it is difficult to name a country other than Japan, France, England, and the United States that at this time is not either at war or whose peoples are not in open insurrection in whole or in part, while the general unrest in the countries I have excepted is well and generally known.

Mr. Wilson in the name of peace would plunge the United States into this world riot and orgies of war in fetters. The House would be helpless to guard and protect the National Treasury and would become a mere automaton in the hands of the League of Nations to vote such taxes on our people and make such appropriations of money as the superstate would at pleasure command. But let us turn from war to glance at the cost to the United States of the operation of the league when the world is at peace; when turbulent Europe is meek and submissive, and when we would not be required to support armies and maintain wars, but would only be required to contribute our part to the cost of maintaining civil government in Europe under the league. As now required, to say nothing of what further and later may be demanded, we are to participate in the commissions created to supervise affairs in Belgium, Saar Basin, Czecho-Slovak State, Poland, free city of Danzig, and Schleswig boundary. We are in like manner participants in the Saar Basin government commission. We are to participate in plebiscite commissions of Poland, Schleswig, and East Prussia, and the interallied military, naval, and aeronautical commissions of control, charged with the enforcement of the disarmament provisions of the treaty. We are to have our arbiters to determine the amount of river craft that shall go to France on the Rhine and to the allied and associated powers on the Elba, the Oder, the Nieman, and the Danube, and to determine the conditions under which the international convention relative to the St. Gothard Railway may be denounced. Finally, we are one of the four powers whose representatives are to sit as a representative commission to assess damages against Germany, to appraise credits, to judge of her economic requirements as affecting her ability to furnish certain raw material, to pass on her tax system, to postpone payment of her debts, to prescribe the conditions of her bonds, to recommend abatement of her debt, to appraise the value of public property in ceded territories, and a great bulk of other duties, all of which may make or break the peace of Europe by an obligation on our part that having so participated in the breaking we shall once more contribute our millions of men and our billions of dollars to the readjustments. Imagination can hardly outstrip reality as to the cost of carrying on even orderly civil government in Europe, and yet the House could only in effect make appropriations when and in amounts as ordered by the league.

The civil pay roll alone would be enormous. But our participation in civil government might prove interesting, and in this we could have some compensation for our outlay.

It is probable that party lines in America would be drawn on the policies to be pursued in administering the multitudinous affairs of Europe referred to, for if our people are interested to the extent of going deep into their pockets, they certainly will want to know what they are getting for their money. They will want an understanding and a voice through Representatives in Congress of what is going on over there in Europe, what policies are being pursued, and how these trusts are being administered. If possible, they should not divide on policies; they certainly would on spoils and plunder, for there would be rich picking. It would be only the army of clerks that would be under the civil service, and hence nonpartisan, while there are innumerable high commissioners to be named by the party in power. Of course, no man of ordinary ability could fill these high stations of great responsibility, and, of course, salaries and expenses, it is no exaggeration to say, running into the millions would have to be in keeping with the high statesmanship required. Were the amount of salaries of commissioners and clerks and the amount of other expenses to be left to the House, these might give some perplexity, and some money might be saved, but undoubtedly the superstate would fix salaries, figure the general budget, and pass it to the House with an order to pay it.

We who so long have been accustomed to considering the propriety and the amounts and objects of appropriations asked out of public funds are naturally slow to comprehend that with going into the league we would surrender these options and that the demands of the League of Nations would be supreme.

Out of all of the pessimism and gloom which shrouds the league covenant, the brilliant vision to office seekers of public pap looms in relief. But even this is not without a cloud, for Mr. Wilson might conclude to reward the worthy syndicated patriots who assisted him in putting the League of Nations across—such men, for instance, as ex-President Taft and Attorney General Wickersham and many of such high-priced international lawyers; the personnel of the league to enforce peace en bloc; some of the international brokers, who hold large speculative investments in promises to pay of pauper nations, in the financial and physical integrity of which they are, of course, financially interested; and possibly the editors of some of the metropolitan newspapers, who seem to have no country and no object but to serve great interests. Of course, such men would come high, and their expense accounts would hardly be less than some of the dollar-a-year patriots who served in Washington during the war and rendered an expense account of $6,000 per year. I am not attempting irony in presenting this aspect, for it is real and serious. The fact is the United States would be a packhorse of burdens which the treaty would put upon it in the matter of civil government alone, which is the least burdensome prospect of the League of Nations.

It may be that it will require actual sober experience to impress these facts upon our people, but it well may be at least surmised that eventually when our people settle down to the consideration of the dollars and cents to them which the League of Nations means and of the House having to vote enormous appropriations year after year, obedient to orders from Europe, in order to support foreign civil governments or to keep people some three to six thousand miles away from fighting and killing each other, that at taxpaying time and when soberly considering the high cost of living, they will lose interest in the poetry of the league and wish that Europe could attend to her own business and bear her own burdens; but let us remember that once in the league our people will be helpless to stop payments or to withdraw, for the league covenant provides for perpetuity of its existence and affords no means for the United States to with-

draw until the signatory powers say we have discharged all of our obligations. And certain it is, with Europe the judge as to when we have discharged our obligations, we would have to pay dearly for the privilege we had exercised. To refuse to keep up payments would be in violation of the constitution of the league and of our own Constitution, and nothing could be more revolutionary in character, and it would unquestionably precipitate an immediate war with the entire world against us.

I appeal to our people to turn their eyes for a moment from the deceptive and luring vision of peace with which they are being baited and look at the practical, financial, and homely side of this serious question.

I should refer to another matter before closing. There seems to be a scurrying to fix the responsibility or blame of defeating the treaty and league covenant upon some one or some group in the United States Senate. To me, as I understand the league covenant, after painstaking study, this is incomprehensible, for I consider the dangers of the covenant so serious and the surrender of our national sovereignty and individual liberty so certain that it appears to me that instead of trying to fix the blame for destroying the covenant we should identify the men or group upon which to confer the honor.

It is probable that because the President has said that the reservation to article 10 takes the life out of the treaty and because the great battle in the Senate has raged around this article that the public believes that by the adoption of the reservation the fangs of the covenant have been extracted and that all danger is past. Nothing could be further from the facts. The reservation, important as it is, merely preserves the present constitutional power of the Congress to declare war, any provision in the league covenant to the contrary notwithstanding. This with the other reservations materially Americanize the covenant, but the fabric itself of the covenant remains unimpaired and the reservations do not subtract from the great mass of its remaining provisions that are essential to confer upon the superstate its far-reaching powers. So far as the chief purposes of the league are concerned, our commitment to it and our moral and most of its legal obligations to and under it remain. The reservations preserve to the United States certain powers and the right to exercise its own judgment on matters the covenant took away from it and conferred upon the league. But notwithstanding this they leave us in the league as fully as provided in the original covenant. They do not destroy the basis of the league. We are still to participate as a member of the league in the affairs, political and financial, of the world generally and of other nations respectively. We are as a member to contract and assume great financial and other obligations and to take upon ourselves all of the grave responsibilities mentioned by the covenant and which may be hereafter assumed or undertaken by the league. With participation in the contracting of these vast obligations and responsibilities there goes necessarily the obligation to not only respect our own but to demand performance by other nations of reciprocal obligations. This means force, for there must be some existing power—moral, legal, or both—behind contracts, national or private, to assure their performance.

I have already discussed the constitutional character and mandatory power of our international treaties, and said in substance that when once in the league the superstate could command the United States to war to carry out its own purposes, and I have endeavored to make clear that the House of Representatives—or the Congress, for that matter—would be compelled to impose taxes to enable any appropriation that the superstate would require. There is no exception to these propositions, even considering the reservation which prevents the league from using our military forces at will; for, notwithstanding this reservation, the amended covenant, if ratified, would require the Congress both legally and morally to make such appropriations as the superstate called for to discharge engagements undertaken by and in operations of the treaty.

The principal allied foreign nations, international bankers, and investment brokers understand this perfectly and really care but little for the reservations, for through the league they would have and use the credit, wealth, and resources of the United States in, as they say, rehabilitating Europe. Every persuasive, alluring sophistry is being employed by these selfish interests; appeals in the name of peace and to the heart and conscience of the American people are being employed to inveigle our country into the league. England, France, and Italy have through their leading statesmen and official newspapers assured that the reservations were not material; that they would welcome the United States on practically any terms. It is not that these great national and private interests are devoted to the heart, soul, and conscience causes which they flaunt and which is the impelling consideration of good people in giving their indorsement to the league, but these organized financial interests are endeavoring by any and all means to shoulder upon this country the financial burdens of their own and of the world generally.

Every conceivable plan for involving the United States is already perfected or is being evolved to be set in operation through the league as soon as the United States can be persuaded into it. I wish it was possible for everyone who is studying the great economic problems growing out of the war to read especially the seventh chapter of Mr. John Maynard Keynes's book, entitled "The Economic Consequences of the Peace." Mr. Keynes is a great English statesman and financier, who represented the British treasury at the peace conference, and who in his book urges the necessity to the world of the United States canceling the debts owing to her by the European countries. The allied powers are openly agitating and advocating the proposition of the League of Nations reapportioning the total war debt of all countries and saddle upon the United States a material part of it. European influences have obtained the indorsement of the Secretary of the Treasury to so refund the English debt as to cause a loss to the United States in interest of nearly half a billion dollars. A great English banker and financier, Sir George Paish, has been in the United States within the last six weeks to obtain American support of a proposition that the British and American bankers shall create a reciprocal credit of a billion dollars as a revolving fund to be used by the League of Nations in stabilizing the credit of European countries and by which and without more detail both the money and the commodities purchased would remain in Europe—the operation to be financed by the War Finance Corporation and the Federal reserve bank.

America, solvent and prosperous, is the victim of machinations of every conceivable character of European nations and international brokers, and we must be vigilant and watchful or we will be brought to financial ruin.

The United States began its career in a state not of seclusion but at least of distinct independence from European politics, intrigue, and wars. Adherence to this policy has brought America to her estate of financial prosperity and moral influence, and the great destiny of our country is to be fulfilled by a faithful adherence to the same wise, prudent, and generous course.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. RAMSEY.]

Mr. RAMSEY. Mr. Speaker, the duties which devolve upon men in political and governmental life are such that they must be met without bias or personal prejudice, but fearlessly, conscientiously, and truthfully. The obligations of such persons are always of lesser or greater importance, and the greater the responsibility to act and to perform the graver is the subject matter and the more essential is it that one should act right and in accordance with his honest convictions. Three years ago we were here considering with great solemnity, earnestness, and feelings of apprehension a resolution declaring that by reason of the unlawful acts of the Imperial German Government to and toward our Government and individual rights a state of war had been thrust upon us, and then existed; and so upon its adoption by the Congress of the United States we entered upon the performance of the duty that such resolution necessarily obligated us to. I will not recite the activities of the war, our participation in it, nor the great emulation and commendation that our Republic and its true patriotic sons and adopted sons are entitled to for their efforts in bringing about an ultimate victory. This is history, is well known to us all, and will go down to posterity in its true light. On November 11, 1918, the armistice was signed, and on that day the President of the United States addressed the Congress, and after reciting other matters of interest, declared, "War thus comes to an end," which meant that Germany had been subdued.

