

By Mr. SHELTON: A bill (H. R. 5568) authorizing the Secretary of War to donate to the town of St. James, State of Missouri, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5569) authorizing the Secretary of War to donate to the town of Buffalo, State of Missouri, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5570) authorizing the Secretary of War to donate to the town of Rolla, State of Missouri, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SWANK: A bill (H. R. 5571) for the relief of Charles Hatch, alias Charles H. Lord; to the Committee on Military Affairs.

PETITIONS, ETC.

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

386. By Mr. BURDICK: Petition in the case of east Galicia and northern Bukovina, as to their political status; to the Committee on Foreign Affairs.

387. By Mr. BURROUGHS: Resolution of Concord Lodge, No. 537, Brotherhood of Railway Trainmen, opposing the repeal of the excess-profits tax and the enactment of a sales or turnover tax; to the Committee on Ways and Means.

388. By Mr. CHALMERS: Petition of women of the diocese of Ohio, Toledo district, urging favorable action on House bill 13334, which aims to prohibit fishing for salmon in the Yukon River; to the Committee on the Merchant Marine and Fisheries.

389. Also, petition of the Buckeye Producing Co., Toledo, Ohio, to repeal the internal revenue tax now levied on cereal beverages; to the Committee on Ways and Means.

390. By Mr. CRAMTON: Resolution of Knights of Columbus Council, No. 744, Mount Clemens, Mich., indorsing the program of legislation asked by the American Legion of the Sixty-seventh Congress in the interest of disabled veterans; to the Committee on Interstate and Foreign Commerce.

391. By Mr. CRISP: Petition of citizens of Smithville, Fitzgerald, Montezuma, and Marshallville, in the State of Georgia, protesting against the excessive freight rates, etc.; to the Committee on Interstate and Foreign Commerce.

392. By Mr. DENISON: Petition of the Cairo Products Co., Cairo, Ill., protesting against the 15 per cent tax levied on cereal beverages; to the Committee on Ways and Means.

393. By Mr. GALLIVAN: Petitions of E. F. Kakas & Sons, N. E. Music Trade Association, and A. M. McPhail Piano Co., all of Boston, Mass., relative to taxation matters; also, petition of George Hoyt, of Dorchester, Mass., relative to tax on athletic and sporting goods; to the Committee on Ways and Means.

394. By Mr. KENNEDY: Memorial of Americans of Ukrainian ancestry residing in Woonsocket, R. I., urging recognition of east Galicia as an independent State, the west Ukrainian republic; to the Committee on Foreign Affairs.

395. By Mr. KISSEL: Petition of Kathleen Byrne, of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

396. Also, petition of Liberty Textile Corporation, of New York, opposing the excess-profits tax and favoring the sales tax; to the Committee on Ways and Means.

397. Also, petition of Leroy T. Wells, of Wantagh, N. Y., favoring retirement for emergency officers of the Army, Navy, and Marine Corps the same as the regular officers of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

398. Also, petition of M. Crowe, of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

399. By Mr. MEAD: Petition of Buffalo Chamber of Commerce, favoring tariff on wood products; to the Committee on Ways and Means.

400. Also, petition of Lackawanna Council, No. 2243, Knights of Columbus, Lackawanna, N. Y., favoring relief for disabled soldiers; to the Committee on Interstate and Foreign Commerce.

401. Also, petition of Buffalo Chamber of Commerce, favoring a duty on all lumber imported into the United States; to the Committee on Ways and Means.

402. By Mr. NEWTON of Minnesota: Petition of sundry citizens of Minneapolis, petitioning the United States Congress to take the necessary steps looking toward the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

403. By Mr. SNYDER: Petition of Oneida Brewing Co., of Utica, N. Y., favoring the repeal of the tax on cereal beverages; to the Committee on Ways and Means.

404. By Mr. YATES: Petition of Edison Electric Appliance Co. (Inc.), Chicago, Ill., by Thomas E. Noonan, protesting against sales tax; to the Committee on Ways and Means.

SENATE.

SATURDAY, April 30, 1921.

(Legislative day of Thursday, April 28, 1921.)

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

Mr. LODGE. Mr. President, I make the point of no quorum. The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Gooding	Lenroot	Sutherland
Broussard	Hale	Lodge	Trammell
Cameron	Harris	McKellar	Underwood
Capper	Harrison	McKinley	Wadsworth
Caraway	Johnson	McNary	Walsh, Mont.
Colt	Kellogg	New	Watson, Ga.
Curtis	Kendrick	Norris	Willis
Dial	Keyes	Robinson	
Fernald	King	Sheppard	
France	Ladd	Spencer	

Mr. KELLOGG. I desire to announce the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Michigan [Mr. TOWNSEND], the Senator from West Virginia [Mr. ELKINS], and the Senator from Ohio [Mr. POMERENE], who are engaged on a hearing before a subcommittee.

Mr. CURTIS. I wish to announce that the Senator from Washington [Mr. POINDEXTER], the Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. SHORTRIDGE], the Senator from Colorado [Mr. NICHOLSON], and the Senator from Nevada [Mr. ODDIE] are detained at a committee meeting.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] to-day.

The VICE PRESIDENT. Thirty-seven Senators having answered to their names, a quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. HARRELD, Mr. OVERMAN, and Mr. SIMMONS answered to their names when called.

The VICE PRESIDENT. Forty Senators having answered to their names, a quorum is not present.

Mr. LODGE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SMOOT, Mr. WATSON of Indiana, Mr. DILLINGHAM, Mr. CUMMINS, Mr. HEFLIN, Mr. SHORTRIDGE, Mr. McCUMBER, Mr. NELSON, Mr. SWANSON, Mr. HITCHCOCK, Mr. POINDEXTER, Mr. ASHURST, Mr. ODDIE, Mr. NORBECK, Mr. NICHOLSON, Mr. WOLCOTT, Mr. WARREN, Mr. STERLING, Mr. ELKINS, Mr. SHIELDS, Mr. BURSUM, and Mr. CULBERSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Sixty-two Senators having answered to their names, a quorum is present.

Mr. LODGE. A quorum having appeared, I move that the order to the Sergeant at Arms be rescinded.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 407) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mahoning River, in the State of Ohio.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition of the Sweetwater Beverage Co., of Green River, Wyo., praying for the repeal of tax now levied upon cereal beverages, which was referred to the Committee on Finance.

Mr. ASHURST presented a memorial signed by W. S. Crowe and 102 other citizens of Globe, Ariz., remonstrating against any further suspension of the laws requiring annual labor or assessment work on unpatented mining claims, which was referred to the Committee on Mines and Mining.

Mr. HARRIS presented a telegram of Aaron Holt Post, Veterans of Foreign Wars, and Ware County Post, No. 10, American Legion, both of Waycross, Ga., protesting against the conclusion of any peace treaty with Germany until the return of Grover Cleveland Bergdoll, which was ordered to lie on the table.

He also presented a telegram in the nature of a petition from Mrs. Alonzo Richardson, chairman, and Mrs. Irving Thomas, president, representing 1,200 women of the Atlanta Woman's Club, of Atlanta, Ga., praying for the enactment of legislation providing adequate relief for wounded ex-service men, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution adopted at a meeting of the Kansas Oil and Gas Producers' Association, held at Independence, Kans., April 11, 1921, favoring a tariff of \$1.25 per barrel on foreign crude petroleum and a proportionate duty on foreign refined products of foreign crude petroleum, etc., which was referred to the Committee on Finance.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 674) to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia, reported it with an amendment and submitted a report (No. 9) thereon.

He also, from the same committee, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 1018) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918 (Rept. No. 10);

A bill (S. 1019) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children (Rept. No. 11);

A bill (S. 1020) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States (Rept. No. 12);

A bill (S. 1021) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii (Rept. No. 13); and

A joint resolution (S. J. Res. 13) authorizing the sale of food-stuffs in the possession of the War Department to any foreign State or Government (Rept. No. 14).

DES MOINES RIVER BRIDGE.

Mr. SHEPPARD. I report back favorably with amendments from the Committee on Commerce the bill (S. 1154) for the construction of a bridge across the Des Moines River at or near the city of Dumas, Mo., and I submit a report (No. 15) thereon. The Senator from Missouri [Mr. SPENCER] is very anxious to have the bill passed. He states that its early passage is imperative. It will take only a few moments to pass it, and I ask for the immediate consideration of the bill.

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

The amendments were, at the end of line 5, to strike out "double-track" before "bridge," and, in line 6, after the words "Des Moines River," to insert a comma and the words "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the Atchison, Topeka & Santa Fe Railway Co., its successors and assigns, be, and the same is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Des Moines River, at a point suitable to the interests of navigation, at or near Dumas, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. ROBINSON:

A bill (S. 1362) granting an increase of pension to George W. Robinson; to the Committee on Pensions.

A bill (S. 1363) authorizing the Secretary of War to donate to the town of Helena, Ark., two German cannons or fieldpieces; to the Committee on Military Affairs.

A bill (S. 1364) to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes"; to the Committee on Mines and Mining.

A bill (S. 1365) to provide for the purchase of a site and the erection thereon of a public building at Forrest City, in the State of Arkansas; and

A bill (S. 1366) to provide for the purchase of a site and the erection of a public building thereon at Monticello, in the State of Arkansas; to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH:

A bill (S. 1367) to carry out the findings of the Court of Claims in the case of Arthur E. Colgate, administrator of the

estate of Clinton G. Colgate, deceased; to the Committee on Claims.

By Mr. SUTHERLAND:

A bill (S. 1368) for the relief of George B. Todd; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 1369) to appropriate \$100,000 for the survey of public lands in Utah; and

A bill (S. 1370) granting to the State of Utah 2,000,000 acres of public land to aid in the maintenance of a system of public roads; to the Committee on Public Lands and Surveys.

By Mr. NORRIS:

A bill (S. 1371) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the claims of the Omaha Tribe of Indians against the United States; to the Committee on Indian Affairs.

By Mr. WILLIAMS:

A bill (S. 1372) to carry out the findings of the Court of Claims in the case of the estate of Haller Nutt, deceased; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 1373) to protect the name and insignia of the World War organizations; to the Committee on the Judiciary.

By Mr. HARRIS:

A bill (S. 1374) authorizing and directing the Interstate Commerce Commission to provide for the granting of reduced passenger rates by all railroad companies doing an interstate business through the sale of interchangeable mileage books of not less than 1,000 miles; to the Committee on Interstate Commerce.

By Mr. STERLING:

A bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

A bill (S. 1376) providing for the placing of Government employees engaged in the enforcement of national prohibition under the civil service; to the Committee on Civil Service.

By Mr. UNDERWOOD:

A bill (S. 1377) to amend section 300 of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Finance.

By Mr. SHIELDS:

A bill (S. 1378) granting a pension to G. F. Hudson;

A bill (S. 1379) granting an increase of pension to Wade H. Pyle;

A bill (S. 1380) granting a pension to Zania Seal Trent;

A bill (S. 1381) granting a pension to James M. Gibson;

A bill (S. 1382) granting an increase of pension to John B. Haley;

A bill (S. 1383) granting a pension to Fred W. McMeen;

A bill (S. 1384) granting an increase of pension to John F. Haynes;

A bill (S. 1385) granting an increase of pension to C. F. Boyer;

A bill (S. 1386) granting a pension to William D. Davis;

A bill (S. 1387) granting an increase of pension to Delia B. Zell;

A bill (S. 1388) granting a pension to Alfred C. Williams;

A bill (S. 1389) granting an increase of pension to Oliver P. Chambers;

A bill (S. 1390) granting an increase of pension to John T. Phillips;

A bill (S. 1391) granting an increase of pension to Alexander B. Tadlock;

A bill (S. 1392) granting an increase of pension to Jesse S. Baldwin;

A bill (S. 1393) granting a pension to Israel W. Bennett;

A bill (S. 1394) granting an increase of pension to Eugene E. Scherrer;

A bill (S. 1395) granting an increase of pension to Joseph C. Brewer;

A bill (S. 1396) granting a pension to Otto Greenlee;

A bill (S. 1397) granting a pension to Minta Jones;

A bill (S. 1398) granting a pension to Vian Bennett;

A bill (S. 1399) granting a pension to D. J. Owens;

A bill (S. 1400) granting an increase of pension to John L. Johnson; and

A bill (S. 1401) granting an increase of pension to Joseph Owen Dennison; to the Committee on Pensions.

A bill (S. 1402) for the relief of Charles M. Gourley; and

A bill (S. 1403) for the relief of Barneybass Eastridge; to the Committee on Military Affairs.

By Mr. GERRY:

A bill (S. 1404) for the relief of Philias Cauchon and Zelia Cauchon; to the Committee on Claims.

By Mr. SPENCER:

A joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

MONTAUK TRIBE OF INDIANS.

Mr. WADSWORTH submitted the following resolution (S. Res. 61), which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he hereby is, requested to report to the Senate where the Montauk Tribe of Indians, once in possession of the land known as Long Island, a part of the present State of New York, now reside; whether tribal relations and a tribal organization are still maintained by them; whether, and if so, to what extent, any of them are citizens of the United States; whether the tribe, if still existing as such, owns lands within the limits of the United States to which the Indian title has not been extinguished by cession, or otherwise; where such lands, if any, are situate, the extent of the same, by whom they are occupied and by what tenure held, and whether the tribe, or any of its members, are now under the care or custody or are subject to the control of the Interior Department, in any respect, in a manner similar to that of other Indians within the United States.

ADDITIONAL DISTRICT JUDGE FOR WEST VIRGINIA.

Mr. LODGE obtained the floor.

Mr. SUTHERLAND. Mr. President—

Mr. LODGE. I yield to the Senator from West Virginia.

Mr. SUTHERLAND. I ask unanimous consent to call up and to have considered immediately the bill (S. 694) providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia. It is an emergency bill, and was reported yesterday unanimously by the Committee on the Judiciary.

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

Mr. SMOOT. Mr. President, I should like to have the bill read.

The bill was read by title.

Mr. SMOOT. Does the Senator from West Virginia say that it is an emergency bill?

Mr. SUTHERLAND. I will say to the Senator that it is strictly an emergency measure, for the reason that the sitting judge in that district has been paralyzed for a year or more and is absolutely incapacitated for the performance of his duties. As a consequence the business of the district is in very bad shape. The former Attorney General and the present one have strongly recommended the passage of the bill. I repeat, it is an emergency matter in the strictest sense of the word, and I hope the Senator will not object to the consideration of the bill. A similar bill was passed through the Senate the last session, and the measure has been recommended unanimously by the former Judiciary Committee and by the present one.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, section 1, line 9, after the word "district," to insert the words "and the judge so appointed shall be held and treated as the senior judge and shall exercise such powers and perform such duties in that judicial district as may be incident to seniority," so as to make the section read:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the southern judicial district of the State of West Virginia, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and the judge so appointed shall be held and treated as the senior judge and shall exercise such powers and perform such duties in that judicial district as may be incident to seniority.

The amendment was agreed to.

Mr. KING. May I inquire of the Senator from West Virginia whether there is in the bill a provision that upon the demise of the present judge no additional judge shall be appointed?

Mr. OVERMAN. That is covered by the bill.

Mr. SUTHERLAND. There is such a provision embodied in section 2 of the bill. That section reads as follows:

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of West Virginia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and for other purposes.

Mr. LODGE. Mr. President, I shall not long detain the Senate by what I have to say in regard to the pending joint resolution. I can see no reason for consuming much time upon the subject. The question is so simple and so direct that I have been surprised at the vehemence that has been shown and the wide range of the discussion embarked upon in the last day or two by those who are opposed to the measure.

The pending resolution is a joint resolution. It is not a treaty. It is a law. It is to repeal a joint resolution passed by Congress declaring that a state of war existed between the United States and the Imperial Government of Germany and the United States and the Imperial and Royal Government of Austria-Hungary.

There have been intimations here in the debate that Congress was exceeding its powers in the pending resolution. Mr. President, there could be no more complete truism than that that which a legislative body can enact it can also repeal. If we had the power to pass that declaration that a state of war existed—and no one questions that power—we have an equal power to repeal it. The theory that peace can be made only by a treaty has no support in the Constitution that I am aware of, and no support in international law.

The fact that we repeal the declaration of the two Houses in April, 1917, simply is a repeal of an act which we passed, and leaves the situation so that instead of a status of war existing with Germany a status of peace exists. Whatever is to be done in completing that work by treaty must rest with the Executive power, to which belongs the right to initiate and negotiate treaties.

The war with Germany no longer exists as a fact and has not existed since the 11th of November, 1918. This joint resolution simply declares the fact, and that is all it does. The other provisions are also statutory enactments, giving notice to Germany that we shall insist upon all the rights we have under the Versailles treaty and shall hold the alien property funds until all claims against Germany are settled, and incidentally repeals the old treaty with Prussia. The right of Congress to abrogate a treaty directly or indirectly by statute is also unquestioned and has been sustained by the Supreme Court.

With Austria we take the same action. We simply repeal the declaration of a status of war against the Imperial and Royal Austro-Hungarian Empire, and that restores the status of peace.

The passage of this law invades no Executive power. It simply declares the law of the United States, which undoubtedly would be considered by the negotiators of any treaty that may follow.

It has been suggested here that we are invading the Executive authority. Mr. President, the cases are many in which Presidents have asked the opinion of the Senate before entering upon negotiations, asked their opinion as to the terms of a treaty before it has been made, and the recognition by the Executive of the share of the Senate in making treaties has been established by many precedents.

The President, in his speech of acceptance last July, declared that he would sign a resolution of this character whenever sent to him. I need not go into any elaborate discussion of the President's attitude. That was very fully covered by the Senator from Missouri [Mr. REED] yesterday, but I will read once more what he said in his message of April 12 last:

The United States alone among the allied and associated powers continues in a technical state of war against the Central Powers of Europe. This anomalous condition ought not to be permitted to continue. To establish the state of technical peace without further delay I should approve a declaratory resolution by Congress to that effect, with the qualifications essential to protect all our rights. Such action would be the simplest keeping of faith with ourselves and could in no sense be construed as a desertion of those with whom we shared our sacrifices in war, for these powers are already at peace.

This joint resolution is in exact accord with the policies there laid down and the request there made by the President of the United States. I realize that Senators on the other side have fallen so much into the habit of standing by the rights of the Executive, were they well founded or not, that they are naturally very sensitive if anything seems to intimate that the Senate must not first consult the Executive about any action the Senate chooses to take; but they may rest quite easy on this point. We are invading no right of the Executive. We are acting in accordance with his expressed wishes.

As to our attitude to those powers with which we were associated in the Great War, they have every one of them made peace with Germany. They made peace with Germany on the

28th of June, 1919. They so arranged the treaty and so provided that it came into effect when agreed to by three of the principal allied and associated powers. They have been at peace with Germany, therefore, for nearly two years. Is it to be supposed that we are to continue to remain in a condition of technical war with Germany when all the countries we were associated with in the war have made peace?

They did not ask our leave to make that peace effective. They provided specifically that they could make it without our association or consent. I have no fault to find with their doing so, and no desire to interfere with the terms of the peace which they made; but surely it does not debar us from making peace. They can not expect us to remain at war while they have all made peace; and if we choose to make peace with Germany by a treaty, which will probably follow this joint resolution, surely we are not betraying them. They do not expect it, Mr. President. They do not expect us to remain in a state of technical war with Germany. They know that that is an impossible situation and can not continue. The President made it entirely clear in his message, and it is also made evident by the notes that have been written by the Secretary of State in connection with these matters that we have no thought of abandoning the interests of those who were associated with us in the Great War against Germany.

In fact, treaties with Germany alone would be inadequate, as the President has stated; but the passage of this resolution unties our hands. England has been trading with Germany, has been represented in Berlin, has been represented in Vienna, and I suppose in the other fragments of the Austrian Empire which have been set up as independent States. Are we to remain unrepresented while all the other countries are represented? Are we to have our trade hampered, without official representation, without consuls, operating I believe through Spain, which represented our interests in Germany during the war?

We ought to put this country on the same basis of trade and commerce that France and Italy and England and all the other nations have had for two years. That is one of the practical results which make this joint resolution of immediate importance; but the most important thing of all is to get rid of the totally abnormal and anomalous situation in which we now are.

Mr. TOWNSEND. Will the Senator allow me to ask him a question at that point?

Mr. LODGE. Certainly.

Mr. TOWNSEND. I am somewhat disturbed over a proposition which possibly the Senator can make clear to me. I am in hearty accord with him in his desire to bring the technical state of war to an end. But in this resolution he proposes to repeal the act of April 6, 1917, which does create some difficulties in my mind. Why should it not be sufficient to say that the state of war declared by Congress on April 6, 1917, to exist between the Imperial German Government and the Government and people of the United States is hereby declared at an end?

Mr. LODGE. That is what it does say, in those terms.

Mr. TOWNSEND. But it says more. It repeals the act. I have omitted the declaration that the act declaring that a state of war existed on that date is repealed, because that is a fact, and have suggested what we are all trying to get, as I understand it, namely, that the condition declared on April 6 to exist is now at an end.

Mr. LODGE. That is a fact, unquestionably. But, of course, I think the Senator will admit that Congress has a right to repeal what it has enacted.

Mr. TOWNSEND. There is no doubt about that. But do we want to do it?

Mr. LODGE. It seems to me that is the most direct way of doing what we want to do. The Senator's suggested change brings the same result; but I think it is better to repeal it directly, rather than indirectly.

Mr. TOWNSEND. That necessarily carries embarrassments which may have occurred between April 6 and this hour. We are making our repeal date back as of April 6—that is, that the condition which existed when that resolution was passed is at an end, whereas if we said directly that the condition declared on April 6 to exist, namely, a state of war, is at an end now, and leave it there, it would be better.

Mr. LODGE. The language of the resolution is—

That the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist * * * and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

It seems to me that is the most direct way of doing it. Our laws are not like the traditional laws of Lycurgus and Solon—never to be repealed at any time. They are, of course, open to repeal at any time. A treaty of peace in substance repeals any

declaration of war that has been made. But this is wholly within the power of Congress, and the purpose is, of course, to get rid of the technical state of war. It has seemed to me all along that this is the most direct way of doing it.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I yield.

Mr. KELLOGG. It seems to me the point that is troubling the Senator from Michigan can be easily explained. We declared a state of war existing, and we prosecuted the war for nearly two years. The fact that we repeal the act does not invalidate or affect in the slightest degree all that was done.

Mr. LODGE. Of course not.

Mr. TOWNSEND. It is debatable ground as to what it does. What is the use of repealing it if you declare directly that the state of war is at an end?

Mr. KELLOGG. I do not say that would not be sufficient. But how can the repeal of the statute affect all the acts of the Government done under the declaration of war?

Mr. LODGE. Of course, the repeal of a law of any kind does not affect the acts done under the law while it was law. We simply declare the fact that the state of war declared to exist on April 6, 1917, no longer exists. That is all we say, and we put an end to it in that way, by this form of repeal.

Mr. President, I have stated why I think practically it is of value to our trade and commerce, that I think the present condition anomalous. It is in contradiction of the existing fact, and however we do it, we ought to come to the true status, the status of fact; that is, that there is no war, and has not been for two years, between this country and the Government of Germany.

I am sure that further negotiations will follow, probably, with those countries who were our associates in the war, as well as with Germany. That is the work, necessarily, of the Executive. This clears the ground, and I have been at a loss to understand the apparent intensity of the opposition to the passage of this resolution, but as I listened to speeches yesterday I came to the conclusion that what causes the feeling about it is that Senators think now that declaring a state of peace with Germany in some way severs the last connection with the league.

Mr. President, the existence of a technical state of war with Germany does not put us back into the league, and we are never going to climb back into it in that way or any other. That league, brought back by Mr. Wilson from Paris, as snarled up with the treaty of peace of Versailles, has been passed upon by the Senate and by the people, and that league, I venture to state, is dead. It is dead for the time being, anyway. It will stay dead, I think, at least four years, and I do not believe that any change of party in this country will ever restore life to that unhappy instrument.

Why should we cling to this beaten, discarded league? Why should we hesitate to clear the ground of one of the remaining obstacles so that we can do something with a free hand to improve the general condition of the world economically and in every other way?

Mr. SPENCER. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. SPENCER. Will the Senator be good enough to tell me as to whether it is not his understanding that some such resolution as this is not only quite expected by our allies but is viewed with entire complacency by them?

Mr. LODGE. Before the Senator came in I stated that was a fact, and I know they all expect that such a resolution will be passed. What they are concerned with is what we do subsequently, how we go out, as a very distinguished representative of France said. "Of course," he said, "we know you can not remain in this technical state of war." Nobody expects it. Nobody thinks that, so far as I know, except the distinguished Senators on the other side of the aisle, and not all of them, because some of them are Republicans.

But we might as well dismiss it and get rid of this encumbrance. This is too slender a thread to permit us to think that it will draw us back into the league. But I think it is wiser to accept the decision of the people, which certainly was plain enough. The President made this precise issue in his speech of acceptance. It was used as a foundation of argument throughout the campaign and on every stump. The people of the country absolutely understood the proposition, and when they voted by over 7,000,000 majority for Senator Harding they approved the position he had taken, if votes mean anything, and I think the time has come to clear away this remaining

piece of wreckage of the unhappy attempt to negotiate a peace in Paris.

If that peace satisfies Europe, we are content. We do not desire to interfere with what they want. But we are not going into that league, and this fact has been officially declared. Now, let us get rid of the ruins that remain, make a fresh start, and try to do something in our own way to help the condition of the world as it is at this moment.

Mr. HARRISON. Mr. President, before the Senator takes his seat will he yield for a question?

Mr. LODGE. Certainly.

Mr. HARRISON. The Senator has just stated that by practically 7,000,000 majority the American people passed on this proposition. Did I understand that he thought that issue was the separate treaty with Germany?

Mr. LODGE. That was one of the issues. It was an issue specifically made by our candidate for the Presidency, and by all our speakers on the stump.

Mr. HARRISON. The Senator will recall that there were many very prominent gentlemen, leaders in the Republican Party, who were for the league. I think there were 31 at one time who signed a petition to the proleague Republicans in the country and the independent people in the country, stating that the best way to adopt the treaty of Versailles and to get into the League of Nations was through the election of Harding and Coolidge, and among those numbers who signed, and who made speeches, none was more prominent and none expressed himself stronger as to that proposition than the present Secretary of State.

Mr. LODGE. Mr. President, if I have in mind the same letter to which the Senator from Mississippi refers, which was headed by Mr. Root—

Mr. HARRISON. Yes.

Mr. LODGE. And I think drafted by him, it did not state just what the Senator from Mississippi states. If the Senator will get it and read it, I think he will find it is a different proposition.

Mr. HARRISON. I have it in my possession, and I shall read it before this debate is over.

Mr. LODGE. I hope the Senator will. It is very good reading, especially in its conclusion.

Mr. HARRISON. I did not understand the remark of the Senator a moment ago, and I do not know how the Senator feels toward the other statement I made, that the present Secretary of State, in his speeches to the people in that campaign, did state that one of the best ways to get the treaty of Versailles ratified and the United States into the League of Nations was through the election of Harding and Coolidge.

Mr. LODGE. Mr. President, I remember most conspicuously in the statements and speeches of the distinguished Secretary of State that he more completely destroyed article 10 and the body of the league than anyone else, I think, who spoke.

Mr. HARRISON. Oh, well, the Senator has not answered my question yet.

Mr. LODGE. I have not the speech here, but I shall be very glad to get it and read it.

Mr. HARRISON. I have it, and I will get it and have it read to the Senator in a moment.

Mr. LODGE. I hope the Senator will have all the reading done in his own time.

Mr. SHIELDS. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. I yield.

Mr. SHIELDS. Did I understand the Senator to assert that the treaty was the issue in the campaign upon which the people passed? As I understood the proposition, the question was whether the United States should become a member of the League of Nations as contained in the German treaty.

Mr. LODGE. That was the question, of course.

Mr. SHIELDS. That we should agree to part 1 of the treaty, which contained the covenant of the league.

Mr. LODGE. It was absolutely that.

Mr. SHIELDS. That, I understand, was the proposition proposed by the then Chief Executive at the Jackson Day dinner here in Washington, to be decided in a great and solemn referendum.

Mr. LODGE. There is no doubt about it.

Mr. SHIELDS. That I understood to be the paramount issue presented by the Democratic platform, and also the issue which was presented in the interview of President Wilson to the New York World, and subsequently delivered in a statement to some 15 Republicans and nondescripts who favored the league who went to the White House to hear and give it publicity.

Mr. LODGE. Yes.

Mr. SHIELDS. I did not hear any of his speeches, but that was made the chief issue by the Democratic candidate for the Presidency, Gov. Cox, as reported in the public press.