Of course, such a statement by the President did not necessarily have the effect of really ending the war. But what are the indisputable facts? Germany and the Central Powers were conquered. There was immediately a cessation of hostilities. The German naval vessels and ships were either taken possession of or destroyed, its artillery was captured, and ever since, a period of about 17 months, there have been no hostilities and actual peace has existed. The usual method of establishing peace between belligerent nations is by treaty, and this was undertaken by our Government in consort with the allied powers. The treaty-making power under our form of government and as prescribed by the Constitution of the United States is a prerogative of the President in its negotiation and must be ratified by the Senate of the United States by a two-thirds vote before it can become effectual and operative. After months of consideration a treaty of peace was executed and afterwards submitted to the United States Senate by the President, but with it and inter-

woven in it was the League of Nations. This treaty with the League of Nations failed of ratification by the Senate and was rejected by it because in its provisions it was positively in conflict with the Constitution of the United States, destroyed our sovereignty as a Nation, and created a supergovernment, over which we had no control. It has been considered twice by the Senate and on each occasion failed of ratification and has been returned to the President, where it now is. The Senate, in the proper exercise of its constitutional rights and duties, desiring to safeguard American rights and preserve inviolate our Constitution, believed that an American Congress should retain the sole power of declaring war and that our young men should not be sent to foreign countries to fight the battles of other nations without our express direction as evidenced by congressional action. The reservations that were adopted by the Senate to the League of Nations were of a substantial character and of great value in preserving our rights, and with these accepted it might have been advisable for the Senate to have ratified it, for our people wanted peace, and now want peace.

Mr. Speaker, what is the character of this resolution and what will be the effect of its adoption? It is simply to declare that the state of war that existed or now exists between the Imperial German Government and the United States is at an end. The war is at an end, and has been for nearly a year and a half. This is patent to everybody, and the whole world knows it is so. The adoption of this resolution by Congress will legally declare a fact to exist, namely, that the war is at an end, and under its terms commercial relations with Germany will be resumed, a condition most desirable, and the great war powers given to the President by the various acts of Congress which were necessary during war times will be abrogated and become inoperative, as they should be, for there is no necessity for their further continuance. These powers are greater and more far-reaching in their character than any that have ever been bestowed upon a living man in any country. Should they be continued when we are not at war? I think not, and I am sure the people of this country think likewise.

Mr. Speaker, what is the objection urged against the adoption of this resolution? Only one, so far as I have been able to learn from the debate that has taken place to-day. My friends on the other side of the House urge that it usurps the powers and privileges of the President, and that it is unconstitutional; that peace can only be established by a treaty; that while the Congress only can declare war, it has no right to say in express and direct language that the war is at an end. Permit me to say that nowhere in the Constitution is there any inhibition against Congress doing just what this resolution seeks to accomplish. The authorities on international law all agree that there are three ways of terminating war between belligerent States: First, by a treaty of peace; second, by the conquest and subjugation of one of the belligerents by the other; third, by mere cessation of hostilities so long continued that it is evident that there is no intention of resuming them. We have tried the first method and failed. We now come to the third. Can anyone say that not sufficient time has elapsed since the cessation of hostilities—nearly a year and a half—not to warrant the conclusion that the war has terminated and that there is no intention of resuming hostilities? Besides, Germany has been divested of its war equipment, and, in fact, a new form of Government has been established by its people, and the Army of the United States has long since been entirely demobilized.

Mr. Speaker and Members of the House, let us be fair in this matter; let no man hide behind the untenable statement that our contemplated action is unconstitutional. Who is to question the constitutionality of this resolution?

Is there a patriotic American citizen or a group of American citizens who dare question our right by court proceedings to enact this law, even though it might be subject to attack, of which I am very much in doubt, and especially as to those provisions declaring the war at an end and the repeal of the extraordinary war-time powers of the President?

Mr. Speaker, has politics at last been interjected in this House in the consideration of war legislation? There was none when the resolution declaring that a state of war existed was passed; there was none when we considered and passed all the war-time bills. Shall there be politics now, when we seek to declare that the war is at an end? I hope not and that it will be so evidenced by the vote soon to be taken.

The people of the United States want this resolution adopted and made a law. It is incumbent on each and every one of us to give heed to their desires, as well as it is incumbent on us to examine ourselves and then, in obedience to a conclusion brought about by a fearless, conscientious, and truthful determination, declare our vote. May it be in the affirmative, for I truly believe that by so doing only will we be satisfied with ourselves and meet up to the expectations of our constituency and the people of our country.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Ohio [Mr. WELTY.]

Mr. WELTY. Mr. Speaker and gentlemen of the House, when a peace resolution was first suggested it found a hearty response in my heart and I determined to support the same. I have spent every spare moment in the library since the committee filed this bill with a hope that I might find authority to support the bill, but the more I searched the more I became convinced that I was wrong. In fact, I have not been able to find a single authority to support this resolution. For two days I have been sitting in this Chamber, heard and read all arguments advanced by the proponents of this bill, but I have failed to find where anyone claims that Congress has the right to make a treaty. I say not one, and what seems passing strange is that not one would answer a single question, and all declined to yield because they "did not have time." Even the chairman of the committee, the gentleman from Pennsylvania [Mr. PORTER], refused to answer a single question. How, then, can an honest inquiring mind satisfy the longing of a heart to support this resolution? I do not propose to discuss the constitutionality of this bill, for that has been fully covered by gentlemen who preceded me in this debate, but I want to call one matter to the attention of the House which has not been discussed. The First Congress attempted to do the very thing that this Congress now attempts to do. The first treaty which made us a Nation was the so-called Jay treaty with England, which seemingly was not very popular in this country.

The Jay treaty, after due ratification, was proclaimed by the President on February 29, 1796, and on the following day a copy of it was communicated to Congress for its information. An expenditure was necessarily involved in the organization of the mixed commissions providing for the various articles. The treaty met with disfavor in the House, and on March 24 a resolution was passed by which the President was requested to communicate to the House copies of the instructions to the negotiator and other documents relative to the treaty.

Fully appreciating the importance as a precedent of his reply to the request, President Washington called for the written opinions of the heads of the departments. He also wrote to Hamilton for his views. The heads of the departments were unanimous in denying the right of the House to insist on the request, and in asserting that the power to make the treaty rested with the President and Senate, and that treaties thus concluded were binding on all bodies of men within the jurisdiction of the United States.

President Washington, on March 30, replied as follows:

> It is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty. * * * The duty of my office forbids a compliance with your request. * * * I have ever entertained but one opinion on this subject, which from the establishment of the Government until that time had been acquiesced in by the House, namely, that the power of making treaties was exclusively vested in the President and the Senate, and that every treaty so made and promulgated thenceforward became the law of the land.

In replying to this message the House passed a resolution in which it declaimed an agency in the making of treaties—

> * * * but it was the constitutional right and duty of the House of Representatives to deliberate on the inexpediency of carrying such treaty into effect. (Crandall on Treaties, pp. 164–165.)

Thus it seems that President Washington and all those associated with him in the making of the Constitution, as well as those who interpreted it to the present day, were all of the opinion that Congress has no authority to make a treaty. In the treaty with Algiers the test came up again, and because of some doubt as to whether Congress would appropriate the money necessary to carry the treaty into effect Thomas Jefferson, who was then the Secretary of State, advised President Washington not to affix the seal until he knew that Congress would vote the money. The President asked whether, if such a treaty were ratified by and with the consent of the Senate, it would be valid under the Constitution and obligatory upon the Representatives to furnish the money. Jefferson replied that—

> It certainly would, and that it would be the duty of the Representatives to raise the money that they might do what was their duty. * * *

The President would not favor the precaution, and declared that if the Representatives—

> Did not do what the Constitution called on them to do the Government would be at an end and must then assume another form. (Crandall on Treaties, sec. 75.)

The framers of the Constitution were unanimous in their opinion that Congress should not be given a voice in making a treaty. (Madison Papers, 5 Elliot 131, Federalist No. 75.)

Here are the words as finally adopted and now appear in the Constitution:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

The safety of our Republic depends upon the fidelity of her representatives to the Constitution. Our Constitution has lived longer than any ever written. Mr. Gladstone says that it is—

The most wonderful work ever struck off at a given time by the brain and purpose of man.

It rests the functions of our Government in three branches—executive, judicial, and legislative. But they tell us that the Senate and the President are at loggerheads and are unable to write a treaty, and that is justification sufficient to warrant us in violating our oaths to support the Constitution. Let us see. Would any of you advocate that Congress should usurp the power of the Supreme Court and interpret the laws that we pass because that branch has failed in their duty? Just recently the Supreme Court held that they could not find the Steel Trust guilty, even though it violated the Sherman antitrust law by unlawful combinations and compelled the consumer to pay dividends on $100,000,000 watered stock, because there was no evidence that the law was violated after the complaint was filed by the Government. In other words, the court held in principle that if a man committed murder he could not be convicted if he behaved himself while in the custody of the sheriff.

Not a single person here will approve that decision. All of us know that if that is to be the future course it will mean the end of this Republic, yet not one will advocate that we assume judicial duties. You will not even attempt to remedy that condition by requiring that judges should be appointed for a term of years instead of for life. History is surely repeating itself. My grandparents came to this country to escape the autocracy in Europe. They preferred to trust their children to the wild beast of the forest rather than continue to pay tribute to an autocracy. But behold how we pay tribute to the autocracy of combinations, and you fail to raise your voice in opposition, even though you find the chains already clanking to bind you into serfdom.

Yes, history repeats, and in more than one way. It was about a century ago when actions of the Senate were as selfish as their actions now appear to be. And what is the result of all this "holier-than-thou" action? After the South and Central American countries threw off the European yoke they asked for a conference under the Monroe doctrine, against the encroachment of the Holy Alliance in Europe, which insisted that these South American Republics should again become Spanish colonies. President Adams appointed two commissioners, but the Foreign Relations Committee of the Senate refused to comply. However, the Senate, after years of debate, finally confirmed them, but not until one man had died and the other was unable to get there in time for the last meeting.

The South American Republics naturally concluded that our Monroe doctrine was a selfish doctrine, issued to keep European nations from colonizing the Western Hemisphere, but with no assurance that we would permit them self-determination. This action did not only alienate the friendship of these Republics but made them distrustful, resulting in a loss of confidence and trade. Even now it is proposed by these Latin American Republics to abandon the Pan American Union and to establish a court of arbitration for the Western Hemisphere wherein we have no voice. And now the action of our Senate in failing to ratify the peace treaty did not only give additional offense to these neighbor Republics but to all Europe as well.

All the belligerents signed the treaty of Versailles except China, and all have treaty relations again except this country and China. China has a real grievance, but she always will have until she is willing to make the necessary sacrifices to preserve her national life. Look at her hundreds of millions unable to drive out a handful of Japanese!

But let us dismiss those who advocate that the time is at hand when we are justified in violating our oath to preserve this country, for they only possess the mind reflecting hate and advocating brute force, just because they think themselves superior in that field. There are enough law-abiding men who will be against this class. Permit me for a moment to divert your attention to the specious arguments advanced by those proponents who show some respect for the Constitution which holds us together as a Nation. These gentlemen contend that this bill does not attempt to make a treaty. Let us see. Section 3 provides—

That unless with 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of war * * * and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles.

Rather bungling expression, I will admit, but it only shows that the framers of this bill intended to confuse by the use of words. However, a close reading only means to impose on Germany the Versailles treaty without assuming any responsibility on our part. But since a treaty is an agreement between nations, just as a contract is between individuals, I fail to see how the treaty can become effective unless we, too, agree to sign the contract. But what happens if Germany will not accept the provisions of this bill? In that event we have section 4, which provides that if any person will trade with Germany that person shall be fined $10,000 or imprisoned, if a natural person, for two years. In other words, the bill imposes a fine of $10,000 or two years' imprisonment for any person in this country who should send money or provisions to their starving relations in Germany.

They tell us that this bill only declares a state of peace and provides for trade with Germany. We are at peace with Germany. Our armies have been withdrawn and the boys are at home. This resolution can not add anything. Again, as we are now trading with Germany, why impose a fine of $10,000 and two years' imprisonment on anyone in this country for trading with Germany? Why make Germany accept the Versailles treaty under threat of starvation when we will not be a party to that treaty? Gentlemen, you can not have peace on that basis. If we want to enter into a contract with Germany, let us be willing to sign that contract ourselves and not possess the spirit of the highwayman, who extracts the money from the traveler with pistol in hand. They tell us the people are weary of war measures and want them repealed. So they are. Then why do you not offer your resolution designating which ones you propose to repeal? Is it the food-control act and the espionage act that you desire to repeal? Then why not say so?

This bill does not repeal either the food-control act or the espionage act. On October 22, 1919, you extended the food-control act for two years, and it does not repeal the espionage act. Then why not be honest and say just what act you intend to repeal? I propose to vote for the repeal of the substitute which repeals all those war acts, which is more than this bill would do if enacted into law.

The fact is that the bill was conceived in hate and born in a murderous heart. Not one would vote for this bill if he knew it would become a law, but you are voting only to discredit the President. What else do these whispering, slanderous remarks mean? What else did the gentleman from Illinois [Mr. MASON] intend when insinuating that the President is only feigning sickness? What else does the CONGRESSIONAL RECORD speak to our children in the debate on this resolution, when they read the following words spoken of the President, found on page 5266, "'That is when he got sick' [applause on the Republican side]"? Great God, have we fallen so low as to lose all sense of feeling? Can we laugh when we see men suffer for righteousness' sake? Can we applaud when we see them dying for the right as God has given them light to see that right? Would you applaud if word came that our Chief Executive had died?

History reveals that probably no Presidents were more slandered than Washington and Lincoln. To-day the most expensive monuments in our Capital have been erected to those two noble characters. If President Wilson has blazed his name into fame, you can not destroy it by slander. You may kill the body, but not the spirit. That, my friends, you will, after all, find the only enduring part of life.

Gentlemen, the day will come when your posterity will refuse to speak of this day because of shame. Even now you applaud in order to keep up your courage. Some day the world will understand the real meaning of all this. The people will not surrender their liberties so easily, and you can not fool them by this bastard resolution. The boys who fought at Belleau Woods and the Argonne Forest knew why they were fighting. The boys who will carry the wounds to their graves will never permit you nor anyone else to destroy these liberties secured for them by their fathers and which they fought to preserve. Yes, gentlemen, when the world comes to understand the real meaning of all this, you will be asked to explain. I close as I began; I would like to vote for a peace resolution, but I shall not do anything this day which would require the balance of my life in explaining, neither will I do a vain thing. You might just as well ask the city council of one of the municipalities in my district to vote for peace. It would be just as effective as a vote for this resolution. [Applause.]

Mr. FLOOD. Mr. Speaker, I regard this as a very important propositon because it involves the shaking of the checks and balances which have been provided in the Constitution for the various departments of the Government. I have listened with

much pleasure to the speeches that have been made for and against this propostion. I listened with particular attention to the speech made by the distinguished member of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. TEMPLE]. His speech was logical and well reasoned, but based on an absolutely unsound premise. The gentleman is nearly always right. I have had the pleasure of serving on this committee with him for many years, but I believe in this instance he is as absolutely and entirely wrong as he is generally right, and I am going to reply to him, because he really discussed the resolution and I want to do the same.

The gentleman and other gentlemen have said we want peace. We all want peace, and if this resolution established such a status, as far as it is within the power of the Congress to enact it, this side of the House would be unanimously in favor of its passage. [Applause on the Democratic side.]

No one is more anxious to have this country return to all of the conditions of peace than the President of the United States, and the fact that that status actually does not exist technically is the stupendous price that the people of this country are paying for the folly of electing a Republican House and Senate in 1918. [Applause on the Democratic side.]

If there had been a Democratic Senate, the Committee on Foreign Relations would not have been packed against the treaty while it was in the making. This is all the more tragic when it is recalled that their majority was obtained by the purchase of a senatorial seat in the State of Michigan—the most shameful and disgraceful debauching of an electorate that has ever occurred in this country. [Applause on the Democratic side.]

If there had been a Democratic Senate there would not have been a "round robin," pledging Senators who signed it to vote against the treaty long before it was agreed upon and before they could possibly know what it contained. [Applause on Democratic side.]

If there had been a Democratic Senate the treaty would have been ratified, peace would to-day be blessing the land, the rehabilitation of the war-stricken territory would be progressing in a satisfactory manner. Thus it will be seen that upon the Republican Party rests the responsibility for the repudiation by America of the League of Nations and the refusal thus far of this country to join in a peace which gentlemen on the Republican side claim they are now so anxious for. This responsibility you can not evade by ineffective and unconstitutional resolutions of this character. [Applause on the Democratic side.]

Mr. Speaker, I am well aware that international law lays down three ways of terminating war between belligerent States: First, by treaty; second, by cessation of hostilities; and, third, by subjugation. This is no new discovery, as gentleman on the other side seem to think. It has been the recognized principle for centuries.

We did not subjugate, nor did we desire to subjugate, Germany, so that method need not be considered.

We did not stop fighting. We sent a magnificent Army to France. At Chateau-Thierry they turned the tide of battle; at St. Mihiel, the Argonne, and other places the glorious spirit and courage of the American soldier was shown. An offensive had been projected for this splendid Army for November 14 that would have sent it through the German lines and on to Berlin. We had no idea of stopping the fight, and would not have done so but for the armistice of the 11th. We assented to this armistice. An armistice is an agreement between belligerents to suspend hostilities for a limited time. This armistice was revived from time to time until the treaty was negotiated and ratified by the required number of States. In the name of the brave and valorous boys who constituted the American Expeditionary Forces I repudiate the suggestion that this war ended by a cessation of hostilities. [Applause on the Democratic side.]

We, therefore, undertook to terminate this war by negotiation, by agreement, by treaty; and it is a late date for the Republican leaders to discover that it was terminated by a cessation of hostilities, a late date for them to discover that it was terminated because our soldiers did not want to fight any longer. This is a slander of as brave and high-spirited an Army as was ever marshaled in all the tide of time. [Applause.]

But if this contention is true, the Republican leadership of this House have been criminally negligent in their duty to the public in not having undertaken to pass this resolution before.

The treaty was sent to the Senate for ratification or rejection on July 10, 1919; it was reported by the Foreign Relations Committee on September 10, and was debated in the Senate for over two months, and rejected on November 19. It had then been more than a year since hostilities ceased.

Why did not the Republican steering committee of this House have the resolutions brought in after the treaty was rejected the first time? Why wait six months while America and the world suffered and groaned under these restrictive and oppressive war measures? Surely, these learned gentlemen will not admit that they were ignorant that the powers they are attempting to-day to exercise did not reside in this House until they were informed by a group of Senators, and surely if they had known that they had such powers they would not have failed to exercise them. We know, however, that they waited four months after the treaty was rejected before acting. If they are right now, they must assume the responsibility for this delay in the coming of peace, and we can dismiss the discussion, which has been debated at such length in the discussion as to whether the Senate or the President is to blame. If they can end the war by this resolution under the Republican leadership, the House is to blame and is responsible.

If the House possesses the power you claim for it, the Republicans of the House have failed as completely in their duty to the people as have the Republicans of the Senate. [Applause on the Democratic side.]

There could be only two reasons for your failure—ignorance and inefficiency or a willingness to play politics with this great issue. Either or both reasons will be condemned by the American people in November. [Applause on the Democratic side.]

Another thought has occurred to me. If these Republican leaders are really concerned to restore this country to a state of peace, why do they take no notice of the fact that we are at a state of war with the Imperial Austro-Hungarian Government? Is it because they can not quote a rhetorical statement of the President to base a resolution upon?

Gentlemen proclaim here that the country wants peace, that they have the power to restore peace, and yet they sit idly and inefficiently by and let this war with the Imperial Austro-Hungarian Government go on. [Applause on the Democratic side.]

Why is it not as important to stop this war as it is to stop the war against the Imperial German Government? Both Governments have gone out of existence, I hope forever. We are trading with both of them as far as they have money or credit to trade with us. The armistice with Austria was a week earlier than that with Germany. We signed the peace treaty, along with the other allied and associated powers, with Austria at St. Germain last September, more than six months ago. This treaty aims at justice and liberty and peace for Europe and America, just as the Versailles treaty does. It provides for the reduction of national armaments and will go a long way in the prevention of future wars. [Applause.]

If this House has the power to propose a peace treaty to a belligerent power, why did the Republican leaders overlook Austria?

There could be but one of two reasons—inefficiency and indifference or ignorance—and at the polls in November the American people will not accept such excuses. [Applause on the Democratic side.]

This whole episode is characteristic of the low ebb of efficiency and morality to which the Republican leadership in Congress has fallen. For months the Senate floundered in its dealings with the vital questions of the world's peace and failed utterly to measure up to the expectations of the country and of humanity. And now, to save itself from being utterly discredited, Members of that august body have induced the leadership of this House to inject itself into a situation in which it has no legitimate part or parcel by proposing something more humiliating and more dangerous to many interests in this country than has as yet come from the leadership of even of the Senate. [Applause on the Democratic side.]

On yesterday a gentleman complained that the minority report had accused the majority of insincerity and sharp practice in declarations in the preamble to this resolution.

This preamble declares that the President of the United States, in the performance of his constitutional duty to give to Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended.

There is not a man who voted to report this resolution who did not know that the President had reference to the cessation of actual hostilities and not to the technical termination of the war. To base an important piece of legislation involving the interests of millions of people upon that statement and to distort its meaning is very mildly characterized in the minority report.

Hostilities, or actual fighting, had ceased on the very day when the President made that utterance. An armistice had been signed which contemplated and provided for the negotiation of a treaty of peace which would bring the war to an end.