Mr. LODGE. So I understood. I did not read all of his speeches.

Mr. SHIELDS. The issue was whether or not we should become a member of the league. I remember on one occasion reading with some interest a speech Gov. Cox made at Youngstown, Ohio, or rather a remark in a speech there, when heckled by some one in the crowd as to his opinion of those Democratic Senators who opposed the League of Nations or favored reservations to it, in which he is reported to have said, "If one of them was a candidate for the United States Senate against a Republican who was for the league, I would vote for the Republican and make speeches for him." I thought that was presenting the issue in a pretty clear-cut manner. That issue was settled by a majority of about 7,000,000 out of about 27,000,000 ballots that were cast in the solemn referendum. The people have spoken, and their voice is the law and should be obeyed.

Now, that was the covenant of the League of Nations as I understand it, but that inevitably carries with it the Versailles treaty. Our President when negotiating that treaty, while on a visit to America pending those negotiations, announced that when that treaty came to America the covenant of the League of Nations would be so intertwined and interwoven with it that it would be impossible to dissect one from the other. That statement was carried out literally, ingeniously, and forcefully. The authority of the League of Nations so permeates and honeycombs the Versailles treaty that it is impossible for it to exist and be executed without the League of Nations. Thus the infirmities of the covenant of the League of Nations affect the treaty to such an extent and so inextricably as to make the document, the treaty proper, hopelessly and incurably bad, and the only possible thing to do is to scrap the entire document, in my opinion. As to apprehension that the resolution will have that effect, I have understood that that is the object of it, and that is why I am going to vote for it.

I can see no objection to giving the peace, which is conceded to exist in fact, a legal status. I can see no bad faith to our allies in the war in doing what they have done nearly two years ago. I can see no wrong in giving our nationals the commercial advantages in trading with Germany which our recent allies have engaged in and profited by for more than a year to our injury.

Mr. LODGE. Mr. President, there is no doubt in my mind whatever that the one great central issue of the last campaign was the League of Nations and whether we should enter it or not. This is a resolution subsidiary to the decision made by the people of the United States. There can be no question, I think, as to how they voted and that they voted against the covenant of the League of Nations. That covenant, as the Senator from Tennessee has pointed out, is so intertwined and involved—I wish to give President Wilson the credit of saying that he had involved it knowingly with the treaty of Versailles—that it will require, on the best calculation I have been able to make, at least 72 amendments to the treaty of Versailles to get the League of Nations out of it, and when we have got it out nothing but a shell remains.

I hope we shall do the obvious thing, complete the clearance of the ground and declare the fact that a state of war no longer exists between this country and the Austrian Empire.

Mr. ROBINSON. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. LODGE. Certainly.

Mr. ROBINSON. The Senator from Massachusetts has been long in the public service and has broad experience in dealing with matters pertaining to our foreign relations. Does the Senator from Massachusetts recall any other incident in which the Congress of the United States has repealed a declaration of a state of war?

Mr. LODGE. No.

Mr. ROBINSON. On yesterday I submitted some observations and inquiries addressed to the same point as was embraced to-day in the remarks and inquiries of the Senator from Michigan [Mr. TOWNSEND]. The custom prevails of repealing acts of Congress, resolutions, or statutes that have a continuing application. I do not myself know of any instance where Congress has repealed an act or resolution that has performed its functions, as is the case at issue here.

The declaration of war was made as to Germany on the 6th of April and as to Austria-Hungary on the 7th of December, 1917, and the war was brought to a successful conclusion, actual hostilities ceasing, with the signing of the armistice. I am utterly unable to understand the legal effect which the proponents of the joint resolution intend to accomplish by re-

pealing the declaration of war. Many measures passed by Congress of a somewhat extraordinary character, including the espionage act, acts respecting the custody of property belonging to aliens, and other far-reaching measures, were based solely on the existence of a state of war. They were justified by the emergency recognized by the resolution which we are now seeking to repeal.

Is it, in the opinion of the Senator from Massachusetts, calculated to strengthen the power of Congress to declare the existence of a state of peace to pass a resolution repealing the resolution under which we recognized the existence of a state of war?

Mr. LODGE. I do not see that the repeal of an act of any kind or of a declaration of war or a state of war has the slightest effect upon what was done under the repealed act.

Mr. ROBINSON. Has Congress the power to declare a state of peace independently of its power to repeal the resolution declaring a state of war?

Mr. LODGE. Congress undoubtedly has the power to repeal anything that it has ever enacted.

Mr. ROBINSON. Then will the Senator from Massachusetts tell the Senate what is the object, what is the motive, what is the inspiring cause of this extraordinary action by which in violation of every precedent of our history we propose to repeal the provision by which we sent millions of American soldiers into battle and expended billions of American dollars?

Mr. LODGE. It has nothing on earth to do with what we did under that resolution of course. The declaration that the existing state of war has come to an end is a matter of fact and we recognize the matter of fact just as we recognized the existence of the state of war. Of course we can repeal anything that we can enact. If we did not have the power to enact it, then we could not repeal it, but we had the power to enact it.

Hitherto in a few cases where we have been at war of course the peace made by treaty has necessarily repealed the act declaring war. The mere form of repealing it does not change anything that has been done under it of course. We are continually repealing acts, and every time we revise the code or the statutes many are declared obsolete and are repealed by Congress, but what was done under them when they were in existence is not repealed or changed in any way.

Mr. ROBINSON. But what, I inquire of the Senator from Massachusetts again, is the legal effect of a repeal of the declaration of war after the war has already been ended?

Mr. LODGE. It will not have the slightest legal effect on anything that has been done.

Mr. ROBINSON. Then why insist upon the passage of the pending joint resolution?

Mr. LODGE. Because we desire to recognize the existing state and put ourselves on a level with the other nations that have already made peace and who did not wait for us. The argument always leads to one thing, that we must stay in a technical state of war because other countries have made peace in another way. It is the old international view that we are having pushed at us again.

Mr. ROBINSON. The Senator from Massachusetts has at last admitted that the proposal to repeal the declaration of war can have no legal effect. Now, let me inquire of the Senator from Massachusetts what will be its inevitable moral effect?

Mr. LODGE. If the Senator will allow me—and I believe I still have the floor—I said no legal effect on what happened before it was repealed. Of course, it will have a legal effect on the future.

Mr. ROBINSON. The inevitable moral effect of the joint resolution, whatever may be its purpose, repealing the declaration of war when it can have no relation, as the Senator from Massachusetts admits, to anything that has passed, is to encourage our former enemies and to discourage our former allies in their efforts to settle the reparations dispute.

Mr. LODGE. I yielded for a question, and not for a speech, able as it is. I had not intended to hold the floor so long. I have held it much longer than I desired. I recognize that there are many other Senators who desire to speak.

Mr. COLT. Will the Senator from Massachusetts permit me to ask the Senator from Arkansas a question?

Mr. LODGE. Certainly.

Mr. COLT. We passed the act declaring the United States in a state of war on April 6, 1917.

Mr. ROBINSON. Yes; I stated so—that is, as to Germany.

Mr. COLT. That is all I am talking about.

Mr. ROBINSON. The Senator had not said so. As to Austria-Hungary, we passed it on December 7.

Mr. COLT. I wish to ask the Senator when, in his view, was the state of war created by that act, and when did it cease?

Mr. ROBINSON. The state of war existed at the time we passed the declaration of war.

Mr. COLT. When did it cease?

Mr. ROBINSON. The nominal state of war continues to exist, in the legal sense, I think.

Mr. COLT. The armistice only suspended the state of war.

Mr. ROBINSON. The armistice terminated actual hostilities.

Mr. COLT. Then, does the Senator concede that the legal state of war still exists?

Mr. ROBINSON. I think perhaps it does.

Mr. COLT. If the legal state of war still exists by virtue of the resolution of April 6, 1917, can not the United States, by repeal of that resolution, put itself into a legal state of peace, so far as the United States is concerned?

Mr. ROBINSON. Why, Mr. President, if the Congress has the power to declare a state of peace, the repeal of the resolution declaring a state of war is not necessary and we ought not to make it, for the simple reason that the repeal of a statute that has been executed is usually based upon the ground that the passage of the statute was wrong in the first instance.

Mr. COLT. Oh, no. Now, the Senator from Arkansas knows that we are dealing with very technical questions.

Mr. ROBINSON. We are also dealing with practical questions.

Mr. COLT. A de facto peace and a legal peace are two different propositions. We are in a de facto peace. Now we want to create, if you please, a legal peace. The Senator from Massachusetts—

Mr. ROBINSON. One moment. Will the Senator yield to me for a question?

Mr. COLT. One moment, if the Senator please. As the Senator from Massachusetts said, and as we all know, we can not create a complete legal peace until Germany by some act, so far as we are concerned, puts herself in a condition of legal peace. Of course, we all know that Congress can repeal any act or resolution that it has passed, and therefore by the repeal of the resolution of April 6, 1917, Congress can place the United States in a condition of legal peace, so far as this country is concerned.

Mr. ROBINSON. I stated that yesterday, as the Senator would know if he had done me the honor to listen to my remarks. I said the Congress could repeal the resolution. But I now ask the Senator from Rhode Island a question. If Congress has the power to declare a state of peace, and thus accomplish all that is intended by the proponents of the resolution to be accomplished, why repeal the resolution declaring the existence of a state of war?

Mr. COLT. Because the repeal of the resolution declaring a state of war is the simplest and most effective way to reach, technically, a legal state of peace.

Mr. ROBINSON. But you also declare the state of peace. Why repeal the declaration if you have the power to declare a state of peace?

Mr. LENROOT. Mr. President—

Mr. LODGE. Of course, we have the power to declare peace. We have the power to pass any resolution we choose. We are not forbidden from doing that.

Mr. ROBINSON. If you have the votes you can humiliate the men who made sacrifices in the Great War, you can dishonor the memory of the men who fell in battle, you can bring the name of this Nation into disrepute among the nations of the world, if you have the votes to do it, but I intend that the country shall know what you are doing. You are doing a futile, feeble, and foolish thing, in my opinion, when you repeal the resolution declaring the existence of a state of war after the war has ended.

Mr. LODGE. Mr. President, it has nothing whatever to do with the men who were in the war or anything done under the declaration of war—nothing whatever. It simply recognizes a fact. The trouble on the other side of the aisle is that they still will not recognize facts. They will not recognize that the war is over and that the country is at peace practically, and that their league and their treaty have been beaten, and beaten by the people. Recognize the facts, and let us go on.

Mr. LENROOT. Mr. President—

Mr. LODGE. I yield now to the Senator from Wisconsin.

Mr. ROBINSON. Will the Senator be kind enough—

Mr. LODGE. I yield to the Senator from Wisconsin, who spoke first.

Mr. LENROOT. Mr. President—

Mr. ROBINSON. Will the Senator from Massachusetts be kind enough—

Mr. LODGE. I have yielded to the Senator from Wisconsin, who first rose.

Mr. LENROOT. I want to ask the Senator from Massachusetts about a remark that he made in speaking of the treaty proper, that if the provisions referring to the League of Nations were eliminated from the treaty proper only a shell would be left. That must have been an inadvertent statement on the part of the Senator. I think the Senator will agree that there are three principal parts to the treaty of Versailles other than the League of Nations—the fixing of boundaries, the reparations, and the right of occupation. All those provisions would still be left if the league covenant were eliminated.

Mr. LODGE. Oh, yes.

Mr. LENROOT. And those provisions comprise the major part of the treaty.

Mr. LODGE. I have doubt about that. I intended to say, and I thought I did say, that to eliminate the League of Nations, I found, as I think the Senator will find if he examines the treaty of Versailles, would require about 72 amendments.

Mr. LENROOT. That might be.

Mr. LODGE. It would be necessary to tear the treaty very much to pieces when it came to making the treaty over.

Mr. LENROOT. That might be so, too; but I want to ask the Senator this question: A modification of the treaty proper, excluding the League of Nations from any power to enforce the treaty, would not be a very difficult proposition, would it?

Mr. LODGE. Perhaps not. I once tried to disentangle the treaty from the League of Nations, and I found it a pretty difficult undertaking; but, of course, if the treaty of Versailles is going to be made over, that is only a small part of what has got to be done. There is part 13; there is the Shantung provision, and taking us out of all the commissions in which we are included and in which we do not want to be and in which nobody wants us to be. I think the Senator would find when he got through that there would not be much left.

Mr. LENROOT. Mr. President, the Senator has referred to the action of the country. Is it not true that the action of the country was upon the covenant of the League of Nations in the treaty and not upon the provisions of the treaty proper?

Mr. LODGE. The central question, of course, was that of entering into the covenant of the League of Nations; that overshadowed everything else. The treaty of Versailles proper is another question which was but little discussed here.

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

Mr. LODGE. Certainly.

Mr. POMERENE. The Senator a moment ago suggested this side of the Chamber was not able to recognize facts. I think I do, and if the Senator will permit me, I want to call his attention to several of these facts.

Mr. LODGE. Mr. President, I have no desire to hold the floor any longer. I have tried to relinquish the floor several times.

Mr. POMERENE. I think this will be interesting, if the Senator will indulge me.

Mr. LODGE. Would it not be better for the Senator to make his statement in his own time?

Mr. POMERENE. I want the benefit of the Senator's answer to the question I am about to ask, if I may have it.

Mr. LODGE. Certainly.

Mr. POMERENE. The Alien Property Custodian, according to his report, seized about 33,000 estates. Most of those were seized during the first year or, perhaps, during the first six months of his official action. They were valued at \$700,000,000. That property is still in the hands of the Government, at least most of it. Our Government also seized a very large number of ships which had sought refuge in our ports from the British and the French fleets. I think that there can be no doubt about the fact that that property, including the ships, was seized by our Army and Navy and civilian authorities pursuant to the joint resolution declaring a state of war to exist. We are now seeking to repeal that joint resolution. My question is this—

Mr. LODGE. Mr. President, the Senator from Ohio must know that there was an elaborate act passed authorizing all those seizures.

Mr. POMERENE. I realize that very fully.

Mr. LODGE. The trading with the enemy act covers the matter.

Mr. POMERENE. Yes; but that act was passed in pursuance of the first step which we had taken.

Mr. LODGE. Undoubtedly.

Mr. POMERENE. Namely, declaring a state of war.

Mr. LODGE. Does the Senator suggest that repealing the act declaring a state of war alters anything that was done while that act was in effect?

Mr. POMERENE. My question is a little bit long, but the Senator has not waited until I have completed my thought.

Mr. LODGE. I thought it was approaching an end. [Laughter.]

Mr. POMERENE. Perhaps I am a little bit long in my statement, but nevertheless it interests me.

Mr. LODGE. I am sure it interests everybody, I will say to the Senator from Ohio.

Mr. POMERENE. I thank the Senator.

In 1799 we entered into a treaty with Prussia. That treaty expired, but later it was revived by the treaty of 1828, and it is still in full force and effect.

Mr. LODGE. If the Senator will pardon an interruption, that is one reason for passing the pending joint resolution, which abrogates it.

Mr. POMERENE. Still the Senator has not waited until I have completed my inquiry.

Mr. LODGE. I was trying to help the Senator make his statement.

Mr. POMERENE. I think I can make my own statement without any help in that respect.

Mr. LODGE. The Senator from Ohio is helping me make my speech.

Mr. POMERENE. I am quite sure that the Senator from Massachusetts has had so much experience that he needs no help; and we all respect his great ability, even if we do not concur in his conclusions. However, this is one of the provisions of the treaty with Prussia to which I refer:

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts, settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance.

That means, if it is given the effect which was intended, the Germans in this country, when war broke out, had the right to carry off all their goods, including all their ships. That treaty also provides that it shall be in force both "in time of war and in time of peace." I think the distinguished Senator from Massachusetts will agree with me that the German Government took the position that these seizures were illegal. On the other hand, we contended that we had the right to make them because we passed the resolution declaring a state of war to exist, and because of the subsequent legislation; but the foundation for all of that legislation was the war resolution. Now, when we repeal the resolution declaring a state of war to exist, are we not at least giving color to the German claim; namely, that these seizures were illegal? Will the repeal not go further, and jeopardize our title to the property thus seized by our forces?

Mr. LODGE. Mr. President, the pending joint resolution, as I read it and as it is intended, covers entirely and absolutely the question of the property seized and in the possession of the Alien Property Custodian. We did not get anything under the treaty of Versailles except a bill of indemnity for Mr. Palmer. We got all his acts validated; that is the only substantial thing we got out of it. I do not think the joint resolution before us at all affects that situation. The fact that we repeal the joint resolution declaring a state of war to exist does not change or invalidate anything that was done under that act. That certainly is true.

As to the treaty with Prussia, I have always believed that treaties of that character—and that is not the only one; we had one with Mexico, which somehow or other we did not seem to follow very closely, and which was to take effect both in peace and in war—follow the general rule that war abrogates all treaties, just as our War with Spain abrogated all our treaties with Spain, and we had to negotiate new treaties. But, however that may be, the pending joint resolution disposes specifically of the Prussian treaty.

Mr. HARRISON. If before the Senator takes his seat he will allow me to interrupt him, I desire to suggest that a few moments ago we were discussing what 31 prominent Republican leaders had stated in their appeal to the country for votes for Harding and Coolidge in the last campaign. I did not have the document in my possession at that time, but I have it now, and I desire to refresh the memory of the Senator concerning certain passages of it.

Mr. LODGE. If the Senator will allow me to take my seat and yield the floor to him, I shall be delighted to have him read it.

Mr. HARRISON. I want it to appear in the Senator's time, so as to show the inconsistency of his position or to controvert what he so plainly stated.

Mr. LODGE. That is unimportant.

Mr. HARRISON. I understand it is unimportant to the Senator.

Mr. LODGE. But I should like to have a correct version of it and not the version which the Senator from Mississippi gave us. I will be very glad to have the correct version printed.

Mr. HARRISON. It is a very correct version which I have before me.

Mr. LODGE. I hope so.

Mr. HARRISON. And it is signed by very distinguished Republican leaders, the list being headed by Charles Evans Hughes, the present Secretary of State, and including Herbert Hoover, the present Secretary of Commerce; Elihu Root, a very distinguished Republican and ex-Secretary of State; Henry W. Taft; Oscar S. Straus; George W. Wickersham, ex-Attorney General; Henry L. Stimson, ex-Secretary of War; and many others whose names will appear in the RECORD when the document is printed. I am not going to read it all.

Mr. BORAH. Not so very many others.

Mr. HARRISON. Well, 31 of them.

Mr. BORAH. Out of 7,000,000.

Mr. HARRISON. Those who signed the paper are pretty prominent gentlemen, and they influenced about all on the other side of the aisle except the distinguished Senator from Idaho and 11 others to their view. I shall merely read part of the document, and will ask that the remainder of it be included in the RECORD.

Mr. LODGE. I should like to have it all printed.

Mr. HARRISON. All of it will be printed in the RECORD; but I do not want to trespass too much on the time of the Senate, so I will not read it all.

The question—

Say Charles Evans Hughes, Herbert Hoover, George W. Wickersham, et al.—

The question between the candidates—

This appeal was issued on October 15, 1920, right in the heat of the campaign—

The question between the candidates is not whether our country shall join in such an association. It is whether we shall join under an agreement containing the exact provisions negotiated by President Wilson at Paris or under an agreement which omits or modifies some of those provisions that are very objectionable to great numbers of the American people.

The question, accordingly, is not between a league and no league, but is whether certain provisions of the proposed league agreement shall be accepted unchanged or shall be changed.

We can not regard such a provision as necessary or useful for a league to preserve peace.

We have reached the conclusion that the true course to bring America into an effective league to preserve peace is not by insisting with Mr. Cox upon the acceptance of such a provision as article 10, thus prolonging the unfortunate situation created by Mr. Wilson's insistence upon that article, but by frankly calling upon the other nations—

"By frankly calling upon the other nations"—

to agree to changes in the proposed agreement which will obviate this vital objection and other objections less the subject of dispute, but by frankly calling upon the other nations to agree to changes in the proposed agreement which will obviate this vital objection and other objections less the subject of dispute. The Republican Party is bound by every consideration of good faith to pursue such a course until the declared object is attained.

They say nothing here about any separate peace.

For this course we can look only to the Republican Party and its candidate; the Democratic Party and Mr. Cox are bound not to follow it.

We have reached the conclusion—

Say these distinguished Republican leaders, two of whom have been honored by the President with high places in the Cabinet—

We have reached the conclusion that the true course to bring America into an effective league to preserve peace is not by insisting with Mr. Cox upon the acceptance of such a provision as article 10, thus prolonging the unfortunate situation created by Mr. Wilson's insistence upon that article, but by frankly calling upon the other nations to agree to changes in the proposed agreement which will obviate this vital objection and other objections less the subject of dispute. The Republican Party is bound by every consideration of good faith to pursue such a course until the declared object is attained.

For this course we can look only to the Republican Party and its candidate.

The conditions of Europe make it essential that the stabilizing effect of the treaty already made between the European powers shall not be lost by them and that the necessary changes be made by changing the terms of the treaty, rather than by beginning entirely anew.

So different from what the Senator says. Continuing:

That course Mr. Harding is willing to follow, for he said in his speech of August 28—

Quoted by these distinguished men—

"I would take and combine all that is good and excise all that is bad from both organizations (the court and the league)."

This statement is broad enough to include the suggestion that if the league which has heretofore riveted our consideration and apprehensions has been so entwined and interwoven into the peace of Europe that its good must be preserved in order to stabilize the peace of that continent, then it can be amended or revised so that we may still have a remnant of the world's aspirations in 1918 build into the world's highest conception of helpful cooperation in the ultimate realization.

We therefore believe that we can most effectively advance the cause of international cooperation to promote peace by supporting Mr. Harding for election to the Presidency.

And then follows the list of 31 Republicans who signed the manifesto. I ask that it all be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

CELEBRATED STATEMENT OF THE 31 PROLEAGUE REPUBLICANS WHO URGED THE ELECTION OF SENATOR HARDING AS THE SUREST WAY TO GET THE LEAGUE OF NATIONS.

[From the New York World, Oct. 15, 1920, p. 1.]

"The undersigned, who desire that the United States shall do her full part in association with the other civilized nations to prevent war, have earnestly considered how we may contribute most effectively to that end by our votes in the coming election.

"The question between the candidates is not whether our country shall join in such an association. It is whether we shall join under an agreement containing the exact provisions negotiated by President Wilson at Paris or under an agreement which omits or modifies some of those provisions that are very objectionable to great numbers of the American people.

"The paper signed by 38 Republican Senators in March, 1919, before the league covenant was adopted at Paris, advised the President that the signers could not approve a treaty in the form then proposed, although it was 'their sincere desire that the nations of the world should unite to promote peace and general disarmament.'

"A majority of the Senate voted to ratify the league agreement with modifications, which there is good evidence to show would have been accepted by the other nations; but Mr. Wilson refused to accept these modifications and insisted upon the agreement absolutely unchanged, and Democratic Senators sufficient in number to defeat the treaty as modified followed Mr. Wilson by voting against ratification.

"That is substantially the difference between the parties now. The Democratic platform and candidate stand unqualifiedly for the agreement negotiated at Paris without substantive modification.

"On the other hand, the Republican platform says:

"The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

"Mr. Harding said in his speech of August 28:

"There are distinctly two types of international relationship. One is an offensive and defensive alliance of great powers. * * * The other type is a society of free nations or an association of free nations or a league of free nations, animated by considerations of right and justice instead of might and self-interest, and not merely proclaimed an agency in pursuit of peace but so organized and participated in as to make the actual attainment of peace a reasonable possibility. Such an association I favor with all my heart, and I would make no fine distinctions as to whom credit is due. One need not care what it is called. Let it be an association, a society, or a league, or what not. Our concern is solely with the substance, not the form thereof.

"Mr. Harding has since repeatedly reaffirmed the declarations of this speech in the most positive terms.

"The question accordingly is not between a league and no league, but is whether certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed.

"The contest is not about the principle of a league of nations, but it is about the method of most effectively applying that principle to preserve peace.

"If the proposed changes in the Paris agreement were capacious or without substantial ground one might question the sincerity of their advocates. This, however, is not the case.

"The principal change proposed concerns article 10 of the league covenant as negotiated at Paris. Mr. Wilson declares this to be 'the heart of the league,' and the chief controversy is about this.

"Article 10 provides that the nations agreeing to the treaty shall 'preserve as against external aggression the territorial integrity, existing political independence of all members of the league.'

"That is an obligation of the most vital importance and certainly binds every nation entering into it to go to war whenever war may be necessary to preserve the territorial integrity or political independence of any member of the league against external aggression.

"It is idle to say that Congress has power to refuse to authorize such a war, for whenever the treaty calls for war a refusal by Congress to pass the necessary resolution would be a refusal by our Government to keep the obligation of the

treaty. The alternative would be war or a breach of the solemnly pledged faith of the United States.

"We can not regard such a provision as necessary or useful for a league to preserve peace.

"We have reached the conclusion that the true course to bring America into an effective league to preserve peace is not by insisting with Mr. Cox upon the acceptance of such a provision as article 10, thus prolonging the unfortunate situation created by Mr. Wilson's insistence upon that article, but by frankly calling upon the other nations to agree to changes in the proposed agreement which will obviate this vital objection and other objections less the subject of dispute. The Republican Party is bound by every consideration of good faith to pursue such a course until the declared object is attained.

"For this course we can look only to the Republican Party and its candidate; the Democratic Party and Mr. Cox are bound not to follow it.

"The conditions of Europe make it essential that the stabilizing effect of the treaty already made between the European powers shall not be lost by them and that the necessary changes be made by changing the terms of the treaty rather than by beginning entirely anew.

"That course Mr. Harding is willing to follow, for he said in his speech of August 28:

"I would take and combine all that is good and excise all that is bad from both organizations (the court and the league). This statement is broad enough to include the suggestion that if the league which has heretofore riveted our considerations and apprehensions has been so entwined and interwoven into the peace of Europe that its good must be preserved in order to stabilize the peace of that continent, then it can be amended or revised so that we may still have a remnant of the world's aspirations in 1918 build into the world's highest conception of helpful cooperation in the ultimate realization.

"We therefore believe that we can most effectively advance the cause of international cooperation to promote peace by supporting Mr. Harding for election to the Presidency.

"List of the 31 Republicans who signed the manifesto: Charles Evans Hughes; Herbert Hoover; Elihu Root; Henry W. Taft, member executive committee, League to Enforce Peace; Oscar S. Straus, member executive committee, League to Enforce Peace; George W. Wickersham, member executive committee, League to Enforce Peace; Henry L. Stimson; Lyman Abbott; Paul D. Cravath; Nicholas Murray Butler, president of Columbia University; Samuel McCune Lindsay, president of Academy of Political Science, University of Columbia; A. Lawrence Lowell, president of Harvard University, chairman executive committee, League to Enforce Peace; John Grier Hibben, president Princeton University; Frank J. Goodnow, Johns Hopkins University; William H. P. Faunce, president of Brown University; William Lawrence, bishop of Massachusetts; John Henry McCracken, president Lafayette College; Henry S. Prichett, president Carnegie Foundation for Advancement of Teaching; Jacob Gould Schurman, former president Cornell University; Charles A. Richmond, president Union College, Schenectady, N. Y.; William Allen White, editor, Emporia, Kans.; W. W. Willoughby, professor of political science, Johns Hopkins University; George A. Plimpton, president board of trustees Amherst College; Robert Brookings, president of Washington University; Alexander C. Humphries, president Stevens Institute of Technology; Ernest M. Hopkins, president of Dartmouth College; Charles W. Dabney, University of Cincinnati; Isaac M. Ullman, New Haven, member executive committee, League to Enforce Peace; Samuel Mather, Cleveland, Ohio; Ray Lyman Wilbur, president Leland Stanford University; and Warren Gregory, San Francisco.

"* * * Two of the above list—Paul D. Cravath and George W. Wickersham—joined in an appeal sent in June, 1919, to Senators Wadsworth and Calder urging prompt ratification of the Versailles treaty, which embodied the league covenant."

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. ROBINSON. In connection with that proposition, I assume that the Senator from Mississippi remembers that the President, when a Member of the Senate, voted twice for the ratification of the treaty embracing the League of Nations with reservations; and I suppose he also recalls that after the acceptance speech referred to by the Senator from Massachusetts, and quoted by the latter in a limited degree, a controversy of very far-reaching significance arose between Republicans as to what he meant. The Senator from Idaho [Mr. BORAH] and the Senator from California [Mr. JOHNSON], whom we have learned to style respectfully as "irreconcilables" in connection with the agitation of treaty subjects, declared that he meant to repudiate the treaty and the League of Nations. The present members of his Cabinet, Mr. Hughes and Mr. Hoover, and other prominent Republicans, including those in the list submitted

by the Senator from Mississippi, declared that he meant to approve it, and that the only safe way to secure it was to elect him.