Within a month after that declaration the President went with a peace commission to Paris to arrange the terms of that treaty of peace. This was known to the world. Ten days after this declaration by the President Congress passed an act prohibiting the manufacture and sale after June 30, 1919, of intoxicating liquors for beverage purposes. This act was to continue in force during the present war, and thereafter until the end of demobilization. A number of the gentlemen who voted to report this resolution from the Foreign Affairs Committee voted for that act on November 21, 1918. In July, 1919, an act was passed for regulating war-time prohibition. This act was vetoed by the President and was passed over his veto. In reporting that bill to the House the chairman of the Committee on the Judiciary used this language:

> That war exists with both Germany and Austria needs no argument. The armistice only suspends actual hostilities, and until treaties of peace have been ratified there is no peace.

This was nearly eight months after the President had made the statement referred to in this preamble. [Applause on the Democratic side.]

Many Members on the other side of the aisle voted to pass that measure over the President's veto. I am curious to know how they will reconcile their acts in voting to continue war-time prohibition on the ground that we were at war with the vote they are going to cast to-day for a resolution based upon a preamble which declares that the war had been at an end eight months prior to the time they cast that vote. And if the distinguished chairman of the Committee on the Judiciary [Mr. VOLSTEAD] is here, I would like to know how he is going to reconcile the declaration he made in the report on June 30, 1919, with the vote in favor of the pending resolution. [Applause on the Democratic side.]

Since that time this very question has been taken to the Supreme Court of the United States, and on December 15, 1919, the most august judicial tribunal in the world declared that the war was not at an end. We, therefore, have the actions of the President, of the Congress, and of the courts to refute the statement of this preamble and resolution that the war had come to an end. And yet this statement of the President that "the war thus comes to an end" is used as the basis of this far-reaching and ill-considered proposition. [Applause on the Democratic side.]

I do not care to discuss at any great length the constitutionality of this resolution. That question has been ably discussed by a number of gentlemen during this debate, the gentleman from Texas [Mr. CONNALLY] and others, who have completely demonstrated its unconstitutionality.

I do want to say, though, in answer to the gentleman from Pennsylvania [Mr. TEMPLE], that this resolution constitutes an attempt to establish contractual relations between the Government of this country and the Government of Germany, establishing an agreement which amounts to a treaty, and is therefore a bold invasion of the treaty-making powers, which are the constitutional prerogatives of the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur. The President has the sole power to initiate the negotiation of treaties. This is a great power, but it is one that in the conception of the founders of our Government was thought wise to lodge in the President. Each of the several branches of our Government has shown great care in endeavoring not to infringe upon the province of the others. No branch of the Government should ever be tempted, for partisan purposes or for other reasons, to invade the proper functions of another branch of the Government, for each one of them, in its proper sphere, is ultimately the sovereignty of this country.

If any other rule is followed, the principles of mere might will be introduced into our system and each branch will proceed to do whatever the other branches have no means to effectually prevent. This will mean the end of Government of and by the people and the beginning of a usurped Government over the people. Written constitutions, being like all human contrivances imperfect, will then have proven impracticable. [Applause on the Democratic side.]

But aside from the constitutional questions involved in this resolution, which are of the utmost importance and very far-reaching, the legislation itself, if it were perfectly constitutional and completely in accord with the principles of international law, is dangerous to American interests and the interests of many of the American people.

The title of the United States to the German ships which we seized during the war is very doubtful. These ships have never been through a prize court, and when they were first seized it was the general understanding that unless they did go through a prize court they would be subject to be libeled by their owners in any neutral ports in which they might be found. They were not put through the courts, our Government depending upon the treaty to take care of our interests in them. These ships are of very great value and constitute one of the few items by way of reparation that the American Government will get for its tremendous expenditure of money and blood in the World War. I do not think Congress should hastily and without proper consideration enact a measure that might cause the loss of these ships, and yet this is just what the Republican majority here proposes to do. You could not play the German game better if you were their chosen spokesman. [Applause on the Democratic side.]

The Alien Property Custodian funds, amounting to something over $500,000,000, can not be dealt with otherwise than by restoration to the owners, unless German consent to their application to other purposes is obtained. This resolution, if it becomes law, would make it impossible to obtain Germany's consent.

The resolution declares that a state of peace exists, and provides for the repeal of war-time laws, and then attempts to impose the harsh terms of the resolution upon Germany upon the threat of cutting off commercial relations with her. No one who has studied the history of the Versailles treaty and considered the reluctance with which Germany consented to it and signed it would think for a moment that Germany would consent to a resolution that imposes upon her again the obligations of that treaty. So far as we are concerned, she is free from the terms of that treaty, and we will never get her to assent to its terms again. International law does not permit the confiscation of private property unless the enemy government consents of the use of such property for the satisfaction of claims against it. Without Germany's consent, we can not take that property. Under the Versailles treaty Germany consented that the claims of the United States and its nationals against the German Government might be satisfied out of it. Out of this fund we expected to take care of the widows and orphans who were made so by the *Lusitania* outrage and other outrages practiced against civilization by the German Government during the war. The rights of these people will be put in peril, if not sacrificed, by this legislation. What answer will the Republican majority make to the representatives and loved ones of those who suffered these outrages? Do you think the American people will approve the surrender of these claims? [Applause on the Democratic side.]

Again, if Germany does not assent to this resolution our people will be the sufferers. We are the people who have things to sell that the Germans are buying, and they will increase in their desire to buy as soon as their credits are properly established. Our cotton growers and our tobacco growers, our meat raisers and our grain growers, our packing houses and our flour millers, and other producers of the necessities which Germany wants would be the sufferers by the punishment which this resolution proposes to inflict.

If this resolution should become law and is accepted by Germany, we would cut ourselves off from our right under the treaty of Versailles for reimbursement for our army of occupation in Germany. This amounts to probably $100,000,000 or more. The Republican Party has proclaimed its purposes of economy, and so far has failed in all of them. Is it willing to throw away $100,000,000 and force our Government either to issue bonds or levy taxes in order to meet the necessary expenses of the Government? If this result comes about, the Republican leadership of this House will be responsible for it, for here is $100,000,000 you are absolutely throwing away. [Applause on the Democratic side.]

The adoption of this resolution and its attempt to alienate ourselves from our allies and make a separate peace with Germany will deprive us of representation upon the reparation commission. We should realize that by the terms of the treaty of Versailles the influence and power of a large part of the world is concentrated behind the decisions of this commission. This resolution will deprive us of the veto power which we have heretofore had upon the acts of this commission and destroy the commercial interest of our people in many parts of the world. These interests will hold the Republican Party responsible for this reckless surrender of American rights and interests.

From whatever angle this resolution is viewed, it presents itself as a proposition not only ineffective in achieving its proclaimed purpose but as a sure method of confusing our foreign relations, injecting new and complicated questions into an already difficult situation, and involving a surrender of American rights and an impairment of American prestige and honor. [Applause on the Democratic side.]

The gentlemen who favor this resolution have expressed great anxiety for the repeal of war-time legislation, and yet section 2 of the resolution does not do this. It is a declaratory

statute. I would favor going further in this line than section 2 goes. No one ever questioned the power of Congress to repeal any legislation it enacted. Much of this legislation is burdensome and oppressive in times of peace. The Republicans have had control of this House for nearly a year. In that time they have accomplished little. During that time they could have repealed all of this burdensome legislation. I shall offer a motion to recommit, which will accomplish something along this line and will show whether the gentlemen on the other side are really in favor of any relief to the people who are burdened by the long-continued existence of the war legislation or whether they are endeavoring to make political capital for the coming campaign. [Applause on the Democratic side.]

I have no doubt they will vote against my motion to recommit, because it really means something, and the debate on this resolution has demonstrated that their purpose is not to accomplish any result beneficial to America, but is an attempt to fasten upon the President the responsibility which belongs to the Republicans of the Senate for the existence of a technical state of war between this country and Germany.

Some 16 months ago the President of the United States went to Paris as the head of the peace commission to aid in making peace between the warring nations of the world. There he met in the arena of international politics the shrewdest diplomats of the Old World, and was confronted with the most difficult questions that ever taxed the brain of man. It was an enormous task, and he poured into the service all the power of his mighty intellect, his great spiritual force, and his tremendous physical energy. He triumphed, but he wrecked his health and almost sacrificed his life. He brought back a document signed by 32 of the civilized nations of the earth. It contained the League of Nations, the principles of which had been indorsed by every political party in this country, and which the people favored in overwhelming numbers. This league is indispensable to the gradual bringing into execution of the new policies the treaty embodies. It is a league which, with American backing, would bring order and peace throughout the civilized world. Without it the sacrifices America made for the world would be in vain. With it, the treasure spent and the young lives sacrificed would have secured an immense gain for mankind. The league and the treaty are one and inseparable, and will go down in history as the most memorable international agreement ever made. [Applause on the Democratic side.]

This treaty should have been promptly ratified so that peace could be brought to a stricken world and the various nations that had been engaged in the great war could begin the work of rehabilitation that would have brought hope and life and prosperity to their peoples. It was ratified by most of them. The Republicans of the Senate encumbered it with such nullifying reservations as made its ratification impossible. Their leaders had determined to play politics with this mighty issue. A war-torn and, in places, a starving world meant nothing to them, if the changing of these conditions and the saving of these people would bring prestige to the President of the United States.

Everybody everywhere was committed to the treaty and the league that so many believed would prevent the recurrence of war. For the first time in the annals of the human race it seemed possible to attain this great objective. But the Republican leadership in the Senate, placing partisanship above patriotism and above humanity, have crossed and thwarted the noble purposes of the peace conference, and have denied this precious boon to the people of this country and the world. [Applause on the Democratic side.]

The gentleman from Alabama [Mr. HUDDLESTON] said yesterday that all the other nations were at peace and we were at war. The gentleman from Indiana said that all the other nations of the world were at war and we were at peace. The gentleman from Indiana is nearer right than the gentleman from Alabama, because revolution threatens to almost engulf Europe. And even in this country we see unrest and disturbances of a most disquieting character. We see our commerce still hovering about American shores instead of seeking the innumerable avenues that would have been open to it if the world were at peace. We see our industries halted, our labor dissatisfied, our farmers flocking to the cities, and a general state of unrest in the country which is appalling, all brought about by the insincere, unpatriotic attitude of the Republican Party in reference to the Versailles treaty. Truly the world is paying a stupendous price for the Republican victory of 1918. Truly the debauching of the Michigan electorate in that year in the Newberry senatorial election has proved a curse not only to this country but to the world. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, there are really so many good reasons why the peace resolution now before the House should be immediately passed that one can hardly justify the waste of time for general debate before passing the same.

I have recently visited almost every important city in Europe between Vienna and Madrid, as well as the principal cities of England, Ireland, Scotland, and Wales, and I therefore feel that I know just a little about present existing conditions in Europe.

If America could realize that there are positively millions of lean, hungry, sad-faced, tubercular children in Germany today, the peace resolution would be immediately passed.

A declaration of peace would remove war obstructions to diplomatic, commercial, and banking relations which would in turn promote credits and delivery of raw materials and foodstuffs and thereby probably save a newborn Republic from a military dictatorship, monarchy, or Bolshevism.

Awaiting credits and raw materials these wretched people who are anxious for work stare hungrily into restaurants and shop windows containing food.

A German Republic looks only to America for its very life and existence as commercial representatives of England and France are negotiating for trade supremacy and making enormous purchases, while the mark is nearly valueless and a desperate people will sign any agreement to insure a scant living.

Sickly little boys and girls as well as adults of a Christian nation are praying that that same humane element which prompted America's entrance into a bloody carnage will now assist them in holding body and soul together, and I am certain that their prayers will be heard and answered.

Mr. Speaker, when President Wilson, Lloyd-George, Clemenceau, and Orlando drew up the treaty of peace with Germany, which destroyed everything of productive value within Germany and Austria, they failed to provide something to take the place of the German economic structure, which was practically supplying food for 300,000,000 people in continental Europe as well as raw materials which through manufactories brought them their daily labor and sustenance.

The natural result of this awful blunder, which has brought starvation and Bolshevism to central Europe, was the almost complete destruction of the French, Belgian, Russian, Polish, Italian, and Swiss economic structures, which were literally carried by the German foundation, upon which they all rested to a greater or less degree.

It has been said that the "big four" who framed the treaty were so preoccupied with personal ambitions that they failed entirely to comprehend what any advanced student in international diplomacy and commerce might have known—that in destroying everything with which Germany and Austria might have been able to pay their debts they also were destroying the machinery which gave life and industry to the greater portion of Europe, even outside of Germany.

The President's mind was preoccupied on his Utopian scheme for a society of nations for the perpetuation of peace and happiness on a rose-scented earth, with sunshine, flowers, sweet music, and gentle zephyrs.

Lloyd-George's sole ambition seemed to be to satisfy the British press and the promises he had made for tremendous indemnity and reparations during a heated political campaign.

Orlando's ambition for territorial expansion in the Trentino and the Fiume localities was so shortsighted as to prevent his seeing or thinking of anything else, while Clemenceau was preoccupied upon the complete destruction of everything that was attached to Germany in his innate fear that natural German superiority would rise and again dominate central Europe.

Is it any wonder that when so preoccupied the "big four" failed to observe and to provide for the one thing which meant more to all Europe and to the world than everything else in the treaty?

Mr. Speaker, without the establishment of a tremendous credit system, backed by our Federal reserve banks, Europe will be in the throes of political unrest, Bolshevism, and even war for many years to come, and the mere sending of American millions of dollars will not even afford temporary relief and is almost waste of good money.

I firmly believe that unbiased students of world diplomacy are practically in accord on the opinion that a tremendous blunder was made at Versailles and that the peace treaty, if not rewritten, will have to be materially readjusted by the League of Nations, not only in the interest of Germany and Austria but in order to save Europe from itself in the advance of Bolshevism and terrorism which is now being kindled in practically every European country, including England.

Unless some sympathy and mercy are shown and hatreds are forgotten, that frightful war is likely to be the beginning

of the end of the white race, and another hundred years will see the complete domination of the earth's surface by the yellow man of the Orient.

To paralyze Germany industrially and commercially, agreeable as it might be to those who can see no good in anything German, is but to promote an awful canyon of anarchy and Bolshevism into which most of Europe must eventually slide, and God only knows the ends to which the white man may be driven in getting out of that hell of destruction.

All of Europe is very largely an economic unit, and I predict that peace and good will with commercial tranquillity will never prevail there until all Europe, including Germany and Austria, go hand in hand together in the restoration and rehabilitation of trade and industry.

It is now generally recognized that Germany and Austria can not be completely destroyed and at the same time make payments of indemnities and reparations.

You can not kill a thing and yet expect it to live and work for you, but that is what has been exacted of Germany in the treaty of Versailles.

Mr. Speaker, if the United States could find some means of financing a credit system on raw materials for Germany, to be paid in the return of finished products and by so doing take men off the streets and give them the employment they desire, I am quite satisfied that Germany would quickly restore herself and in so doing assist greatly in the restoration of Europe.

Without the assistance of the greatest and strongest Nation on earth Germany can not resume work with empty warehouses, with disheartened and physically weakened workmen, with no ships worth mentioning, and with the necessity of opening trade anew with a hostile world, and the quicker we appreciate this condition, not necessarily in the interest of Germany and Austria, as I have heretofore said, but in the interest of common humanity, the better for all the world.

The suggestion is constantly heard that Germany should "get to work." How can she go to work when her mark, ordinarily worth 25 cents, is worth but a penny and her overseas credit has been destroyed, while her ships have been taken from her and her local transportation practically wiped out of existence, and when she herself has been the mainstay of all continental Europe in the delivery of raw materials with which their factory wheels were turned?

The economic rehabilitation of France and Belgium is largely dependent on the payment of an indemnity by Germany, and this payment can not be forthcoming until the German factories start grinding out finished products, and this, in turn, can not prevail until American ingenuity and humanity get behind a European trade council based on sound principles and backed by the Federal Reserve Banking System.

When this has been accomplished the wheels of peace and industry will start grinding and killing the seeds of anarchy and Bolshevism, and not until then.

Take it from me, militarism is as dead in Germany as it is in America, and the quicker we realize that and recognize a starving, striving, Christian, white man's Republic, the better for humanity's sake.

Germany was so decisively defeated in the war that it will require one generation at least to put her in company with the second-rate powers of the earth, and several generations to reach the status as a competitor that she held before the war.

She will never again be a military power, because her form of government always will be antagonistic to militarism even in its mildest form.

Refusal of soldiers in uniform to salute their superior officers on the street is an evidence of the extreme reaction against anything militaristic.

This trend toward so-called democratic socialism is prevalent not only in Germany but in all of Europe, where every throne is poised on a magazine of dynamite surrounded by torches.

Mr. Speaker, I was also impressed with the seriousness of the general economic and political situation in England, Scotland, and Ireland.

The man who says that Ireland is loaded with prosperity, that its banks are bulging with money because of Irish industry and thrift, and that the people were never so satisfied as at present, is not writing for Ireland but for England.

The people of Ireland are heartbroken, dejected, exceedingly poor, and think only of the freedom which has so long been uppermost in their minds, and until this matures Ireland will continue to be the saddest community in all Europe.

The most cherished human principle is the right of self-determination, and while we Americans are willing to apply it to all the world, I could see no sane reason why those five and one-half million souls, who are capable of self-government, should be discriminated against by England.

In conclusion, let me say, Mr. Speaker, that for two long days this House has listened to debate by Members on both sides, with hair-splitting arguments on the constitutionality of this so-called peace resolution. I am not a lawyer, but I for one am willing to take my chance on its being as constitutional as that obnoxious, undesirable, unnecessary, unpopular Volstead prohibition enforcement act that was forced upon the American people by this Congress while 4,000,000 of our "boys" were away from home defending the flag. [Laughter and applause.] I appreciate the applause and recognize the laughter, but I am wondering if you gentlemen really dare amend the Volstead Act. I am wondering if you are afraid to bring it on the floor, where it would be amended, and you know it. [Laughter and applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I have listened with much interest to what has been said in the consideration of this resolution. Its purpose is to terminate the war by act of Congress. Some say that Congress can not declare the war at an end for the reason that such action would be making a treaty with Germany, and no one has any power to make a treaty but the President, by and with the advice and consent of the Senate, two-thirds voting therefor, under Article II, section 2, of the Constitution, which is as follows:

ART. II, SEC. 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. * * *

This gives the President power to make a treaty, with the advice and consent of the Senate. But we are not making a treaty. We are declaring that the war is at an end. If this simple resolution is a treaty, the President took a great deal of pains with the making of his treaty at Versailles, which involved the work of months to draft. It cost thousands of dollars in treasure. It involved a retinue exceeding in splendor that of an oriental potentate. It is ludicrous to call or denominate this resolution a treaty. That is giving it a false name and attributing to it a false purpose. The first two sections of the resolution providing for ending the war read as follows:

Joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Whereas the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned and thereupon and until the President shall have proclaimed the receipt of such notification, commercial intercourse between the United States and Germany and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 4. That whoever shall willfully violate the foregoing prohibition whenever the same shall be in force shall upon conviction be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation, shall be forfeited to the United States.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

Its purpose is to express the sentiment and will of the Nation on every hand to end the war. Its purpose is to cry aloud from this Capitol Hill, so that any man a mile or more away can hear that the war is ended. Its purpose is to take from the

President of the United States the great war powers conferred upon him in waging war against Germany. Its purpose is to give congressional sanction to the peace already existing between the United States and Germany. We are not at war with Germany. We are not at war with any nation. Why can we not say so? We are not hors de combat. We are non de combat, especially with Germany, which lies prostrate as a warring nation. Let us declare that we are not at war with Germany, so that everybody will know it, even if he thinks otherwise. Let us bring our army home. If anyone thinks we are at war with Germany, he is mistaken. I have been for war whenever it was needed and wherever it is needed to preserve the honor, integrity, and sovereignty of the United States. The most humiliating days of my career were when our troops were sent home by Carranza, instead of vindicating the lives of American citizens who were ruthlessly killed in Mexico by Mexican troops. If we want to uphold our sovereignty and force peace on foreign nations and protect their political identity as provided in the League of Nations, we might take a hand down in Mexico. It would be nearer home. The President declared this Mexican war, and it ended without a treaty. This resolution ought to pass as a first step toward a return to our former normal conditions. When the war was ended there ought to have been a separate and distinct peace treaty. It ought not to have been ingrafted into a League of Nations. Some people think it is more important to have a League of Nations than to have peace. If we had a League of Nations today, and we were directed by the supreme council to establish peace, political identity, and preserve the boundaries of the European nations, we would need our army of 5,000,000 soldiers to do it. The League of Nations is a one-sided, jughandled affair, as far as the United States is concerned. It calls on the United States for men and money to settle the disputes of other countries which involve none of our business. If a treaty of peace is needed to end the war and our Democratic friends think no one can make such a treaty but the President of the United States, then the President of the United States has failed in his duty.