The campaign continued throughout a period of many months, and the public were divided in opinion, I might say, until its conclusion, as to how the President stood upon the matter. They knew his record. They knew that as a Senator he had voted to ratify the treaty with reservations. They knew that one powerful faction of the Republican Party, if I may so term the element, led by the Senator from California and the Senator from Idaho, was opposed to the treaty in any form; they wanted the United States to stand alone and independent of any relationship with other nations so far as it was affected by the proposed League of Nations; and they knew that there were millions of men and women in the United States who believed that this Government ought to cooperate with the other civilized nations in an effort to promote the permanent peace of the world, and that the League of Nations was a more or less instrumental agency calculated to accomplish that effect.

And so the election came. Mr. Hoover expressed his opinion very clearly on the subject in an address before Leland Stanford Junior University, on October 2, 1919; and I do wish my very dear friend the Senator from Missouri [Mr. REED] could hear this statement. The Senator from Missouri, you know, is always so interested, if not inspired, by anything that emanates from that very authoritative source. [Laughter in the galleries.]

Mr. Hoover said, in the address to which I have referred, if the Senator from Mississippi will permit me to read it:

The treaties can not be carried out without the league. If the league falls, the treaties also fall. In that even civilization will be taken back to the Middle Ages. If we attempt to revise the treaty we shall tread a road through European chaos.

Even if we manage to keep our soldiers out of it, we will not escape fearful economic losses. * * * A peace without us means more army and navy for us, with the old treadmill of taxes. * * * For us to refuse to enter into a joint attempt with the well-thinking sections of a large part of the world to establish a continuing moral conscience against war is the utmost folly in our own interest.

So that the attitude of Mr. Hoover, the present Secretary of Commerce, was defined not only by his statement, in conjunction with other great and leading Republicans of this Nation, but by a carefully prepared address delivered before a college in the State of California, in which he declared that the course now being insisted upon by the Senator from Massachusetts and those who follow him would carry the world back to the Middle Ages.

Mr. JOHNSON. Mr. President—

Mr. ROBINSON. Just a moment, please.

Mr. JOHNSON. I merely wanted to inquire the date of the address from which the Senator has quoted.

Mr. ROBINSON. The date of the address was October 2, 1919.

Mr. JOHNSON. Why, that was a long time before the election, and so much time has elapsed that Mr. Hoover has had the opportunity to change his mind many times since. [Laughter in the galleries.]

Mr. ROBINSON. Oh, yes; that statement is entirely correct. Mr. Hoover has had ample opportunity to change his mind, and so has the President of the United States, and so has the Senator from California, but the two men who do not seem to change their minds are the Senator from Idaho [Mr. BORAH] and the Senator from California [Mr. JOHNSON].

Mr. HARRISON. Mr. President, if the Senator will permit me, there was a good deal of wiggling and wabbling by Republican leaders during that campaign.

Mr. ROBINSON. I do not think there is any doubt about it.

Mr. JOHNSON. I thank the Senator for the encomium he has paid to the consistency of the Senator from Idaho and myself. I rose to call his attention to the fact that Mr. Hoover has changed his mind completely since then.

Mr. ROBINSON. Mr. President, nothing that the Senator from California thinks about himself can exceed what I would say about him if I had the requisite power of expression. [Laughter in the galleries.]

The VICE PRESIDENT. The rules of the Senate require the occupants of the galleries to refrain from all demonstrations.

Mr. ROBINSON. Mr. President, another member of the Cabinet who I think signed that statement—did Mr. Hughes sign that statement?

Mr. HARRISON. Oh, yes; yes, he headed it.

Mr. ROBINSON. Mr. Hughes is a great international lawyer, as everybody knows, and a great statesman, and his opinion is entitled to respect. While this subject was under deliberation in the Senate he proposed a method of bringing about peace within the ranks of our friends on the majority side by cer-

tain reservations which he thought would make this treaty and the League of Nations entirely acceptable to the United States and make it conform to the interests of the people of this country. Here is what he proposed on July 28, 1919. The Senator from California may interpolate here, if he desires to do so, the observation that Mr. Hughes has had many opportunities to change his mind since that time.

In a letter dated July 28, 1919, he made the following specific proposals:

The Senate of the United States of America advises and consents to the ratification of said treaty with the following reservations and understandings as to its interpretation and effect to be made a part of the instrument of ratification:

First. That whenever two years' notice of withdrawal from the League of Nations shall have been given, as provided in article 1 of the covenant, the power giving the notice shall cease to be a member of the league, or subject to the obligations of the covenant of the league, at the time specified in the notice, notwithstanding any claim, charge or finding of the nonfulfillment of any international obligation or of any obligation under said covenant: *Provided, however*, That such withdrawal shall not release the power from any debt or liability theretofore incurred.

Second. That questions relating to immigration, or the imposition of duties on imports, where such questions do not arise out of any international engagement, are questions of domestic policy, and these and any other questions which, according to international law, are solely within the domestic jurisdiction are not to be submitted for the consideration or action of the League of Nations or of any of its agencies.

Third. That the meaning of article 21 of the covenant of the League of Nations is that the United States of America does not relinquish its traditional attitude toward purely American questions, and is not required by said covenant to submit its policies regarding questions which it deems to be purely American questions to the League of Nations or any of its agencies, and that the United States of America may oppose and prevent any acquisition by any non-American power by conquest, purchase, or in any other manner of any territory, possession, or control in the Western Hemisphere.

Fourth. That the meaning of article 10 of the covenant of the League of Nations is that the members of the league are not under any obligation to act in pursuance of said article except as they may decide to act upon the advice of the council of the league. The United States of America assumes no obligation under said article to undertake any military expedition or to employ its armed forces on land or sea unless such action is authorized by the Congress of the United States of America, which has exclusive authority to declare war or to determine for the United States of America whether there is any obligation on its part under said article and the means or action by which any such obligation shall be fulfilled.

So, Mr. President, the statement made by the Senator from Mississippi [Mr. HARRISON], which was challenged by the Senator from Massachusetts [Mr. LODGE], seems to be established conclusively by the record. From the proposal to combine with other nations in an orderly and well-directed attempt to conserve and maintain the peace of the world, we have degenerated to a proposition to declare the existence of a state of peace, and while repudiating the treaty and all obligations under it if it carries obligations to the United States, we are insisting upon securing every benefit that that treaty gives to us without assuming any obligation that it seeks to impose.

We are not only doing the unusual thing of declaring the existence of a state of peace, but it is proposed to repeal the resolution declaring the existence of a state of war. I have asked, and I ask again, if the Congress has the power, the unquestioned power, as is asserted by the leaders of the majority, to declare a state of peace, then what is the necessity or the justification for repealing the resolution under which we took up arms? What is the legal effect of that repeal? What is intended to be accomplished by it? If it can have no legal effect, if it is merely to do in another way what is to be done by declaring a state of peace, then ought we to repeal this declaration, and thus make an implied apology to Germany for having passed it in April, 1917?

This resolution, Mr. President, is not intended to make peace. It accomplishes nothing whatever except to recognize what already exists. I ask again, are you not content with declaring the existence of a state of peace if Congress has that unquestioned power? Then why do you insist upon repealing, in violation of every precedent in the history of the United States, the resolution under which we went to war?

Mr. HARRISON. I thank the Senator, Mr. President, for his question and the splendid contribution he has made to the history of to-day.

The Senator will recall, and the Senate remembers, that during the month of October, 1920, the Republican candidate for President was changing his position so often on the League of Nations that no one knew exactly how he stood on that proposition. From the time of the Des Moines speech on he was constantly shifting his position, and, if I recall correctly, there was a time in that campaign when the distinguished Senator from California [Mr. JOHNSON] and the distinguished Senator from Idaho [Mr. BORAH], in speaking, threatened to leave the campaign. I know not why. I recall that that was a few days before the Des Moines speech of the now President Harding, and rumor had it that certain Republican leaders did not very

much relish the speeches being made and the influence that was being exerted by the Senator from Idaho and the Senator from California. So the Republican leadership was divided throughout that campaign, and I want to say, Mr. President, that none rendered greater service to the Republican Party than the two distinguished Senators I have named; they drew the biggest crowds, won more applause, and took more votes away from the Democratic Party, in my opinion, than any other two men who were speaking for the Republican Party.

But about that time the distinguished leader of the majority in the Senate [Mr. LODGE] made a speech in New York City, and in that speech he was trying to pour oil upon the troubled waters. He was not trying to advocate at that time, and to have the country and the people believe, that he was for a separate peace with Germany and against any understanding or League of Nations that might preserve the peace of the world.

Mr. LODGE. Mr. President, I voted for the resolution.

Mr. HARRISON. Of course the Senator did. None of us were surprised that the Senator voted for it. The Senator from Pennsylvania with his powerful influence forced many of the Senators on the other side to accept his views on it. I do not think the Senator came to it very enthusiastically, but he did, and he voted for it. But here is what the distinguished leader of the majority said in his speech in New York City, in the Hotel Commodore, on October 18, 1920:

Senator Harding is as anxious to promote the world's peace as any man who lives.

Of course.

He is utterly against the Wilson league as Mr. Wilson brought it back from Paris.

That was the impression that Republican leadership was trying to create in the country, that you were opposed to that league, but that you favored some other kind of a league; and that is what caused the disruption between the wing of the party led by the distinguished leader of the majority and that wing led by the Senator from Idaho [Mr. BORAH] and the Senator from California [Mr. JOHNSON].

The Senator from Massachusetts went further. It was a very eloquent speech he made that night in the Hotel Commodore. He said:

Senator Harding's plan is to bring about, under the leadership of the United States, an agreement among the nations which will truly promote the peace of the world.

That was a sop to get Republican proleaguers in line, and that was the kind of argument that was being used by the standard bearer of the party and the Republican leaders on the stump throughout the country. That is what won the election, as the Senator said.

Now, let me read something else. Here is a speech that was made by a distinguished citizen of Massachusetts, a man who has been honored by the Republican Party in that great old State, a State to-day that has in Congress men in high places—the Vice President, the leader of the majority in the Senate, the Speaker of the House of Representatives, and I might go on down the line.

Mr. POMERENE. The Secretary of War.

Mr. HARRISON. And the Secretary of War; yes. I have already mentioned him. I am about to read from the Baltimore Sun of April 16, 1920, from a speech by a Congressman from Massachusetts in that city.

Mr. LODGE. From my speech?

Mr. HARRISON. No; not from the Senator's speech.

Mr. LODGE. I did not make a speech in Baltimore; but that is a mere detail.

Mr. HARRISON. I said this was a distinguished Republican Congressman of Massachusetts who spoke.

Mr. LODGE. I beg the Senator's pardon.

Mr. HARRISON. I quote:

The peace resolution—

That is, the resolution that is before us—

The peace resolution is a sugar-coated pill prescribed by Dr. Lodge to be taken as a regular Republican dose before thinking. It is painless as well as senseless and will in effect put the stamp of approval of the House of Representatives on the action of the treaty wreckers.

Mr. LODGE. Did the Senator say that was in a speech made by a Republican Congressman from Massachusetts?

Mr. HARRISON. Yes; by Congressman Alvan T. Fuller.

Mr. LODGE. Oh.

Mr. HARRISON. The Senator knows him well. He is a great friend of the Senator. So I want to read it. The Senator did not catch this. This Congressman said:

The peace resolution is a sugar-coated pill prescribed by Dr. Lodge to be taken as a Republican dose before thinking. It is painless, as well as senseless, and will in effect put the stamp of approval of the House of Representatives on the action of the treaty wreckers in the Senate.

If you are a Republican and you are sick, it will make you well, and if you are well it will make you better. Would to God it might cure the Republican Party of the sleeping sickness that has kept it from doing anything constructive since they captured control of the House and Senate, except to criticize the President. How about the promises that the Republicans made, that they were to put into effect when they came into control? What have they done about the taxes? How have they reduced the high cost of living?

Those are the words of a Republican Congressman from the great State of Massachusetts.

Now, let me read what another distinguished Republican leader has said about this peace resolution. This is from a man who has been honored by your party, was President of the United States. It is from an article published in the Washington Post June 19, 1919, from the pen of William Howard Taft.

The article reads:

*** It must give those Republicans who now find themselves supporting the Knox resolution a "cat in a strange garret" feeling when they think of the great traditions of their party and of its historical attitude toward every critical step forward in the history of this country under the Constitution. They must feel uneasy as those Federalists who fought the Louisiana Purchase as unconstitutional because it was made by Jefferson. For the Republicans are the legitimate heirs of Washington, Hamilton, and Marshall.

*** When he (President Wilson) reflected on the patriotism of Republicans as "prowar but antiadministration," a most remarkable popular rebuke followed instantly. Do not Republicans in the Senate, after their most patriotic course in the fighting of this war and their fine standing before the people on that account, run the risk of dulling the fine edge of that course by present action, which many will contend gives support to the ungracious words of the President?

*** Those Republicans in the Senate—not now committed—should therefore avoid being hurried into embarrassing commitment by the Knox resolution and should wait until the treaty is presented and until they can, after a full discussion, not in anger, but after a calm, courageous, self-restrained consideration of their responsibility to their country, the world, and their party, decide what the situation demands of them.

*** Meantime the Republicans of the Senate should not pass the Knox resolution. The reasons for not doing so are clear, and they will be clearer as the inexorable order of events proceeds.

Mr. McCORMICK. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. HARRISON. I yield.

Mr. McCORMICK. That was the statement of William Howard Taft?

Mr. HARRISON. This is the statement of your former President.

Mr. McCORMICK. The Senator said a moment ago that it was the Senator from California [Mr. JOHNSON] and the Senator from Idaho [Mr. BORAH] who drew the crowds and made the votes in the last campaign.

Mr. HARRISON. I beg the Senator's pardon. I know what is the matter with the Senator—I did not include him in the list with those two.

Mr. McKELLAR. Mr. President, I desire to call the Senate's attention to what another distinguished and much-beloved member of the Republican Party has but recently said. I refer to the statement of that splendid old gentleman from Minnesota, Mr. NELSON. Only the day before yesterday this is what he said in reference to this resolution:

The course pursued in establishing final peace by the Knox resolution, as is now proposed, is unusual, halting, equivocating, and only a partial and piecemeal work, omitting some of the most important essentials for a just, permanent, and lasting peace.

Two of the most important and vital matters pertaining to a just and permanent world peace, to wit, disarmament and reparation, are entirely omitted in this resolution. It places our country in an attitude of total indifference in regard to these vital subjects. Germany has heretofore been most reluctant to comply with the reparation and disarmament provisions of the Versailles treaty. Will not the passage of this resolution tend to increase and fortify such reluctance?

By this resolution we insist upon full reparation for ourselves, but are wholly oblivious as to whether our allies, by whose side and aid we vanquished the common enemy, secure any reparation at all. We are also by this resolution wholly oblivious as to the disarmament of Germany—a matter most vital to the future peace of the world. One of the lessons impressed upon the civilized world is that Germany, armed and equipped as she was in July, 1914, would be a constant and continuing menace to her neighbors and to a world peace. It seems to me that our country is vitally interested in removing this menace. Under this peace resolution we have no ground for insisting on the removal of this menace.

Such is the tenor and spirit of the Knox resolution. I am not a diplomat, and have no gifts of diplomacy, and it is perhaps on that account that I am unable to concur in this resolution, the passage of which will encourage Germany to continue with her reluctance to comply with the treaty of Versailles as to disarmament and reparation.

Mr. WALSH of Montana. Mr. President, when the resolution of like import to that now before the Senate was under consideration a year ago I said:

This resolution, if the expression be parliamentary, is economic idiocy. We give everything and get nothing. We abolish all restrictions on the importation into this country of goods bearing the "made in Germany" trade-mark without any agreement with that country that she will admit all or any of ours into her territory. We invite the representa-

tives of the commercial houses of Germany again to overrun our cities, while she is at liberty to shut her gates on any American merchant, manufacturer, or banker, on our growers of cotton, corn, and live stock, our producers of copper, who may desire to deal with her people. We permit the reestablishment in our midst of the industrial plants that prior to the war enriched so many of her war-mad minions and that became centers of sedition and disloyalty after we entered it, without any assurance that an American firm may even set up an agency in the city of Hamburg. We throw open our ports to emigrants from her impoverished States and Provinces and admit them to citizenship on exactly the same terms as are accorded to the citizens of our faithful allies or the liberated people of the new republics we have aided in creating within her former territory without any guaranty that an American may remain overnight in a hotel in Munich, Dresden, or Berlin.

At that time some effort was made to justify the resolution upon the ground that it was necessary to the restoration of commercial relations with Germany. But it was shown that not only would it accomplish nothing in that direction, except to throw down the bars as to her nationals while she remained at liberty to keep them up as to ours, but that, pursuant to the law, the President had, by Executive order, as early as July, 1919, removed all barriers to commercial intercourse with that country occasioned by our laws save that the importation of dyes, dyestuffs, potash, drugs, and chemicals produced in Germany remained interdicted, and it was further shown that commerce had been carried on to such an extent as that from the time of the armistice to March 20, 1919, she had admitted of goods exported from this country nearly \$150,000,000 and we had received from her over \$25,000,000 worth. Our exports and imports from Germany for the calendar year 1920 were, respectively, \$311,437,377 and \$88,836,280, the total value of our exports mounting almost to the figure reached in 1913, never before exceeded, when they aggregated \$331,684,212. She is not yet selling to us within \$100,000,000 of what we took from her in 1913, one of the penalties she is paying for precipitating the war, a circumstance which reflects the paralysis of her industrial organization and ominously tells of her lessened ability to absorb our products.

It would be a valuable contribution to this debate if some supporter of this resolution would arise and disclose in plain terms just how this country is to profit in any measure by it, what change will ensue upon its passage and approval, except such as I have enumerated to the advantage of our late enemy in the field, in no respect whatever to our advantage.

It is necessarily implied in the resolution that if Germany chooses to send an ambassador to this country he would be received. The President could scarcely decline to receive an accredited representative from a country with which our Government has, in conformity with the Constitution, solemnly declared we are at peace. That of itself is a declaration that we desire to sustain with it amicable relations. But when has Germany made an equivalent declaration that she will receive an ambassador from this country? She has not ventured to send one heretofore, lacking a treaty of amity or some such formal declaration as that made by the resolution before us. She did not care to take the chances of a rebuff. Shall we risk such by sending an ambassador to Berlin? We can not safely do so until by some reciprocal legislation on the part of Germany, or in the usual form by a treaty, she signifies that he will be welcomed and received. So with respect to consular representatives. The resolution under consideration must be regarded as an invitation to Germany to send consuls to such of our cities as she may choose, for the purpose of promoting the trade of her nationals, generally to safeguard and promote their interests, and to discharge such other functions in aid of the fiscal laws and policy of the country they represent as may be by it intrusted to or imposed upon them. But have we any intimation from Germany that she is ready to extend like privileges to our consular agents? She may be quite willing to do so without the formality of the adoption of the resolution before us. In either case, we get whatever she concedes us, not by right, as something due to us by express agreement or pursuant to the law of nations, but by grace of Germany. Why should we stand in the attitude of a suppliant for her favor? Why should we court her good will? Was this country the offender in connection with the severance of the friendly relations which had subsisted between the two countries since our Nation came into being?

I am as anxious as any Senator can possibly be to see that cordiality which is so agreeable and so profitable to both parties immediately restored, but I am unwilling to concede to Germany the very substantial rights and privileges accorded her as incidents of this resolution without, at least, an agreement or undertaking on her part to make reciprocal concessions to us.

Again, I challenge any Senator to show how any advantage whatever is to accrue to the United States by this resolution. As I said on a former occasion, it should be entitled "A measure for the relief of the German people." That title is pecu-

early appropriate at this time, for the moral effect of its passage at this particular juncture will be to afford no small measure of support to Germany in the pending controversy with the Allies over the satisfaction by her of the obligations she undertook under the treaty of Versailles. She is insisting upon radical modifications of features of that treaty, especially those dealing with the reparation it exacts of her. She insists that the terms are severe beyond her ability to meet. She pleads for further time; she begs the intervention as mediator of our Government. France threatens the invasion of her territory unless she complies. It will not be forgotten that the author of this resolution, the distinguished Senator by whose name it is known, once Secretary of State, and thus properly regarded as particularly influential with his party, now in power, in all matters of the foreign policy of our Government, made a speech in the Senate on August 29, 1919, in which he vigorously assailed the treaty of Versailles, charging that it was unreasonable in the demands made by it on Germany in satisfaction of the losses suffered by the Allies, and generally taking the position now asserted by Germany in her effort to escape its exactions or to secure amelioration of the terms imposed upon her.

In that speech, after reviewing at length in a highly critical spirit the provisions of the treaty in so far as they imposed burdens on Germany, he summarized them in the following language:

I regret, sir, that this has been a long and tedious process, but its importance could be satisfied in no other way. It has shown us the treaty takes Germany's territory, European and foreign, without compensation; that it takes from her practically all of her ocean shipping and a large portion of her inland vessels; that it deprives her of all special benefits of treaties and conventions; that it takes her cables; that it compels her to supply large quantities of raw materials; that it internationalizes her great river systems and throws them open to traffic of all nations on a national basis, as if they were the high seas; that it opens her coastwise shipping to all nations; that it compels her to grant exceptional import and export privileges and to accept important restrictions; that it lays down far-reaching principles governing her internal commerce and transportation; that it closes out German interests in practically the whole civilized world outside the territories of her late allies—including those areas which have been taken from her and given to others; that it closes out the interests of that same world in Germany. It has shown that having done all this it assesses against her provisionally, with a stipulation permitting an increase, a debt of 120,000,000,000 gold marks, which is in addition to the property restored in kind and to the value of the boats, gold, and securities delivered; that it makes her responsible for these damages inflicted not only by herself but by her allies, and even by the allied and associated powers themselves, with a list of items which includes some admittedly contrary to the rules of international law hitherto existing; and that finally and in addition she is compelled to answer to her own nationals for the value of the property taken by the allied and associated powers.

The passage of this resolution at this time would very naturally and very justly be interpreted by both sides of the unfortunate controversy now raging in Europe, threatening a resumption of hostilities, as signifying that the very able junior Senator from Pennsylvania had become the dominating character in respect to our foreign affairs, that he had succeeded in constraining his party associates and the administration to accept his views, and that Germany would have the moral support of the United States in her insistence on a revision of the Versailles treaty. It was not without reason, considering the public announcement of the purpose to put through at the earliest practicable moment the Knox resolution, that Germany presumed to solicit the interposition of the United States as mediator in her present quarrel with France, or that the eloquent Viviani was hurried to this country by our ancient ally, bound to us by the most sacred of ties, to dissuade us from the course so advertised.

The late Vice President of the United States brought a tender response from the breast of every American citizen familiar with his country's history when he said, on the occasion of the presentation to the United States Senate by the Republic of France of the beautiful vases which adorn the corridor of this Chamber—

Since far-off 1776 we have grown rich and powerful, and many seek our favors and many are our friends, but none can get closer to our hearts than France, for she believed in us when all men despised us.

In this her time of trial she barely asks of us that we refrain from an act that can do us no good, but which gives aid and comfort to her enemy. Are we coldly to disregard her modest but anxious appeal?

It is recognized by the resolution before us that a treaty with Germany must be made in order to adjust the only matters in difference between us, now that hostilities have ceased, except in so far as we are interested jointly with our allies in forestalling the recrudescence of the German military power. Again I inquire, inasmuch as we must make a treaty with Germany, what do we get by repealing the declaration of war and making a declaration that meanwhile a state of peace subsists? If German subjects desire to come to this country to enjoy its superior economic advantages, to participate eventu-

ally with us in the blessings of American citizenship, including the right to acquire, without cost, our public lands; if German merchants and manufacturers, casting an eager eye upon the rich possibilities afforded by our markets, want the help of consular agents of Germany stationed in our cities to aid them in the peaceful invasion, why not let Germany move to that end by the adoption of some resolution of the Reichstag such as that before us? It is of no consequence to my mind that Germany made no declaration of war against us. We made no declaration of war, strictly speaking, against her, but asserted by formal congressional action that she had made war upon us and had thus established a status in which she must be regarded as the public enemy. If we were right in that declaration—and who is there who doubts it?—it would seem as though, conquered as she was, we might expect the advances to be made by her, not by us. I remind Senators that the resolution before us contemplates a treaty with Germany as essential, notwithstanding its recitals, to the restoration of peace in its essentials. We can not forget that American lives were taken and the property of American citizens, mounting in value into the hundreds of millions, was seized or destroyed by German submarines and German raiders, for the satisfaction of the claims for which the resolution before us makes and can make no provision. On the other hand, property of German nationals in this country to the value of at least three-quarters of a billion was seized and converted by our Government, not including the German ships seized in our harbors, of a value not less than one hundred million more, all or the greater portion of which Germany claims was taken in disregard of our treaty with her or in violation of the more enlightened rules of international law. These reciprocal claims make up practically the sum total of the differences between our Government and that of Germany, and the resolution makes no advance whatever, can make no advance, toward the adjustment of them.

Some impatience is exhibited, even on this side of the Chamber, to end the present anomalous status. In it is reflected, but only feebly reflected, the justifiable impatience of the country at the protracted delay in the restoration of conditions of peace. Gentlemen may cry "Peace, peace," but there is no peace in this resolution.

A treaty with Germany—some kind of a treaty—is essential to the restoration of peace except in name. The resolution, I repeat, contemplates as much and looks to the accomplishment of peace in that manner. But what kind of a treaty is contemplated? We might assent to the Versailles treaty, or we might induce the parties to it to convene and revise it, or we might persuade them to disregard it entirely and negotiate a new treaty, or we might negotiate a separate treaty with Germany. The idea of entering into a separate treaty with Germany is revolting, and commands no support in America except from those whose fidelity to her cause was more or less under suspicion while hostilities were in progress.

We entered the war because German militarism threatened to overrun the world and had in its mad course made war on us in an effort to bar us from the common highway of the seas. It is the quite common belief of the American people that we ought not yet, at least, to abandon our allies in their effort to compel Germany to make adequate reparation and to insure the world against her rebirth as a military power; that our duty as well as our welfare requires that we be something more than an interested observer of her regeneration in a military sense.

To enter upon any one of the four courses conceived as possible, save acceptance of the Versailles treaty, either conditionally or unconditionally, would be hailed with delight in Germany. A proposal to disregard our allies and make a separate treaty with her would doubtless be eagerly embraced as signifying our dissent from the terms imposed by the Versailles treaty on her or the attitude taken by the Allies in respect to the enforcement of the same. So she would be more than pleased could she inveigle us, or should we be deluded into proposing a general revision of that treaty, or the total repudiation of it, to be followed by a new conference to draft a substitute.

It is inconceivable that we should offer any such suggestion to our late allies or that they should entertain it seriously if we did.

Unqualified acceptance of the treaty in view of what has transpired in this country is to be dismissed as a political impossibility. There remains but one course, namely, to propose to the parties thereto acceptance of the Versailles treaty with such modifications of its terms, either absolutely or as they affect us, as will make it on the whole satisfactory to the United States. But what modifications will be insisted upon? Upon what terms is it proposed that the United States shall enter into a treaty jointly with those with whom it fought the war on

the one side against Germany on the other? What is to be the nature of the treaty to be entered into with Germany contemplated by the resolution now under debate? It is now more than a year since the Republican Party entered upon a vigorous campaign to secure control of that department of the Government charged in a special manner with the conduct of our foreign affairs and authorized by the Constitution to take the initial steps in the making of treaties. It is almost six months since the American people called it to the discharge of that high duty. It is all but two months since the party so intrusted with power assumed control of the Government, and as yet the country has had no inkling of what it proposes to do toward bringing order out of the chaos following the war, except as it is disclosed by this resolution that it intends to enter into some kind of a treaty with Germany. Heretofore it has contented itself with criticism. The country eagerly awaits the announcement of some constructive program touching international problems. Meanwhile, industry from one end of the country to the other is well-nigh paralyzed by reason of the collapse of the purchasing power of Europe, due as much to the disturbed condition following as to the exhaustion occasioned by the war. Our foreign commerce is falling off at the rate of \$100,000,000 a month. Practically every copper mine in the West is shut down, 60 per cent of our copper product going abroad in normal times. The city of Butte, with a population of 60,000, dependent wholly upon its mines of copper and zinc, stands as idle as a "painted ship upon a painted ocean."

Cotton is similarly affected. It is estimated that the army of the unemployed has risen to the staggering figure of 5,000,000. The pending resolution represents the progress that has been made toward getting the world back to a peace footing, and it, as shown, signifies nothing. The people ask for bread and are given a stone.

The prototype of this resolution before the Senate a year ago contained a provision intended to accomplish the repeal or the demise of what was known as the war legislation, and particularly those acts under which it was loudly and persistently proclaimed the then Chief Executive had exercised and was exercising autocratic and dictatorial powers. Lest the idea may be entertained by some that one of the purposes of the pending resolution is to abrogate war-time acts, I remark that so far as such a result is desirable it has already been accomplished by a direct repeal measure passed in the closing hours of the last session. That measure was the product of a protracted and painstaking study made by the Judiciary Committee of the Senate of the war legislation and represents a prodigious amount of labor on the part of the senior Senator from South Dakota, chairman of the subcommittee to which was referred the repeal bill. A study of the act will astonish by the amount of the legislation it leaves un-repealed and which no member of the committee, however partisan he might be, desired, on reflection, to have repealed. In fact, it is questionable whether a single law valid under the ruling of the Supreme Court in *United States versus Cohen* not practically dead by the cessation of hostilities was touched, save section 3 of Title I of the espionage act, which, by the way, conferred no power on the President.

I pass to a consideration of some specific features of the pending resolution, and must pray the indulgence of the Senate, as the analysis I propose to make of some of its provisions will necessarily be prosaic and no doubt tedious.

I shall thank those who are endeavoring to follow me in this discussion if they will kindly secure a copy of the joint resolution while I comment upon it. I shall show that without important modifications of the language we shall be to some extent at least committed to a policy to which I am sure even the friends of the measure do not intend to subscribe and to which they have no purpose to pledge the country. It will be noted that if the resolution accomplishes anything at all, the result is achieved by virtue of the initial paragraph, referring to the substitute proposed by the committee, declaring the state of war at an end. What follows as a separate paragraph took the form of a proviso in the resolution as introduced, the language of the original and the substitute in the feature now under consideration being identical. The former—that is, the original resolution—after declaring the state of war at an end, continues, "Provided, however," etc. The purpose of a proviso in a law is to limit or restrict the significance or operation of the language which has preceded it. Accordingly the proviso means that the war is not at an end; that is, not wholly at an end; that it is not intended that the necessary consequences of the reestablishment of peace shall ensue, in this that we shall hold all the German property taken by our Government as though we were still at war. But, as heretofore indicated, as there remains no concomitants of war, no danger to be apprehended, no obstacles to peaceful intercourse

to be removed, as between us and Germany, save the continual absence of consular and diplomatic representatives heretofore canvassed, except the retention by us, on the one hand, of the German property we seized, and the neglect of Germany to make reparation to our people for the damage suffered by them through her acts of war, what progress have we made by the declaration that the war is at an end? The proviso eats up what preceded it, leaves only a vestige, if it leaves anything, of what has gone before it.

In the draft proposed by the committee the proviso takes the form of a separate paragraph, disassociated syntactically from what precedes it. Whatever consideration may have prompted this change in the form of the resolution it in no wise affects the interpretation to be given to it. The two mean the same thing; they have the same significance. Notwithstanding the unequivocal declaration of the first paragraph, we declare that we do not intend to let the German property go until a treaty is entered into containing provisions as in the resolution set out. That part of it must be considered as an announcement of the policy we intend to pursue with reference to that property, conceded upon our part to be worth three-quarters of a billion and valued at much more by the Germans. It—namely, the recital of the resolution—must be regarded as in the nature of the most solemn instruction to our negotiators, by which they would unquestionably deem themselves bound. Whether Congress can thus bind the Executive, in whom the Constitution vests plenary power to negotiate treaties, or whether he ought to give his assent to a measure purporting to do so, he must determine for himself. A more flagrant attempt to wrest from the Executive his constitutional authority is not, in my judgment, recorded in our annals. The chief vice of this resolution does not consist, in my opinion, in the effort to take out of the hands of the President the duty, if not the authority, to end a state of war by negotiating a treaty of peace, but in directing him as to the terms of the treaty he is to make. However, the resolution declares our purpose to hold the property seized by us until Germany has by treaty with us made suitable provision "for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered through the acts of the German Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise."

Provision is to be made in the treaty, which the resolution contemplates shall be entered into, for satisfaction by Germany on account of losses by our citizens either in "their persons or their property," "through the acts of the German Government or its agents," "directly or indirectly," either "through stock ownership," or "in consequence of hostilities or of any operations of war." Any one suffering in his person in consequence of hostilities or any operations of war is to be compensated. That means that we propose to make Germany provide compensation to every American soldier wounded or disabled in the war or to reimburse the United States on account of any expenditures it has made or may make on that account.

Let not the eloquent junior Senator from Massachusetts [Mr. WALSH] despair. We are going to make Germany take care of our disabled soldiers, whose plight he so commendably exposed in the address by which he startled the Senate and the country on Wednesday last.

The vexed question as to just what elements should enter into the reparations to be exacted of Germany is to be reopened. This was one of the most perplexing of the many difficult problems with which the peace conference was called upon to deal. The resolution proposes a basis essentially different from that finally agreed to at Versailles, after repeated conferences between the financial experts of all the allied countries, and protracted debates participated in by the foremost statesmen there assembled.

I can not believe that either the committee or the Senate has given sufficient consideration to this feature of the resolution to warrant us in making a declaration of policy in that regard such as it enunciates. The conference at Versailles felt constrained in some degree by the fact that the Germans laid down their arms upon the assurance that a treaty would be entered into in conformity with the famous "fourteen points."

In their acceptance of the proposal made by Germany and transmitted by our Government to the Allies, they said:

Further, in the conditions of peace laid down in his address to Congress on January 8, 1918, the President declared that invaded territory must be restored, as well as evacuated, and made free. The allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensa-

tion will be made by Germany for all damage done to the civilian population of the Allies and to their property by the aggression of Germany by land, by sea, and from the air.

This was a perfectly obvious enlargement of the only mention of the subject in the address of the President, which is as follows:

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

However, as the interpretation thus put upon the President's language was communicated to Germany, who without dissent entered into the armistice by which she expressly obligated herself to make "reparation for damage done," she became justly chargeable in the account with "all damage done to the civilian population" of the Allies. France set up the claim that all the cost of the war might and should be exacted of Germany under this language, for, her spokesman said, the cost of the war must be met by taxes laid upon the civilian population damaged to the amount they must thus pay. Great Britain under the constraint to which Lloyd-George was subjected in a hot political campaign in which he yielded to extravagant demands for promises to make Germany pay "shilling for shilling and ton for ton," made similar claims and particularly insisted on being reimbursed for all pensions and separation allowances. For, she said, though the soldier wounded in the field can not recover, being no civilian, yet when he is discharged he becomes a civilian and continues to suffer damage, for which he is compensated by a pension paid by his Government, the amount of which becomes, under the clause referred to, a charge against the enemy.

Against these views the American commissioners made vigorous and repeated protest, the President declaring that they were "clearly inconsistent with what we deliberately led the enemy to expect and can not now honorably alter simply because we have the power." They were evidently induced to yield, however, to some extent, possibly moved by the subtle argument of Gen. Smuts, whose statesmanship the conference revealed to the world and who emerged from it as one of its commanding figures. I ask that it be appended to my remarks as an example of his skill as a dialectician.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Without objection, it is so ordered. [See Appendix.]

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

Mr. WALSH of Montana. I yield.

Mr. KING. As I understand, Mr. Baruch and our commissioners did not assent and did not yield; but when they saw that they were to be defeated they referred the matter to the supreme council, and there the council decided somewhat adversely to the contention that Mr. Baruch had so splendidly and valiantly made.

Mr. WALSH of Montana. I have avoided details for economy of time. The Senator has stated the conditions exactly. Our financial representatives positively declined to accept that construction of the prearmistice negotiations and refused to accede to it. The matter was then referred to what is known as the supreme council, or the "big four." They took the matter up while Mr. Wilson was on the ocean, coming to America, and he was advised by wireless of the renewal of the contention. The quotation which I have given was a part of his reply to the communication thus addressed to him by the financial commissioners who were then in Paris; but the fact is that they did yield, as will be disclosed directly.

The upshot of the thing was that the elements to be taken into consideration were to the number of 10 enumerated in the treaty. (Article 232.) I offer a copy as an appendix to my remarks, and, to aid the present discussion, quote the following, deemed to deal with damage to the "civilian population":

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the people of the allied and associated powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick, or invalided, and to the dependents of such victims, the amount due to the allied and associated Governments being calculated for each of them as being the capitalized cost of such pensions and compensation at the date of the coming into force of the present treaty on the basis of the scales in force in France at such date.

(6) The cost of assistance by the Governments of the allied and associated powers to prisoners of war and to their families and dependents.

(7) Allowances by the Governments of the allied and associated powers to the families and dependents of mobilized person or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

After all the travail here only sketched, pensions and separation allowances were included; but, under the resolution

before us, it will not be necessary for our negotiators in framing the new treaty with Germany to indulge in any such refinement as eventually resulted in their inclusion by the Versailles conference, for the Secretary of State is commanded, if this resolution shall be adopted, notwithstanding any previous commitments, to demand full satisfaction for all damage done to any citizen of the United States by the forces of Germany, in his person or property, and he is adjured never to consent to let the seized German property go until such provision is made. That includes soldiers as well as civilians. We propose to go beyond the wildest limit proposed by the jingoes of England and France in our demands upon Germany. It will occasion some surprise to the American people to learn that we are even thinking of making any such claim. The distinguished Senator from Pennsylvania has out-Heroded Herod. He complained bitterly about the terms imposed upon Germany by the treaty; and now proposes, like the rest of them, to wring from her the last farthing, without the slightest consideration of the effect upon her resuscitation industrially and our own future as it depends upon that contingency, and unrestrained in any degree by the prearmistice exchanges between her Government and ours, pursuant to which hostilities ceased and she was disarmed.

But some moderation is shown toward her, evidently inadvertently, for it is only such damage as our nationals sustained in their "person or property" for which compensation is to be made. The dependents of a man killed in battle or who dies of wounds or disease are undoubtedly damaged by his death, but they are damaged through injury neither to their persons nor their property.

For so much of the outlay of the War Risk Insurance Bureau as goes to the disabled soldiers we shall make Germany pay; for so much as is awarded to his dependents upon his death she may claim exemption. Upon what theory do we hold her in the one case and release her in the other? Upon no theory. The subject has had, can have had, no serious consideration by the committee. The resolution should be recommitted and those provisions, at least, which introduce the highly controversial question of the elements entering into the amount Germany should pay should be eliminated. If it is deemed advisable to make any expression whatever concerning the terms of the treaty on that subject, general language, such as that quoted from the reply of the Allies to Germany's proposal for an armistice, should be employed.

There is another reason equally cogent why this resolution should be recommitted.

It is quite likely that the author of the resolution, as well as the committee, had in mind only such property as was taken over by the Alien Property Custodian; but, as pointed out, the language used includes a most important class of property that never did pass into his hands, namely, the German ships. They were seized as prizes, taken over, not pursuant to any statutory enactment but in conformity with international law, under which belligerent ships become subject to capture and confiscation by or upon the adjudication of a prize court of the captor nation of the enemy character of the ship.

Under the laws of nations the property of enemy nationals on land has a status quite different from the property of such on the high seas, whether it be ships or merchandise. The former is free from molestation unless by express legislative act of the enemy country within whose jurisdiction it may be; the latter is subject to capture immediately upon the precipitation of war. It has been persistently maintained by those who seek to make more humane the laws of war that private property on land should be immune from seizure or confiscation. The amelioration sought in that regard has rarely been urged as to ships of a belligerent. Treaties negotiated in modern times have not infrequently applied the principle contended for by making specific provision that in the event of war between the high contracting parties the nationals of either should have a limited time to depart with their effects from the territory of the other or, choosing to abide in the country where domiciled, should not be disturbed in their possessions so long as they observed the law and gave no aid to the nation to which their allegiance was due. Such a provision, or one like it, is found in the treaty with Prussia of 1828, read to the Senate this morning by the Senator from Ohio [Mr. POMERENE], by virtue of which Germany claims we must account for all property taken by the Alien Property Custodian, and, perhaps, not for the amount realized on the sale of the same, but for the value at the time it was taken, as she contends, in violation of the express terms of that treaty.

Let it not be understood that I am urging or even admitting the soundness of that view. I am merely stating the contention being made by Germany with reference to the property

taken over by the Alien Property Custodian as distinguished from the ships which, so far as can be judged in the absence of any authoritative official claim, are regarded by her as being upon an entirely different footing.

Some very unequivocal language would be required to justify the contention that any nation had stipulated not to capture the ships of its enemy upon the high seas or otherwise afloat. The title of the captor accordingly as to ships rests upon quite a different and, generally speaking, a much firmer foundation than nonmaritime property. In our war legislation this distinction was recognized. The ships seized by us were dealt with by the act approved May 12, 1917, which declared the title to the same vested in the United States. The original enemy property act, approved October 1, 1917, contemplated only the sequestration of such property. It was not until the passage of the amendment of March 28, 1918, providing for the sale of the same that any effort was made to pass the title. Evidently Congress was impressed originally with the wisdom or justice of the more liberal rule of international law heretofore adverted to, or felt some constraint by reason of the treaty of 1828 touching the confiscation of the property passing into the hands of the Custodian. It moved without hesitation in the case of the ships.

It is, in view of what has been said, a serious question as to whether we may not legitimately retain the German ships as an offset, small indeed, to the enormous expenditure to which we were put to carry on the war, without according any credit to Germany whatever on account of them in the final adjustment which we must exact of her, at least for the ships and property of our nationals seized or destroyed by her on the high seas.

The resolution ignores the very essential difference pointed out.

I know of no reason why we should, out of a spirit of generosity toward Germany, surrender one hundred million to two hundred millions worth of ships to her or give her credit for their value in balancing our account with her. We ought to do neither, unless constrained to do so by some treaty obligation, or the force of international law which we can not honorably disregard.

I refrain from any extended comment on that part of the resolution which purports to reserve to the United States "rights, powers, privileges, claims, indemnities, reparations, and advantages" to which it or its nationals are or may be entitled under the Versailles treaty, perhaps sufficiently animadverted on in the course of the debate. I remark, however, that I can not understand how Senators can be moved to put the United States in the humiliating position of seeming to assert that we may validly claim and that under certain contingencies we shall claim under that treaty which we have repudiated and to which we have declined to become a party. A treaty is a contract between two or more nations. Its validity and effect are determined by substantially the same rules as govern the execution and interpretation of contracts between individuals, except, of course, that duress can not be pleaded in avoidance of a treaty imposed upon a conquered nation. When was it ever, in any country, under any system of law, held or even maintained that one named as a party to a contract, who declined to execute it or to be bound by its terms, could assert any rights under it, could claim under the provisions deemed by him to be to his advantage and yet escape the obligation of those imposing duties or responsibilities upon him?

This resolution ought not to pass. It was conceived in the midst of the passions aroused by the protracted debate on the treaty to appease the demand of the people for progress toward peace likely to grow so insistent as to sweep away all opposition to ratification. As a piece of political strategy it was a masterpiece. Its value as a contribution to the statesmanship of the times has never been made evident, and a careful study of it demonstrates that it is positively mischievous.

APPENDIX A.

[From "The making of the reparation and economic sections of the treaty," by Bernard M. Baruch. Memorandum submitted by Gen. Smuts, pp. 30-32.]

In this reservation a careful distinction must be made between the quotation from the President, which refers to the evacuation and restoration of the invaded territories, and the implication which the Allies find in that quotation and which they proceed to enunciate as a principle of general applicability. The Allies found in the President's provision for restoration of the invaded territories a general principle implied of far-reaching scope. This principle is that of compensation for all damage to the civilian population of the Allies in their persons or property, which resulted from the German aggression, and whether done on land or sea or from the air. By accepting this comprehensive principle (as the German Government did), they acknowledged their liability to compensation for all damage to the civilian population or their property wherever and however arising, so long as it was the result of German aggression. The President's limitation to resto-

ration of the invaded territories only of some of the Allies was clearly abandoned.

The next question is how to understand the phrase "civilian population" in the above reservation, and it can be most conveniently answered by an illustration. A shopkeeper in a village in northern France lost his shop through enemy bombardment, and was himself badly wounded. He would be entitled as one of the civilian population to compensation for the loss of his property and for his personal disablement. He subsequently recovered completely, was called up for military service, and after being badly wounded and spending some time in the hospitals was discharged as permanently unfit.

The expense he was to the French Government during this period as a soldier (his pay and maintenance, his uniform, rifle, ammunition, his keep in the hospital, etc.) was not damage to a civilian, but military loss to his Government, and it is therefore arguable that the French Government can not recover compensation for such expense under the above reservation. His wife, however, was, during this period, deprived of her breadwinner and she therefore suffered damage as a member of the civilian population, for which she would be entitled to compensation. In other words, the separation allowances paid to her and her children during this period by the French Government would have to be made good by the German Government, as the compensation which the allowances represent was their liability. After the soldier's discharge as unfit, he rejoins the civilian population, and as for the future he can not (in whole or in part) earn his own livelihood, he is suffering damage as a member of the civilian population, for which the German Government are again liable to make compensation. In other words, the pension for disablement which he draws from the French Government is really a liability of the German Government, which they must under the above reservation make good to the French Government. It could not be argued that as he was disabled while a soldier he does not suffer damage as a civilian after his discharge if he is unfit to do his ordinary work. He does literally suffer as civilian after his discharge, and his pension is intended to make good this damage, and is therefore a liability of the German Government. If he had been killed in active service his wife as a civilian would have been totally deprived of her breadwinner and would be entitled to compensation. In other words, the pension she would draw from the French Government would really be a liability of the German Government under the above reservation, and would have to be made good by them to the French Government.

The plain, common-sense construction of the reservation therefore leads to the conclusion that, while direct war expenditures (such as the pay and equipment of soldiers, the cost of rifles, guns, and ordnance and all similar expenditures) could perhaps not be recovered from the Germans, yet disablement pensions to discharged soldiers, or pensions to widows and orphans, or separation allowances paid to their wives and children during the period of their military service are all items representing compensation to members of the civilian population for damage sustained by them, for which the German Government are liable. What was spent by the Allied Governments on the soldier himself, or on the mechanical appliances of war, might perhaps not be recoverable from the German Government under the reservation, as not being in any plain and direct sense damage to the civilian population. But what was, or is, spent on the citizen before he became a soldier or after he has ceased to be a soldier or at any time on his family, represents compensation for damages done to civilians and must be made good by the German Government under any fair interpretation of the above reservation. This includes all war pensions and separation allowances, which the German Government are liable to make good, in addition to reparation or compensation for all damage done to property of the Allied peoples.

(Signed) J. C. SMUTS.

PARIS, March 31, 1919.

APPENDIX B.

REPARATION.

SECTION 1.

Article 232.

The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea, and from the air, and in general all damage as defined in Annex I hereto.

In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursements of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at the rate of 5 per cent per annum on such sums.

This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium. (Ibid., pp. 127-129.)

[Mr. KING addressed the Senate. See Appendix.]

Mr. McCORMICK. Mr. President, the listless character of this debate shows how little concerned is the country with the controversy and the differences which formally divide us in this Chamber. The perfidious nation, as it has been called by Senators on the other side of the Senate Chamber, will bear the characterization with equanimity. The perfidious majority of 7,000,000 in the country, so characterized by our friends on the other side, approved the policy of perfidy, so proclaimed by Democratic Senators, a policy declared at the outset of the campaign

by the candidate of the party which, by an overwhelming majority, was intrusted with the responsibility for government at home and our policy abroad.

We held that grand and solemn referendum which was sought by the then spokesman for the Senators on the other side of the Chamber, with a result known to the world. Thus it is that Democratic Senators have attacked the resolution before the Senate and the majority here with amiable violence and perfunctory vehemence. Their ears are deaf to the now faint echoes of those phrases which we all would forget, which led the world to believe that once we were "too proud to fight," that we were "not concerned with the causes" of the European conflict, that we would have "peace without victory"; their ears are thus deaf, but they still speak the language of political anachronism, the sanguinary speech of Mr. Lloyd-George, when he would have hung the Kaiser and squeezed the last drop of blood from the veins of the German people. That language is no more contemporary than the speech on the part of the then principal spokesman for America, which preceded the utterances of the British prime minister in the khaki campaign.

I believe, sir, that if you were to study, in the leisure of your Sunday afternoon, the speeches which have been made on the other side, you would be—I was about to say driven—you would be lulled to the conclusion that they are a compound of contradiction out of the whole pharmacopoeia paradox.

They complain—a Senator, whose capacity I so greatly admire complained—because in eight weeks the present administration has been unable to undo the havoc in our foreign affairs wrought during eight years of the preceding administration, or to wipe out in that time the humiliation and the loss of caste in the world which resulted from the policies which preceded those of the present President. It is argued on the other side that the resolution before us is unnecessary, because peace has been established in law, since it has existed in fact for so long. Democratic Senators hold, on the other hand, that because we have not made peace, we are responsible for the economic depression manifest throughout the world. They would have us delay to negotiate a peace now, although nearly two years ago the President was insisting, as he spoke in half of the States of the Union, that peace must immediately be ratified, else the Union would perish.

They then point to the great trade with Germany, under which we have exported to her as much as we did during the last year preceding the war, as evidence that there is no occasion for adopting the resolution before us.

Next, they condemn us for withholding our economic support from Europe. Indeed, to hear some of our opponents, if you were not accustomed to the manners of this Chamber, sir, you would be compelled to believe that the United States is responsible for the fall of the price of silver in the Asiatic markets, for the acrid animosities which have led the Central European States to choke railway traffic and commerce by arbitrary decree, even for that strange statesmanship which in Europe to-day would seek to settle the question of reparations while that of Silesia is still unsettled.

As the Senator from Missouri [Mr. REED] pointed out, the representation of the President's position by one of the opponents of this resolution was neither candid nor fair. The President, like a very considerable number of Senators on this side of the Chamber, while he advocated the reservation of our commercial and economic rights by the terms of the peace resolution, was unwilling that the resolution should commit us irrevocably to a policy on the other side of the Atlantic. His view has been justified by the event. It was once the fashion in some quarters to cry "traitor," or "pro-German," at the public man who has ventured to challenge the wisdom of our administration or of allied policy on the continent of Europe. Yesterday the Senator from Tennessee deplored the course which will not join our regiments to those of France when they march into the Ruhr, if march they do. He was willing to accept the decision of the Reparations Commission as just, as economic, as realizable, whatever it might actually be. I do not think that the Senator will hold that the London proposals for payment of reparations conform to the letter with part 8 of the treaty. If they did, they must still be measured not alone by the damage wrought by Germany in the war, nor by the wanton devastation of northern France by ruthless German generals, but by the ability of Germany to pay—that Germany whose frontiers have been narrowed and whose resources have been diminished by the Treaty of Versailles.

I had not expected to speak at any length of the question of reparations—now acute—in connection with the resolution to declare the war at an end. The question was raised yesterday by the Senator from Tennessee. During the five years before

the outbreak of the war the exports of Germany amounted to some \$2,000,000,000 annually, or three hundred million less than the sum of her annual imports. It is difficult to establish an exact comparison between present values or future values and those which obtained before the war, but let us, for argument's sake, assume that in the near future the aggregate annual value of German exports may amount to \$4,000,000,000. In 1920 British exports, exclusive of reexports, were worth approximately six billion five hundred million, while the aggregate of American exports for the year was eight billions.

In the simplest terms the fixed indemnity proposed by the Paris conference to be paid by Germany was five hundred million a year for 2 years; an average of a billion a year for 9 years; an average of a billion and a half a year for 31 years.

In short, German exports, competitive with those of America throughout the world, must exceed German imports by that amount annually. Parenthetically, it may be noted that the German proposals submitted to the American State Department suggest an aggregate sum not very different from that of the fixed total contained in the Paris proposals.

If the aggregate of German exports amounts to four billions annually at current value, as against imports of three billion, Germany will be able during the first 11 years to make the fixed payments proposed, but under the terms of the London proposals she is required to pay an additional 12½ per cent tax upon the aggregate value of her exports—that is, an additional half billion a year—which, again, mark you, must be found in the aggregate of German exports—that is, added to them! Considering the vast sums at issue, whatever powers are conferred on the Reparations Commission by article 8 of the treaty, the exaction of maximum possible damages for injuries done by German arms can not be finally determined until we know what are to be the resources, the assets, of the conquered creditor. Mr. President, there is none of us who has read the history of the early duchies in Silesia, of its occupation and government by Polish, Bohemian, Hungarian, Austrian, and German monarchs—there is none of us who has studied the ethnographic and economic charts who would pretend to form a prompt and certain judgment as to its disposition, but this much any Senator, unprejudiced, informed, and intelligent, will say, that although by force you may compel the acceptance of terms of reparations, their total can not be fixed finally, wisely, and yet independently of the future disposition of the industries and resources which cluster about Breslau or are found to the south of it.

The cabled dispatches have it that Mr. Lloyd-George is held back from an invasion of the Ruhr by British public opinion, while M. Briand is harried to make the advance by the pressure of opinion in the French Chamber. Under the providence of God, the Government of the United States is free to exercise and to express its judgment upon the wisdom or unwisdom of the proposed policy, because the treaty of Versailles failed of ratification, because we are at liberty to declare the legal end of the war under the terms of the resolution before us!

German diplomacy has been lacking in candor and understanding. If the allied diplomacy has been disingenuous in pretending to settle the Silesian and reparations questions independently of one another, so also has been the German diplomacy in its delays and omissions. Nevertheless, I hazard the conjecture that the immediate occupation of the Ruhr will be approved neither by official opinion nor by public opinion in America. Since the peace resolution is coming to a vote at the present juncture of affairs in Europe, there have been references here to the legal precedents for the establishment of peace, and complaints that none is found for the presentation of this resolution. There is not to-day, there will not be in the future, a handful of men outside of the Senate concerned in the constitutional metaphysics of making peace thus. We were unable to make peace by treaty because of the character of the league covenant and because of the union of that covenant to the treaty of peace. How providential was that failure on our part! We remained free from the entangling league, but more, we have withheld our assent to the settlement comprised in the treaties of St. Germain, the Trianon, and Versailles, a settlement which can not last, because its political terms violate not only the political principles for which the war was professed to be fought but that supreme political principle of democratic nationality, of national democracy, which has been the disturbing and irresistible force in European international politics since the beginning of the last century.

The Senator from Alabama, the great Senator from Alabama, I am glad to call him, has wisely said that the resolution before us once adopted the treaties which I have named will not come before the Senate for ratification. Their fate will have escaped

the control of Senators or Secretaries of State. The complexity of amendments, the number of reservations necessary to be made, the acceptance of them all by all the powers parties to them, including the former enemy States, the long debate leading into the next campaign which would follow their submission here, all forbid their reconsideration; but, above all, the tide of destiny is carrying them by. We are about to take action which will permit us to accredit ambassadors or ministers to central Europe and to receive ministers or ambassadors from there, even as the Allies have. We shall be able to extend credit to sell and to buy as freely as they, while new treaties of amity and commerce with the former enemy States are in the making. The negotiation of these treaties, like the negotiation of others with the allied States, to facilitate the protection of the economic rights conveyed to us under the Versailles and other treaties, will take time. That can not be otherwise. It is for this reason that we must make an end to the war by declaration, a declaration which surrenders no rights of the United States to any power. Those Senators who have opposed the resolution on the ground that it surrenders commercial or economic rights know very well that the retention of German property by our Government under the terms of the resolution, know that the economic dependence of Europe upon us, whether for new credits or for the refunding of existing debts, all afford us advantages under which an informed and prudent administration may negotiate the treaties to recover and to secure that which the last administration tried to throw away. Although we do not become party to the treaties of Versailles, the Trianon, and St. Germain, we shall not shirk our duty; we shall not shrink from the full measure of responsibility; we shall be free to take that part in the economic reconstruction of Europe which is necessary to the very life of her civilization and the recovery of our own commerce and industry.

Our obligations in effecting European tranquility, because of war's involvements, are not less impelling than our part in the war itself. Helpfulness does not mean entanglement, and participation in economic adjustments does not mean sponsorship for treaty commitments which do not concern us and in which we will have no part. We can be helpful because we are moved by no hatreds and harbor no fears.

Aye, and because with peace declared we shall still be free!

Mr. BORAH. Mr. President, it is rather too late in the afternoon and Senators are too anxious to vote and get away to enter upon an extended discussion of the many other things which have been discussed under the joint resolution and things which might be of interest for discussion had we more time at our disposal.