The people of the United States want peace, and if we can get it by simple treaty, and the President is the only one who can make a treaty, why does not he make it? Some think that the Constitution must be followed to the letter in making a treaty to end the war. The international law writers say peace can be established after a war without a treaty. Some might say, then, what is the use of this resolution? It is because there are more than 30 war powers conferred upon the President now in existence which are to terminate whenever peace is declared, and it is for the twofold purpose of ending the war and ending the war powers conferred upon the President. No one has claimed they should continue. No one has made any other formidable objection to this resolution except that it is unconstitutional. The Constitution provides that Congress shall have power to declare war. The terms are identical in language with the power of the President to make a treaty, omitting the advice and consent of the Senate. The President made war on Mexico without any action of Congress, although the Constitution is specific that the right to declare war is conferred upon Congress; and those wanting to stick so closely to the Constitution never objected when the President marched our Army into Mexico nor when he marched them out and thereby established peace. The League of Nations is at the foundation of the whole difficulty. The President never submitted to the Senate a formal peace treaty. The Senate has never had an opportunity to approve, or consent, or advise as to a separate treaty of peace. I think there is a difference between a peace treaty and a covenant for a League of Nations to prevent wars in the world. The whole of Europe is virtually at war. How would we look over in Russia to-day with our Army to establish the political identity of the Russian Government? Who would want to have such a chaotic government as Russia has to-day, with the right of property and boundary lines destroyed and social and individual rights determined by autocracy? The treaty submitted to the Senate to ratify was drawn with the express purpose so that it could not be ratified without our country joining the League of Nations, which would establish a supernation. The real purpose of the document submitted to the Senate was not to establish peace but to establish a League of Nations, and it will be to the everlasting credit of the United States of America that it failed to ratify such a covenant. Let us keep away from a League of Nations and follow the advice of Washington and the founders of our Republic. Let us say we are not at war by passing this resolution. The Constitution in no place prohibits us from passing a resolution declaring a state of peace. Let us have peace. Let us consider the League of Nations separate and apart from the peace treaty, if it is found to be needful, useful, or helpful to our national welfare. It can then be considered on its own merits. I firmly believe that the League of Nations, as drawn, is un-American and alone would stand no show of ever becoming a law.

What, then, is the use? What is the purpose of keeping up a state of war between the United States and Germany? I know of no reason. I can think of no good purpose. The one purpose and reason I now think of is that if the people can not get peace any other way it might force the Senate to ratify the League of Nations, but the Senate will not ratify such a league as it was submitted. It seems also that the President will not submit a separate treaty of peace without combining it with this league. Therefore, let us pass this resolution and get our Army back home out of European politics and European domestic affairs. Just now we have quite a little to do at home in looking after our own domestic welfare. I wish to close my remarks by incorporating a part of the report of the great Committee on Foreign Affairs of the House, which contains many pronounced and eminent lawyers. The Congress has full power to pass the resolution. On this point the report says:

> There has been a complete suspension of hostilities on both sides without any intention of resuming them. Congress is clearly exercising powers which are within its constitutional rights in recognizing and declaring that the condition described by the writers on international law which are above quoted has now arrived and that the war is at an end. As by the resolution of April 6, 1917, Congress officially recognized the fact that war had been thrust upon us, so now it becomes the duty of Congress to give official recognition to the fact that the war is ended. Moreover, the general welfare of the United States imperatively demands that all uncertainty upon this subject shall cease, and that the extraordinary war powers of the Government shall be vacated and set aside.

I shall support the resolution.

Mr. PORTER. Mr. Speaker, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, before I begin my remarks on the resolution I want to express my very sincere regret at the sudden illness of the gentleman from North Carolina [Mr. KITCHIN] during the debate this afternoon. I am sure we all join in the hope that his illness will be brief and that he will very soon be restored to his usual splendid physical and mental condition and be with us again. [Applause.]

Mr. Speaker, by the cessation of hostilities the World War ended, as the President declared at the time, November 11, 1918, and the American people who have waited with extraordinary patience for 17 months for action officially securing and declaring the end of war and the restoration of normal conditions are looking to us to-day to do our part in the reestablishment of a state and condition of peace.

We are thankful to the minority for that part of their report on this resolution which so conclusively justifies its adoption in order that we may, as they say, afford "relief from the burdens, inconveniences, extravagances, and losses which come from the existence of this—war—legislation." We have given heed to the demand which reaches the Congress from every section of the country for this relief from war legislation, the hampering and vexatious and blighting character of which has been eloquently stated by the minority, and we shall respond to this demand with a practically unanimous vote on the Republican side. [Applause on the Republican side.]

From the viewpoint of partisan advantage we might be tempted to hope that few on the minority side shall support this resolution, for nothing could so clearly demonstrate to the country the constructive patriotism of the Republican Party on the one hand, and a narrow and provincial partisanship on the part of the minority, as a sharp division of the vote on party lines.

But the issue is too important for partisanship, and while I shall not appeal to the gentlemen on the minority side to follow the dictates of their consciences rather than those of partisanship, I am reminded what a splendid thing it would be if, as we all joined in the declaration under which the Republic drew the sword and sent millions of her youth to battle, we could now join in the official declaration of the establishment of conditions of peace and in the return to the people of the extraordinary authority and jurisdiction which, in their name, we placed in the hands of the Chief Executive for the purposes of war. [Applause on the Republican side.]

Through the days of strife and struggle we on the Republican side joined in furnishing men and money and authority without stint or limit, so it would appear seemly and proper that the House should be united when we proclaim the fact of peace, known of all men, and in doing so return to the people the extraordinary powers we are authorized to invoke only under the stress of war. [Applause on the Republican side.]

It is not essential to the discussion of this resolution that we shall consider the occurrences which have made it necessary. On the other hand, it is proper that we should recall that the only reason why conditions of peace have not been restored through the more usual method of a treaty is because the Chief Executive refused to sanction in the legislative body which coordinates with him under the Constitution in the making of treaties the same freedom of judgment and action that he insisted upon for himself. For it is known of all men who care to be informed that the prevailing opinion in the matter is confirmed by the public announcement of a Democratic Senator that but for the pressure by the Chief Executive to the contrary the treaty would have been ratified with reservations safeguarding the Republic and preserving its sovereignty and peace thus secured and proclaimed.

In such a situation is there anyone with so poor an opinion of our form of Government as to believe that, having waited patiently 17 months for a treaty of peace, for the relief from burdensome and extraordinary control, for the reestablishment of normal conditions of trade and intercourse, we are helpless to cure the situation and must indefinitely wait upon the will of one man, and he the one on whom we have conferred powers and prerogatives and jurisdiction which the people have carefully reserved in themselves only to be guardedly conferred upon the President during the imperative exigencies of war.

As we glory in our country and in our Constitution, we decline to accept a construction so narrow, so destructive, so subversive of the theory and principles of the Republic. [Applause on the Republican side.]

No one approached the preparation of this resolution without appreciation of the differences of opinion liable to arise as to phraseology and formula, but out of an abundance of council came clarity of thought and unanimity of opinion, both as to form and substance. And yet all realized that in relation to a proceeding somewhat novel, some valid objections might have been overlooked, and some suggestion of change of real merit might be made. But since the popping of the pickets on Tuesday, the firing of the siege guns in the minority report, through the booming and rattle of light and heavy artillery of debate, including a considerable number of popguns and some duds, not a real, substantial, or convincing thought has been advanced or argument made against either the plan, purpose, or pattern of the resolution. [Applause on the Republican side.]

Out of the smoke screen of political camouflage, through the cloud of variegated gas, one curiously illogical note has whined its way through the atmosphere of debate. They say the Republicans are trying to embarrass the President! The wicked Republicans, who are accused of spending a large part of their time assailing the President, are charged with some sinister purpose in connection with this resolution, touching the Chief Executive.

A large part of the criticism I have heard of the President has filtered out of the Democratic cloak rooms. I have heard surprisingly little of it, everything considered, elsewhere; but however that may be, everybody knows, except those who are willfully misled, that there is neither infringement of executive authority nor aught of embarrassment to the Executive in this resolution. There is not unless, indeed, the Executive may voluntarily assume the embarrassment of vetoing a measure which has the approval, the commendation, and the enthusiastic support of an overwhelming majority of the people.

Is it not about time that our friends on the other side got to thinking in terms of the Republic and cease to have their acts and public utterances colored and controlled by influences having their sources in the Executive Mansion? [Applause on the Republican side.]

We are still, thank God, a government of, for, and by the people, and without thought or purpose of encroaching upon the proper authority and jurisdiction of anyone, we are under our oaths, and in the full light and under the full authority of the Constitution, proposing to legislate, not to please this, that, or the other individual, organization, or agency, but for, on behalf, and in the interest of all of the people of the Republic in the reestablishment of a state of peace. [Applause on the Republican side.]

The SPEAKER. All time for debate has expired.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Under the rule does the previous question operate upon the motion to recommit as well as on the final vote?

The SPEAKER. The Chair thinks it does. The Chair will decide that question when it arises. The previous question was ordered by the rule. The question is on the engrossment and third reading of the joint resolution.

The question was taken, and the joint resolution was ordered to be read a third time.

The SPEAKER. Without objection, the preamble is agreed to.

There was no objection.

The joint resolution was read the third time.

Mr. FLOOD. Mr. Speaker, I offer the following motion to recommit which I send to the desk and ask to have read, and on that I demand the previous question.

The SPEAKER. The gentleman from Virginia offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. FLOOD offers the following motion to recommit:

That House joint resolution No. 327 be recommitted to the Committee on Foreign Affairs with instructions to the committee to report the same to the House forthwith with the following amendment:

Strike out all the preamble and all after the enacting clause and insert following the enacting clause the following:

"That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present or existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty, are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The Chair has examined the rule and is of opinion that the previous question is not necessary. The rule provides:

That at the conclusion of the general debate the previous question shall be considered as ordered on the said House joint resolution to final passage without intervening motion, except one motion to recommit.

That clause, in the opinion of the Chair, prevents any motion to amend and makes the previous question unnecessary. The question is on the motion of the gentleman from Virginia to recommit the joint resolution.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 222, answered "present" 2, not voting 32, as follows:

YEAS—171.

Almon	Doughton	Larsen	Rainey, J. W.
Ashbrook	Dupré	Lazaro	Raker
Aswell	Eagan	Lea, Calif.	Randall, Calif.
Ayres	Eagle	Lee, Ga.	Rayburn
Babka	Evans, Mont.	Lesher	Riordan
Barkley	Evans, Nev.	Linthicum	Romjue
Bee	Ferris	Lonergan	Rouse
Benson	Fields	McAndrews	Rowan
Black	Fisher	McClintic	Rubey
Blackmon	Flood	McDuffie	Rucker
Bland, Va.	Fuller, Mass.	McGlennon	Sanders, La.
Blanton	Gallagher	McKeown	Sherwood
Box	Gandy	McKinlry	Sims
Brand	Ganly	McLane	Sisson
Briggs	Gard	Maher	Small
Brinson	Garner	Major	Smith, N. Y.
Brumbaugh	Godwin, N. C.	Mann, S. C.	Stedman
Buchanan	Goldfogle	Mansfield	Stephens, Miss.
Byrnes, S. C.	Goodwin, Ark.	Martin	Stevenson
Byrns, Tenn.	Griffin	Mays	Stoll
Caldwell	Hardy, Tex.	Mead	Sullivan
Campbell, Pa.	Harrison	Milligan	Sumners, Tex.
Candler	Hastings	Minahan, N. J.	Tague
Cantrill	Hayden	Montague	Taylor, Ark.
Carew	Hersman	Moon	Taylor, Colo.
Carss	Hoey	Mooney	Thomas
Casey	Holland	Moore, Va.	Tillman
Clark, Fla.	Howard	Nelson, Mo.	Upshaw
Clark, Mo.	Huddleston	Nicholls, S. C.	Venable
Cleary	Hudspeth	O'Connell	Vinson
Coady	Hull, Tenn.	O'Connor	Watkins
Collier	Humphreys	Oldfield	Weaver
Connally	Igoe	Oliver	Welling
Crisp	Jacoway	Overstreet	Welty
Cullen	Johnson, Ky.	Padgett	Whaley
Davey	Johnson, Miss.	Park	Wilson, La.
Davis, Tenn.	Johnston, N. Y.	Parrish	Wilson, Pa.
Dent	Jones, Tex.	Pell	Wingo
Dickinson, Mo.	Kelley, Mich.	Phelan	Wise
Dominick	Kettner	Pou	Woods, Va.
Donovan	Kincheloe	Quin	Wright
Dooling	Lanham	Rainey, Ala.	Young, Tex.
Doremus	Lankford	Rainey, H. T.	