As I view the joint resolution it does two things in which I am primarily concerned. First, it establishes a technical state of peace, and, secondly, it undertakes to compound and hold the property which we have gathered under the alien custodian law for future disposition, which disposition shall be made by treaty with Germany. There may be a difference of opinion as to just the effect of declaring a technical state of peace when we have actually been at peace for two years, but I think all will concede that some advantage is to be derived from it.

I presume that the difference of opinion in this Chamber over the feasibility and desirability of the joint resolution arises largely out of our difference of view with reference to the question of what we should have done as to the league and what we should do as to the Versailles treaty. I suspect that the discussion is largely colored by our views with reference to those propositions.

The joint resolution is designed to establish a technical state of peace until we can by treaty settle the matters which are yet to be settled by treaty between this Government and Germany. Of course, a treaty must come some time, and anything that we may say in the joint resolution as to our view with reference to what that treaty should contain is only suggestive and, of course, in no way binding upon the treaty-making power.

But I desire to pass by the technical discussion of the joint resolution to make some observations upon some of the things which have been suggested in opposition to it; in other words, rather than discuss the joint resolution, to discuss the discussion which has been going on.

A great deal of time has been taken in attempting to show an inconsistent position with reference to the Republican Party, or rather some of its leaders, on the question of the league, that their position at this time is inconsistent with positions which they have heretofore occupied, and finally as to what the last election really determined. There ought not to be any wide divergence of view as to what the election determined; nevertheless it is a source of constant discussion here in the Chamber. Regardless of what some particular individual who may be a leader or near leader in the Republican Party may

have said as to what was the particular issue involved in the campaign, it is very clear to my mind that so far as the voters were concerned those from the Democratic Party who voted the Republican ticket and those in the Republican Party who voted the Republican ticket understood precisely what they were voting on, and that is that they were rejecting not only the League of Nations, but, in so far as they understood it, they were rejecting the Versailles treaty. In other words, both of them meant to the ordinary citizen, the layman, the man upon the street and in the workshop, an entangling of this Government in the affairs of Europe—that they thoroughly understood, and against that they arrayed their votes upon the 2d of November. They were not supremely concerned about reservations. They looked upon them rather as views expressed by international lawyers, the modification of a legal document, concerning which matters they were not going to pass an opinion; but no man stood before an audience during the last campaign and announced his position with reference to being either in favor of or opposed to this Government departing from its established foreign policy or entangling itself in the affairs of Europe that he did not get a response from the audience which indicated precisely how they understood that question.

The voter does not ordinarily take the time and has not the opportunity to go into details, but he grasps easily and firmly the great fundamental, underlying principles of a great question, and upon that understanding he passes his judgment. That, in my opinion, was what happened on the 2d day of November last.

Besides that, Mr. President, I think the issue was made fairly plain to the voters of this country by the discussion in the campaign. I do not think they were permitted to be in doubt as to what they were voting upon. I will trespass upon the patience of the Senate long enough to call attention to some of the statements which were made, and which were the turning points in the campaign. The speech of President Harding at Des Moines, Iowa, has been referred to, and I will read a single paragraph from it. Then I want to read the construction which the opposition party placed upon it. They did not leave us in a position to construe it ourselves; they said to their voters and to their followers, "This is the construction which we, as your leaders of the Democratic Party, place upon the issues as made."

President Harding said in his Des Moines speech:

There is no need of reservations of this character. The obligations are clear enough and specific enough.

That is, the obligations of the treaty.

I oppose the proposed league not because I fail to understand what a former member of the Democratic administration has said we were being "let in for," but because I believe I understand precisely what we are being "let in for." I do not want to clarify these obligations—

That is, the obligations of the treaty or league.

I want to turn my back on them. It is not interpretation but rejection that I am seeking. My position is that the proposed league strikes a deadly blow at our constitutional integrity and surrenders to a dangerous extent our independence of action.

There never was any doubt from the time of the announcement of that doctrine until the close of the campaign that the leader of the Republican Party did not propose to enter into any combination, association, alliance, or league which in any way compromised or militated against the free exercise of the absolute sovereignty or independence of the United States; and, as I said a moment ago, that was the one question which the people understood and on which they were voting.

That speech of the President was construed throughout the country by Republican papers and by Democratic papers as an absolute rejection of any league of nations. The New York Evening Post of October 8, 1920, says:

At Des Moines last night Senator Harding scrapped the league.

And if there is anyone who has been sufficiently informed to speak without possible error concerning the League of Nations it is the New York Evening Post. It continues:

There are to be no more attempts at clarification; there are to be no more attempts at interpretation. It is to be rejection; and in his heart of hearts Senator Harding knows that he is rejecting more than the league. He is rejecting the association of nations to which he still professes adherence. Senator Harding has spoken and his message is an emphatic no to the sacrifices and aspirations for which America entered the war.

The Evening Post of October 7, under the headline "Senator Harding definitely rejects the League of Nations; declares he favors staying out, and accepts the direct issue," says:

Senator Harding no longer seeks interpretative reservations but absolute repudiation.

The New York World of October 8, 1920, editorially says:

Harding scraps the league. In his speech at Des Moines yesterday he declared without qualification or reservation that he favored rejection of the league covenant. To make his objection still more emphatic, he declared that the American troops in the occupied zone of Germany

had no business there. There can be no controversy as to the meaning of these words, "I do not wish to clarify these obligations. I want to turn my back on them. It is not interpretation but rejection that I am seeking." The Senator is entitled to the credit at last as having made himself intelligible. His attitude toward the league is the attitude of JOHNSON, BORAH, MOSES, BRANDEGEE, and PENROSE, and all the bitter enders.

I have here an article from the World-Herald, which is published at Omaha, Nebr., and which has been built up through the industry and ability of the able Senator from Nebraska [Mr. HITCHCOCK]. The World-Herald of October 8, 1920, in an editorial entitled "The issue clearly joined," says:

Senator Harding at Des Moines made definite his unqualified opposition to the League of Nations and his determination that under his leadership, if elected, the United States shall refuse to enter with any reservations or on any terms whatever. For his frankness he is to be commended. Mr. and Mrs. Nebraska, are you a friend of the league with Cox, or are you its foe with Harding? Are you with Cox for its acceptance with any reasonable reservations, or with Harding and the irreconcilables for its rejection on whatever terms? These questions you must answer at the ballot box next month.

The people of Nebraska, after having that issue placed before them not only by Senator Harding but construed by its leading Democratic organ, voted overwhelmingly for the rejection of any league at all with or without reservations. And the issue was no better understood in Nebraska than it was understood throughout every State in the Union. It was simplified from time to time by editorials, and the people were not permitted to be in doubt upon the subject.

On October 13 the World-Herald said:

Senator Harding is for staying out of the league for peace and Gov. Cox is for going in. There is the issue in its naked simplicity, and the solemn referendum to determine the answer will be held on election day.

I read from an editorial in the New York Times of October 10:

The Republican candidate has removed all doubt about it; he has thrown off all disguise. In his Des Moines speech he has declared himself to be definitely against the league.

It then quotes at length his speech.

Again, on October 14, the same paper editorially said:

"I do not want to clarify these obligations," said Senator Harding in his Des Moines speech. "I want to turn my back on them. It is not interpretation but rejection that I am seeking." Nobody misunderstands that language. So far as the United States is concerned, it means the death of the league if Harding is elected. * * * Friends of the league who still cling to him evidently believe that, if elected, he would still seek to get the treaty ratified. That would expose him to the derision and contempt of the Nation, the world, for it would show that he sought and won the Presidency under false pretenses.

I am not going to take up the time of the Senate by calling attention to a great number of other editorials from leading papers; but while the campaign was in progress and the voters were being appealed to there was not that divergence of view as to what Senator Harding meant that there seems to be at this time in the Senate Chamber. He was charged with being opposed to any association, to any alliance, or to any understanding, or to any interference in European affairs, and upon that issue we went to the ballot box upon the 2d of November.

Mr. HARRISON. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. HARRISON. Does the Senator state that that was the position of Senator Harding in the campaign?

Mr. BORAH. I say that was the charge which was made by the Democratic papers, and the issue was made in that way.

Mr. HARRISON. But did not the Republican candidate for the Presidency deny that charge and say that he was for an association or a league?

Mr. BORAH. No; I do not understand that he said he was for a league; he said he was for an association.

Mr. HARRISON. Did not the Republican candidate for the Presidency say that he cared nothing about the name; that it might be called by any name desired, but that he was for some organization that might preserve the peace of the world?

Mr. BORAH. I am perfectly aware that Senator Harding said he was for an association and he did not care anything about the name; but after he had declared that he was against any association and any alliance or any league which in any way militated against the absolute independence of this Government to exercise its own judgment in every crisis, there was very little room left for an association, and I was never disturbed after that.

Mr. HARRISON. The Senator recalls the statement which was issued by Candidate Harding at that time, after his speech at Des Moines, in which he said he had turned his back upon the league, in which he explained that he was for a league, but that he was against the particular league as written in the Versailles treaty. Does the Senator remember that?

Mr. BORAH. Yes; I recall that statement.

Mr. HARRISON. Does the Senator now know what was the correct position of Candidate Harding during the campaign?

Mr. BORAH. Yes; I know what it was, because he has now scrapped the league. [Laughter.]

I said when I arose there might have been differences of view among the leaders, but I was undertaking to demonstrate that the voters understood what they were voting upon; and after all, the Republican Party and the Democratic Party are each made up in their strength by the opinions of those who do the voting; that is what constitutes the party and at last shapes the policies. However great a leader may be, he is not the party, as we have found out. Leaders do not make the issue; the people make the issue, as the closing days of every campaign discloses.

With reference to the pending resolution, President Harding was not indefinite upon that question. I think the able Senator from Mississippi will agree with me that, with reference to the particular measure which we now have before the Senate, the Republican candidate for the Presidency was very definite. He stated in his speech of acceptance that he would be very glad, if elected, as soon as a resolution declaring a state of peace could be declared, to attach his signature to it. That statement was never modified, so far as I know, in any respect during the entire campaign. He stated also in his address to Congress a few days ago that a resolution declaratory of a state of peace would receive his approval and his signature. So I do not think that there is any doubt about what the President's view is with reference to this particular joint resolution.

But there was another announcement, Mr. President, during the closing days of the campaign which, it seems to me, ought to be given a great deal of consideration in determining what the real issue was. I refer to an address issued by ex-President Wilson upon the 27th day of October last. As everyone knows, I have not entertained the same view with reference to the League of Nations that the ex-President has, but I have always profoundly respected the unchangeable attitude which he has held toward the league after he became its advocate. He was not willing to surrender any part or parcel of the instrument which he framed, because he had stated that, in his opinion, its adoption involved the peace of the world, and viewing it from that standpoint we must commend him for the attitude which he assumed from the beginning and held to the last in advocacy of this proposition. This man, who more than anyone else in the world represented the League of Nations and what it stood for, stated to the people upon the 27th of October that a vote for the Republican ticket was a vote against the League of Nations; and I doubt not that every citizen of the United States who was preparing to vote within a few days afterwards and who had an opportunity read and pondered the President's statement. So, Mr. President, we need not doubt as to what the judgment of the American people was upon this subject upon the 2d of November. Moreover, the best evidence of that is found in the fact that not only have we formally rejected the League of Nations but in practice almost every nation which signed it has rejected it.

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

The PRESIDING OFFICER (Mr. STANFIELD in the chair). Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. The Senator has just stated that we have rejected the Versailles treaty. Of course that happened when we refused to ratify it. Now, having rejected it, what is the legal effect of the reservation contained in the pending joint resolution of the rights and privileges prescribed and set forth in the League of Nations? In other words, does it have any other effect than simply to serve notice upon Germany as to what we are going to expect when it comes to the negotiation of the terms of peace in a treaty of peace?

Mr. BORAH. Mr. President, I think that is one of the effects of it. I think another effect is that it compounds this property and holds it and fixes the rules and the laws which govern this property until it is disposed of by treaty.

Mr. POMERENE. It is already compounded, so far as that is concerned.

Mr. BORAH. I do not know about that. That is where the difficulty arises, and that is the difference of opinion which exists between the very able Senator and me. We passed a declaration of war, and then, by virtue of the fact that we were in a state of war, we passed the alien property custodian law, and under that law certain things were done. Now, if we should simply repeal the declaration of war and say nothing in the act of repeal as to the status of that property which we took possession of solely by reason of the fact that we were in a state of war, I am not by any means clear that we would compound it or hold it as it should be held under that law. We had no right to do what we did under the alien property custodian

law except by reason of the fact that we were in a state of war. If we pass out of that state of war without preserving that property and compounding it, it is a very serious legal proposition, which ought not to be thrown into this proposition at all, as to what becomes of it. We can avoid that by doing what we do here as a matter of abundant precaution, and, in my judgment, that is all there is to it.

Mr. POMERENE. I am quite sure we can do that if Germany agrees to it, but until Germany agrees to it, it is simply a naked proposition.

Mr. BORAH. No, Mr. President; I think upon reflection the Senator will not deem himself bound by that statement. We are fixing the status of property which is in this country, under our control and within our jurisdiction, and Germany has nothing at all to say about it. When we come to make a treaty with Germany the matter can be settled in that way, but so far as our right is concerned to deal with this property and stamp it with a certain status during the time we have jurisdiction of it, Germany has nothing to say about it, and her objection would avail nothing.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I yield.

Mr. JONES of New Mexico. I should like to inquire whether that part of this joint resolution could not just as well be passed next week or next month, and be just as effective as if included in this joint resolution? In other words, does the fact that it is connected with the declaration that the war is at an end have anything to do with its efficacy?

Mr. BORAH. As I have just said, if it be true that we could deal with this property only by reason of the fact that we were in a state of war, I should think the orderly procedure would be to fix its status at the time we passed out of a state of war, and it was for that reason that they were both incorporated in this joint resolution.

Now, Mr. President, just a word upon another feature of this discussion.

I said that not only has the United States rejected the league and failed to ratify the treaty, but almost every country which became a party to the Versailles treaty has either disregarded it or has rejected it in practice. A great deal has been said here about the fact that we ought to become parties to or ratify the Versailles treaty. Why, my friends, there is nothing in Europe that is more universally disregarded and despised to-night than the Versailles treaty.

Let me read what the premier of the French Republic said about it only a day or two ago in the assembly:

I have something to say about the treaty, for I can not permit the country and Parliament to continue in the way of illusion and errors. The treaty of Versailles is ideally perfect. We can find anything we want in that treaty. It has but one fault. Like the celebrated mare of Roland it is not living. In order that it may live there is a piece of mechanism which must work. But this piece of mechanism is a dead letter, because it does not work. I refer to the reparation commission.

There is only one country in the world where the Versailles treaty has any friends, and that is the country in which it has never been permitted to operate. The only place where it is defended is in the Senate of the United States, and we are defending it because we have not sufficiently studied the baneful influence it has had upon the European Continent.

Briand further says:

This commission should fix the total of Germany's debt. Then it should record and accept payments by Germany. This commission has something to do with nearly every bit of the treaty. But for the last year there has been no accord in the commission. It has not even been able to agree on the amount of damages.

The only treaty we have is in accord with our allies. I have thought it essential to maintain this accord, and therefore I submitted to the reduction of our claims. I could have ended the conference in discord, but it ended in accord.

The only treaty which we have under which to act!

Under what authority are the troops in Germany at this time? Let some Senator who believes in the Versailles treaty point me to the provision which authorizes them to send troops into Germany under present conditions. They are in Germany at this time because the prime ministers, Briand and Lloyd-George, agreed among themselves—not the reparations commission but the two prime ministers agreed—what Germany should pay, and that agreement was not in accord with but in disregard of the terms of the Versailles treaty; and they are entering Germany at this time not to collect an amount fixed by the reparations commission but to collect an amount fixed by a commission unknown to the treaty, to wit, the supreme council. It may be that they are acting the best they can under the circumstances. I only call your attention to the fact that while we eulogize the Versailles treaty it is being utterly disregarded by those who have signed it and are bound by it.

I ask permission to insert in the Record some further views from publicists and writers in Europe upon the Versailles treaty and its abandonment and disregard by the nations which are the signers of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[London Daily News, Oct. 30, 1920—A. G. Gardiner.]

The letter is addressed to ex-President Poincaré. In it are found these statements:

That if the policy of France since the armistice is pursued it "can not fail to bring our country into grave collision."

It then refers to the fierce attacks of the French press on England. It declares that one of the reasons for this attack is because England refused to apply private property of Germans in England to the reparation clause of the treaty. He then says:

"When the war ended in the victory of the Allies, two paths were before us. Throughout 1917 and 1918 President Wilson had proclaimed as the object of the Allies the destruction of the institution of war, with its corollaries of armed alliances, secret diplomacy, and competitive armaments, and the substitution of a new world order based on cooperative purpose. The reign of force was to give place to the reign of law, underwritten by the guarantee of all the nations. It was upon these terms, implicit in the armistice conditions, that Germany surrendered and hostilities ceased. It seemed at that moment that the world had at last turned into a new path. To-day we are disillusioned. At the end of two years of peace, we are back in the old path. The Paris policy for which you, perhaps, more than any single person, are responsible, has triumphed over the Washington policy. * * * The main purpose of that policy has been simple. It is the political and economic destruction of Germany. Over the whole field of Europe you have pursued this purpose with a skill, an audacity, and an energy as brilliant as they are sinister and shortsighted. On the one hand, Germany is kept under the menace of an unlimited indemnity which makes her financial recovery practically impossible. On the other, she is threatened with deprivation of the sources of economic power which would enable her to make the reasonable reparation that justice demands. Of her three coal fields, one has been taken. In the case of that of Upper Silesia your military agents are working ceaselessly to get it transferred to Poland. In the case of the third, that of the Ruhr, your openly confessed policy is to occupy it with your armies and to use it as an instrument for the political dismemberment of Germany by the secession of a south German confederation under French patronage. * * * It was to promote this scheme that you sent the black troops to Frankfurt. It is the occupation of the Ruhr which is insisted on as the penalty for any breach, however unavoidable, of the conditions laid down in regard to disarmament and the tribute of coal to France. The German populations of the old Austrian Empire are cut into fragments and doomed to impoverishment and oppression to prevent the union they desire with the people of their own language and race. Concurrently with this purpose of keeping Germany down by force, you are building up what the New Republic has called the most daring scheme of imperialism since Pan Germanism was at its zenith. The Continent is strewn with your military alliances and swarms with your military missions. It is French policy which has encouraged the Poles in a frantic imperialism which has ruined the prospects of that unfortunate country. It is French policy which sustains Wrangel and makes peace with Russia impossible. The great armament works of Skoda are in French control. Hungary is an outpost of your military system and is left with an army of 350,000 men, while Austria is reduced to 100,000, and the force of the whole German Empire is to be reduced to 100,000. Your treaty with Belgium, which you have declined to register with the League of Nations, converts that country into something a little different from a French protectorate. The frankly admitted purpose is to open up the Scheldt. The opening up of the Scheldt would make Antwerp a potential naval base. * * * Toward Germany you remain irreconcilably vindictive, coupling insistence on the whole treaty of Versailles, which the conscience of the world has repudiated, with the threat to occupy the Ruhr coal field, on which the economic life of Germany depends. Toward the Russian people France remains the cruellest of enemies, prepared to subsidize civil war, to institute mercenary armies, and to maintain the blockade, which in its reactions is a blockade of this country as well as of Russia."

[Contemporary Review, November, 1920, p. 620—by Huddleston.]

Before the war there were 26 States in Europe. To-day there are 35. * * * The making of new States certainly does not encourage peace. Reports recently prepared for the American Government show that 9 active wars are now in progress, 19 international fronts are strongly held for fear of attack, 4 frontiers are acutely sensitive, while civil war exists, or is likely to exist, in 7 countries. Everybody is arming; every nation has tremendously increased its expenditure on armies and armament. Peace has been signed, but this is the most relative kind of peace that Europe has ever known. The geographical arrangements of the map-making statesmen have produced the most unstable situation that could possibly have been imagined.

In the meantime, disregarding the covenant of the League of Nations, repudiating its spirit as well as ignoring its letter, occult alliances are being made, secret engagements are being entered into. The old diplomatic game begins anew.

The immediate cause of the founding of the little entente between the Czechoslovakia, Yugoslavia, and Rumania is precisely the realization by these powers that secret bargains are being made against them, subterranean negotiations are taking place, the cynical sacrifices of friends to former enemies is a favorite device of the great powers, and if they are to live at all within the limits assigned them by the peace conference they must unite for their common protection.

Now, instead of the League of Nations which was proposed being an effective league, the greater part of Europe is left outside the league, and the smaller powers which are nominally in the league are in reality arranging themselves in groups in accordance with their conflicting and entangling interests, while we are totally ignorant of the attitude the Russia of to-morrow and the Germany of to-morrow will take up.

It is certain that Austria can not live by itself. The biggest blunder that was made by the peacemakers in Paris last year was to set up this absurdly incompetent and isolated State. It simply can not live, and every statesman worthy of the name recognizes this fact. Now, according to the treaties, Austria may not attach herself to Germany.

When all is said and done, however, in the confusion and complexity in which the affairs of middle Europe were left by the treaty makers, in the uncertainty of frontiers, the economic disorder, the enigmatic political relations, the conflict of the respective designs of the great powers, the projected formation of the little entente came as the promise of the beginning of stabilization. * * * The truth is that we have all played the game of diamond cut diamond. We have all been seeking special advantages in middle Europe. We have all been treating the smaller States as pawns on a perilous chessboard. There has been, and is, a great struggle going on for the control of these little peoples. We have been seeking to fasten upon them economic and political shackles. That we have not succeeded better is due to our fundamental disagreement. * * * The little entente was born out of fear.

Mr. BORAH. What has the Versailles treaty accomplished, Mr. President? I am perfectly aware that not only able Senators upon the other side but able men within my own party are advocating our ratification of the Versailles treaty. I have always thought that the League of Nations was a very bad instrument, menacing in every respect to this country; but I have not a particle of doubt that as between the two instruments it would be infinitely better for us to be in the League of Nations than to be a party to the Versailles treaty, assuming that the instruments could be separated.

The Versailles treaty has reduced Europe to a state of chaos and chronic revolution. Hundreds and thousands and millions of people have been hungered and made destitute or turned upon the streets to die by reason of the impossible terms of the Versailles treaty; and Europe will never regain its equilibrium or its poise or its economic composure until the Versailles treaty is either abandoned completely and absolutely, or else is revised to such an extent as to make it a new instrument based upon new principles.

Let me read you the words of a distinguished writer, L. P. Jacks, known to all publicists, who writes in the publication known as *Land and Water*, published in London. He says:

Taking a broad survey of the international situation, as it exists at the present moment, we observe that a confused and highly dangerous struggle is going on between two inconsistent principles, between two opposing groups of forces. On the one hand are the forces which arise from the determination of every nation to assert its political independence, its sovereign right to be master in its own house. On the other hand are the forces, equally insistent, which arise from the economic interdependence of all the nations of the world. Politically every nation claims to be master in its own house. Economically no nation is or can be master in its own house; its fortunes are implicated with the fortunes of all the rest. How can a group of nations which are economically dependent on one another—dependent, that is, for their daily bread—be at the same time politically independent of one another? How, at one and the same time, can the industry of the world be conducted as a partnership (which it plainly is) while the politics of the world are conducted as independent businesses, governed by the sovereign rights of the various nations concerned? This simple question covers the whole mass of international problems which now confront us. The political and the economic forces are in conflict. The crying need of the world to be governed on the lines of economic wisdom is being thwarted by the determination of the powers that be to govern it on the lines of a foreign policy which is a hundred years out of date. On the issue of that conflict the fate of industrial civilization depends. Reduced to its simplest terms it is a struggle between the flag and the loaf. There is not a doubt that the loaf will ultimately win. But unless the rulers of this world are wise in their day and generation immense suffering will have to be endured in the meantime.

When once we have grasped what is involved in the industrial constitution of modern society, the truth that stands out in clear prominence is this: That the economic interests of mankind have now won the primacy over their political interests. There was a time when this was not so. Before the industrial revolution it might fairly be contended that the political relationships between the States of the world were more important than their economic relationships. Compared with the present state of things each nation was then, relatively, self-contained and industrially independent of the others. Since then the fortunes of the nations have become interlocked on economic ground. The effect of this process of interlocking, which has been extraordinarily rapid, has been to create for them all a common economic interest and to increase the importance of the economic factor in international affairs until it has outstripped the importance of the political.

It follows that any right solution of the international problem, as it exists to-day, is bound to begin from the economic end. To erect political order on economic chaos is impossible. If you begin by drawing strategic frontiers, by adjusting a balance of power, by making maps to suit the nationalist ambitions of a score of States, by giving to each of them what the traditions of its flag demand, you will find at every step that you are running across the path of great economic forces which will sweep these political arrangements away as soon as you have completed them or possibly while they are only half complete. The economic needs of the peoples can no longer be forced to dance attendance on the kind of "foreign policy"—the only kind which the statesmen of Europe seem to be acquainted with—whose first object is to maintain the territorial status, the political power, the military prestige, the nationalist pride of the various nations it claims to represent. The world where this sort of thing was possible has ceased to exist and a new world, in which the relative importance of the political and economic factors is reversed, has come into being. I do not mean that the occupation of the statesman is gone. On the contrary, he has, if he would only read the signs of the times, a larger and more promising occupation than any which has fallen to the lot of his predecessors. He is dealing with a world the parts of which have become economically so interlocked that by no possibility can he treat it as a collection of kingdoms and empires, each of which is entitled to play its own political game, under the shallow formula of self-determination, irrespective of whether or not it is playing ducks

and drakes with economic realities. His business is to make his "policy" conform to this salient fact instead of trying as heretofore to make the fact conform to his "policy."

As Mr. Keynes has pointed out, it was the misfortune, nay, the tragedy, of the Paris conference that, collectively, it failed to understand the supremacy of the economic factor in the life of modern civilization. Whether one considers the treaty as a whole or in parts the impression received at every point is that economic realities have been sacrificed to political considerations. What most impresses the impartial student of the treaty is not its violations of international morality (though these are evident enough) but its violations of economic law. By the amount and form of the indemnities imposed on the Central Empires, by the powers entrusted to the reparation commission, by the breaking up of territorial areas which are industrial units it first creates economic chaos and then, by setting up a League of Nations, proposes to establish political order on the chaos thus created. Its fundamental vice lies precisely in this, that it tackles the problem from the wrong end, putting first what ought to be second and second what ought to be first.

The constitution of the league itself does little more than perpetuate this fatal inversion. The form in which it has been devised makes it inevitable that the machinery of the league will fall into the hands of the old political gangs and provide them with a new playground and a new game; indeed, the process is going on under our very eyes. When Napoleon surveyed the field of Waterloo he remarked to Soult, "Quel joli échiquier!" (What a pretty chessboard!) One need not be a cynic to apply the same description to the League of Nations as it now exists. It is true the disposition of the pieces has been altered and new rules laid down for keeping order among the spectators, but the sinister fact is that the old players are still seated on either side of the board, and the old backers, in the press and elsewhere, still urging them on to play the old game. That these men will continue to do so, in obedience to habits of mind which dominate them all, is a danger greatly to be feared. "Political considerations," "reasons of foreign policy" will, as before, dominate the feast, and economic necessities will have to be satisfied with the crumbs that fall from their table. On these terms the peace and prosperity of the world will remain in jeopardy, in spite of the league, or perhaps in consequence of it.

In answer to all this I shall be told that the League of Nations is giving close attention to economic problems and that an international commission, under the auspices of the league, is being set on foot. But this only serves to bring into greater prominence the very danger of which I am speaking. If some of the findings of this commission should happen to be of a kind to get the prime ministers who adopt them into trouble with their political parties, if they should happen to conflict, as unquestionably they will, with the supposed interests of some national flag, red, white, blue, black, yellow, or star-spangled, as the case may be, what is their chance of being accepted? The Paris conference was attended by a crowd of economists and, then as now, "close attention" was given to economic problems. The economists gave the politicians some excellent advice. It was not taken. It was overridden at each essential point by the blind determination of the peacemakers to reconstruct Europe on purely political lines. Is this to be repeated? According to present indications there is every reason to believe it will be. Only the other day the supreme council put out its manifesto on the economic condition of the world. It is known that this document in its original form contained a proposal for an international loan to the bankrupt States of central Europe. On economic grounds it was an eminently reasonable proposal. But it did not accord with the political aims of the French foreign office, and it was immediately dropped. What is to prevent a similar fate overtaking the findings of the international commission?

If civilization is to be saved from an irreparable disaster this kind of thing must stop, and stop at once. Europe is on the verge of bankruptcy. Unless the crash is averted—and it can be by prompt action—nothing that diplomacy can accomplish, nothing that Machiavellian arts can contrive, will be of the least avail, and go merely political League of Nations will be worth the paper on which it is described. Whatever measures, financial or economic, may be necessary to prevent this dangerous situation developing to its fatal issue, those measures must be taken irrespective of whether or no they run counter to the nationalist pride, the imperial self-interest, the military ambitions of one or other of the nations concerned.

The outstanding need of this perilous moment is that the great nations should act together on economic ground for the purpose of averting a disaster that threatens to involve them all. It is not Germany alone, but the whole of Europe, treated as an economic unit, that has to be kept on its feet. Whatever be the right means of doing this, and science is able to state what they are, they must be taken without delay. Let us suppose, for the sake of argument, that the proposals of Mr. Keynes, or the more limited scheme of Sir George Paish, or any other that expert skill may devise, provides what is required. It must be adopted on its merits. It must not be spilt nor set aside, as all such schemes have been hitherto—at the Paris conference, for example—by considerations of "high policy." "High policy" must accommodate itself to the economic reality, not vice versa. The alternative is ruin.

This is tantamount to saying that a new type of statesmanship is imperatively demanded for dealing with the perils of the present international situation. If the statesmen of the old order can adapt their minds (I say nothing of their hearts) to the new conditions, if they can be persuaded to put their joli échiquier on the fireback and take sound science instead of "diplomacy" for their guide—so much the better. If not we must look elsewhere—to the bankers, the actuaries, the financial experts, the economists, the men of business, the skilled trustees of labor and trade. From the point of view of science, the only view which a wise man will take in the present crisis, the problem now before the nations is a "business" problem first, and a political problem last. The public must be brought round to the supreme necessity of giving it to men competent to deal with it.

Unless the League of Nations can get to work immediately on economic ground, without being forced, at every step, to yield to the inconsistent demands of this or the other "foreign policy," I confess that my faith in its usefulness comes near to vanishing point. Its ideal aims, which I honor, are of no value unless they are combined with businesslike method, and in this case businesslike method, I would repeat, is economic and not political. As an instrument for giving effect to the essential truth of economic primacy the league may render immense services to mankind. Its first task is to concert common measures for saving a civilization in economic distress. Not until that is accomplished may it go on to lay the foundations of world-wide peace and prosperity.

I quote from another writer who holds diametrically opposite views to the writer whom I have just quoted, but both of whom agree as to the effect of the Versailles treaty upon Europe. He says:

The peace treaties made a European system which could be controlled, if at all, only by a great military alliance, vigilant, permanent, united, and indefatigable. In the world made by these treaties a league of nations can have no moral reality and only the most modest of functions. The need for force in the relationship of peoples is in inverse ratio to their contentment. Where there are unsatisfied ambitions, there will be armaments. When half a continent feels that the terms dictated to it are not merely an offense to its self-respect, but are barely compatible with its physical survival, it is plain that the settlement can in the long run be enforced only by maintaining in the hands of the victors an irresistible police. These treaties, however, are so packed with flagrant injustice, so plainly dictated by strategical ambition and economic greed that they can evoke no more assent. More fatal by far than their remoteness from the moral standards professed by the victors is their disastrous economic effect. Half a continent has been deprived of hope, resources, ambition, and the possibility of work, and confronted with the prospect that it will either fail to maintain its population on the civilized level of comfort, or else acquiesce for generations in devoting all the energy that can be spared from the struggle to win its daily bread, to the task of pouring wealth into the coffers of its conquerors. Treaties which make an impression that is felt in every home, at every family meal, in every school, which reduce millions of men to helpless penury and degradation, can be maintained, if at all, only by overwhelming force. It is idle, while the treaties are maintained, to talk of substituting a league of nations for the alliance of the victors. No league in which neutrals and the vanquished were fairly represented could or would consent to enforce these treaties. The only power which can or will enforce them is an irresistible military alliance of governments which believe that they have an interest in maintaining them.

Austin Harrison, writing in his English Review concerning the Versailles treaty, says:

Yet we can only help France if France helps herself; that is, France must return to sanity. She must understand quickly now that economics control, not "fruits" or pompadours. Will she try to uphold the Clemenceau treaty? Or, realizing that the treaty means European chaos, economic decay, and finally complete breakdown, in which France inevitably will be involved—we can not help her and America will no longer underwrite—will she remember her own great heart, true to her own great reason, and with that fervor that is her glory, will she cry to bleeding Europe, "Debout les morts" (lay out the dead), in the words of her own soldier? It is just possible that such a spirit might save France and Europe, but France can not be saved unless Europe is also saved, and if the French fail to grasp the truth of war, which is that only economics control, she will go down in turmoil and revolution, crushed in her own insensate havoc. * * * What the "big" three have left us with is a European situation very much like that which faced Louis XVI, the heir to "the deluge," only the incidence is universal. * * * There are two immediate steps to be taken. First, we ought to make peace with Russia; secondly, we ought, with France, to make up our minds to call a new peace conference and begin all over again.

Take as an illustration of how the terms of this treaty has ruined a whole people, Mr. President, the present situation in Hungary. Without expressing myself upon the question, I read to you what Mr. Bryce, well known to the American public, says in regard to it. Speaking of the effect of the Versailles treaty upon Hungary, he said:

I need not repeat what has been said by my noble friend about the effect which the treaty would have upon the future of Hungary. It will reduce the Hungarian State to one-third of its former dimensions. It will subject at least three and a quarter millions of Magyars, speaking the Magyar language and inheriting the glorious traditions of the Magyar people, to alien rule, to which they have the strongest possible objection.

It will also ruin the economic cohesion of Hungary, deprive her of all her forests, her mines, and her industries, and it will leave her a mere fraction of her former population, in a purely agricultural area, without that variety of industries and sources of wealth which a great people ought to enjoy. It will break up her system of communications, transfer some of her trunk lines of railways and many of the most important railway junctions to alien States, and destroy the commercial relations which she has had with large parts of her former territory.

Take, for instance, the economic losses which Hungary will suffer. Under the treaty Hungary is going to lose 57 per cent of its arable area, 65 per cent of its stocks of cattle, 56 per cent of its horse production, 76 per cent of its sheep, 83 per cent of its forests, the whole of its salt mines and nearly the whole of its mining area, and 65 per cent of its railways, including the most important railway junctions. And on the top of all this it is also going to lose the control of the waterways, upon which the prosperity of the country almost entirely depends. It therefore looks, without exaggeration, as if the country economically will be unable to exist. But the worst feature in all this is the fact that something like three and a half millions of Magyars and something like 1,500,000 German-speaking Hungarians are to be transferred like so many animals from one country to another.

I read from a news dispatch from Budapest, which tells its own sad tale:

5,300 SUICIDES IN 1920 ALARM HUNGARY; 10,000 OTHERS FAIL.

Thirty-two hundred women and 2,100 men committed suicide in Hungary during 1920, police reports for the year show. In addition, there were more than 10,000 unsuccessful attempts at suicide.

The tremendous increase is causing much worry here, inasmuch as the prewar figures were from 50 to 60 suicides yearly. The situation is attributed to the gradual deterioration in living conditions and the fact that the war had the effect of making human life much cheaper.

Government, society, and church circles, realizing the grave danger to the country, have begun a campaign against self-destruction. Sermons on the subject are being preached in all the churches and a special

police force has been organized to keep strict watch and prevent suicides. In a number of cases where the police intervened in time the persons attempting suicide protested against what they termed the tyrannous oppression of the authorities.

Take Austria. Austria was isolated, cut off from all sources of raw material, forbidden to trade with Germany, and unable to trade with the adjoining countries because of antipathies existing. The result has been that Austria has been forced into a state of bankruptcy. She has given up, surrendered herself, and asked for a receivership. Is that by reason of the fact that the United States did not join in the Versailles treaty? It was by reason of the fact that there were corralled or impounded about 6,000,000 people in a country of small area, without any resources of any kind upon the face of the earth by means of which they could live.

Permit me to say here, in passing, that I understand that this was all in opposition to the view of the American delegates, and I am proud of the fact that it was.

I read an article from a former editor of the Vienna Fremdenblatt, in which he said:

The Vienna reparations commission has as many sections as countries are represented by them. They took up their quarters in the former war office and have taken more than 300 rooms for their use. All these rooms were suitably and comfortably furnished, and yet they had to be fitted out anew with furniture, carpets, and chandeliers.

COST AUSTRIANS 500,000,000 KRONEN.

More than 300 persons are in the direct employ of the commission—

Administering the affairs of destitute and prostrate Austria. Where people were starving, dying upon the streets, they required 300 employees in that wing of the reparations commission to administer—to their funerals, I suppose.

Mr. REED. On their estates.

Mr. BORAH. This editor continues:

There is also a representative of Greece, although there was no war between that country and Austria. Every section has a manager with a salary of 100,000 gold crowns per year, i. e., more than 6,000,000 kronen; his substitute gets 50,000, his secretary 40,000 gold crowns. Each of the stenographers, typists, and auxiliaries gets at least 25,000 crowns monthly. The finance and judicial experts of the commission have an annual income of about 4,000,000 crowns each. (The value of the Austrian krone is 20.3 cents.)

There are three subexperts on finances, each with a salary of 2,000,000 kronen, approximately; also special experts for industry, trade, traffic, agriculture, food, each obtaining a salary of almost 2,500,000 kronen per year, and each again has substitutes, secretaries, stenographers, typists.

Mr. HITCHCOCK. The Senator certainly is in error when he says the value of the krone is 20 cents. It is less than 1 cent.

Mr. SMOOT. This is the gold krone.

Mr. BORAH. I am reading from this article, and I suspect this gentleman knows, as he is an Austrian, and he was there.

Mr. HITCHCOCK. The figures the Senator is reading as to salaries are undoubtedly in the present depreciated Austrian money, which is almost valueless and is handed around in bales of paper. It is almost necessary to have a basket to carry it.

Mr. BORAH. The gentlemen on this commission would not take any of the basket money; you need not be uneasy about that. They do not have to take it. This article continues:

Adding light, fire, motor cars to all this, the expenditures for the commission are not less than 500,000,000 kronen, which are taken from the pockets of the Austrians, poor as church mice and dying of hunger. To show what this really means it must be stated that the annual deficit of this country amounts to 29,000,000,000 kronen.

Not long ago the Allies allotted to Austria four river torpedo boats for service on the Danube, which is all that is left to Austria of the big Austro-Hungarian fleet. Not less than five admirals of the Entente are appointed to exercise a control over this fleet of four units. Each of them is to receive a monthly salary of £1,000 sterling.

This is the Versailles treaty, Mr. President, which we are asked to become a member of, disregarded by France and disregarded by England because they say it is unworkable, impossible of execution, pauperizing Hungary, pauperizing Austria, and reducing Europe to a state of chronic revolution. It rests like a blight upon all Europe. Millions of people to-night pray for its utter abandonment. It is enforced only where it helps and disregarded where it hurts. In this way it is forcing all Europe into helpless barbarism. If the United States enters that simoon of misery and ruin, we will share in its disastrous effects.

Let me quote further in regard to Austria.

Mr. Huddleston, in the Contemporary Review, a London publication, writing upon this subject of the treaty and Austria, says:

It is certain that Austria can not live by itself. The biggest blunder that was made by the peacemakers in Paris last year was to set up this absurdly incompetent and isolated State. It simply can not live, and every statesman worthy of the name recognizes this fact. Now, according to the treaties, Austria may not attach herself to Germany.

In the same Review is found an article by Mr. Loch, who says:

By the treaty of St. Germain a State has certainly been constituted which is totally incapable of being self-supporting. As the traveler passes along the railway on his way to Vienna one of the most striking things that he notices is the absence of trains other than his own. At railway stations, which in former times were crowded with tourists and others, there is an almost uncanny calm. Grass grows between the lines; platforms and waiting rooms are deserted.

Mr. Bass, in his book, lately out, entitled "The Peace Tangle," says:

These observations have led me to the conclusion that the execution of the treaties of peace in their present form will lead not only to the permanent economic decadence of Europe but to future wars. As I write, almost two years after the signing of the armistice, the front page of my morning paper is covered with the news of many wars in operation and in preparation. All of these conflicts may be traced to the aftereffects of the Great War, and more especially to the work of the Paris peace conference in drafting terms of peace for the world.

There is no one now attempting to execute the Versailles treaty save where it seems advantageous to those who have the right to execute it. Why should we join it? We have no course to pursue here except to make a separate treaty or to go into the Versailles treaty.

Mr. President, I said a moment ago that I took some pride in the fact that the Versailles treaty in its fundamental principles, in its essential and vital terms, was opposed, in my judgment, by every member of the American delegation. The facts which came out from day to day disclose beyond question that while they finally attached their signatures to it, they were opposed to it in principle, and often prophesied in their conversations what would result from it. I therefore have very little doubt that if President Wilson himself was called upon again to execute and sign the Versailles treaty, he would simply say to them, "Its execution is a fulfillment of my prophecy. I refuse to join in any such instrument."

No one contends that it can be executed. One of the first things which they did under the Versailles treaty was to appoint a number of experts to ascertain whether or not it could be executed, and the unanimous report of the experts to the supreme council was that it was unworkable and impossible of execution.

The International Finance Commission, which sat lately in Belgium, came to the same conclusion. I do not know of a single public man in Europe, not a single one, at this time who contends that the Versailles treaty can ever be executed. I do not know of a great economist in Europe who does not hold that its execution means untold misery and indescribable ruin to Europe.

Mr. HITCHCOCK. Mr. President, it seems to me that the Senator from Idaho is the last man who at this juncture should stand here and attack and condemn the manner in which the Versailles treaty is being executed. He admits that when that treaty was framed the United States was the only power participating in the discussion which in a disinterested way endeavored to soften the terms which he now denounces as harsh, that the United States was the only power whose representatives sought so to shape the treaty as not to place upon the Central Powers unbearable burdens. And yet it was by his masterful leadership here on the floor of the Senate that the United States, which had participated in the conference which finally adopted that treaty—that the United States, after having stood for justice, after having stood for moderate terms, after having taken a disinterested position, was taken outside of that treaty and placed in a position where it now stands before the world absolutely helpless to assist in the interpretation of the treaty.

The Senator from Idaho states here to-day on the floor of the Senate that the terms of that treaty are being violated by France, with the connivance and permission of Great Britain, upon the proposal to invade the Ruhr region. I am not going to discuss that issue with him, but the Senator from Idaho knows that we are not in a position to raise an objection because we refused to ratify that treaty.

Mr. BORAH. I agree with the Senator perfectly. I am simply making the argument I am, to keep us from going into the treaty. I do not contend that we should go over there and interfere with the manner in which they are going to execute it. I wish to stay away from it, save as an independent nation. We may counsel and advise with those in distress, a thing we have always been ready to do. So far as I am individually concerned, my judgment is perfectly clear upon that, but the argument which the Senator made yesterday was that if we had signed the Versailles treaty everything would have been well. Europe would have been in a state of prosperity and the world would have been at peace. What I have undertaken to show, if the Senator will pardon me, is not that we should go over there and attempt to adjust this thing, but that

under the Versailles treaty it is impossible to adjust it, and it is not our business to be a member of any such organization. What we do we must do disengaged and free as a friendly power.

Mr. HITCHCOCK. What I have undertaken to say now in answer to the Senator's speech is that he is the last one having any right to condemn the nations of Europe for their interpretation or misinterpretation of that treaty, because it was through his leadership that the United States was placed in an impotent position where it could do nothing to see that the treaty was interpreted as the Senator from Idaho says it should be interpreted.

The Senator from Idaho knows that when we failed to go into that treaty and to enter the League of Nations this great Nation lost the leadership of the world. We have not any right as a Nation now to hold these other countries responsible for what they are doing. If we had become a party to the treaty by ratification we would have had that right. The great potential powers of the United States might at least have been sufficient to place such an interpretation upon that treaty as would have avoided the very thing that the Senator condemns now when he criticizes the act of France in invading Germany.

Mr. BORAH. Does the Senator think that, having been wholly unable to modify the terms of the treaty, to write it in accordance with the principles which the President had announced, wholly unable to protect Austria-Hungary as the President had announced here before he went to Europe he would do, wholly unable to prevent the outrage with reference to Shantung, wholly unable to prevent the treaty being written just exactly as Clemenceau and those with him wanted it—does the Senator think we would have been very effective after we signed the treaty to enforce a construction which was in contradiction of the treaty which we signed?

Mr. HITCHCOCK. The spectacle now presented is, as the Senator knows, that Germany is vainly reaching out her hands to the United States asking for protection, and the diplomatic situation is such that our Government can not give any help, can not give any assistance, can not even give counsel to the nations of the world.

The Senator mentions Shantung. How much has the situation in China been improved by our failure to go into the treaty and to hold Japan to the promise which she made to the President of the United States? Japan has Shantung, has Shantung more absolutely now than she would have had Shantung if we had been in the treaty with the promise of Japan.

Mr. BORAH. How did Shantung get into the treaty at all?

Mr. HITCHCOCK. That is no answer. The Senator has mentioned Shantung, and he gave Shantung as an excuse for our staying out of the treaty. What right has he now to hold Japan to any accountability for holding Shantung? We rejected her promise, we stayed out of the treaty, and Japan has Shantung by more permanent right and by more permanent title than she would have had if we had become a party to that treaty.

Mr. BORAH. I agree with the Senator, if reports be true, that Japan has Shantung more solidly within her grip than she had at the time we were trying to ratify the treaty; and some of us told you then, as you will find by looking at the Record, that in six months Japan would have swallowed Shantung whole. All the talk about certain economic rights and reserving her sovereignty was mere sophistry. It misled none but those who were willing to be misled. She has it all now. She has it complete. How did she get it? She got it by reason of the fact that the American delegates, rather than lose the league, consented to that which had been condemned by the civilized world as an outrage upon decency and conscience.

Mr. HITCHCOCK. Japan has Shantung absolutely now because the United States was the only nation in the world that held her promise to give it up, and the United States was kept from going into the league and prevented from enforcing their promise by the leadership of the Senator from Idaho.

Mr. BORAH. We do not seem to be able even to make her give up Yap.

Mr. HITCHCOCK. Yap is in a very similar condition, very similar. I wish to say to the Senator from Idaho that all this attempt to drag the League of Nations into this discussion has nothing to do with the case. It was not raised on this side of the aisle. I have made a number of speeches here and not mentioned the League of Nations. I recognize that the Senator and those who sympathize with him as enemies of the League of Nations are not even willing to let it rest and that they want this resolution passed not for the purpose of promoting peace, but they want the joint resolution passed in order to force the hands of the President of the United States, and when that resolution is presented to him at the White House for his sig-

nature he has to decide whether he will sign it and permit the coterie here in the Senate that have dictated its provisions to control his foreign policy, or whether he will reject it and adhere to the policy which he stated in his message on the 12th of April of this year; that he still viewed the questions as open; that he besought Congress not to force his hand, but to allow him, as the holder of constitutional power to negotiate treaties, either to negotiate a new treaty or to get something out of the existing treaty which he still holds at the White House. That is the issue.

In speaking yesterday, as the Senator from Idaho knows—and he makes no reference to it now—I showed conclusively, as I think, that the joint resolution is not for the purpose of establishing peace. It is for the purpose of dictating to the President of the United States and compelling him to adopt a foreign policy that he has not yet decided on.

Mr. BORAH. I think the Senator is speaking out of force of habit. The Senator defended the President here for four years with great ability, and he can not now resist the habit of still defending the President.

Mr. HITCHCOCK. The Senator is mistaken. I defended the Constitution of the United States, which vests in the Executive, whether he be Democrat or Republican, the sole and only power to negotiate treaties, and I say to the Senator from Idaho now that the people of the United States do not want to have the Senate of the United States arrogate to itself the powers which the Constitution vests in the President. The only right which the Senate has is to consent and advise as to treaties which the President is given the power to negotiate. In the resolution you dictate to the President what he shall do. You cut off the possibility of his doing anything with the Versailles treaty, and that is the reason why the Senator from Idaho supports the joint resolution so gleefully. You dictate to him what shall be put into the separate treaty of peace with Germany. Why not trust him? The Senator from Idaho professes here, in glorious terms, the most absolute conviction that the President of the United States is prepared to scrap the League of Nations and to turn his back on the Versailles treaty in every form. Then why not trust him? Why dictate to him in this resolution what he and his negotiators shall put into a treaty?

Mr. BORAH. I do not think the resolution would have that effect on the President with reference to what he shall do with the Versailles treaty. If I thought it would have the effect which the Senator from Nebraska thinks it will have, I would be very happy.

Mr. HITCHCOCK. I reiterate in closing that the joint resolution is not brought here for the purpose of making peace. We have peace. We have had it for years. We have an enormous trade with Germany at the present time. In most of the great products of the United States, Germany at the present stands only second among our great customers. Trade with Germany is growing more rapidly at the present time than our trade with any other country. Our exports to Germany now amount to something like \$35,000,000 a month, and the imports from Germany are growing and will continue to grow as fast as they can in the face of legislation which you propose to pass to limit. That is not the purpose.

There has not been a Senator who has stood upon the floor here advocating the joint resolution who has been able to show a single valid reason why the joint resolution should be adopted. He has not been able to show a single benefit to come to the people of the United States as a result of the adoption of the resolution. But anyone can see that the passage of the joint resolution with specifications as to a separate treaty of peace with Germany and with the terms that shall be put into that treaty of peace with Germany is a palpable attempt to force the hands of the President of the United States, to dictate to him as to his foreign policy, and to carry out the threat made in the campaign that from now on the dominant faction of the Republican Party in the Senate proposes to conduct the foreign affairs of the United States.

Mr. JONES of New Mexico. Mr. President, I do not intend to enter into any lengthy discussion of the question which is now pending before the Senate. To me this is a most solemn occasion. I am not satisfied to cast the vote which I intend to cast upon the joint resolution without making a short statement of the reasons why I expect to take that stand.

There is no one in this body who is more anxious to bring about the peace of the world than am I. At the previous session of Congress, when we were considering the Versailles treaty, including the covenant of the League of Nations, I felt that this country could honorably ratify the Versailles treaty without any changes in it whatsoever. I felt that the honor and the dignity of this country would be maintained; that the pledges which it had made to the boys of the United States who

went across the Atlantic would be kept. I did not believe that it would jeopardize any of the interests of our country.

But after a majority of the Senate decided that there should be reservations adopted, I was so anxious to bring about the peace of the world that when those reservations were placed upon the resolution for ratification I voted for ratification with those reservations, although some of them were extremely objectionable to me. So I believe that Senators recognize the position in which I am placed to-day. I wish to bring about peace in the world. I realize that this country needs stabilized conditions abroad. I think the dominant party in this country is making a great mistake in devoting its time and giving its attention to purely domestic affairs until our foreign relations are settled.

I do not believe that it will be possible to bring about business prosperity in the United States until we shall have settled our foreign affairs. I think that just as soon as this administration came into power its first duty to the people of the United States was to consider our relations abroad. Every time one picks up a newspaper he sees that the business depression in this country is increasing by leaps and bounds.

The President the other day appealed for a merchant marine. I want to call the attention of the President to the fact that we have a merchant marine, but that it is idle in the docks of our ports because our foreign relations are unsettled. I repeat that we can not bring about prosperity in this country until we bring about stabilized conditions abroad. The people who are holding their cotton, their wheat, their corn, their copper, and their manufactured products will not find a market until something be done to settle foreign conditions.

There may be some difference of opinion as to what was the issue of the last campaign; but I can not agree with the distinguished Senator from Idaho [Mr. BORAH] that the 31 leading Republicans who declared their belief as to what the issue of the campaign was had no followers throughout the country. I believe that they represented a very material proportion of the voters of this country. If it had been understood that this Nation was to take no part in the restoration of world civilization, I know as firmly as I can know anything resting upon uncertain facts that the result in New Mexico would have been different from what it was. Hundreds of thousands of Republicans expressed it as their opinion that the quickest and the best way to get into some league of nations, to bring about some concert of the nations of the world in order to preserve the peace of the world, was to elect a Republican President because we had a Republican Senate. But, Mr. President, be that as it may, that is a thing in the past. There can be no doubt as to what the issue is before the Senate to-day. It is perfectly plain. (On the 6th day of April, 1917, the following resolution was adopted by Congress:

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 by the Senate and House of Representatives of the United States of America in Congress assembled. That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared—

Declaring a state of war which had been thrust upon the people of the United States—

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.

That, Mr. President, was the joint resolution which we adopted on the 6th day of April, 1917. That was then a solemn occasion. In favor of that joint resolution I cast my first recorded vote in this body. I realized the responsibility which I assumed; I could picture the horrors which would necessarily follow the adoption of that resolution; but I believed that there was a great impelling reason for its passage. I felt that civilization was at stake; that there was a great end to be accomplished; that we were justified in marshaling all the forces of this land, as we later did.

Mr. President, while we went into that war inspired by the highest motives which ever inspired any nation on earth, what are we doing to-day? Is there any doubt about the effect of the action which this body is going to take? What are we going to do? You may interpret the resolution now before the Senate as you will, but it unmistakably means one thing. It means that we are ending this war without consummating or securing a single thing for which we went into the war. We are not only doing that, Mr. President, but, in my humble judgment, this resolution is an apology for our ever having entered the war. Its language can have no other reasonable construction, in my judgment.

I have here the report of the Foreign Relations Committee on the pending joint resolution, and the first thing to which I desire to call attention is the following:

Amend the title so as to read as follows:

"Repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes."

What is the principal purpose? It is to repeal the joint resolution which we adopted on April 6, 1917. Why is it desired to repeal that joint resolution? As has been suggested upon the floor of the Senate, what would be the purpose of repealing the act which authorized the building of the Panama Canal after the canal had been built? What purpose could thereby be served? There can be only one interpretation when it is undertaken to repeal an act of this kind, and that is that it is desired to apologize for ever having enacted it. The only portion of the joint resolution upon which we have to vote to-day which will be effective in any respect whatsoever is paragraph 1, which reads as follows:

That the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government and people of the United States of America, and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

Mr. President, if it were the purpose of the joint resolution to make a technical ending of the war, there is nothing in the first paragraph which is necessary except the few last words which I have read. A simple declaration that the war is at an end would accomplish the entire purpose. The other paragraphs of the joint resolution are noneffective. All that has been claimed for them is that they give us some right to retain possession of the German property which was sequestered during the war. We sequestered that property by virtue of an act of Congress passed during the war. That act of Congress is in force to-day, and I should like for some good lawyer to explain to me how the legal conclusion can be arrived at, if that act would become ineffective by a resolution declaring the war status at an end, how by incorporating such a provision in this resolution it would become effective. I submit there is a distinction there without the slightest difference. It is idle to claim any such purpose.

Moreover, Mr. President, the subsequent clauses in a former resolution were given some efficacy. In the joint resolution which passed Congress in May, 1920, and which was vetoed by the President of the United States, the first paragraph was followed by a proviso which prevented it becoming effective until other things were accomplished; but now by the pending joint resolution we repeal the joint resolution of April 6, 1917, and declare the war at an end without any condition, unreservedly. The war thus ends, and, as I have said, without having consummated or securing a single purpose for which we entered the war and made the great sacrifices which the country has made. That is the situation.

Mr. President, do we want to do this thing? In the construction of any statute or resolution, it is a well-known legal rule that every word in a paragraph must be given some effect, if it is possible so to do.

The last few words declare the war at an end. What is the use of the other words? The main part of the paragraph is that part which repeals the joint resolution of April 6, 1917. What effect are you going to give to those words? They were put in there for some purpose; and, as I say, the only purpose which can be arrived at from the reading of the joint resolution is to apologize in an abject manner for our ever having passed the joint resolution of April 6, 1917.

Mr. President, I am unwilling to do that. I am unwilling to go before the people of this country and the world with the declaration that this war was fought in vain. There is no other purpose to be served by passing this joint resolution now. Why should there be such haste in passing this joint resolution? Why can it not wait until a treaty of peace can be brought about between this country and the Central Powers of Europe?

There is another thing that this joint resolution means. It means that in the near future we shall have a negotiated peace with Germany and Austria. That is what it means. Is that the purpose for which we fought the war? Is there anyone here who expected that this war would end thus abjectly, and make us suppliants at the feet of the Governments of Germany and Austria to bring about peaceful commercial relations for the future? Is that what you want?

I do not believe it, Mr. President. I do not believe that the people of this country are going to ratify the action which I am sure the Senate is going to take to-night. I have no doubt but that this joint resolution will pass, but I want to enter my

most earnest and solemn protest against it. I feel that it is dishonor to our country, it is dishonor to those who made the supreme sacrifice at the behest and instance of this great country of ours.

I hope that this joint resolution may not ultimately pass as it is framed. I do not believe that it should be done. I think it is an ignominious attempt to discredit everything that our country did during the war. I do not know that I could state any more clearly than has been done the reasons why this joint resolution should not be passed. When the other joint resolution was passed by the Congress, the then President of the United States vetoed the resolution. I think his language was then expressive in a concise and emphatic way of the objections to such a joint resolution. I believe that those objections are just as potent now as they were then. I shall not take the time of the Senate to read them, but I ask that the veto message of the President on the passage of the former joint resolution be inserted in the Record as a part of my remarks.

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

The matter referred to is as follows:

To the House of Representatives:

I herewith return, without my signature, House joint resolution 327, intended to repeal the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Austro-Hungarian Government, and to declare a state of peace. I have not felt at liberty to sign this joint resolution because I can not bring myself to become party to an action which would place an ineffaceable stain upon the gallantry and honor of the United States. The resolution seeks to establish peace with the German Empire without exacting from the German Government any action by way of setting right the infinite wrongs which it did to the peoples whom it attacked and whom we professed it our purpose to assist when we entered the war. Have we sacrificed the lives of more than 100,000 Americans and ruined the lives of thousands of others and brought upon thousands of American families an unhappiness that can never end for purposes which we do not now care to state or take further steps to attain? The attainment of these purposes is provided for in the treaty of Versailles by terms deemed adequate by the leading statesmen and experts of all the great peoples who were associated in the war against Germany. Do we now not care to join in the effort to save them?

We entered the war most reluctantly. Our people were profoundly disinclined to take part in a European war, and at last did so only because they became convinced that it could not in truth be regarded as only a European war, but must be regarded as a war in which civilization itself was involved and human rights of every kind as against a belligerent government. Moreover, when we entered the war we set forth very definitely the purposes for which we entered, partly because we did not wish to be considered as merely taking part in a European contest. This joint resolution which I return does not seek to accomplish any of these objects, but in effect makes a complete surrender of the rights of the United States so far as the German Government is concerned. A treaty of peace was signed at Versailles on the 28th of June last which did seek to accomplish the objects which we had declared to be in our minds, because all the great Governments and peoples which united against Germany had adopted our declarations of purpose as their own and had in solemn form embodied them in communications to the German Government preliminary to the armistice of November 11, 1918. But the treaty as signed at Versailles has been rejected by the Senate of the United States, though it has been ratified by Germany. By that rejection and by its method we have in effect declared that we wish to draw apart and pursue objects and interests of our own, unhampered by any connections of interest or of purpose with other Governments and peoples.

Notwithstanding the fact that upon our entrance into the war we professed to be seeking to assist in the maintenance of common interests, nothing is said in this resolution about the freedom of navigation upon the seas, or the reduction of armaments, or the vindication of the rights of Belgium, or the rectification of wrongs done to France, or the release of the Christian populations of the Ottoman Empire from the intolerable subjugation which they have had for so many generations to endure, or the establishment of an independent Polish State, or the continued maintenance of any kind of understanding among the great powers of the world which would be calculated to prevent in the future such outrages as Germany attempted and in part consummated. We have now in effect declared that we do not care to take any further risks or to assume any further responsibilities with regard to the freedom of nations or the sacredness of international obligation or the safety of independent peoples. Such a peace with Germany—a peace in which none of the essential interests which we had at heart when we entered the war is safeguarded—is, or ought to be, inconceivable, is inconsistent with the dignity of the United States, with the rights and liberties of her citizens, and with the very fundamental conditions of civilization.

I hope that in these statements I have sufficiently set forth the reasons why I have felt it incumbent upon me to withhold my signature.

WOODROW WILSON.

THE WHITE HOUSE,
May 27, 1920.

Mr. JONES of New Mexico. Mr. President, I wish also to call attention to a statement of the leader of the party on the other side of the Chamber. He said that there is no question but that the passage of this joint resolution will lead to a negotiated peace with Germany. I do not know how to characterize a negotiated peace with Germany in language as strong as that used by the leader of the Republican Party in this chamber. It has already been inserted in the Record, but I want to

close with repeating his words as my condemnation of this joint resolution:

In June, 1918, the senior Senator from Massachusetts [Mr. LODGE] said:

The President who delivered the war message and the Congress who voted for war would be guilty of the blackest crime if they were willing to make a peace on the status quo ante bellum and re-create the situation which existed before the war.

May I interpolate and inquire, if we pass this joint resolution, are we not re-creating the situation which existed prior to the war so far as the relations between the United States and Germany are concerned? Are we not restoring the status before the war? If so, it is a crime, in the language of the great Senator from Massachusetts:

If we sent our armies and our young men abroad to be killed and wounded in northern France and Flanders with no result but this, our entrance into the war with such an intention was a crime which nothing can justify. The intent of Congress and the intent of the President was that there could be no peace until we could create a situation where no such war as this could recur. We can not, in the first place, make peace except in company with our allies. It would brand us with everlasting dishonor, and bring ruin to us also if we undertook to make a separate peace.

That is precisely what this joint resolution means. It means that we are to make a separate peace with Germany. It means that we are to desert the Allies with whom we fought the war. It means the surrender of everything honorable and high in purpose which actuated us to engage in the war.

Mr. HARRISON. Mr. President, I shall not occupy the time of the Senate at any great length. I should not now say anything if it had not been for the speech of the distinguished Senator from Idaho [Mr. BORAH] and the utterance that he made to the effect that the issue before the American people in November and settled in that election was for a league of nations or any association, or against a league of nations or any association. The distinguished Senator stated that those who supported the Republican ticket in that election believed that by so doing they not only would be defeating this League of Nations as incorporated in the treaty of Versailles, but they would be putting an end to any association of nations to promote the peace of the world in the future.

Of course, I can understand how the distinguished Senator from Idaho was led into that belief. He was making speeches over the country, drawing great crowds, and winning tumultuous applause. He was talking against any league. He was consistent in the position then that he had taken from the time the League of Nations was first discussed. He has been one of the few Senators here who have been consistent on this proposition from the beginning, and he was led to believe that the other speakers in that campaign, and those who were promoting the candidacy of the Republican candidate, were taking the same position that he was taking; but they were not.

The Senator will recall that when the standard bearer of his party spoke at Des Moines, Iowa, and said that he had turned his back on the League of Nations, and that he was not only against reservations but against interpretations, I believe the expression was, there went up a howl all over this country, not only from Democratic sources but from Republican as well; and the howl was so great that it forced, as I stated in my remarks to-day, a cessation of argument and eloquence upon the part of the Senator from Idaho, and he remained off the stump a few days, and it was only a few days after that—the Senator will recall it, and I do not want this discussion to end without placing it in the RECORD—that the pressure on the managers of the Republican Party by the thousands of men and women in the Republican Party who believed in the ratification of the treaty of Versailles, with or without reservations in some form or other, was so great that it compelled the Republican candidate for President to issue a public statement to the American people.

Of course, it was quite significant and very fitting in that campaign that beneath the picture of the standard-bearer of the Republican Party on the billboards throughout this country the words "wobble" and "wobble" should have been written, because certainly no one ever attempted to assert what would be the position of the Republican Party from one day to the other on this very important question. But I want to read from this statement, not because I think many of the Senators on the other side will listen to it—they remember it—but I want to read it especially for the benefit of the distinguished Senator from Idaho.

This ought to be a glorious occasion for him. It is a great triumph for him. Starting out almost single-handed and alone, with but a handful to help him, combating not only this side of the aisle but combating the Republican leadership on the other side of the aisle, and in that leadership at that time was the present President of the United States, they fighting for days and for weeks and for months for a league of nations and for

the ratification of the treaty of Versailles, the Senator from Idaho almost single-handed and alone stood there and by his eloquence and his great influence has commanded the whole Republican Party to change front on the proposition.

I should like to have the Senator from Massachusetts [Mr. LODGE], the leader of the majority in this Chamber, listen again to what he read on the morning of October 12, the utterance given out in a prepared interview to the American people as to how the candidate of the Republican Party stood on an association or a league of nations. He was forced to do this, and I am not surprised at his action. I really believed that you were going to scrap the League of Nations. I believed, as the editorial that the Senator pointed out that appeared in the New York World said, that you would scrap the League of Nations; but what I object to, what I denounce, is a species of hypocrisy that promised the American people one thing and now you give them another thing. If you were for scrapping the League of Nations, why did not the leadership of the Republican Party, why did not the men who were carrying the banners of that party in October, say not only that you were going to scrap this league but that you were against the idea of a league of nations or any association?

But you did not do that, and here is what the President said in a prepared statement following his Des Moines speech:

It seems to me that there should not remain a shadow of a doubt as to my exact position as regards the proposed League of Nations as drafted at Paris and submitted to the Senate and as regards the great world sentiment for a better understanding among nations to discourage war and generally to advance civilization.

In all of his utterances he was talking about this proposed league as drafted at Paris. Of course, he had voted here for reservations. He had voted to change the league as drafted at Paris, and he could very well afford to tell the American people in this statement that he was opposed to the League of Nations as drafted at Paris and as submitted to the United States Senate. But he goes further. Ah, you can see the Italian hand here, trying to hold in line the distinguished Senator from Idaho [Mr. BORAH] and the distinguished Senator from California [Mr. JOHNSON] and the distinguished Senator from Illinois [Mr. MCCORMICK], so that they might go and talk to certain elements in the country who were opposed to any League of Nations, and arouse them to go out, and not only support, but espouse the cause of the Republican candidates, and still hand out this soft soap to those who really believed in a league of nations. The wonder to me is how he ever fooled a man of such stupendous ability and experience and training as the distinguished Senator from Idaho [Mr. BORAH].

Let me restate—

Says Candidate Harding—

my position as explicitly as my power of words permits.

Now he is going to give it to them. It is just as clear as mud. He said:

First, I am unalterably opposed to going into the League of Nations as that particular proposition now stands.

Of course, he had so voted here in the United States Senate. So had the Senator from Idaho and the Senator from California, and those who were following them.

That proposal is contemptuous of and potentially destructive of the American Constitution. It is not favored by the American people.

Second—

Here is where he expresses himself clearly—

I am in favor of a world association—call it what you will, the name is of slight consequence—that will discourage or tend to prevent war and that will encourage or tend to encourage a better understanding among the nations of the earth.

That was the statement which caught the present Secretary of State, which caught the present Secretary of Commerce, which caught Elihu Root, and Henry Stimson, and all of those thousands and millions of men and women who were for an association of nations to preserve the peace of the world.

Mr. McKELLAR. Do not leave out Taft.

Mr. HARRISON. I want to read you what he said in a moment.

The old order of things is done with—

Says Candidate Harding—

not only in America but throughout the world, and the United States, always quick with sympathy, always just and usually led by common sense, must play its part in this new order.

How does that suit the distinguished Senator from Idaho? Oh, he says now that Harding is for scrapping the league. Yes; I think he is. But he was not for scrapping the league when he issued that statement to the American people, when the campaign was at its height, prepared on October 12, 1920.

Mr. WOLCOTT. When he was hunting for votes,

Mr. HARRISON. Yes; when he was hunting for votes, as the Senator suggests. Mr. Harding continued:

Third. I believe that such an association can be formulated without wrecking the Constitution, that remains the corner stone of our liberties and of our happiness, without seizing or filching the sovereignty that is our pride and our inspiration to fine living and good works.

Fifth. It is my purpose, when elected, to take the whole people into my confidence as regards these matters, to seek their advice, and more importantly, to act consonantly with their advice, and to this end it will be my pleasure as well as my duty to call into conference with me the best minds.

I understand he has called into conference the best minds, including in that number the distinguished Senator from California and the distinguished Senator from Idaho. Am I mistaken in that? The Senator from Idaho answers not. This statement continues:

I thank God that the time has come when I can ask the advice of American women, and especially the mothers of America, too.

The substance of these things has been said in some form or other in every address and I say it all definitely now, because I am not always fully reported, and I want America to understand my thought of cooperation as well as the abiding opposition to the league proposed.

So both understood it then, and both stood with him. I wonder if the Senator from Idaho stood with Candidate Harding on that proposition? The Senator answers not.

Now, one word further touching the understanding of the issue in that campaign. I cited to the Senate only to-day the list of names of those who appealed to the proleaguers of the country to support the Republican ticket, saying that they "believed we can most effectively advance the cause of international cooperation and permanent peace by supporting Mr. Harding for election to the Presidency."

But they were not all. The interview which Candidate Harding gave on the 12th of October satisfied thoroughly ex-President Taft, and so he said, in a telegram to the New York Times August 9, 1920:

I wish to have as many Republican Senators as possible stand by President Harding in the policy to which I believe the circumstances will lead him, of obtaining such an amendment of the present league as will retain the great benefits which the covenant without article 10 will confer on the world.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator yield to the Senator from Idaho?

Mr. HARRISON. I yield to the Senator, and am glad to. I wonder if he agreed with that statement which appeared on the 12th of October, 1920?

Mr. BORAH. In view of the telegram which the Senator has just read, what does he think of ex-President Taft as a prophet?

Mr. HARRISON. Do I think he is a prophet? A very poor prophet, indeed. I think somebody misled the ex-President of the United States. But it does not seem to have been very hard work to mislead a good many folks in that campaign. The Senator from Idaho was a good prophet.

Here is a statement that was signed, among others, by A. Lawrence Lowell; and to show what the sentiment of the country was, this was signed, among others, by a distinguished Senator, a man of great influence in the western country, one who owns and edits a large number of newspapers, who, with certain classes of our people, is as powerful in his influence as any man I know of. Senator ARTHUR CAPPER is one of the signers of this. Other signers are William Howard Taft, A. Lawrence Lowell, Harry A. Garfield, Oscar M. Straus, Henry W. Taft, George W. Wickersham, and Talcott Williams, all distinguished Republicans. Here is what they said on March 18, 1919:

From constant touch with every part of the United States the officers of the league are confident that the present spasm of opposition—

That was when the Senator from Idaho was afflicted on the floor here—

That the present spasm of opposition to the Paris plan—

The Paris plan—

is due mainly to misrepresentation backed by reactionary elements of our population who fear that a change in our methods of handling international questions will interfere with their vested privileges. This is the real basis of the opposition. It is supported also by some who, under the guise of patriotism—

I do not know whom they had in mind at that time— seek to advance their personal political fortunes.

I think most of the men who opposed this League of Nations from the very start did it very conscientiously. The men who now oppose it, but who pretended to be for it, are the ones that the American people should condemn, not those who consistently from the beginning thought it was a bad thing and fought it here like men upon the floor of the Senate.

But it is disheartening to think that so many men whose eloquence has been poured forth in this Chamber, whose ener-

gies have been exerted in behalf of the treaty of Versailles and the League of Nations, now favor adopting a separate treaty with Germany, scrapping the treaty of Versailles.

But I have some other very interesting reading here. I have what George W. Wickersham said about this Knox resolution. But let me read what Senator LEXROO, a distinguished Republican leader, said about the League of Nations.

He takes issue with the Senator from Idaho. He said:

The country ought to know that with very few exceptions the Members of this body, irrespective of party, are in favor of a League of Nations, and the country ought to know that with very few exceptions the Republican Members of the Senate are in favor of the league now proposed, provided reservations are made protecting the rights and interests of the United States.

I stated then (in a speech made in the Senate on February 28, 1919), and I am convinced now, that we should enter a League of Nations to help preserve the peace of the world, and that the plan proposed is a great forward step in this direction.

I believe the United States can and should be protected by proper reservations, and with such reservations the league may be of great value in preventing future wars and securing a better understanding between nations.

So that the RECORD may show it, I want to read an excerpt from a speech that was delivered by the author of this resolution in June, 1910. Senator KNOX, in a commencement-day address before the University of Pennsylvania, at that time employed these words:

We have reached a point when it is evident the future holds in store a time when wars shall cease; when the nations of the earth shall realize a federation as real and vital as that now subsisting between the component parts of single States; when by deliberate international conjunction the strong shall universally help the weak; and when the corporate righteousness of the world shall compel unrighteousness to disappear and shall destroy the habitations of cruelty lingering in the dark places of the earth.

I want to read what the distinguished Senator from Missouri said about this—not the senior Senator from Missouri [Mr. REED] but the junior Senator from Missouri [Mr. SPENCE].

This was in a statement telegraphed to the St. Louis Dispatch in May, 1919:

I believe that the Knox resolution (to separate the peace treaty from the League of Nations) should be so changed that the Senate could go on record as being in sympathy with a League of Nations covenant. I do not intend to vote for a resolution that would put myself and the Senate on record as distinctly hostile to the United States entering such a league.

So, Mr. President and Senators, such were the views of distinguished Republican leaders in the last campaign. Thousands and thousands of votes were cast for the Republican ticket in the belief that the treaty of Versailles would be ratified in one form or another, and the issue was not presented, as I take it, as expressed by the distinguished Senator from Idaho.

SEVERAL SENATORS. Let us vote!

Mr. TOWNSEND. Mr. President, I realize that it would be entirely improper for me to make a speech at this time, but I think those who call for a vote and who occupy much more time on the floor than I do will bear witness that I do not occupy much of the time of the Senate. I should like to present some reasons for an amendment which I propose to offer, but the Senate is not in a frame of mind to listen, and I think it would do very little good even if I were to present it.

I am as weary as anyone could be of the political debate which has taken place here and which has held us here for most of the day, without any attempt at all to discuss the real issue before the Senate. I take it that those Senators who indulge in that practice so often must believe that it is of some value to them before their constituents. I can not conceive that it is of value anywhere else, and I have a rather low estimate of a constituency that is controlled by that kind of oratory.

I am not impressed with the great importance of the pending joint resolution taken under any view that may be given. I do think, however, that the country expects us to put an end to this anomalous condition known as war. There is no political speech which can be made that can satisfy the country that it is not an anomalous condition, if not in fact a farce. The rest of the country is aware that the nations of the rest of the world are at peace. We are in fact at peace.

I should like to do the thing that we all are professing to want to do, namely, make that declaration and that alone. I do not mean that it might not be necessary to accompany it with some of the statements or specifications which are attached to the joint resolution, but I am now talking about the first paragraph, paragraph 1 of the joint resolution. What we are after is to say that that state of war which existed on April 6, 1917, is now at an end. I do not think it is necessary to repeal the declaration which was made at that time; we can not repeal the effect of it; yet by saying so we might possibly invite some of the difficulties and the troubles which some Senators have pointed out here to-day. So, without occupying any further

time, I send to the desk the following amendment, which I shall propose.

The VICE PRESIDENT. The Secretary will read the proposed amendment to the amendment of the committee.

The ASSISTANT SECRETARY. Strike out the first paragraph in the proposed amendment of the committee and insert in lieu thereof the following:

That the state of war declared by Congress on April 6, 1917, to exist between the Imperial German Government and the Government and people of the United States of America is hereby declared at an end.

Mr. UNDERWOOD. Mr. President, I merely wish to say in reference to the Senator's amendment that, although I am not in favor of the joint resolution even if it is amended, I think it would be in far better keeping with parliamentary practice, and we would know far more what is meant, and we certainly would not be guilty of an apology if we adopted his amendment. I shall therefore vote for his amendment, although even if so amended, I expect to vote against the joint resolution.

Mr. HEFLIN. Mr. President, the headlines on the front page of the Washington Post this morning said:

France will march alone if allied support fails.

When I read that my mind went back to the time when France, heroic France, pouring out her blood on the battle field, was holding back as best she could the German Army. And I now recall the time when the daily press here at home told us each morning that the French were being pushed back closer and closer to Paris and the British soldiers were being pressed back nearer and nearer to the English Channel. I remember the anxious times when we were saying, "If they can only hold the German line until our troops arrive we can save the day."

I recall the time when our boys left their homes in the East and West and North and South, put on the uniform of their country, and carried our flag to the seashore. I saw them embark upon a sea infested with German submarines, the desperadoes of the deep. I recall those dreadful days, Mr. President. No light was permitted upon the decks of our ships at sea. Our boys down in the bodies of the vessels were risking their lives every minute of the time as they went over to France to help put down the German Army, that sought not only to conquer Europe, but, as soon as that task had been accomplished to march with streaming banners through Berlin as it shouted "On to America."

I recall the time when the Congress of the United States in solemn session, speaking for the American people, indicted the German Government; when it recited the crimes committed by that Government against us and the civilized world, and upon the provisions set out in that resolution we went to war with Germany. I recall that the allied nations pledged to each other that we would fight together to the end; that we would not make a separate peace, but that we all together would write the peace treaty.

We have condemned Russia for deserting the Allies during the war. Poor, war-torn, distracted, chaotic Russia, and yet we criticize her for deserting the Allies in time of war. And here we are, right at the very time when Germany is halting and hesitating as to whether or not she will obey the mandates of the victorious allied powers, about to abandon our comrades in arms. We not only do that but we encourage Germany to believe that we are not now in sympathy with the things we fought for in the war with her.

We are asked not only to repeal the joint resolution which indicted her and declared war against her, but we are called upon in this resolution to apologize to Germany for what we did at that time. We are requested to wipe that indictment from the statute books of the United States—to remove it from the pages of our history. We charged in that resolution that Germany was guilty of certain crimes and stood convicted at the judgment bar of the civilized world, and yet here you are ready to do as Germany would have you do, truckle and get on your knees and put yourselves in the attitude of giving Germany the right to say what the terms of peace shall be with our brave boys and the people of the United States.

Senators, 4,000,000 of young men, the bravest and best blood that ever marshaled beneath a flag, went across the sea to put an end to this war commenced by Germany. Germany is dickering in this country to-day with her propaganda. Her spies are here now. They have been working for months trying to alienate us from our brave allies who fought side by side with us on the battle fields of France.

Germany could not accomplish her devilish purpose as she stood before the United States Army on the battle fields of France. Is she now going to accomplish through a certain kind of politics and German diplomacy what she could not accomplish before the upstanding soldiers of our country on the battle field? Is she about to succeed in having this country do

now what she wanted it to do a year and more ago? If so, the situation is really alarming.

The Senator from Illinois [Mr. McCormick] in his speech complains that it will take some time to undo the harm done in international affairs by the former administration in eight years' time, and in his powerful and ponderous appeal reminded us that we must not expect the present administration in just a few weeks to correct all of these evils. The step we are taking to-day complicates matters more than ever. I am in favor of a peace treaty with Germany in keeping with our rights and honor in the premises. This shameful makeshift that you propose practically says to Germany, "Go tell our allies that we are no longer interested in a just settlement of your differences and no longer concerned whether you have peace or war in the Old World."

The Senator from Illinois falls out with Lloyd-George and takes a small fling at him. I regard Lloyd-George as one of the greatest statesmen that lives to-day or that has ever lived. He is a very remarkable man. I do not know whether the Senator from Illinois has fallen out with him because of a little controversy that grew out of an interview said to have been had with Lloyd-George that the Senator gave to the press on his return from Europe, when he was reputed from some source to be representing in some capacity the United States, and Lloyd-George felt called upon to explain away the impression made by the published statement of the Senator from Illinois.

I just happened to recall this interesting incident.

The Senator from Illinois, in an interview not long ago, referred to ex-President Wilson in a rather cold and sarcastic way. He said:

The world has forgotten Dr. Wilson; let us do so, too.

Of course, you understand, Senators, that he was referring to ex-President Wilson. I wonder if the Senator really thinks that the world has forgotten ex-President Wilson? The Senator himself, in the magnitude of his own estimation, is a considerable part and parcel of the world, and the Senator from Illinois does not seem to have forgotten him. He refers to him to-day and talks about the harm he has done in his eight years' administration. Mr. President, the good things of the Wilson administration will live long after the political career of the Senator from Illinois has been forgotten. You can not dispose of the former President in any such manner. No man who is willing to hazard his all and die for a cause can be forgotten. In the annals of history those who traduce and slander him will die in a day, but the man who dares to risk his life, his all, in order to prevent the recurrence of another such war can not die in the affections and memories of the people who love peace and hate war.

Senator BORAH, the able, eloquent, and fearless Senator from Idaho, has always opposed the League of Nations. He ought to be happy to-day. His efforts have borne fruit. He has fought this thing from the beginning. When others around him said, "We favor some sort of a league," he said, "I am opposed to any kind of a league." Like Horatius at the bridge and Leonidas at Thermopylae, the part he played won for him the honors of the occasion. All honor to him.

Mr. President, I remember a great many things in connection with this matter, but I will not punish Senators on the other side by keeping them here at any great length to hear them recited, for I heard two or three Senators over there a while ago cry, "Vote! Vote!" When I listened to the torrents of convincing logic poured into the other side of the Chamber this morning by the senior Senator from Arkansas [Mr. ROBINSON], by the Senator from Mississippi [Mr. HARRISON], then later on by the Senator from Nebraska [Mr. HITCHCOCK], and then by the Senator from New Mexico [Mr. JONES], I could understand why you wanted to end the debate and vote.

Senators on the other side of the Chamber want to get through with this gruesome thing; you want to be done with it. After you have passed it—and you have the votes to pass it—you will go out of this Chamber saying, in a whisper, some of you, "I am glad we are through with the blamed thing." [Laughter.]

Senators on the other side brought this resolution in here and had it pending for a week or 10 days. None of them has said a word about it until to-day. Why? Because they did not want to go on record. They said, "The least that we can say about this thing the better it will be, because some of us have said that we are going to have some sort of a league, while others have said that we were not going to have any kind of a league. If we get this thing up here and go to discussing it, the Senator from Idaho [Mr. BORAH] is liable to get on the war-path and tell the truth about the whole thing. If ever he gets started on it, he will tell the truth, as will the Senator from

California [Mr. JOHNSON]"; and so they did. Now, the resolution is here, poor, disgraceful, shameful thing, and Senators on the other side have had to come to its rescue.

Senators, in conclusion let me say that I know the gun and ammunition makers of the world do not want any understanding between the nations. I know that those who profit by war do not want anything that will stop war. I know there are those who believe in great standing armies, big war equipment, and in universal military training which will take every boy out of the homes of America at tremendous expense to the taxpayers of America. There are those who would have a system of universal military training such as Germany had, and a military autocracy such as Germany had. That is what some of you are hoping to have; you are going to try to force it upon us in this country. Universal military training is going to be a part of your program a little later on. I know that those who want to make money out of guns and munitions do not want any association of nations, any League of Nations, or any international tribunal. I know that we have that influence to fight.

It was all right, Senators, to go into an alliance with European powers to the extent of \$10,000,000,000 in loans, and to the extent of more than \$10,000,000,000 expended out of our pockets for guns and munitions and war supplies; it was all right to muster 4,000,000 of the bravest, best boys that ever battled, and send 2,000,000 "over there" to stay for nearly two years; but it is all wrong to take a chance of two years' time in a league looking to the prevention of war and the promotion of peace. Senators, you are going to have to answer for this to the American people.

A Senator on the other side has said that there was not any defense of the League of Nations anywhere except in the Senate. I make a patriotic address now and then out in the States, and I always refer to the league, and I pay a tribute to the man who championed the cause of peace, and nowhere East, West, North, or South have I ever spoken and mentioned the league and Woodrow Wilson that the men and women in the audience did not express their approval with applause. So do not get it into your heads that there is no sentiment in the country for an international agreement looking to the promotion of peace and the prevention of war.

Gen. Grant knew what an awful and cruel thing war was, and one of the last things he ever said was that we must have some sort of an international agreement by which disputes between nations may be arbitrated. Senators know why the gun and ammunition makers do not want the covenant of the League of Nations, do they not? It is because that covenant has in it provisions for the arbitration of disputes between nations and a proposal for disarmament. If we arbitrate, there will be no war, and if we cut down war equipment, then the inducement to fight will not be present. So if we do either or both, the gun and ammunition makers will not make the money they have made, and they do not want any such prospect as that to appear in view.

Senators, I think of the boys who sleep this night in France; I think of the boys who are crippled out at Walter Reed Hospital. I have seen them, God bless them! Some of them with both eyes gone; some of them with half their faces torn away; some of them with both legs gone; some with both legs and one arm gone.

These are the remnants of the brave Army, whose troops went out in possession of all their faculties and went over to fight in France for you and for me—to accomplish what? Not only to achieve liberty and preserve our institutions and prevent a foreign foe from coming here, but to prevent the recurrence of another such war.

Here we are, more than two years after the armistice, making no effort at international peace, making no contribution to the readjustment or reconstruction of a world rent and torn by war, passing a resolution that pleases nobody but the military masters of Germany. Why? They said, "When you went to war with us you accused us of high crimes; you wrote that in your resolution; it is a severe indictment against the German Government. We want you not only to say the war is at an end, but take that indictment off your books."

Is that to be done? Is Germany to receive some sort of grateful remembrance for some of the votes you received last fall? Bernstorff said, "We can look for no arrangement with America until a new President is elected. Then we shall have it." It looks as if he were a pretty good prophet, does it not?

Senators, a soldier who served in the World War talked to me this morning on my way to the office and said: "As an American soldier, who served in France, I resent this performance. What did we go to France for? Are we not to set up some sort

of an institution looking to the promotion of peace and the prevention of war? Have we made all of our sacrifices in vain? Has all this vast sum of money been expended for nothing? Is all of it to go up in smoke and nothing to be done looking toward protecting us from another such catastrophe in the future?" I replied, "I believe as you do. I am in favor of doing the thing necessary to prevent war."

Mr. President, Senators on the other side of the Chamber have the votes to pass the resolution, and I am going to conclude my remarks and not detain the Senate longer; but this question is not dead; do not believe that it is. The Senator from Mississippi spoke a parable to you when he told you there were millions of people who voted your ticket with the understanding that they were going to work for the establishment of some sort of league or association of nations that would seek to prevent war in the future.

Whenever it is made clear to the American people that the Republican Party of this day is through with trying to establish more cordial relations with the nations of the earth in the effort to establish world peace they are going to be through with you. Every time one of you gets up over there you refer to that 7,000,000 majority you got. I reminded you once before that Mr. Taft went in by a million majority and went out by unanimous consent. [Laughter.] You keep up the steady progress that you are making now in doing nothing of value, and the Lord only knows what we will do to you even in the next election.

The American people are watching you. They are looking in upon the situation here. They are seeing what you are doing and what you are trying to do.

Mr. President, let the vote on the resolution come. I want to see the day come, and come speedily, when this Nation under God shall take her place, her rightful place, in the family of nations. I want to see this great Nation, the richest of all the nations of the earth, take the lead. She is entitled to lead. She was leading. The leaders of the Republican Party threw down that leadership. I am in favor of getting it back and letting America take the place that she should take and hold in the estimation and in the affections of the nations of the earth. I want the power of this Government expressed, not in anything that would alienate us from the nations of the earth, but in those things that will bind us together in the bonds of international peace.

I want the nations of the earth to love the United States as they did when the President left Paris with this treaty, coming home. No leader of any Government ever left a foreign capital so loved and esteemed by the nations of the world as Woodrow Wilson did when he started home. He is broken now; he is lame and halt, but he made his sacrifice. He fought a good fight. He kept the faith. He struggled for peace, and the God of Peace, I believe, will spare him to see the Nation that he loved yet take her place on the side of humanity, on the side of our boys as against the gun and bullet makers of the Nation, on the side of those who love peace and hate war, who shall work for righteousness, the upbuilding and betterment of mankind.

Mr. STANLEY. Mr. President, were I seeking a simple partisan advantage rather than the good of my country I should rejoice at this hour. There is no doubt, no question of doubt, that the great majority of the American people, that the heart of the world, hungrily longs for some concert among the powerful nations of the world for the establishment of peace and the abolition of war. There is no doubt and no question of doubt that the great majority of the American people agreed with the Senator from Massachusetts [Mr. LODGE] when he declared that a slacker peace, that a separate peace, that an understanding by this Nation with Germany independent of and disregarding of the rights of our allies, would be a thing of infamy.

To-day, at this hour, we can make a peace with Germany as a victor. Pass this joint resolution and you tie your hands, you gag your mouths, you throw away ruthlessly, blindly, madly, all that a hundred thousand dead have gained, that 200,000 maimed have won, that 2,000,000 across the seas have fought to gain. You have no rights that a neutral would not have. You have no rights that you would not have had had you never spent a dollar and never sacrificed the life of a hero.

This scene, this act, is tragic. It is pathetic. You are drunk with power, gentlemen, upon the other side. Whom the gods wish to destroy they first make mad; and this act of separate peace with Germany is political madness. You recant all that your leaders, with a few exceptions, have said. You turn your backs upon the solemn pledges of your own candidate. You destroy the proud position earned by the blood and sacrifice of heroes, and you place yourselves upon the level of conquered

Germany. When you are ready to ask a peace, it will not be as a conqueror but as an equal with the conquered.

As a Democrat, I can rejoice at this act of consummate folly. As a patriot, I could weep for the stained honor of my country.

The VICE PRESIDENT. The first question is on the amendment offered by the Senator from Michigan [Mr. TOWNSEND] to the amendment of the committee.

Mr. UNDERWOOD. Let the amendment be stated, so that the Senate may be advised as to its nature.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out the first paragraph in the proposed amendment of the committee and to insert in lieu thereof the following:

That the state of war declared by Congress on April 6, 1917, to exist between the Imperial German Government and the Government and people of the United States of America is hereby declared at an end.

Mr. McKELLAR. I ask for the yeas and nays on agreeing to the amendment to the amendment.

Mr. LODGE. Mr. President, I only desire to say that that question was very carefully considered by the committee, and the committee decided that the direct method was the best.

With all respect to the Senator from Michigan, for whom I have great regard, I hope the amendment will not be agreed to.

Mr. WILLIAMS. Mr. President, the Senator from Massachusetts [Mr. LODGE] has just expressed a hope that the amendment proposed by the Senator from Michigan shall not be agreed to, and has given for it one reason, and one reason only, to wit, that he and certain other Republican Senators carefully considered it and concluded that it ought not to be adopted.

Mr. LODGE. I gave other reasons this morning when I discussed it, and I am not going to detain the Senate by making a speech at this time.

Mr. WILLIAMS. Why! I do not expect the Senator to do it. I do not want him to do it. It would not gratify my feelings if he did; but, Mr. President, I hope I am at liberty to say, in response to what the Senator said, to declare that although we may follow the unprecedented path of making a declaration of peace by congressional assertion or, rather, a recognition of the fact that peace already exists by congressional declaration, we shall not apologize by repeal for the immortal declaration which recited the crimes of Germany and declared that a state of war existed because of them.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Michigan [Mr. TOWNSEND] to the amendment of the committee, on which the yeas and nays have been demanded.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BALL (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from Kentucky [Mr. ERNST] and will vote. I vote "nay."

Mr. BROUSSARD (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Louisiana [Mr. RANDELL] and will vote. I vote "yea."

Mr. DIAL (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. McLEAN], who is absent. I am unable to obtain a transfer, and I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. NELSON (when his name was called). On this vote I am paired with the junior Senator from Pennsylvania [Mr. KNOX]. If he were present, he would vote "nay," and if I were at liberty to vote I would vote "yea."

Mr. OVERMAN (when his name was called). On this vote I am paired with the senior Senator from Missouri [Mr. REED], who has been compelled to leave the Senate. If he were present, he would vote "nay" and I would vote "yea."

Mr. SIMMONS (when his name was called). Upon this vote I have a pair with the junior Senator from Minnesota [Mr. KELLOGG]. If he were present, he would vote "nay" and I would vote "yea." I regret that I am unable to obtain a transfer.

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is detained on official business. He has a pair with the Senator from South Dakota [Mr. STERLING]. If we were present, he would vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH].

I can transfer that pair on the resolution itself, when it comes to a vote on that, but as to the pending amendment to the amendment, not knowing how he would vote, I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. NEW (when the name of Mr. WATSON of Indiana was called). My colleague [Mr. WATSON of Indiana] is absent on official business. If he were present he would vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], whose absence has been announced. If he were present, as indicated, he would vote "nay." I very much regret my inability to vote because of this pair. If I could vote, I would vote "yea."

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I regret very much that he is absent, but in view of that fact I am compelled to withdraw my vote. If he were present he would vote "nay," and I should vote "yea."

Mr. SHIELDS. I desire to announce the necessary absence of the junior Senator from Massachusetts [Mr. WALSH]. He was unable to obtain a pair before he left.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER]. He has a general pair with the junior Senator from Delaware [Mr. BALL]. If my colleague were present, he would vote "yea" upon the amendment to the amendment.

Mr. CURTIS. I desire to announce the pair of the senior Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

Mr. UNDERWOOD. I wish to announce the absence of the senior Senator from Oklahoma [Mr. OWEN]. He has a pair with the senior Senator from New Jersey [Mr. EDGE]. If the Senator from Oklahoma were present, he would vote "yea" on the amendment to the amendment.

The result was announced—yeas 26, nays 44, as follows:

YEAS—26.

Ashurst	Harrison	Pomerene	Trammell
Broussard	Heflin	Robinson	Underwood
Caraway	Hitchcock	Sheppard	Walsh, Mont.
Dial	Jones, N. Mex.	Shields	Watson, Ga.
Gerry	Kendrick	Stanley	Williams
Glass	McKellar	Swanson	
Harris	Pittman	Townsend	

NAYS—44.

Ball	Fernald	La Follette	Penrose
Borah	France	Lenroot	Polindexter
Brandegge	Frelinghuysen	Lodge	Shortridge
Bursum	Gooding	McCormick	Smoot
Cameron	Hale	McKinley	Spencer
Capper	Harrell	McNary	Stanfield
Colt	Johnson	New	Sutherland
Cummins	Jones, Wash.	Nicholson	Wadsworth
Curtis	Kenyon	Norbeck	Warren
Dillingham	Keyes	Norris	Weller
Elkins	Ladd	Oddie	Willis

NOT VOTING—26.

Calder	Knox	Overman	Smith
Culbertson	McCumber	Owen	Sterling
Edge	McLean	Pagen	Walsh, Mass.
Ernst	Moses	Phipps	Watson, Ind.
Fletcher	Myers	Randell	Wolcott
Kellogg	Nelson	Reed	
King	Newberry	Simmons	

So Mr. TOWNSEND's amendment to the amendment of the committee was rejected.

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

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The ASSISTANT SECRETARY. On page 6, line 3, in the proposed amendment of the committee, strike out the word "and" and insert the word "or," so that it will read:

That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States of America, although it has not ratified the treaty of Versailles, reserves for itself and its nationals all of the rights, powers, claims, privileges, indemnities, reparations, or advantages to which it and its nationals are or may become entitled, together with the right to enforce the same, under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof or otherwise, or which under the treaty of Versailles have been stipulated for its benefit, or for the benefit of its nationals, with the same force and effect as if said treaty of Versailles had been ratified by the United States of America, or to which the United States of America is or may become entitled as one of the principal allied and associated powers.

Mr. LODGE. As far as I have the power to do so, I accept that amendment to the amendment. I think it is a proper and necessary change in the wording.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. KING. Mr. President, during the day and in the course of the discussion of the pending joint resolution I called attention to three substitutes which I stated I might offer for the

resolution now under consideration. One of the proposed substitutes was substantially that offered by the Senator from Michigan [Mr. TOWNSEND], and which has just been voted upon.

It is not necessary for me further to discuss the other substitutes which I had to offer. In view of the manifest determination of the majority to support with practical unanimity the resolution as it has been reported by the committee, and in view of the fact that any substitute which might be offered which would cure the manifold errors, blunders, and wrongs, if not crimes, in the pending resolution would be voted down, I shall not offer the amendments but shall content myself by voting against the resolution which has been reported from the committee.

The VICE PRESIDENT. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The joint resolution is still as in Committee of the Whole and open to amendment.

Mr. LA FOLLETTE. Mr. President, I shall vote for the resolution, because it ends the technical state of war existing at the present time between the United States and Germany. We are not making a treaty. Whenever a treaty is made with Germany it will be submitted to the Senate, and the Senate will have its constitutional part in the making of that treaty.

Whatever there may be in this resolution outside of the effective part which ends war I regard as mere surplusage, and I here declare that in any vote I may hereafter be privileged to make of record upon any treaty which may hereafter be submitted I shall hold myself free to exercise my judgment and vote my conscience with respect to its terms and its provisions whenever such treaty may be submitted to the Senate for ratification.

Mr. WOLCOTT. Mr. President, I do not propose to consume any time at all in discussing the resolution. I had not intended to say a single word. I want the RECORD to make note of the fact as prominently as I can make it that I am opposed to this resolution.

I have a permanent or standing pair with the senior Senator from Indiana [Mr. WATSON]. In the column of names as they appear in the CONGRESSIONAL RECORD showing those who vote yea and those who vote nay, my name, by reason of this pair, will not appear. The inquirer, if he is at all interested in how I voted, will have to examine the little paragraphs after the roll call. I want somewhere in the RECORD to appear, outside of those formal notations, the fact that I am opposed to this resolution. To me it is such a shocking thing; it borders on national disgrace to adopt it, and I want the RECORD to show that I am opposed to it, though my name will not appear in the roll call.

The joint resolution was reported to the Senate as amended.

Mr. FRANCE. Mr. President, I desire to say that I have long been persuaded that when we passed the peace resolution we should also authorize the President to call an international conference of the nations to deal with the great international problems confronting the world, problems which can not be solved by any individual nation. I announced on yesterday that I would offer an amendment which would authorize the President to call an international conference looking to the inauguration of a concert of nations for such cooperation. In view of the lateness of the hour and the impossibility of discussing earlier the amendment which I wanted to offer, I have decided to offer my amendment at another time, when there will be a full opportunity for discussion. Therefore I shall not offer my amendment now.

Mr. MYERS. Mr. President, when a joint resolution similar to the pending joint resolution was disposed of by the Senate about a year ago, I voted against it. At that time I had some hope and thought that there might yet be a chance for the United States to ratify the treaty of Versailles and enter the League of Nations. But that hope was extinguished in my breast by the result of the election last fall.

I have been from the beginning a very ardent, earnest, sincere, and conscientious supporter of the League of Nations, and have been in favor of the United States entering it. I voted to ratify it without reservations and with reservations. I voted to ratify when the President of the United States sent it to the Senate, and I voted to ratify it with all the Lodge reservations. I think there are few Members of this body who have voted as often as I have voted for the United States to enter the League of Nations. There are probably somewhere between half a dozen and a dozen, but no more.

However, I consider that the verdict of the people of the country last fall was against the ratification of that treaty. I think I know a Gettysburg or a Waterloo when I participate in

it on the losing side. I can see no hope of the United States ratifying that treaty and entering the League of Nations for a good many years to come at any rate, if ever at all.

It is said that we can make peace with Germany and Austria by a ratification of a treaty of peace, but it is not in the power of Congress to do that. Congress does not have the power of negotiating peace treaties. That is for the Chief Executive of the United States, and no such proposal has been made to us aside from the one President Wilson sent us, which I am very sorry was not ratified. The present Chief Executive does not seem to have any disposition to place before this body a treaty of peace with Germany or with Austria; but, on the contrary, has recommended this course, and it appears to me it is this course or nothing.

If we reject this joint resolution, how long are we to maintain the absurd and grotesque fiction of being at war with Germany when everyone knows we are not and when it is our duty to return to a status of peace as soon as possible? It seems to me if the joint resolution is not passed we are interminably and indefinitely to keep up the absurd fiction of being at war with Germany, when I believe the world needs peace and I believe the United States needs peace. I believe we need peace right now more than anything else, and I believe it is the duty of the United States to take the lead in making peace. I believe that our export trade would be vastly increased if we passed the pending joint resolution. Our exports for March of this year were \$750,000,000 less than they were for March a year ago. If we pass the joint resolution I believe it will improve our export trade and will the sooner enable Germany to get on her feet and pay her reparations to the Entente Allies, and in turn the sooner enable them to pay us what they owe us or to pay the interest on their debt at any rate. Therefore I shall vote for the passage of the joint resolution.

Mr. WILLIAMS. Mr. President, I doubt not that right after Christ was crucified some of his disciples or the people who thought they were his disciples gave him up as a lost cause, but I remember that with the resurrection there came the beginning of the real battle between Christianity and the world. I listened with much attention to the Senator from Montana [Mr. MYERS], and I think he is disposed to act a little like the early discouraged disciples. If the Senator thinks that the principle of the League of Nations is dead, he has made a mistake.

Mr. MYERS. If the Senator will pardon me, I do not think the principle is dead.

Mr. WILLIAMS. The principle of the League of Nations itself will resurrect itself by the will of God, the God of peace and of humanity, and of God fatherhood and of man brotherhood, and it can not be killed by a little election in the United States of America, a small part of one planet in one great solar system, which itself is a small part of God's providence.

Mr. MYERS. Mr. President, will the Senator yield to me a moment?

Mr. WILLIAMS. Certainly.

Mr. MYERS. I do not believe the principle is dead, but I do not believe there is any more prospect of reviving the League of Nations in this country in the next four years than there is of reviving the right of secession in this country.

Mr. WILLIAMS. Soon after Christ was crucified I doubt not that a great many people said, "After all the Sadducees knew what they were doing; the Pharisees have acted wisely"; and I know that the mob in Jerusalem cried, "Thanks to God in the highest" to that conclusion. But, Mr. President, there was a distinguished American admiral who, when his ship was sinking, was asked whether he surrendered or not, and he replied, in ever memorable words, "Pshaw! I have just begun to fight."

No man of wisdom expected a people devoted to national isolation for over 100 years upon the first occasion when the question was argued to decide in favor of taking a commanding part in the politics of the world and in the cause of international brotherhood of man all over the world. I did not expect it. I did not leave my plantation while the campaign was going on, because I knew that the first decision must necessarily be adverse. It was contradicting the history of the people of the United States and seemingly contradicting the factors of their policies; but I also knew then and know now that there will be a League of Nations to keep the peace of the world, and that it will be accompanied and effectually accomplished by something like article 10, with force behind it to make governments and diplomats keep the peace of the world.

I know that the good time is coming when any nation on this earth which dares make war without previously having agreed to leave the controversy concerning which it goes to war to

some consensus of world opinion, being the consensus of the organized civilized nations of the world, will itself become an outlaw, a public enemy to the entire civilized world, and will be trodden under foot like any common criminal in the city of Washington is trodden under foot when he dares defy the law. It will become the law of nations that it shall be, as it is already the law of God, as it was the law and will of Jesus Christ. Every Christian prays for it every night, if he prays at all, when he says, "Thy will be done and Thy kingdom come on earth."

I believe in the resurrection. I am not disturbed by the crucifixion. You crucified Wilson and his world cause, as you thought; and you think now that you crucified the cause, but we have just begun to fight, and the cause will be an issue in American politics until you and I are dead, unless it wins before we die. You can not stamp it out, because you can not stamp out the will of God. You can not fight it down, because you can not tread down the eternal idea of the fatherhood of God and the brotherhood of man. You can not make it dead, sure enough, although it is apparently crucified, because you can not extinguish the eternal Word, "Peace on earth, to men good will." It is coming, and it is coming notwithstanding you or anybody else who cry now, as the other mob in Jerusalem cried, "Crucify Him, crucify Him, crucify Him," and after the crucifixion said, "The Sadducees and the Pharisees and the Sanhedrim are right."

There is a "God in history," and all the history of the world proves that His will has been prevailing more and more all the time, and a part of that will is that in a given State there must be a settlement of controversies by courts, and among nations a settlement of controversies by an international tribunal with will and power to enforce its decrees. We have now arrived at the point where we have begun to discuss the question that amongst the States themselves there must be the settlement of controversies by courts or by tribunals or by arbitration or by consensus of public international opinion.

We have just begun the advocacy of a covenant for that purpose. The fight has just begun. America has been isolated for 100 years. Thirty-one nations have said they want to do what we refused to do, because they have not been isolated and their national traditions were not in the teeth of what they wanted to do, while what was proposed to be done *was* in the teeth of our own history. We have to convert the unconverted, but it is coming; it is coming as surely as the sun's rays are coming out some time, no matter how long they may be under the clouds; it is coming as surely as the dawn will come, no matter how long the night.

It is coming in spite of German and Irish and Fiume-Italian and some mistaken real American votes of a foolish and passing generation.

It is coming just as surely as man's impulses are for good and not for bad, as surely as the survival of the fittest amongst men is not the survival of the strongest or most cruel or most poisonous as among beasts; but is the survival of the most humane, the most human, the most manlike, and, therefore, the most godlike—the fittest for men and God.

I scorn the idea that the fight is lost. I scorn every proposition to the effect that there is any good cause in the world which is permanently a lost cause. It can not be. The right element in any cause must be finally gained because God reigns. The right is bound to prevail. I am glad that Hoover and I am glad that Hughes are in the Cabinet. If there is the slightest degree of intellectual honesty or consistency in either one of them; if there be such elements about them—and I hope there are—that they will gradually guide the President of the United States into a course which will be more and more, day by day, in unison with the principles announced in the League of Nations. I do not care what else is in a league of nations to keep peace among men except those two things; that there shall be an international agreement to that effect, and that there shall also be a further agreement that the agreement itself shall be enforced by force—holy and unstinted force—military, naval, economic, whatever is necessary, to make a criminal and outlaw nation keep the peace. It is coming; it must come. I believe it or else instead of being theistic I would become atheistic.

Mr. LENROOT. Mr. President, a few moments ago an amendment to the amendment proposed by me was adopted by unanimous consent. I think it is necessary to have the same amendment in that part of the treaty referring to Austria. Therefore I move to amend, on page 8, in line 12, by striking out the word "and" and inserting the word "or."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question is on concurring in the amendment as amended.

SEVERAL SENATORS. Let it be read.

The amendment as amended was read, as follows:

Resolved, etc., That the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government and people of the United States of America, and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

That all property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in, or has since that date come into, the possession or under control of the Government of the United States of America, or of any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America, and no disposition thereof made except as shall have been heretofore or specifically hereafter shall be provided by Congress, until such time as the German Government has, by treaty with the United States of America, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of German Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also provisions granting to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the German Government or German nationals, and waiving any and all pecuniary claims based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States of America and Germany to the contrary notwithstanding.

That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States of America, although it has not ratified the treaty of Versailles, reserves for itself and its nationals all of the rights, powers, claims, privileges, indemnities, reparations, or advantages to which it and its nationals are or may become entitled, together with the right to enforce the same, under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof or otherwise, or which under the treaty of Versailles have been stipulated for its benefit or for the benefit of its nationals, with the same force and effect as if said treaty of Versailles had been ratified by the United States of America, or to which the United States of America is or may become entitled as one of the principal allied and associated powers.

That the joint resolution of Congress approved December 7, 1917, declaring that "a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States of America, and making provisions to prosecute the same," be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

That all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all nationals of the Austrian Empire or the Kingdom of Hungary which was on April 6, 1917, in, or has since that date come into the possession or under the control of the Government of the United States of America or of any of its officers, agents, or employees from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by Congress, until such time as the Austrian Government has by treaty with the United States of America, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the Austrian Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America, and who have suffered through the acts of the Austrian Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in Austrian, American, or other corporations, or in consequence of hostilities or of any operations of war or otherwise, and also provisions granting to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Austrian Government or nationals of the Austrian Empire, and waiving any and all pecuniary claims based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States of America and Austria to the contrary notwithstanding.

That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States of America, although it has not ratified the treaty of St. Germain or the treaty of Trianon, reserves for itself and its nationals all of the rights, powers, claims, privileges, indemnities, reparations, or advantages to which it and its nationals are or may become entitled, together with the right to enforce the same under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof, or otherwise, or which under the treaty of St. Germain or the treaty of Trianon have been stipulated for its benefit or for the benefit of its nationals with the same force and effect as if said treaty of St. Germain and the treaty of Trianon had been ratified by the United States of America, or to which the United States of America is or may become entitled as one of the principal allied and associated powers.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

The amendment as amended was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. UNDERWOOD. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. BALL (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. BROUSSARD (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Louisiana [Mr. RANDELL] and vote "nay."

Mr. DIAL (when his name was called). I have a pair with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER]. He has a pair with the Senator from Delaware [Mr. BALL]. If my colleague were present, he would vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. I am informed, however, that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. NELSON (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. If he were present, he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. OVERMAN (when his name was called). At the earnest solicitation of the Senator from Missouri [Mr. REED], who was obliged to leave the city, I agreed to pair with him on this vote. If he were present, he would vote "yea" and I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is unavoidably absent. If he were present, he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. DIAL (when the name of Mr. SMITH was called). I desire to announce that my colleague [Mr. SMITH] is detained on official business. He has a pair with the Senator from South Dakota [Mr. STERLING]. If my colleague were present, he would vote "nay."

Mr. STERLING (when his name was called). Announcing my pair as on the previous vote, I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SIMMONS (when the name of Mr. WALSH of Massachusetts was called). I am requested to announce that the Senator from Massachusetts [Mr. WALSH] is unavoidably absent. I am advised that if he were present he would vote "yea."

Mr. NEW (when the name of Mr. WATSON of Indiana was called). I am requested to announce the absence of my colleague [Mr. WATSON of Indiana] on official business. He is paired with the Senator from Delaware [Mr. Wolcott]. If present and permitted to vote, my colleague would vote "yea."

Mr. WOLCOTT (when his name was called). As just stated by his colleague, I have a general pair with the Senator from Indiana [Mr. WATSON], who would vote as announced. Under the obligations of that pair, I am not permitted to vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. KING (after having voted in the negative). I very much regret that I am compelled to withdraw my vote. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. Being unable to secure a transfer, I am compelled to withdraw my vote.

Mr. STANLEY. I desire to announce that the Senator from Texas [Mr. CULBERSON], under a transfer, stands paired with the Senator from Colorado [Mr. PHIPPS]. If present and at liberty to vote, the Senator from Texas would vote "nay."

Mr. UNDERWOOD. I am requested to announce the absence of the senior Senator from Oklahoma [Mr. OWEN] on account of important business. He is paired with the Senator from New Jersey [Mr. EDGE]. If he were present, the Senator from Oklahoma would vote "nay."

Mr. BROUSSARD. The senior Senator from Louisiana [Mr. RANDELL] requests me to make the announcement that he is unavoidably detained. If he were present, he would vote "nay."

Mr. CURTIS. I desire to announce the absence of the Senator from Kentucky [Mr. ERNST], on account of illness in his family, and that if present he would vote for the joint resolution.

I also desire to announce that the Senator from New York [Mr. CALDER] is necessarily absent, and if present would vote for the joint resolution. He has a general pair with the Senator from Georgia [Mr. HARRIS].

I desire further to announce that the Senator from New Hampshire [Mr. MOSES], the Senator from Colorado [Mr. PHIPPS], and the Senator from New Jersey [Mr. EDGE] are unavoidably absent. If present, they would vote for the joint resolution.

I desire also to announce that the Senator from Vermont [Mr. PAGE] is necessarily absent. If present, he would vote for the joint resolution.

The result was announced—yeas 49, nays 23, as follows:

YEAS—49.

Ball	Frelinghuysen	McKinley	Spencer
Borah	Gooding	McNary	Stanfield
Brandegee	Hale	Myers	Sterling
Bursum	Harrell	New	Sutherland
Cameron	Johnson	Nicholson	Townsend
Capper	Jones, Wash.	Norbeck	Wadsworth
Colt	Kenyon	Norris	Warren
Cummins	Keyes	Oddie	Watson, Ga.
Curtis	Ladd	Penrose	Weller
Dillingham	La Follette	Poinexter	Willis
Elkins	Lenroot	Shields	
Fernald	Lodge	Shortridge	
France	McCormick	Smoot	

NAYS—23.

Ashurst	Harris	McKellar	Swanson
Broussard	Harrison	Pittman	Trammell
Caraway	Heflin	Pomerene	Underwood
Dial	Hitchcock	Robinson	Walsh, Mont.
Gerry	Jones, N. Mex.	Sheppard	Williams
Glass	Kendrick	Stanley	

NOT VOTING—24.

Calder	King	Newberry	Reed
Culbertson	Knox	Overman	Simmons
Edge	McCumber	Owen	Smith
Ernst	McLean	Page	Walsh, Mass.
Fletcher	Moses	Phipps	Watson, Ind.
Kellogg	Nelson	Ransdell	Wolcott

So the joint resolution was passed.

The title was amended so as to read: "A joint resolution repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes."

EMERGENCY TARIFF.

Mr. PENROSE. Mr. President, I am directed by the Committee on Finance to report back to the Senate with an amendment and with the recommendation that it pass the bill (H. R. 2435) imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue; to regulate commerce with foreign countries; to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes. I also submit a report (No. 16) thereon.

I desire to inform the Senate that I shall endeavor to call the measure up for consideration either on Monday or at the latest on Tuesday of next week, the purpose being to expedite its consideration and passage as rapidly as may be.

The VICE PRESIDENT. The bill will be placed on the calendar.

RESTRICTION OF IMMIGRATION.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the bill (H. R. 4075) to limit the immigration of aliens into the United States, reported it with an amendment in the nature of a substitute and submitted a report (No. 17) thereon.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, May 2, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 30, 1921.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, offered the following prayer:

Almighty God, all is well: Therefore we lift our hearts to Thee in common thanksgiving, and bless Thee for daily care. Gladden every life, and direct us with a gentle constraint to bear and forbear. Fill our land with peace and contentment, and abide with our President. Through Jesus Christ our Lord. Amen.

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