NAYS—222.

Ackerman	Begg	Brooks, Pa.	Cannon
Anderson	Benham	Browne	Chindblom
Andrews, Md.	Bland, Ind.	Burdick	Christopherson
Andrews, Nebr.	Boies	Burke	Classon
Anthony	Bowers	Burroughs	Cole
Baer	Britten	Butler	Cooper
Barbour	Brooks, Ill.	Campbell, Kans.	Copley

Costello	Hawley	MacGregor	Schall
Crago	Hays	Madden	Scott
Cramton	Hernandez	Magee	Sells
Crowther	Hersey	Mapes	Sinclair
Currie, Mich.	Hickey	Mason	Sinnott
Dale	Hicks	Merritt	Slemp
Dallinger	Hill	Michener	Smith, Idaho
Darrow	Hoch	Miller	Smith, Ill.
Davis, Minn.	Houghton	Monahan, Wis.	Smith, Mich.
Dempsey	Hulings	Mondell	Snell
Dickinson, Iowa	Hull, Iowa	Moore, Ohio	Snyder
Dowell	Husted	Moores, Ind.	Steenerson
Dunbar	Hutchinson	Morgan	Stephens, Ohio
Dunn	Ireland	Morin	Stiness
Dyer	James	Mott	Strong, Kans.
Echols	Jefferis	Mudd	Strong, Pa.
Edmonds	Johnson, S. Dak.	Murphy	Summers, Wash.
Elliott	Johnson, Wash.	Nelson, Wis.	Sweet
Ellsworth	Jones, Pa.	Newton, Minn.	Swope
Elston	Juul	Newton, Mo.	Taylor, Tenn.
Emerson	Kahn	Nichols, Mich.	Temple
Esch	Kearns	Nolan	Thompson
Evans, Nebr.	Keller	Ogden	Tilson
Fairfield	Kelly, Pa.	Olney	Timberlake
Fess	Kendall	Osborne	Tincher
Focht	Kennedy, R. I.	Paige	Tinkham
Fordney	Kiess	Parker	Towner
Foster	King	Peters	Treadway
Frear	Kinkaid	Platt	Vaile
Freeman	Kleczka	Porter	Vare
French	Knuston	Purnell	Vestal
Fuller, Ill.	Kraus	Radcliffe	Voigt
Gallivan	Kreider	Ramsey	Volstead
Garland	Lampert	Ramseyer	Walsh
Glynn	Langley	Randall, Wis.	Walters
Good	Layton	Reavis	Watson
Goodall	Lehlbach	Reber	Webster
Goodykoontz	Little	Reed, N. Y.	Wheeler
Gould	Luce	Reed, W. Va.	White, Kans.
Graham, Ill.	Lufkin	Rhodes	White, Me.
Green, Iowa	Luhring	Ricketts	Wilson, Ill.
Greene, Mass.	McArthur	Riddick	Winslow
Green, Vt.	McCulloch	Robsion, Ky.	Wood, Ind.
Griest	McFadden	Rogers	Woodyard
Hadley	McKenzie	Rose	Yates
Hamill	McKinley	Rowe	Young, N. Dak.
Hardy, Colo.	McLaughlin, Mich.	Sanders, Ind.	Zihlman
Harreld	McLaughlin, Nebr.	Sanders, N. Y.	
Haugen	MacCrate	Sanford	

ANSWERED "PRESENT"—2.

Bell	Longworth

NOT VOTING—32.

Bacharach	Dewalt	McPherson	Shreve
Bankhead	Drane	Mann, Ill.	Siegel
Bland, Mo.	Garrett	Neely	Smithwick
Booher	Graham, Pa.	Robinson, N. C.	Steagall
Caraway	Hamilton	Rodenberg	Steele
Carter	Heflin	Sabath	Ward
Curry, Calif.	Kennedy, Iowa	Scully	Wason
Denison	Kitchin	Sears	Williams

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For motion to recommit:

Mr. KITCHIN (for) with Mr. LONGWORTH (against).

Mr. ROBINSON of North Carolina (for) with Mr. MANN of Illinois (against).

Mr. BELL (for) with Mr. RODENBERG (against).

Mr. HEFLIN (for) with Mr. WILLIAMS (against).

Mr. STEELE (for) with Mr. GRAHAM of Pennsylvania (against).

Mr. GARRETT (for) with Mr. DENISON (against).

Mr. CARAWAY (for) with Mr. SHREVE (against).

Mr. NEELY (for) with Mr. SIEGEL (against).

Mr. CARTER (for) with Mr. WARD (against).

Mr. DRANE (for) with Mr. CURRY of California (against).

Mr. STEAGALL (for) with Mr. WASON (against).

Mr. SMITHWICK (for) with Mr. KENNEDY of Iowa (against).

Mr. DEWALT (for) with Mr. BACHARACH (against).

General pairs:

Mr. MCPHERSON with Mr. SABATH.

Mr. HAMILTON with Mr. BLAND of Missouri.

Mr. BELL. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. BELL. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. RODENBERG, and I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. BELL was called, and he answered "Present."

Mr. LONGWORTH. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. LONGWORTH. Mr. Speaker, I have a pair with the gentleman from North Carolina, Mr. KITCHIN, who is unavoidably and most regrettably detained by sudden illness. If Mr. KITCHIN were present, he would vote "aye"; and I having voted "no" desire to withdraw my vote and answer "present." [Applause.]

The name of Mr. LONGWORTH was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. ROGERS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 150, answered "present" 2, not voting 33, as follows:

YEAS—242.

Ackerman	Foster	Lehlbach	Ricketts
Anderson	Frear	Little	Riddick
Andrews, Md.	Freeman	Luce	Robsion, Ky.
Andrews, Nebr.	French	Lufkin	Rogers
Anthony	Fuller, Ill.	Luhring	Rose
Ashbrook	Gallivan	McArthur	Rowe
Baer	Ganly	McCulloch	Sanders, Ind.
Barbour	Garland	McFadden	Sanders, N. Y.
Begg	Glynn	McKenzie	Sanford
Benham	Goldfogle	McKiniry	Schall
Bland, Ind.	Good	McKinley	Scott
Boies	Goodall	McLane	Sells
Bowers	Goodykoontz	McLaughlin, Mich.	Sherwood
Britten	Gould	McLaughlin, Nebr.	Sinclair
Brooks, Ill.	Graham, Ill.	MacCrate	Sinnott
Brooks, Pa.	Green, Iowa	MacGregor	Slemp
Browne	Greene, Mass.	Madden	Smith, Idaho
Burdick	Greene, Vt.	Magee	Smith, Ill.
Burke	Griest	Maher	Smith, Mich.
Burroughs	Hadley	Mapes	Snell
Butler	Hamill	Mason	Snyder
Caldwell	Hardy, Colo.	Mead	Steenerson
Campbell, Kans.	Harreld	Merritt	Stephens, Ohio
Cannon	Haugen	Michener	Stiness
Carew	Hawley	Miller	Strong, Kans.
Chindblom	Hays	Monahan, Wis.	Strong, Pa.
Christopherson	Hernandez	Mondell	Sullivan
Classon	Hersey	Moore, Ohio	Summers, Wash.
Cole	Hickey	Moores, Ind.	Sweet
Cooper	Hicks	Morgan	Swope
Copley	Hill	Morin	Tague
Costello	Hoch	Mott	Taylor, Tenn.
Crago	Houghton	Mudd	Temple
Cramton	Huddleston	Murphy	Thompson
Crowther	Hulings	Nelson, Wis.	Tilson
Cullen	Hull, Iowa	Newton, Minn.	Timberlake
Currie, Mich.	Husted	Newton, Mo.	Tincher
Dale	Hutchinson	Nichols, Mich.	Tinkham
Dallinger	Ireland	Nolan	Towner
Darrow	James	O'Connell	Treadway
Davis, Minn.	Jefferis	O'Connor	Vaile
Dempsey	Johnson, S. Dak.	Ogden	Vare
Dickinson, Iowa	Johnson, Wash.	Olney	Vestal
Dooling	Jones, Pa.	Osborne	Voigt
Dowell	Juul	Paige	Volstead
Dunbar	Kahn	Parker	Walsh
Dunn	Kearns	Pell	Walters
Dyer	Keller	Peters	Watson
Echols	Kelly, Pa.	Platt	Webster
Edmonds	Kendall	Porter	Wheeler
Elliott	Kennedy, R. I.	Purnell	White, Kans.
Ellsworth	Kiess	Radcliffe	White, Me.
Elston	King	Ramsey	Wilson, Ill.
Emerson	Kinkaid	Ramseyer	Winslow
Esch	Kleczka	Randall, Calif.	Wood, Ind.
Evans, Nebr.	Knutson	Randall, Wis.	Woodyard
Evans, Nev.	Kraus	Reavis	Yates
Fairfield	Kreider	Reber	Young, N. Dak.
Fess	Lampert	Reed, N. Y.	Zihlman
Focht	Langley	Reed, W. Va.	
Fordney	Layton	Rhodes	

NAYS—150.

Almon	Doughton	Larsen	Rayburn
Aswell	Dupré	Lazaro	Riordan
Ayres	Eagan	Lea, Calif.	Romjue
Babka	Eagle	Lee, Ga.	Rouse
Barkley	Ferris	Lesher	Rowan
Bee	Fields	Linthicum	Rubey
Benson	Fisher	Lonergan	Rucker
Black	Flood	McAndrews	Sanders, La.
Blackmon	Fuller, Mass.	McClintic	Sims
Bland, Va.	Gallagher	McDuffie	Sisson
Blanton	Gandy	McGlennon	Small
Box	Gard	McKeown	Smith, N. Y.
Brand	Garner	Major	Stedman
Briggs	Godwin, N. C.	Mann, S. C.	Stephens, Miss.
Brinson	Goodwin, Ark.	Mansfield	Stevenson
Brumbaugh	Griffin	Martin	Stoll
Buchanan	Hardy, Tex.	Mays	Sumners, Tex.
Byrnes, S. C.	Harrison	Milligan	Taylor, Ark.
Byrns, Tenn.	Hastings	Minahan, N. J.	Taylor, Colo.
Campbell, Pa.	Hayden	Montague	Thomas
Candler	Hersman	Moon	Tillman
Cantrill	Hoey	Mooney	Upshaw
Carss	Holland	Moore, Va.	Venable
Casey	Howard	Nelson, Mo.	Vinson
Clark, Fla.	Hudspeth	Nicholls, S. C.	Watkins
Clark, Mo.	Hull, Tenn.	Oldfield	Weaver
Cleary	Humphreys	Oliver	Welling
Coady	Igoe	Overstreet	Welty
Collier	Jacoway	Padgett	Whaley
Connally	Johnson, Ky.	Park	Wilson, La.
Crisp	Johnson, Miss.	Parrish	Wilson, Pa.
Davey	Johnston, N. Y.	Phelan	Wingo
Davis, Tenn.	Jones, Tex.	Pou	Wise
Dent	Kelley, Mich.	Quin	Woods, Va.
Dickinson, Mo.	Kettner	Rainey, Ala.	Wright
Dominick	Kincheloe	Rainey, H. T.	Young, Tex.
Donovan	Lanham	Rainey, J. W.	
Doremus	Lankford	Raker	

ANSWERED "PRESENT"—2.

Bell	Longworth

NOT VOTING—33.

Bacharach	Drane	Mann, Ill.	Smithwick
Bankhead	Evans, Mont.	Neely	Steagall
Bland, Mo.	Garrett	Robinson, N. C.	Steele
Booher	Graham, Pa.	Rodenberg	Ward
Caraway	Hamilton	Sabath	Wason
Carter	Heflin	Scully	Williams
Curry, Calif.	Kennedy, Iowa	Sears	
Denison	Kitchin	Shreve	
Dewalt	McPherson	Siegel	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. LONGWORTH (for peace resolution) with Mr. KITCHIN (against).

Mr. MANN of Illinois (for peace resolution) with Mr. ROBINSON of North Carolina (against).

Mr. RODENBERG (for peace resolution) with Mr. BELL (against).

Mr. GRAHAM of Pennsylvania (for peace resolution) with Mr. STEELE (against).

Mr. WILLIAMS (for peace resolution) with Mr. HEFLIN (against).

Mr. DENISON (for peace resolution) with Mr. GARRETT (against).

Mr. SHREVE (for peace resolution) with Mr. CARAWAY (against).

Mr. SIEGEL (for peace resolution) with Mr. NEELY (against).

Mr. WARD (for peace resolution) with Mr. CARTER (against).

Mr. CURRY of California (for peace resolution) with Mr. DRANE (against).

Mr. WASON (for peace resolution) with Mr. STEAGALL (against).

Mr. KENNEDY of Iowa (for peace resolution) with Mr. SMITHWICK (against).

Mr. BACHARACH (for peace resolution) with Mr. DEWALT (against).

Mr. HUTCHINSON. Mr. Speaker, I would like to make a statement. My colleague, Mr. BACHARACH, has been detained at his home on account of sickness. If he were here, he would vote "yea."

Mr. BELL. Mr. Speaker, how am I recorded?

The SPEAKER. In the negative.

Mr. BELL. I am paired with the gentleman from Illinois, Mr. RODENBERG, and I withdraw my vote of "nay" and answer "present."

Mr. LONGWORTH. Mr. Speaker, I desire to make the same announcement as to my pair with the gentleman from North Carolina, Mr. KITCHIN, that I made a moment ago. Had he been present he would have voted "nay" and I would have voted "yea."

Mr. HICKS. Mr. Speaker, on account of the unavoidable absence of my colleague, Mr. SIEGEL, he could not vote to-day. If he were present, he would have voted "yea."

The SPEAKER. He is paired that way.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend in the RECORD a telegram which I received from Mr. GARRETT, of Tennessee, respecting his vote on the peace resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The telegram referred to is as follows:

DRESDEN, TENN., *April 8, 1920.*

Hon. JOHN M. GARNER,
House of Representatives, Washington, D. C.

Father's condition such I can not leave. Pair me against resolution. If this is not possible, state for RECORD reason for my absence, and that if present I would vote "No."

FINIS J. GARRETT.

The result of the vote was announced as above recorded.

On motion of Mr. PORTER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

FORTIFICATION APPROPRIATIONS.

Mr. SLEMP, by direction of the Committee on Appropriations, reported the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. EAGAN. Mr. Speaker, I reserve all points of order on the bill.

MEMORIAL SERVICES FOR LATE REPRESENTATIVE JOSEPH B. THOMPSON.

Mr. McCLINTIC. Mr. Speaker, I desire to ask unanimous consent that Sunday, April 18, 1920, beginning at 12 o'clock noon, be set aside for addresses in memory of the late JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that Sunday, April 18, 1920, be set aside for memorial services on his late colleague, Mr. THOMPSON. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT TO FEDERAL FARM-LOAN ACT.

Mr. PLATT, from the Committee on Banking and Currency, submitted a conference report on the bill (H. R. 9065) to amend sections 3, 5, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, for printing in the RECORD under the rules.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4082. An act to amend section 4878 of the Revised Statutes as amended by the act of March 3, 1897; and

S. 3813. An act to authorize the construction of a bridge across Lake Champlain between the towns of Shoreham, Vt., and Ticonderoga, N. Y.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. SMITH of Michigan, for two weeks, on important business.

To Mr. TAYLOR of Tennessee, for 10 days, on account of important business.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House adjourned until Saturday, April 10, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SLEMP, from the Committee on Appropriations, to which was referred the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, reported the same without amendment, accompanied by a report (No. 814), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6130) granting an increase of pension to James Robinson, and the same was 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. BAER: A bill (H. R. 13526) to create a national food commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13527) authorizing the Secretary of War to donate to the town of Cloverport, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13528) authorizing the Secretary of War to donate to the town of Springfield, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HICKS: A bill (H. R. 13556) to create a bureau of aeronautics and a naval flying corps in the Department of the Navy; to the Committee on Naval Affairs.

By Mr. PELL: A bill (H. R. 13557) to amend the provisions of laws regulating the collection of taxes; to the Committee on Ways and Means.

By Mr. MACGREGOR: Joint resolution (H. J. Res. 332) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CULLEN: Memorial of the Senate of the State of New York, regarding the canals of the State of New York; 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. ANDREWS of Maryland: A bill (H. R. 13529) for the relief of I. James Riggin; to the Committee on Military Affairs.

Also, a bill (H. R. 13530) for the relief of Annie Ellis; to the Committee on Claims.

Also, a bill (H. R. 13531) to correct the military record of Thomas H. Caldwell; to the Committee on Military Affairs.

Also, a bill (H. R. 13532) for the relief of William J. Harris; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 13533) granting an increase of pension to Thomas C. Staggers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13534) granting an increase of pension to George F. Portwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13535) granting an increase of pension to Solomon Stricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13536) granting an increase of pension to John W. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13537) granting an increase of pension to Sylvester Clennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13538) granting an increase of pension to James F. Denney; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 13539) granting an increase of pension to Charles O. Woesner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13540) granting an increase of pension to Simon E. Foust; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 13541) granting relief to Lee M. Allen; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 13542) for the relief of the Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; the Santa Rosa National Bank, of Santa Rosa, Calif.; and the Mineral City Bank, of Mineral City, Ohio; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 13543) granting a pension to Arminta Lary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13544) granting an increase of pension to Louisa Johnson; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 13545) for the relief of Edward C. Jacobs; to the Committee on Military Affairs.

Also, a bill (H. R. 13546) for the relief of George C. Hussey; to the Committee on Military Affairs.

By Mr. IGOE: A bill (H. R. 13547) granting an increase of pension to Dwight D. Johnson; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13548) to correct the military record of A. G. Vincent; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 13549) granting an increase of pension to William Endicott; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 13550) granting an increase of pension to Georgia A. Godard; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 13551) granting an increase of pension to Joseph R. Mumm; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 13552) granting a pension to Robert H. Wilson; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13553) for the relief of Elizabeth C. Abbey; to the Committee on Claims.

By Mr. TINCHER: A bill (H. R. 13554) for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation of Arid Lands.

PETITIONS, ETC.

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

2874. By the SPEAKER (by request): Petition of Columbia Lodge, No. 174, International Association of Machinists, of Washington, D. C., urging relief of the war-time prisoners, etc.; to the Committee on the Judiciary.

2875. By Mr. CROWTHER: Petition of members of the First Presbyterian Church of Gloversville, N. Y., urging enactment of legislation conserving integrity of the Government of Korea and affording protection to Christian missionaries engaged in missionary work in Korea; to the Committee on Foreign Affairs.

2876. By Mr. EMERSON: Petition of Henry P. Shupe Post, No. 22, of the American Legion, favoring the passage of House bill 13293; to the Committee on Ways and Means.

2877. By Mr. FULLER of Illinois: Petition of H. J. Heinz & Co., of Rock Island, Ill., opposing House bills 12379 and 12646; to the Committee on Banking and Currency.

2878. By Mr. O'CONNELL: Petition of the National Guard Association of the State of New York, favoring the recognition of the National Guard as a national body of citizen soldiery and urging Congress to provide for the reorganization of the National Guard under the Army clause of the Constitution; to the Committee on Military Affairs.

2879. Also, petition of American Association for Labor Legislation, New York City, favoring retirement of civil-service employees; to the Committee on Reform in the Civil Service.

2880. By Mr. JOHN W. RAINEY: Petition of the St. Michael Archangel Society, Polish National Alliance of North America, Chicago, Ill., opposing the passage of Senate bill 3718; to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 10, 1920.*

Rev. Richard H. Bennett, D. D., of Lynchburg, Va., offered the following prayer:

Gracious Father, source of all wisdom and God of all power, we acknowledge Thy sovereignty and pray for Thy guidance. Thou hast graciously led us and blest us beyond our deserts. In our feebleness compared with Thy great strength, in our ignorance compared with Thy wisdom, children all in Thy sight, we ask Thy continued guidance and blessing.

We thank Thee for the gracious record of our Nation, and for the possibilities of the future that brighten and glorify the days to come. We pray Thee that the responsibilities of the present may be adequately met and that Thy guidance may be sought and obtained by all our citizenship high and low.

We pray Thy blessing upon Thy servant the President of the United States, that he may be restored to complete health and strength, and that all Thy people in every office may be guided by Thee. We pray Thy blessing upon each of us that we may be delivered from the mistakes that belong to human nature and that we may seek Thy holy will in all our doings.

We thank Thee for the gracious life that the Senate commemorates to-day and for the useful career of our departed friend and father. We pray Thee that the lessons of his life may be handed down, that we may profit thereby, and that the enrichment may come to us from the virtues that adorned his character.

We pray Thy blessing upon every Member of the Senate and upon the homes represented here, that Thy gracious protection and care may be given unto each and every one, that those in sickness may be delivered and strengthened, and that when life shall close with each of us we may look back upon days spent in accordance with Thy plans, to a life used as Thou hast given us wisdom to see it, and enter through the gates into that eternal city where Thy children shall gather when the battles of life are over and we come to the day of rest.

Grant these things in the name of our Savior. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MEMORIAL ADDRESSES ON THE LATE SENATOR MARTIN.

Mr. SWANSON. Mr. President, I ask for the adoption of the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions will be read.

The resolutions (S. Res. 347) were read, considered by unanimous consent, and unanimously agreed to, as follows: