

## SENATE.

MONDAY, June 13, 1921.

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

Our Father, as we turn toward the week and its duties we desire Thy guidance and that wisdom from above without which we are liable to make mistakes and go far away from the line of duty and responsibility. Give us, we beseech of Thee, Thine own helpfulness this morning and through the week. For Jesus Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 1 to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and for prior fiscal years, and for other purposes.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, agreed to the conference requested by the Senate, and that Mr. ANTHONY, Mr. CHAMTON, Mr. SLEMP, Mr. SISSON, and Mr. HARRISON were appointed managers of the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park;

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes";

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon; and

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.

## AVIATION AND ORDNANCE EXPERIMENTS BY ARMY AND NAVY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, which was ordered to lie on the table and to be printed in the RECORD, as follows:

NAVY DEPARTMENT,  
Washington, June 11, 1921.

MY DEAR MR. PRESIDENT: A series of aviation and ordnance experiments will be conducted by aircraft and vessels of the Atlantic Fleet and units of the Army Air Service off the capes of the Chesapeake during the months of June and July, 1921.

The U. S. S. *Henderson* will be used to carry the guests of the Navy Department to witness these experiments, and, according to present plans, that vessel will leave Washington, D. C., or its immediate vicinity in accordance with the following itinerary:

June 20: Leave Washington a. m. to witness destruction of ex-German submarine *U-117* by aircraft and the destruction of *U-140*, *U-111*, *UB-48* by gunfire from destroyers. Return to Washington upon completion, arriving there p. m. June 23.

June 26: Embark on *Henderson* in evening; sail at daylight June 27 to witness the search by aircraft for the old battleship *ex Iowa*, under radio control, and bombing of that vessel with dummy bombs. Return to Washington upon completion, arriving p. m. June 29.

July 12: Leave Washington a. m. to witness destruction of ex-German destroyer by aircraft and the destruction of two other ex-German destroyers by gunfire. Return to Washington upon completion, arriving p. m. July 16.

July 19: Leave Washington a. m. to witness the destruction of the ex-German battleship *Ostfriesland* by bombing from aircraft and gunfire from battleships. Return to Washington upon completion, arriving p. m. July 22.

It should be noted that this itinerary may necessarily be changed on account of weather conditions and that the trips may be prolonged beyond the periods indicated.

The Navy Department takes great pleasure in hereby extending to the membership of the Senate a cordial invitation to witness these experi-

ments, having in mind that some of the Members, particularly those of the Committees on Naval Affairs, Military Affairs, and Appropriations, might be interested in seeing the exercises. Unfortunately, the suitable accommodations on the *Henderson* are quite limited, so that I am compelled to ask that the number of Senators who may accept this invitation be limited to 10 for each trip of the *Henderson*. In order that final arrangements may be made and the designated Senators be advised of all details concerning transportation, it is requested that the Navy Department be informed as soon as possible of the names of those who desire to attend the exercises on each of the four trips of the *Henderson*.

Sincerely, yours,

HON. CALVIN COOLIDGE,

President of the Senate.

EDWIN DENBY.

## COUNTRY ELEVATORS AND TERMINAL GRAIN ELEVATORS (S. DOC. NO. 40).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting a preliminary report of that commission on the profits of country and terminal grain elevators, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

## CALL OF THE ROLL.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Harrell	McNary	Stanley
Borah	Harris	Myers	Sterling
Brandegee	Harrison	Nelson	Sutherland
Broussard	Heflin	New	Swanson
Bursum	Johnson	Norris	Townsend
Cameron	Jones, N. Mex.	Oddie	Trammell
Capper	Jones, Wash.	Overman	Underwood
Caraway	Kendrick	Penrose	Wadsworth
Culberson	Kenyon	Phipps	Walsh, Mont.
Curtis	Keyes	Pomeroy	Warren
Dial	King	Sheppard	Watson, Ga.
Dillingham	Ladd	Shortridge	Williams
Ernst	La Follette	Simmons	Willis
Fernald	Lodge	Smith	Wolcott
Fletcher	McCormick	Smoot	
Gerry	McKellar	Spencer	
Glass	McLean	Stanfield	

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

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted June 7, 1921, by the Board of Aldermen of the City of New York, N. Y., favoring the granting of leave to land to immigrants at the various ports of the United States who sailed prior to the passage of the recently enacted immigration law, which was referred to the Committee on Immigration.

Mr. STERLING presented six letters and a telegram in the nature of petitions of sundry citizens of Seneca and Hudson; sundry members of the Near East Relief Committee, of Fort Pierre; the vice president of the Bank of Brookings, of Brookings; J. Kidder, pastor Congregational Church, of Nisland; Gardiner B. Van Ness Co., of Sioux Falls; and Rowland Hill, of Seneca, all in the State of South Dakota, praying that relief be afforded the suffering peoples of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

Mr. DILLINGHAM (for Mr. PAGE) presented five petitions of sundry citizens of Essex, Vt., praying for the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of sundry citizens of Wichita, Kans., praying that relief be afforded the suffering peoples of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at the United Convention of Kansas Postal Employees, at Wichita, Kans., on May 30, 1921, favoring the enactment of legislation to further reclassify postmasters and employees of the Postal Service and readjust their compensation on an equitable basis, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the congregation of the Methodist Church of Cawker City; the pastor and congregation of the First Baptist Church of Whiting; the pastor and congregation of the Goff Associated Church, of Goff; the pastor and congregation of the First Methodist Episcopal Church of Wichita; sundry citizens of Cawker City; and sundry citizens of Erie, all in the State of Kansas, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented nine resolutions of sundry organizations and citizens of the State of Kansas, favoring the enactment of

legislation placing an adequate duty on imported petroleum, which were referred to the Committee on Finance.

Mr. WILLIS presented a petition of sundry citizens of Columbus, Lima, Crooksville, New Lexington, Galloway, Corning, Nevada, Buckeye Lake, Reynoldsburg, Westerville, Mechanicsburg, Murray City, Galena, Cardington, and Newark, all in the State of Ohio; and Watertown, N. Y., and Santurce, P. R., praying for the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the American Legion, of Indianapolis, Ind., protesting against the immediate withdrawal of United States forces from Germany, which was referred to the Committee on Military Affairs.

He also presented a resolution of the Council of the City of Cleveland, Ohio, favoring the encouragement of the United States Naval Reserve, and that an appropriation be made to furnish a home for the Cleveland forces, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Council of the City of Toledo, Ohio, praying for the enactment of legislation to require passenger boats on the Great Lakes be equipped with wireless apparatus, etc., for the protection of passengers, which was referred to the Committee on Commerce.

Mr. CAPPER presented petitions of sundry citizens of Plaza, N. Dak., and Gridley, Kans., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the United Leather Workers, of Kansas City; the pastor and congregation of the First Presbyterian Church, of Blue Rapids; the pastor and congregation of the Methodist Episcopal Church, of Norwich; the pastor and congregation of the First Methodist Episcopal Church, of Wilmore; the Mount Ida Anderson County Church of the Brethren, of Mount Ida; the pastor and congregation of the Church of the Brethren, of Oronoque; the congregation of the Westminster Presbyterian Church, of Topeka; the congregation of the Effingham Presbyterian Church, of Effingham; the congregation of the University Friends Church, of Wichita; and a resolution adopted by the Monthly Meeting of Friends, of Liberal, all in the State of Kansas, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented five resolutions of sundry citizens of Wamego, Alma, and Topeka, all in the State of Kansas, favoring the recognition of the Irish republic by the United States Government, which were referred to the Committee on Foreign Relations.

Mr. LADD presented resolutions of the pastor and congregation of the First Presbyterian Church, of Larimore; the pastor and congregation of the Presbytery of Fargo, of Pillsbury; the pastor and congregation of the First Baptist Church, of Grand Forks; the pastor and congregation of the Methodist Episcopal Church, of Wimbledon; and the pastor and congregation of the Methodist Church, of New Rockford, all in the State of North Dakota, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the pastor and sundry members of the congregation of the Presbytery of Fargo, of Pillsbury, N. Dak., praying that relief be afforded the suffering peoples of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the committee of Women's Nonpartisan League Club, of Wing, N. Dak., praying for the enactment of legislation placing a tariff on farm products, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted at a mass meeting of citizens of Devils Lake, N. Dak., June 7, 1921, favoring the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented petitions of sundry citizens of Dennis, Weatherford, Bland Lake, Chireno, and San Augustine, all in the State of Texas, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. WALSH of Montana presented petitions of sundry citizens of Kingsley, Malta, Volt, Broadus, and Waska, all in the State of Montana, praying for the enactment of legislation to

prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented resolutions of the pastor and congregation of the First Christian Church of Savannah; the National League of Women Voters of Newnan; and the pastor and congregation of the Liberal Christian Church (Unitarian-Universalist), of Atlanta, all in the State of Georgia, favoring the calling of an international conference for the purpose of considering the question of reduction of armaments among the nations, which were referred to the Committee on Foreign Relations.

Mr. SUTHERLAND presented a resolution of the Berkeley County (W. Va.) Farm Bureau, favoring the enactment of the so-called cooperative marketing bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Berkeley County (W. Va.) Farm Bureau, favoring the enactment of the so-called truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Berkeley County (W. Va.) Farm Bureau, favoring the enactment of the so-called Dowell bill and opposing the so-called Townsend bill, relating to Federal aid in road construction, which was referred to the Committee on Post Offices and Post Roads.

#### REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Commerce, to which was referred the bill (S. 136) for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey, reported it with an amendment and submitted a report (No. 107) thereon.

Mr. UNDERWOOD, from the Committee on Rules, to which was referred the joint resolution (S. J. Res. 36) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States, reported it without amendment and submitted a report (No. 108) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (S. 775) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, reported it with an amendment and submitted a report (No. 109) thereon.

He also, from the Committee on Inter-oceanic Canals, to which was referred the bill (S. 665) to provide for free tolls for American ships through the Panama Canal, reported it without amendment.

Mr. STANLEY, from the Committee on Patents, submitted a report (No. 110) to accompany the bill (S. 1838) to amend section 4887 of the Revised Statutes, relating to patents, which had been heretofore reported from the same committee.

Mr. WALSH of Montana, from the Committee on Mines and Mining, to which was referred the joint resolution (S. J. Res. 32) to suspend the requirements of annual assessment work on mining claims during the years 1921 and 1922, reported it favorably with an amendment and submitted a report (No. 111) thereon.

#### DEFICIENCY APPROPRIATION—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I present the conference report on House bill 6300, the deficiency appropriation bill, and move its adoption.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 1 insert the following:

"Provided, That no person shall be employed from the appropriation for the Bureau of Efficiency for the fiscal year 1922 at a rate of compensation exceeding \$1,800 per annum except the following: One at \$7,500, one at \$6,000, one at \$4,250, six at \$4,000 each, three at \$3,600 each, one at \$3,500, two at \$3,250



each, five at \$3,000 each, two at \$2,750 each, three at \$2,400 each, and five at \$2,000 each."

And the House agree to the same.

F. E. WARREN,  
CHARLES CURTIS,  
*Managers on the part of the Senate.*

JAMES W. GOOD,  
J. G. CANNON,  
JOSEPH W. BYRNS,  
*Managers on the part of the House.*

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. WARREN. Mr. President, I desire to state that the report is presented with the understanding that the name of the third conferee on the part of the Senate, the Senator from Virginia [Mr. GLASS], should appear on the report. The clerk did not know he was in at the moment the report was prepared, but the Senator approves of the conference report.

Mr. HARRISON. Before the report is adopted I wish to ask the Senator from Wyoming a question. This is the final report on the deficiency appropriation bill?

Mr. WARREN. It is.

Mr. HARRISON. I was not in the Chamber the other day when part of the report was adopted. I am wondering if Senate amendment No. 67 to the bill has been agreed to. That amendment reads as follows:

The statement of appropriations, etc., for the third session of the Sixty-sixth Congress shall include the Army, naval, and second deficiency appropriation acts passed during the first session of the Sixty-seventh Congress, and all other appropriations made at the latter session shall be compiled and published with the statement of appropriations for the second session of the Sixty-seventh Congress.

Mr. WARREN. That was agreed to.

Mr. HARRISON. May I ask the Senator if this has ever been done at any time before, so far as his knowledge goes, that, as a matter of bookkeeping, appropriation bills which have been carried over from one session to a succeeding session have been charged up to a prior Congress?

Mr. WARREN. They are not charged as up to a prior Congress. Those appropriations which belonged to the preceding Congress but which did not pass are simply charged up to that Congress to which they relate.

Mr. HARRISON. I understand that the naval appropriation bill has passed at this session of Congress; the Army appropriation bill has passed at this session of Congress; and deficiency appropriation bills have passed at this session of Congress. It was revealed as to the last deficiency bill that many new offices were created by that bill, and that appropriations were therein made for what are really not deficiencies but for new expenditures for the fiscal year 1922; but those appropriations are now proposed by the amendment in the pending bill, as a matter of bookkeeping, to be charged up to the last session of Congress.

Mr. WARREN. There is nothing in the provisions of the deficiency bill which charges up anything except what is necessary to show to the public in one book what has been appropriated for the support of the Government in the coming fiscal year of 1922; that is all. It is merely a matter, as the Senator from Mississippi states, of bookkeeping.

Mr. HARRISON. In other words, if 10 years later we should look for the appropriations provided by the first session of the Sixty-seventh Congress and the appropriations provided by the last session of the Sixty-sixth Congress, the two deficiency appropriation bills and the Army and the Navy bills which have been passed in the first session of the Sixty-seventh Congress would be found as being charged up to the appropriations made in the last session of the Sixty-sixth Congress?

Mr. WARREN. They are simply charged up as appropriations for carrying on the Government in the same manner as if they had been passed at some time before the 4th of March, 1921.

Mr. HARRISON. Yes; but they were not so passed, and yet they would be charged up as against the last session of Congress.

Mr. WARREN. The Senator assumes what the record does not show. There is no charging up about it. It is simply a record of what has happened to provide for the expenses of the Government for the fiscal year 1922. The bills mentioned should have passed during the last Congress; but failing to pass two of them before the 4th of March, we have passed them since that date. But their standing is the same as if they had been passed earlier, all being for the 1922 fiscal year except a part of one bill relating to certain deficiencies in 1921.

Mr. HARRISON. What is the object, then, if the appropriations are not to be charged up, as a matter of bookkeeping, as having been passed at the last session of Congress?

Mr. WARREN. It is done to accommodate the Senator from Mississippi and other Senators, in order to enable them to ascertain exactly what appropriations have been made for the support of the Government in any given year.

Mr. HARRISON. But that could be ascertained, could it not, if they were charged up again this session?

Mr. WARREN. The Senator in his investigation could charge it up as he might choose.

Mr. HARRISON. I am not investigating; I am merely inquiring in order to ascertain what is the object of the amendment, which the Senator has stated is unprecedented.

Mr. WARREN. The object of the amendment, I repeat, is to accommodate the clerks of the two committees, in order that they may absolutely open and close the books, which are published annually, showing the appropriations for each year, as has always been done.

Mr. HARRISON. Is not there another object of the committee in incorporating this amendment? The Senator's party has laid so much stress on the fact that they were going to cut down the expenses of the Government—

Mr. WARREN rose.

Mr. HARRISON. The Senator need not answer me until I have finished, and I have not quite finished. The Senator's party has promised to cut down appropriations to a great extent, and because the head of his party did not come into office until the 4th of March and the President of another party was in office until that time is it not designed that the statement might show to the advantage of the Senator's party in the years to come, three years from now, we might say, or next year, in a campaign, to the effect that these large appropriations were made while the President of another party was in office, notwithstanding your party controlled both branches of the Congress?

Mr. WARREN. Mr. President, the Senator from Mississippi was absent the other day; hence the fog that surrounds him and his politics must have some outlet to-day.

Mr. HARRISON. There is not any politics in it unless from the Senator's party. I am trying to get the facts.

Mr. WARREN. I allowed the Senator to make his remarks, and now I hope he will please wait until I have concluded.

I say to the Senator that politics never entered into the consideration of this matter in any way, shape, form, or manner. The best evidence of that is that Democratic Senators on the other side of the Chamber were entirely agreeable to the proposal when it came from the clerks of the respective Appropriations Committees. At least one of the clerks happens to be a Democrat, and I presume both of them are Democrats. So as the matter stands, if the Senator's suggestion means anything, it means that the Democrats are more to blame than are the Republicans for the manner in which this legislation is framed.

Mr. HARRISON. Why is it, I ask the Senator from Wyoming, that this policy has not been pursued in the years past, where appropriations have failed in one session of Congress and the appropriations have been made during the first session of the succeeding Congress?

Mr. WARREN. It has always been in a similar way when circumstances were the same. The present circumstances are different in that one appropriation bill was at the last moment vetoed because the President thought it too small. The clerk of the committee and others could not remember any other time when the military bill was vetoed at the last minute and had to be passed later on.

Mr. HARRISON. Then the insertion of the provision was not due to the fact that there was a change in the administration?

Mr. WARREN. Not at all in any way.

Mr. HARRISON. I thank the Senator from Wyoming for his explanation. It is like I thought it was. And the reasons for its insertion are as I supposed they were.

Mr. JONES of Washington. Mr. President, when the conference report was originally considered some days ago I was called out of the Chamber and did not know that the report had been presented. I will say that I had not advised the chairman of the committee of my absence, so he is not to blame at all for calling the conference report while I was not present. However, I wish to ask the chairman a question or two with reference to one of the items which were put into the bill when it was pending in the Senate.

I note that the conferees finally agreed with reference to the Shipping Board item to appropriate \$61,000,000 for carrying on the work of completing the ships now under way; but the amount which the Senate put on for the operation of the ships during the next year and for the settlement of claims which may have been adjusted by the Shipping Board under the shipping act was eliminated, and nothing was provided either for

the payment of the claims or for the operation of the ships. According to the statement of Admiral Benson and those representing the Shipping Board, they will have nothing on the 1st of July for the operation of the ships and for the payment of just claims that have been audited and adjusted by the Shipping Board. I think that is a very unfortunate situation unless some way is contemplated to take care of it; and I wanted to ask the chairman of the committee what the conference committee has in mind as to what can be done, and will be done, to meet that situation, if anything?

Mr. WARREN. The Senator from Washington is correct as to the testimony of Admiral Benson. The matter was placed before the conferees on the part of the House by the conferees on the part of the Senate with all the force they were able to command. The House conferees very readily admitted that the situation as now portrayed by the Senator from Washington might exist; but they stated that they were unwilling to consent, and not only unwilling but under no circumstances did they feel they could consent, to go any further than the \$61,000,000 that the House had provided for in the bill. The chairman of the committee on the other side stated that that was far more than he would have permitted if he could have prevented it. The statement made by each one of the House conferees before we finished was that, owing to the misapplication of the funds, as they termed it, due in part to the many changes in the board, they could not and would not go further until a new board had been appointed and confirmed and had shown in some of its initial steps that they proposed, in the first place, greater economy in the hiring of help, the renting of property, and so forth, and had also given closer attention, as they put it, to the claims, very many of which are awaiting settlement. Finally, after we had worked over the matter until, I think, the third day, it became evident that they would do nothing in the way of enlarging the amount.

Each one of the three members of the conference committee on the part of the House—and, of course, what goes on in a conference committee is not always made public, but I have no objection whatever, and I do not think they have, to making public just what happened—each one stated separately for himself that after a new board was appointed and confirmed and entered upon the discharge of its duties, if there was evidence that the Shipping Board intended to proceed with greater efficiency and more economy, and it then developed that they needed funds, he would support a further deficiency bill or further legislation in the way of a joint resolution to provide the needed funds, but that for the present and in this bill they were obliged to accept and maintain the action of the House as to the Shipping Board appropriation.

Mr. JONES of Washington. As I understand, the chairman of the Senate conference committee, then, has to a certain extent, the assurance from the members of the House conference committee that if the new board comes in and makes a showing as to the necessity of money for the purposes of the Shipping Board, they will be disposed to meet that necessity.

Mr. WARREN. The Senator is correct in that respect. I may state by name the three members of the conference committee on the part of the House. They were Mr. GOOD, of Iowa, the chairman, Mr. CANNON, of Illinois, and Mr. BYRNS, of Tennessee; but, as the Senator knows, Mr. GOOD, the chairman of the House committee, on the second succeeding day, surrendered his place as a Member of the House, so that there will not be the same three in another conference. The statement I have made, however, shows the drift of opinion, and I think the House conferees represented the opinion of a large number of the Members of the House and probably a majority of the House, and represented that opinion seemingly without regard to politics, but as a matter of policy.

Mr. JONES of Washington. Mr. President, I am glad to have the statement just made by the chairman of the Senate Committee on Appropriations, who was also chairman of the Senate committee of conference. I feel that a very critical situation confronts us with respect to the merchant marine. I appreciate the natural sentiment that comes up when we realize what appear to have been the extravagance, the waste, the incompetency, and so forth, that have characterized the handling of these matters, and yet there are palliating circumstances. I am not going to take the time of the Senate, however, to go into that now. I am glad to note that the committee feel disposed, and that the House Members feel disposed, if a showing is made as to the necessity of money to carry on the operation of our ships, that it will be granted.

Doubtless some of the ships should be tied up for a time, but many of the ships, even though they may be operated at a loss at the present time, should be kept going in order to maintain and develop routes and to maintain our business in American ships.

It is nothing unusual for a business to be carried on for a time at a loss. I was talking with a gentleman the other day who had information with reference to a great British company, the manager of which stated that his company now is running behind \$2,500,000 a year, and they expect to run behind for two or three years, but they are meeting that loss out of profits made during good times. The Government is going to have to do something of that kind, and it is a business proposition to do it. I feel that it would be far better for us to stop the construction of some ships rather than to stop the operation of ships.

If we are going to complete ships and then not operate them, we are going to have a double loss; and if we had to dispense with any of the Shipping Board appropriation carried by the bill I would have preferred that a part, at any rate, of the \$61,000,000 be left out, and that the work on new ships be stopped for a while, and then, after a while, taken up and the ships finished. But the House provided for the \$61,000,000, and they insisted upon that.

In view of the assurance that was given to the chairman of the committee and in view of the attitude of the House Members, I have no complaint to make as to the action of the Senate conferees, although I think it is very unfortunate. As I have said, I am glad to have the assurance of the House Members.

I noted with a great deal of anxiety a statement made some time ago by the chairman of the House committee in debate in connection with the passage of the sundry civil appropriation bill. I have a great admiration for that gentleman; I have no question as to his patriotism and his very great ability and the splendid manner in which he has handled the Appropriations Committee; but he took this attitude growing out of the state of affairs as he contemplated it. I read from page 822 of the CONGRESSIONAL RECORD of December 30, 1920.

Mr. WARREN. May I interrupt the Senator for just a moment?

Mr. JONES of Washington. Certainly.

Mr. WARREN. The Senator spoke of the ships tied up. My information before we went into conference was that all of the wooden ships, 272 I believe, were tied up.

Mr. JONES of Washington. They ought to be wiped off in some way.

Mr. WARREN. And, furthermore, that four hundred and odd of the steel ships were tied up, but later on it appeared, or was so represented on the House side, that over 600 of the steel ships are tied up.

Mr. JONES of Washington. I think that is true.

Mr. WARREN. But, as the Senator knows, there are numerous ships belonging to various maritime nations which are likewise tied up.

Mr. JONES of Washington. All over the world. I am not going to discuss the reasons of that, and so forth; but here is the statement that I referred to, that caused me a great deal of anxiety. The action taken here is in line with this, and nothing could be done more greatly to the satisfaction of our competitors than to follow the policy laid down here.

He said:

We are not going to appropriate, if I can prevent it, a single penny out of the Treasury of the United States for next year for this board that does not know its business, that is wasting the people's money, and if they are going to get any money they must get it out of the salvage of the plants.

In other words, the chairman of that committee stated upon the floor of the House and said to the world and said to our foreign competitors: "The Government of the United States does not propose to appropriate a penny for the running of its ships, and if those ships are run they must be run out of money gotten from the sale of ships or the sale of its property; and if it does not get enough money to run its ships, its ships will have to be tied up, and the Government will go out of the business."

Mr. President, as I said, no more comfort could come to our competitors from any source whatever than from an adherence to that policy under present conditions. That seems to have been the attitude that was taken by this conferee with reference to this measure; but it is hopeful to know that if a showing is made by the new board that it is absolutely necessary and desirable, from the standpoint of the public interest, to appropriate some additional money to keep some of these ships running, as ought to be done, the Congress will respond to such demands.

They do not have very much time to make the investigation. It will not be long until the 1st of July. I hope they will realize the seriousness of this situation. I shall endeavor to call it to their attention; and I hope they will make such a showing that Congress will see to it that the ships that ought to be run are run, and that whatever claims are adjusted that are just and equitable, the Shipping Board under that provision will be made to pay them.



I know it was contended some time ago that there was \$26,000,000 on hand, and that \$18,000,000 would come in by the 1st of July, making \$44,000,000 available to the Shipping Board; but it was not stated that against this the Shipping Board has obligations of \$80,000,000, so that as a matter of fact there will not be money to run and operate these ships on the 1st of July, assuming the statements of the representatives of the Shipping Board to be correct.

They may be incorrect, but I would rather err upon the side of keeping our ships going, running, maintaining our business than by failure to appropriate the necessary money to take them out of business entirely and tie them up at the docks and incur the additional expense of taking care of them.

So I trust that the new Shipping Board will show action that will make Congress have more confidence in it and will also present such a showing here as will warrant us in doing whatever may be necessary to keep running the ships that ought to be kept running even under these adverse conditions.

Mr. FLETCHER. Mr. President, I call the attention of the Senator from Washington to the fact that another thing that would be of great comfort to our competitors was the statement in the press, as soon as the new Shipping Board was announced, that it had been determined that the Government was to go out of the shipping business. There could not be anything more choice, more desirable in every way, more comforting to our competitors on the high seas than a statement of that sort. I think it rather overlooks the fact, however, that it is for the Congress to determine what the policy shall be with reference to that matter rather than for the Shipping Board or anybody else to do so.

In that connection I will inquire of the chairman whether amendment No. 22 was receded from? It is the Senate amendment on page 17, line 9, which struck out the language in the House bill:

For the completion of vessels now under construction, fiscal year 1922, \$25,000,000.

The Senate struck that out with the idea that the adoption of amendment No. 93 would take care of that. Did the Senate recede from that?

Mr. WARREN. I will say to the Senator that that language was stricken out because it appeared to refer to the coming year and was included later on, where we put in \$75,000,000.

Mr. FLETCHER. That is what I supposed.

Mr. WARREN. When we went back to take the House provision those lines were restored, so that it reads as it did in the House bill.

Mr. FLETCHER. So the Senate receded from that amendment?

Mr. WARREN. Yes.

Mr. FLETCHER. And it receded also from amendment No. 93?

Mr. WARREN. Yes. In other words, it leaves it exactly as the bill carried it when it came from the House.

Mr. WALSH of Montana. Mr. President, before the Senator from Florida passes from that subject, I desire to say that I saw a statement in the paper which, as I read it, indicated that the President of the United States had determined that the United States should go out of the shipping business; and I was wondering whether the shipping act confers upon the President of the United States power to determine whether the Government of the United States shall or shall not continue to operate these ships?

Mr. FLETCHER. I think there is no question but that no such power is conferred upon the President, and that statement I regarded as a newspaper comment which was wholly inconsistent with the President's public utterances upon that question. He has said from time to time that he proposed to establish and maintain an adequate American merchant marine. That was his idea, and I hope he is still standing to that. What the views of the Shipping Board may be, I do not know.

Mr. JONES of Washington. Mr. President, I do not think we ought to hold either the board or the President responsible for statements in the newspapers. I think we will find that many of these statements are mere surmises, guesses, prophecies, and so forth. I am satisfied that no such policy as that is contemplated either by the board or by the President. They probably will try to get our shipping into private hands, privately operated, as soon as it can be done consistently with the interests of the country. There possibly may be some ships the operation of which should not be continued; it might be better for the Government if they should be tied up for a while; but I feel that the new board and the President are going to canvass the whole situation and are not going to act precipitately, but are going to try to meet the interests of the United States and build up our merchant marine by proper action.

Mr. JOHNSON. I ask unanimous consent for the immediate consideration of a resolution to which there is no objection.

The VICE PRESIDENT. There is a motion pending.

Mr. PENROSE. Mr. President, I do not want to object, but I have been sitting here for 40 minutes trying to introduce a bill from the Treasury Department of great importance that will have to be passed in the next 10 days.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

#### ORDER OF BUSINESS.

Mr. LODGE. I ask for the regular order.

The VICE PRESIDENT. Reports of committees are in order.

Mr. WALSH of Montana. From the Committee on Mines and Mining I report back favorably with an amendment the joint resolution (S. J. Res. 32) to suspend the requirements of annual assessment work on mining claims during the years 1921 and 1922, and I ask unanimous consent for its present consideration.

Mr. PENROSE. I object. Let us have the regular order.

Mr. WALSH of Montana. I am quite ready to yield to the Senator from Pennsylvania to introduce the bill to which he has referred.

Mr. PENROSE. I shall not object later in the day, but I think now we ought to have the regular order. It is only fair to other Senators who are waiting for important business to proceed with the regular order.

Mr. WALSH of Montana. I concur with the Senator. I, like himself, have been waiting here for some time to proceed with the regular order. If the Senator is desirous of being heard, I shall be glad to yield to him.

Mr. PENROSE. Let us proceed with the regular order.

The VICE PRESIDENT. The regular order is reports of committees.

Mr. WALSH of Montana. I ask unanimous consent for the immediate consideration of the joint resolution to which I have referred.

Mr. PENROSE. I object, Mr. President.

The VICE PRESIDENT. There is an objection.

Mr. WALSH of Montana. I will renew my request as soon as the Senator from Pennsylvania gets through.

#### BILLS INTRODUCED.

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

By Mr. JONES of Washington:

A bill (S. 2041) for the relief of J. G. Seupelt; and

A bill (S. 2042) authorizing exchanges of lands within the Rainier National Forest in the State of Washington; to the Committee on Public Lands and Surveys.

A bill (S. 2043) granting a pension to John C. Young (with accompanying papers);

A bill (S. 2044) granting a pension to Wilbert E. Parsons (with accompanying papers); and

A bill (S. 2045) granting a pension to Nancy J. Parker (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2046) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. STERLING:

A bill (S. 2047) granting allowances for rent, fuel, and light to postmasters of the fourth class, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. PENROSE:

A bill (S. 2048) granting a pension to Anna Louise Jenks (with accompanying papers); to the Committee on Pensions.

A bill (S. 2049) for the relief of Jabez Burchard; to the Committee on Naval Affairs.

A bill (S. 2050) for the relief of Jacob Nice; to the Committee on Military Affairs.

Mr. PENROSE. I introduce a bill recommended by the Treasury Department, which I ask to have referred to the Committee on Finance, where it belongs, and which must be passed in the interest of the Government before the 1st of July.

By Mr. PENROSE:

A bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74; to the Committee on Finance.

By Mr. WALSH of Montana:

A bill (S. 2052) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the

treatment of disabled Government employees (with accompanying papers); to the Committee on Claims.

By Mr. NEW:

A bill (S. 2053) granting an increase of pension to Mary O. Lester (with accompanying papers);

A bill (S. 2054) granting an increase of pension to Mary McGowan (with accompanying papers);

A bill (S. 2055) granting a pension to Waldo W. Williams (with accompanying papers);

A bill (S. 2056) granting an increase of pension to Johnson White (with accompanying papers);

A bill (S. 2057) granting an increase of pension to Charles Bess (with accompanying papers);

A bill (S. 2058) granting an increase of pension to James M. Vandusen (with accompanying papers);

A bill (S. 2059) granting an increase of pension to Charles M. Gregory (with an accompanying paper);

A bill (S. 2060) granting an increase of pension to John Shinolt (with accompanying papers); and

A bill (S. 2061) granting an increase of pension to Ziba A. Redding (with accompanying papers); to the Committee on Pensions.

A bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii;

A bill (S. 2063) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the Island of Hawaii, Territory of Hawaii;

A bill (S. 2064) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, Territory of Hawaii;

A bill (S. 2065) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island of Maui, Territory of Hawaii;

A bill (S. 2066) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the districts of North and South Hilo and Puna, in the county of Hawaii, Territory of Hawaii; and

A bill (S. 2067) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, Island of Oahu,' enacted by the Legislature of the Republic of Hawaii, July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu"; to the Committee on Territories and Insular Possessions.

A bill (S. 2068) for the relief of Edward J. W. Proffitt; to the Committee on Military Affairs.

A bill (S. 2069) to authorize the construction of a dam across the Wabash River at Huntington, Ind.; to the Committee on Commerce.

A bill (S. 2070) authorizing the Miami Indians of Indiana to submit claim to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 2071) providing for the printing and distribution of a list of civilian employees of the Government; to the Committee on Printing.

#### ENFORCED NONPRODUCTION OF COTTON.

Mr. NORRIS. Mr. President, at the request of the Secretary of Agriculture, I desire to introduce a joint resolution that amends the Agricultural appropriation act. I desire now to call the attention of the Senators who come from the cotton States to this matter.

In the appropriation act which will become effective on the 1st of July there is an item of \$554,840 for the eradication of the pink boll weevil. This joint resolution, if it becomes a law, will authorize the Secretary of Agriculture to utilize \$200,000 of that appropriation to reimburse States for expenses incurred in compensating farmers for losses due to the enforced nonproduction of cotton.

I ask that the joint resolution be referred to the Committee on Agriculture and Forestry; and I should like to say to the Senators directly interested that as soon as the unfinished business is disposed of I shall call the Committee on Agriculture

and Forestry together, and they will probably be summoned to appear before the committee.

By Mr. NORRIS:

A joint resolution (S. J. Res. 72) for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm; to the Committee on Agriculture and Forestry.

#### THE MEAT-PACKING INDUSTRY.

Mr. WADSWORTH submitted two amendments intended to be proposed by him to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which were ordered to lie on the table and to be printed.

#### ASSESSMENT WORK ON MINING CLAIMS.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent for the present consideration of Senate joint resolution 32, on which I made a report a few moments ago.

Mr. LODGE. Has the morning business been concluded?

The VICE PRESIDENT. It has not been concluded.

Mr. BURSUM. I would like to ask the Senator from Massachusetts to withhold any objection to the joint resolution which has just been reported.

Mr. LODGE. I have no objection to it. I desire, if possible, to have a brief executive session, which I have been asked by the chairman of the Judiciary Committee to move. I merely wanted to have the morning business closed so that we could have a brief executive session.

Mr. BURSUM. It will not take more than a few minutes to pass the joint resolution, and if it is not passed before the 1st of July it will be of no value.

Mr. LODGE. I have made no objection to its consideration.

Mr. BURSUM. It is a measure which vitally affects the miners of the West.

Mr. WALSH of Montana. Mr. President, under the existing law the mining claims must be completed by the 1st of July of the present year, and there is a very great desire expressed to have the exemption which has been accorded for the last two or three years extended for the present year. The joint resolution will accomplish that purpose. It apparently has the unanimous approval of the Senators from the mining States.

The VICE PRESIDENT. The Secretary will read the joint resolution and the amendment reported by the Committee on Mines and Mining.

The joint resolution (S. J. Res. 32) to suspend the requirements of annual assessment work on mining claims during the years 1921 and 1922 was read, as follows:

*Resolved, etc.,* That the provisions of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than \$100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby suspended as to all mining claims in the United States including Alaska, during the calendar years of 1921 and 1922: *Provided,* That every claimant of any such mining claim, in order to obtain the benefits of this resolution, shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1921, and notice of his desire to hold said mining claim under this resolution.

The amendment of the committee was, after the words "mining claims," at the end of line 8, to strike out the remainder of the joint resolution and to insert:

In the United States, excluding Alaska, during the calendar year of 1920, and up to and including the 30th day of June, 1921: *Provided,* That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded, on or before the 1st day of August, 1921, a notice of his desire to hold said mining claim under the provisions of this resolution. And hereafter the labor required under the provisions of section 2324 of the Revised Statutes of the United States shall be performed during each fiscal year, beginning the 1st day of July and ending on the 30th day of June.

Mr. JONES of Washington. Mr. President, I caught from the reading of the amendment that there is something about excluding Alaska. I want to know whether Alaska is excluded from the benefits of this exemption, and if so, why?

Mr. WALSH of Montana. That was done on the suggestion of the colleague of the Senator from Washington, who asserted that the Alaskan claimants do not desire the extension which is granted.

Mr. JONES of Washington. I am very much surprised. I had supposed that there was as much, if not more, necessity for it in Alaska than in the mining States of the West.

Mr. WALSH of Montana. I am not advised as to the considerations which induced the colleague of the Senator to take that view. He is the chairman of the Committee on Mines and Mining, and the relation of his State to Alaska is so inti-



mate that the committee felt persuaded to yield to his judgment in respect to the matter.

Mr. JONES of Washington. The intimate relation of the State of Washington to Alaska is the one thing which made that expression catch my eye. Is this a Senate or a House resolution?

Mr. WALSH of Montana. It is a Senate joint resolution.

Mr. JONES of Washington. I think I shall not ask that it go over, because of the urgency of the matter; but it will go over to the House, where that phase of it can be considered. It would seem to me that if any section of the country needs the relief, it would be Alaska. But the joint resolution can be passed and the matter will be taken care of in the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Mines and Mining.

Mr. SMOOT. I would like to have the amendment by way of a proviso read again.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Assistant Secretary again read the amendment.

Mr. SMOOT. I am fearful that if that proviso is enacted into law at least half of the mining claimants in the West will know nothing of it by August 1, and it will be of doubtful use to those who are not advised of the passage of the law with that proviso.

Mr. WALSH of Montana. Let me say to the Senator that that is the usual provision, and because of the very limited time before the 1st of July we have given to the claimants the opportunity to file until the 1st of August.

Mr. SMOOT. There was no such provision in the last extension.

Mr. WALSH of Montana. It was in the prototype of all the extensions, the acts of 1893 and 1894.

Mr. SMOOT. I am aware of that, Mr. President, but here we are within a month and a half of the time when this notice must be filed in the recorder's office. I doubt whether one-half of the miners will ever know of that proviso being in the law. We have extended the time for the last three years, and with half of this year passed, it is three years and a half, and it is just simply an exemption of the work necessary under the law. I am fearful, if this proviso goes in, the claimants in the large cities, who see daily newspapers, perhaps will learn of the law and learn of this proviso; but a majority of the miners of the United States will know nothing of this proviso being put in the law, it being different from the extension of the law the last three years and a half.

Mr. BURSUM. That has been the usual requirement in the case of other exemptions. In the case of other exemptions by Congress it has been usual to require claimants to file a notice.

Mr. SMOOT. It has been in years past, with the exception of the last three years. During the war the exemption was allowed because of the fact that it was impossible to secure laborers to do the work; and there was only a straight exemption. Now, we have an exemption with a proviso that if notice is not filed in the mining district by August 1 they shall not be entitled to the exemption.

Mr. BURSUM. It has been customary heretofore for the miners to file notices. I think the miners will be generally advised of the requirement.

Mr. SMOOT. I hope the Senate will disagree to the amendment. There is no necessity for it at all.

If we are going to give these men an exemption of the work upon their mining claims for a year from June 30 of this year, they should all be treated alike, they should all have the exemption, and no advantage should be given to the man in the city, who will see the notice printed in full and a statement of what the provision is. It should apply to the miner who is out on the hills, who perhaps comes into the city but once in six months, and perhaps never sees a daily paper. I say, Mr. President, we should disagree to the amendment and pass the exemption law.

Mr. WALSH of Montana. Mr. President, I think the fears of the Senator from Utah are entirely unfounded, although I am sure he expresses his firm conviction about the matter. I do not think there is any danger at all that the man who owns a mining claim will not learn about this law. They are all interested in it. They are all inquiring about it. But there is a particular reason why the provision should be found in this particular joint resolution. The exemption has now been extended for three years and a half, and a great many of these claims are really abandoned; the owners never intend to go back and work the claims; they have quit them absolutely. We should not allow an abandoned claim to lie vacant if anybody

desires to take it, and without a provision of this character no one would be justified in taking the chance of making a relocation of it.

This is simply for the purpose of requiring the man who intends to hold his claim to make a formal declaration of his purpose to do so. Then, if he does not do so, it is open to relocation by the first comer. The fact that we have been extending this exemption for the last three years, it seems to me, makes it really almost imperative that some declaration of this kind of the purpose on the part of the claimant to hold his claim and to come back and work it again ought to be required.

Mr. SMOOT. Mr. President, if there were six months, or even four months' time, there would be no reason for objecting to the provision. But nothing that the Senator has said answers the objection I made to the proviso. I know that if it is put into the law we will have hundreds of locators, after they learn that their locations are no good because of this proviso, coming to Congress for relief. There is no necessity at all to insert the proviso. I think this will be the last extension that will be granted by Congress; in fact, I want to say now that it ought to be the last extension. If we are going to develop mines in the West we can not develop them by continuously exempting the assessment work.

Therefore, Mr. President, it does seem to me that we ought to give them now the same chance they have had the last three years and a half, and have it understood now among all the mining men and the locators of mines that in the future there shall be no exemption, because if the exemption is continued in years to come there will be very few mines developed.

Mr. President, I hope the Senate will disagree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

The title was amended so as to read: "A joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1920 and up to and including June 30, 1921, and fixing the period during which such work shall be performed."

#### CONDITIONS IN THE COAL FIELDS OF WEST VIRGINIA.

Mr. JOHNSON. Mr. President, I ask unanimous consent for the immediate consideration of Senate resolution 80, providing for an investigation of conditions in Mingo County, W. Va. The resolution was reported favorably by the Committee on Education and Labor and reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate. It is satisfactory to the Senators from West Virginia and has been amended in accordance with their desire.

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

Mr. MYERS. Mr. President, with due respect for the Senator from California, for whom I have warm personal regard, I object to his request. I do not believe in indiscriminate investigations by Congress of every subject under the sun. I do not think the subject matter of his resolution is a proper subject of investigation by Congress. It is a matter which is now in the hands of the State authorities, the State government, and the State courts of West Virginia, and I think it should remain there. I think there are some things in regard to the rights and functions of the States that Congress should keep its hand off of until absolute and imperative necessity arises to cause it to pursue some other course. I do not think that has yet arisen in this matter, and therefore I object to the request.

Mr. JOHNSON. Mr. President, I trust the Senator from Montana will not object to the present consideration of the resolution. It is satisfactory to the Senators from West Virginia, to which State it relates, and has been reported favorably by both committees. An objection will simply require a motion to take it up; and with the Senator's protest now on record, will he not withdraw his objection to the consideration of the resolution, which relates to another State?

Mr. MYERS. I am always ready to oblige the distinguished Senator from California when I can consistently do so, but I have some fixed views on this subject. I think Congress is undertaking investigations galore, and spending its time in the investigation of every subject under the sun, and I do not think there is any occasion for a large majority of the investigations upon which Congress expends time and money.

I think the President of the United States took a very wise course when he refused to interfere in this affair which the

Senator from California seeks to investigate and relegated it to the States involved and told them that they must exercise their proper authority in the premises. If there was not sufficient ground for the President to interfere, I do not believe there is sufficient ground for Congress to interfere.

I think there are some things in regard to the rights and functions of States that Congress should respect and keep its hands off of. This matter is in the hands of the State of West Virginia and is being handled by the State courts and the State executive and the State government, and I believe it to be an unwise thing for the Congress of the United States to try to interfere. For that reason I must insist on my objection.

Mr. JOHNSON. Then I move that the Senate proceed to the immediate consideration of the Senate resolution just referred to.

The motion was agreed to, and the Senate proceeded to consider the following resolution (S. Res. 80), which had been submitted by Mr. JOHNSON May 24, 1921, and referred to the Committee on Education and Labor, reported by Mr. KENYON without amendment May 26, 1921, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Whereas conditions of violence at present exist along the border between West Virginia and Kentucky; and  
Whereas for a long period in the past in the coal fields of West Virginia there have been disturbed conditions which have led to turbulence and violence and bloodshed; and  
Whereas the conditions referred to are a menace to orderly democratic government and to the general safety and welfare of the people living in the territory affected: Therefore be it

Resolved, That the Senate Committee on Education and Labor, or any subcommittee thereof, to be appointed by it, is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the coal fields of West Virginia and in the territory adjacent to the border of West Virginia and Kentucky; that said committee ascertain the causes of the recent acts of violence upon said border and of the conditions which have existed, and do now exist, in the said coal fields, and generally investigate thoroughly the causes which have led to conditions which have obtained in the past, and which now exist in said territory, and report its findings and conclusions thereon to the Senate.

The resolution had been reported May 27 by Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, on page 2, to add the following:

The committee or any subcommittee thereof is authorized to sit at such times and places as it may deem necessary; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The amendment was agreed to.

Mr. SUTHERLAND. I move, in line 5, page 1, to strike out the word "and" and insert a comma after the words "West Virginia," the purpose of the amendment being to restrict the investigation to the immediate territory which has been recently affected.

Mr. JOHNSON. To this amendment we have no objection.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. MYERS. Mr. President, I have some views on this subject which I wish at this time briefly to express, whether they may accomplish any good or not. I fail to see where there is any cause for the Senate to investigate the subject matter of the resolution. I fail to see how any good purpose can be accomplished by it. I fail to see any sound reason for it. I think it would be a departure from the proper functions of the national legislative body or either branch of it.

The coal miners of the district who are involved in the controversy sought to be investigated—the striking miners—had a perfect right to go on strike. If they were dissatisfied with working conditions or dissatisfied with the wages they were receiving, or which it was proposed to pay them, they had an absolute right, as free American citizens, to cease to labor and to go on a strike. That is their constitutional privilege. No one can gainsay them that right. They have exercised it.

If the employers do not see fit to grant the terms or the wages demanded by the striking miners, they have a perfect constitutional right as American citizens to refuse to grant those terms or wages. As a result of the miners going on a strike, the mining operators have a perfect right to employ other miners and put them in the places of the striking miners if they can find other miners who are willing to accept their terms. It is simply a matter of private contract and mutual agreement. If other miners take the places of the striking miners, the mining operators and the miners at work have a right to look to the State courts and authorities for protection of the miners who are at work pursuing their avocation. They have a right to expect protection of the right to private employment and private agreement between employer and employee.

If there ensue any unlawful disturbance about it, it is a matter for the State authorities of West Virginia to take

jurisdiction of. If there be any violence or any lawlessness, it is a matter for the State courts of West Virginia to punish. It is a matter for the State courts to adjudicate and for the parties to the controversy to thrash out in the State courts. I do not see what Congress can do in the premises. So far as I can see, Congress is without power. Suppose the Senate investigates this condition of affairs, what can Congress do as the result of the investigation? It can not enact any law governing the right of private contract of employment between employer and employee. Congress can not enact any legislation which would abridge the right of contract or remedy the existing conditions of affairs.

If there be any disturbance there the Federal courts have no jurisdiction so long as it is confined within the boundaries of the State of West Virginia. Federal courts have no jurisdiction of offenses against the laws of West Virginia committed on its territory.

I do not see that Congress can enact any law or pass any legislation or that the courts of the United States can take any action which would relieve the conditions there which are complained of. I think that the people who are parties to the controversy should be required to thrash it out amongst themselves, and if they have occasion to resort to the courts, I think they should go into the courts of West Virginia, and if there be any violence or disturbance there that the State courts of West Virginia can not handle by ordinary processes, then it devolves upon the governor of the State to proclaim martial law and call out the State troops. I understand he has done that. What is the occasion for Congress to get into this matter? Where is the excuse for Congress to interfere or intervene in this matter? I do not care who wants the investigation—

Mr. DIAL. Mr. President—

Mr. MYERS. I yield with pleasure to the Senator from South Carolina.

Mr. DIAL. Has the governor of West Virginia asked to have any such procedure instituted?

Mr. MYERS. He asked help from the President of the United States, and it was refused, and he was referred to his State authorities. They were virtually told to attend to their own business and conduct their own affairs without bothering the United States Government about them. That, I think, was substantially the President's attitude. The President having refused to take jurisdiction of the matter, those interested have now resorted to the courts and the State authorities. I approve of the action of President Harding. I applaud his action in declaring that the Federal Government should keep hands off of this matter until it be thoroughly established that the State government is not able to cope with it. I think he did a wise thing.

If there be no occasion for the President to take hold of this matter, I do not see where there is any call or occasion for Congress to get into it. I do not care who demands the investigation. In this particular instance I have heard; I have read in newspapers, that both sides want an investigation by Congress; that the striking miners want the investigation and that the mine operators want it. I do not care if both of them want the investigation, the public has some rights which should be considered. An investigation would take time and money.

I am willing to vote to appropriate money for anything which is absolutely necessary for the conduct of our Federal Government and the safeguarding and defense of the welfare of the people of the country, but surely it is manifest that the absolute necessities of our Federal Government require appropriations great enough, and I do not believe in appropriating money for something from which I can see no good to come and in which the Federal Government has no legitimate right to interfere or take any action. I do not believe in appropriations of the people's money merely to gratify every desire to investigate something.

It costs something to conduct these investigations. If any good could result from the proposed investigation, I would not object, if it were constitutional and within the scope of Congress, but when no good can be anticipated and where Congress has no legitimate right or authority to interfere I do not believe in wasting the time of Congress and the money of the taxpayers in such matters.

Congress has gone mad about investigating and regulating. It has a perfect mania for investigation and regulation of everything under the sun. It has carried its mania entirely too far. If Congress would abandon its mania for investigating and regulating everything and would go to work and expeditiously enact such laws as are absolutely needed for the welfare of the people of the country, such laws as are within its province and needed to remedy the evils of the times, and dispense with all of its promiscuous investigating, and adjourn at



an early day, I think the country would be better off and Congress would have the thanks of the people of the country. It would confer a blessing upon a suffering people.

As I said, I do not care if both sides to this intrastate controversy want an investigation by the United States Senate, it is none of their business to want investigations of things over which the Congress has no jurisdiction, and they should not have it. Let them resort to the proper authority and seek appropriate remedies. They are asking something to which they are not entitled. The taxpayers have some rights.

The parties involved should settle their own controversies and resort to their State governments for help if they need help in settling their differences. The public has left some rights. Even if both sides to this controversy want it investigated, the rights of the public should be considered. I do not believe the interests of the public would be served nearly so well by the investigation by Congress of a matter over which Congress has no jurisdiction, in connection with which it can enact no laws, and concerning which it can do nothing, as they would be served if Congress should confine itself to enacting a few needed laws and then adjourn and go home and let the country and the taxpayers have a rest.

In New York I understand that the clothing manufacturers want Congress to investigate the striking clothing makers' unions on the charge that they are soviet organizations and are disloyal. I am opposed to that also. Let the State authorities of New York handle those matters. The State has facilities for investigating alleged criminality. So I say I do not care which side demands these investigations, I care not from whom the demand may come, I think it an unwise, imprudent, and imprudent course for Congress to pursue, that of investigating every industrial disturbance and labor strike, every complaint of employers that strikers are violating their agreement, and every complaint of employees that employers are not treating their employees fairly in some respect.

As the President of the United States has refused to take Federal jurisdiction of this matter, I think it would be improper and uncalled for for Congress to interfere.

The region involved, I understand, is under martial law at the present time by proclamation of the governor of West Virginia. What business have we investigating his proclamation of martial law? What business have we investigating something of which the governor of West Virginia has taken jurisdiction and of which the State authorities are in charge? What right has Congress to interfere when the State authorities are in control, and it may be said in control by directions from the President of the United States to regulate their own affairs and settle their own troubles? I think it would be a futile and foolish thing for Congress to undertake. We investigate too much.

A committee of the United States Senate is now engaged in investigating the condition of the railroads of the country, when I know and I think every Senator in the Chamber knows the cause of the condition in which the railroads find themselves. It is simply because their expenses are disproportionately high to their income; because they are paying out too much money for operating expenses, and their tariff rates on freight and passenger traffic do not afford sufficient income to justify their expenses. Too much money going out and not enough coming in. However, that is a matter over which Congress has jurisdiction if it desires to conduct an investigation. It is a matter which concerns Congress, because it relates to interstate commerce, a subject over which the Government of the United States has direct, immediate, and exclusive jurisdiction. If the United States wants to investigate the condition of the railroads it, at least, has jurisdiction so to do.

There is a resolution pending before the Senate to investigate the strike of the shipping employees, which is tying up the shipping of the country. While I dissent from the advisability of it, yet the same objections can not be altogether urged to such a resolution as can be urged to the pending resolution, because the United States is directly concerned in its shipping. It is owner and operator of a large number of vessels; and the shipping of the country concerns the commerce of the country, in addition to the fact that the United States Government is directly concerned as the proprietor of many of the ships which are involved in that strike. So Congress has, at least, jurisdiction to investigate that matter, if it may see fit to do so. It has the interest of a part proprietor. It has the jurisdiction. The advisability, the justification, is quite another question.

I do not believe congressional investigations of strikes, as a rule, do any good. I think the only result is, generally, to prolong the strike and industrial disturbance. I do not believe that the investigation of the steel strike a year or two ago did any good to anybody or accomplished any good purpose what-

ever. If I had been present in the Senate Chamber when the resolution providing for that investigation was called up and unanimous consent was asked for its consideration, I would have objected to it. I think the only result that investigation had was to prolong the strike. It did not effect a settlement of the strike, but I think it did prolong it. According to well-authenticated newspaper reports many of the strikers, ignorant foreigners who did not understand our form of Government, were told by designing and unscrupulous leaders that Congress had taken hold of the strike, and if they would hold out a little longer it would not be long before the Government would take over the steel plants and operate them, and then the strikers would get anything they might want. Those statements were made in current newspaper reports, and I think they are reasonably to be believed. The strike was lead by a notorious syndicalist. I believe those statements had much effect in prolonging the strike and causing the strikers to lose heavily in lost wages.

If the pending resolution were adopted, and an investigation were begun, I think, if it had any effect at all, it would simply have the effect of prolonging the strike and causing the strikers to lose more heavily. It is a matter which ought to be settled as a subject of private agreement and according to the right of private contract between employers and employees; a matter which belongs to State courts and the government of West Virginia, if it can not be settled by private agreement amongst the parties in interest.

For goodness sake, I ask Senators have the States no rights or functions at all any more? Are the State lines to be simply obliterated, to be no more than geographical boundaries, just like the boundaries of counties? Are States to have no sovereign functions at all any more; no right of control over their affairs and over disturbances within their confines? Are State courts to have no jurisdiction any more at all over violence, lawlessness, and disorder within their State boundaries? What are we going to do with the States of the United States? Are we to abolish them? We are gradually but surely doing it.

Mr. DIAL. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. MYERS. I yield, with pleasure.

Mr. DIAL. Has there not grown up on the part of the States a tendency to shirk their responsibilities and to lean too much on Congress?

Mr. MYERS. Undoubtedly our legislation has had a very great tendency in that direction. The States are getting so that they now look to the Federal Government for everything. They are literally becoming so that they look to the Federal Government to support the people of the States, to support their State governments, and to take every responsibility off their hands. There seem to be no more State rights, duties, or responsibilities.

Mr. STANLEY. Mr. President—

Mr. MYERS. I yield with pleasure to the Senator from Kentucky.

Mr. STANLEY. The Senator from Montana says that the States are looking to the Federal Government for everything in the way of the control of their business, the regulation of private life and official activities, and their spiritual, moral, industrial, and financial welfare; that all those matters are attended to by the Federal Government. Why should not the States look to the Federal Government? Does the Senator know of anything, from the setting of a hen to the raising of a flag, that this Government is not doing or is not prepared to do for the States and the people thereof?

Mr. MYERS. There is scarcely anything that the Federal Government is not prepared to do for the States and does not insist on doing for them, nowadays.

I know that opposing a resolution of this kind is, to some extent, an ungracious, an unpopular, and a disagreeable thing to do, and it may not do any good at all; but I have observed many of these investigations which I thought accomplished no good, which I thought were positively detrimental and harmful, and I think the time has come to call a halt. I think we ought to stop somewhere; I think we ought to draw some line; and I do not know of a better place to begin, if we are going to begin at all, than on the resolution of the distinguished Senator from California.

I do not think that it offers one single pretext for Federal interference or investigation by Congress. It does not involve the interstate-commerce feature which the investigation of railroads now being conducted involves; it does not have the national and foreign commerce feature as has the shipping strike investigation which is proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

I can not see that the situation in West Virginia has one single appeal to or excuse for Federal interference either by the executive, the legislative, or the judicial branch of the Federal Government. It is purely an intrastate matter, which affects the rights of employers and employees living within and doing business within the State of West Virginia. It affects the government and welfare of the State of West Virginia, and its legislative, executive, and judicial functions. If troops should be called out, they must be called out by the governor of West Virginia, so long as the President of the United States has refused to perform that act; and the governor of West Virginia has already taken that step, I understand. If the functions of the courts must be invoked, the right and duty of acting belong to the courts of West Virginia.

I repeat, I can see no good whatever to be accomplished by this resolution. I think it would be an unwarranted interference by Congress with the rights of a State, an idle thing, a waste of time and money. I know of no constitutional authority for either branch of Congress to investigate a matter which is purely intrastate and concerns solely the affairs of the citizens of a certain State.

Of course, I do not suppose there is any way to prevent it if Congress wants to do it. If Congress wants to spend the time and money for doing this, I presume there is no way to prevent it, whether it be a constitutional exercise of authority or not; but I do not believe there is any constitutional warrant under our Federal Constitution for it. I do not think that such activities were contemplated by the framers of our Federal Constitution or that they are included within its provisions.

I have no particular objection to the proposed investigation in this case any more than I had to the investigation of the steel industry strike a year or two ago, nor to some other investigations which have been conducted, but I did not happen to be present when the resolutions providing for these investigations were called up and adopted. I do happen to be present when this one is called up, and I feel that it is my duty to register an objection. I feel that it is time for somebody, however humbly it may be done, to raise a voice of protest against the constant tendency of the Federal Government to encroach upon the rights and duties of the States and to investigate everything that comes within the jurisdiction of the States. I do now protest. I raise my voice in protest against this tendency to usurp the rights of the States and to investigate matters concerning the States which are within the functions of the States and are no business of Congress whatever. The protest may not do any good; it probably will not do any good, so far as material results are concerned; but it will do me the good of having done what I consider to be my duty in having raised a voice against what I believe to be a dangerous, and improper, and a growing practice; a most pernicious practice. I hope the resolution may be defeated.

Mr. WATSON of Georgia. Mr. President, I should like to ask the Senator from California a question as to the practical result which he expects to obtain by the proposed investigation. I should like to ask my friend from California, in case the committee finds against the laboring people in that State matter, what it is Congress can do and what the Senator from California thinks it ought to do; and in case the committee should find against the employers, what could Congress do against the employers and what would the Senator from California propose that it should do?

I will remind my friend, who is kind enough to allow me the interrogation, that in his State he has an irrepressible labor trouble. He will some day assert the right of California to manage that labor question according to California's view of it, and when that day comes I shall be shoulder to shoulder with the Senator from California. In the South we have the same sort of question. Hardly a State is free from it. If we are now to send committees into the State of West Virginia, tomorrow some man will request or demand that we send committees into Georgia, Alabama, or Tennessee, as the case may be. I submit to the Senator from California that when we embark upon that policy we take up our anchor, we turn the ship afloat upon a shoreless sea, and no one can tell where the vessel may finally go.

I know that the Senator from California is too earnest a man to deal with trifles or to deal with utilities. I know that he is earnest and practical, and I therefore invite him to state to the Senate what practical results he expects from that investigation.

Mr. JOHNSON. Mr. President, just a word in response to the distinguished Senator from Georgia.

This is not the ordinary investigation. This is not the investigation of a mere labor dispute. This is not a choosing of sides between two contending parties engaged in an industrial

controversy—not at all. This is an instance where practical civil war has existed for some weeks past. This is an instance where there has been practically a suspension of civil rights. This is an instance where certain private corporations, it is asserted—I do not say that it is absolutely accurate—have arrogated unto themselves the powers of government. This is an instance where a man who is a United States citizen, as has been reported, can not go into certain territory in West Virginia unless a hired detective gives him permission to walk in that territory. I do not know whether those things are wholly true or not. I do not say they are all facts, but I do say they have been asserted; and, on the other hand, there is the assertion that certain men who labor and toil in the mines have become armed bands of guerillas, who have infested the hills of West Virginia and who have shot upon their fellows, and that these armed bands are carrying on a guerilla civil warfare.

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

Mr. JOHNSON. Yes.

Mr. MYERS. If all that be true, what remedy can Congress apply?

Mr. JOHNSON. Wait a minute; I have not concluded, if you please.

On the one hand, therefore, there is the assertion of the usurpation of government by private owners of private coal mines with privately hired private detectives. On the other hand is the assertion that men who have struck are acting lawlessly, and with arms are carrying on a civil war against their fellows.

These are the two different charges. They have led to a situation that is practically intolerable. We are not going to seek to control that situation by the arms of the United States—not at all. We are not asking that the Government of the United States shall supersede the State government of West Virginia—not at all. We are going, however, to develop a situation there which amounts practically to civil warfare, and to put our finger upon what it is, and what the cause of it is, and in that fashion putting our finger upon the raw sore, exposing it and proving and demonstrating what causes it, then we will see whether or not either State or Nation can afford a remedy.

I do not contemplate by this resolution any immediate legislation, it is true. I do not contemplate that we shall do ought to interfere with the authorities. I do contemplate, however, in a territory where there is practical civil war, and where civil liberty has been denied American citizens, to discover what exists and why it exists, and then, if it is possible, either by State or Nation to apply any cure that may be conceived of.

Let me say to you that this is not a partisan investigation. The Senator from Montana has well said that it is not asked by the one side alone. It is desired by all sides, because the situation is intolerable. The Senator from West Virginia [Mr. SUTHERLAND] sits here approving this resolution. His colleague [Mr. ELKINS] does as well. The Committee on Education and Labor unanimously reports it. The Contingent Expense Committee does likewise. Under those circumstances, with a spot that is intolerable, why should not the United States Senate, if it can, do as it has done in the past—render a bit of aid, expose it, and then remedy the conditions which exist?

Mr. MYERS. Mr. President, I should like to ask one more question. I should like to ask if any of the taxpayers who will have the bill to foot, and who are not parties to the controversy, have asked for an investigation in this case?

Mr. JOHNSON. Does the Senator ask if any such have?

Mr. MYERS. Yes, sir.

Mr. JOHNSON. Why, one man came to me in respect to this investigation who described himself as a neutral. He owned six houses. He had a handful of bullets that he said had been fired into the very room where his wife and his babe were in a certain town in Mingo County, W. Va.; and as a neutral, as he described himself, in the quarrel over there, he wanted the United States Senate to investigate, so that, if it could, it might lay bare the situation and afford the remedy.

Mr. MYERS. Mr. President, I will simply say to that that I think it is that man's duty to look to the State government of West Virginia for his remedy until it may become impotent and unable to render him any relief, and then, on a proper showing, it would be for the President of the United States to take action.

While I am on my feet I simply want to advance one more thought which I overlooked in my imperfect remarks a while ago, and that is that the sooner striking employees and employers who can not come to terms with their employees learn that they must thrash out and settle their own difficulties and not rush, one side or the other or both sides, to the Federal



Government for help the sooner strikes and lockouts and industrial disturbances in this country will cease.

Mr. SUTHERLAND. Mr. President, I only wish to say to the Senate that it is true that both sides to this difference that exists along the border of West Virginia and Kentucky have asked for this investigation. An authorized committee of mine operators representing the Williamson Operators' Association came to the Senators from West Virginia first and asked that an investigation be had into the conditions there which they regarded as intolerable.

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

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from West Virginia yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. MYERS. They also asked the President of the United States to interfere, and he refused, did he not?

Mr. SUTHERLAND. The governor of West Virginia some weeks ago asked the President of the United States to send Federal troops into that territory.

The President declined to send in the troops and suggested that possibly the State government had not done all that it could to quiet the trouble there. Since that time the governor has declared martial law in that immediate vicinity and has seemed to be handling the situation quite satisfactorily. There has been very little violence, if any, for the past two or three weeks.

Mr. MYERS. May I ask another question of the Senator?

The PRESIDING OFFICER. Does the Senator from West Virginia further yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. MYERS. Why have Congress investigate the trouble if it be diminishing instead of increasing?

Mr. SUTHERLAND. I will say to the Senator that of course it is for the Senate to decide, in the interest of the public, what it shall do in this matter. As I stated, the operators asked definitely that the investigation be had, and later a deputation of the Mine Workers' Union came here and asked the same thing; and there being unanimity of opinion that outrages were being committed on both sides—and perhaps there have been some things done on both sides that were irregular and violent—it seemed to me that a Senator hearing both of these sides and these representations, both asking that this investigation be had, could do nothing else than to assent to it, or at least not object to it.

Mr. OVERMAN. Mr. President, may I ask the Senator what is the trouble about the State of West Virginia putting its finger on the sore?

Mr. SUTHERLAND. As I stated a few moments ago, the State of West Virginia has put its finger upon the sore. It has a State constabulary law. We have no militia at this time. We have not had time to organize our militia in West Virginia under the reorganization act, but we have a State constabulary law; and almost the entire force—there are only about 85 or 90 in it—are down in that territory, and, as I stated, they are handling the situation satisfactorily. There is no violence there at this time.

Mr. OVERMAN. Mr. President, can not the State of West Virginia make this investigation itself, for itself?

Mr. SUTHERLAND. I will say to the Senator that the people on both sides of this question seem to think that the United States Government can do it better.

Mr. OVERMAN. The question is, can the legislature do it?

Mr. SUTHERLAND. The legislature is not now in session, and it did not do it when it was in session. It did not order such an investigation.

Mr. OVERMAN. The governor can call it in extra session.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. SUTHERLAND. I yield to the Senator.

Mr. WATSON of Georgia. The Senator says that both sides down in West Virginia, the employers and the employees, think that Congress can do something. What is the opinion of the Senator?

Mr. SUTHERLAND. I will say to the Senator, as to the remedies to be applied by Congress, that except as a matter of getting publicity as to the facts in the dispute the chances are very remote of Congress being able to do anything.

Mr. WATSON of Georgia. Publicity, then, is what is desired?

Mr. SUTHERLAND. Mr. President, in these disputes it is very difficult to get at the actual facts. Charges are made on both sides, and unless some impartial tribunal is called into

being before which these contending factions can come, under oath, and give all the facts, sitting in the same room, facing each other, and each refuting the arguments of the other, it seems to be impossible for the public to ascertain what are the real facts.

Mr. WATSON of Georgia. Mr. President, it seems as if the Senator from West Virginia is proceeding under the idea that the newspaper press has been Burlesonized again. Do we not get publicity through the newspapers?

Mr. SUTHERLAND. We get a certain amount of publicity in the newspapers.

Mr. WATSON of Georgia. Yes; a very certain amount.

Mr. SUTHERLAND. In West Virginia we think we get too much of it of a certain kind, sometimes.

I happened to be a member of a similar investigating committee when I served in the House, and we went out to Colorado to investigate a strike. Congress took no helpful action as the result of that investigation, or any action at all, but I believe that when we reached the city of Denver, and within two hours had representatives of both the contending factions in a room together, that was the first time during the entire trouble they had faced each other in the same room, where each side could hear what the other said and make proper answer and sift the facts down to find out what had actually occurred.

So, Mr. President, I think about all that can be done by Congress is to give publicity to a hearing held by an impartial tribunal, where both contending factions can appear and listen to each other's evidence and refute it, if possible.

Mr. UNDERWOOD. Mr. President, if the Senator will yield, I would like to ask a question or two.

Mr. SUTHERLAND. I yield.

Mr. UNDERWOOD. How much money does the resolution contemplate shall be spent out of the contingent fund of the Senate?

Mr. SUTHERLAND. I have no means of knowing how much it is contemplated will be spent, but I should say it would depend very largely upon the length of time it takes to make the investigation. The chairman of the committee told me that he expected to go and spend only three or four days there. If I may judge by a former experience, they will not get well started with the investigation in two or three days. It took the investigating committee of which I happened to be a member six weeks to make the investigation in Colorado.

Mr. UNDERWOOD. How much did the Colorado investigation cost?

Mr. SUTHERLAND. It was pretty expensive, but I do not think I ever saw the figures.

Mr. UNDERWOOD. A hundred thousand dollars?

Mr. SUTHERLAND. I hardly think it cost that much, but it must have cost quite a considerable amount, probably \$50,000 or more.

Mr. UNDERWOOD. I would like to ask the Senator whom he is going to investigate. Are you going to investigate the miners' union?

Mr. SUTHERLAND. I presume the operators expect us to investigate the miners' union and the miners' union expects us to investigate the operators.

Mr. UNDERWOOD. That is what I supposed; and I presume each side expects to show the other side up with horns. That is usually the way they go about it. The miners' union wants to show that the operators have horns and have done something wrong and the operators intend to show that the miners' union has committed high crimes and misdemeanors.

Mr. SUTHERLAND. That is about the situation.

Mr. UNDERWOOD. Does the Senator really think it is worth while, since the difficulty is over, as I understand, since there is no immediate hostility down there? The situation has quieted, has it not?

Mr. SUTHERLAND. It seems to be quiet at this time, but I will say that it is rather a tense situation, which may break out at any time.

Mr. UNDERWOOD. The State authorities have it in hand, have they not?

Mr. SUTHERLAND. They now have it apparently well in hand.

Mr. UNDERWOOD. And the President has refused to intervene?

Mr. SUTHERLAND. Yes; with the military forces of the United States.

Mr. UNDERWOOD. Mr. President, of course I recognize the fact that there are times when it is wise for Congress to investigate matters concerning the people of the United States; but we have it from Executive authority, the President of the United States, that this is not a condition in which the Govern-

ment of the United States ought to intervene. We have it on the statement of the Senator from the great State of West Virginia that there is no immediate trouble, but that the trouble is over; that they have had this fight, and it has quieted down and peace reigns again.

Mr. JOHNSON. Will the Senator from West Virginia yield that I may ask the Senator from Alabama a question?

Mr. SUTHERLAND. Certainly.

Mr. JOHNSON. I think the Senator from Alabama is not familiar with the conditions which exist there. It is true that there is not a pitched battle there every day now, as there was for a brief period; but it is equally true that law is no longer existent in that particular territory, except the law of force.

Mr. UNDERWOOD. I think that is most unfortunate. I was in hopes that when the disregard for the law had quieted down, as usually happens in cases of mobs and mob violence, the people would come to a sober second thought and conclude themselves to obey the law.

I recognize that there are some occasions when an investigation is helpful. But there has not been anything said here to-day which leads me to believe that anything helpful would grow out of such an investigation as is proposed. It is a matter which the President has said it was not necessary to intervene in. The Senator from the State in which the trouble occurred says that what is proposed is to set up a court to let the operator investigate the miners' union and the miners' union investigate the operator. So far as I know that is not likely to bring about peace. An investigation of that kind is more likely to bring about discord, unless the resolution seeks to lead to some affirmative action on the part of the Government of the United States. If it does, I would like to have the Senator tell us what it accomplishes.

Mr. SUTHERLAND. I believe the Senator who has just propounded this question was the leader of his party in the House when the investigation was made into the Colorado matter, and he knows what it was possible to do and what it was not possible to do at that time, and he can answer that question quite as well as I can, or perhaps better.

Mr. UNDERWOOD. When did the Colorado investigation take place?

Mr. SUTHERLAND. In 1914 I think it was.

Mr. UNDERWOOD. I was not the leader of the House at that time, as I had come to the Senate.

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from California?

Mr. SUTHERLAND. I yield.

Mr. JOHNSON. I ask the Senator to yield to me for a mere suggestion. What is conveyed to me is that the conditions down there, if you want to look at it from the economic standpoint, have prevented the production of coal, and the coal production in that particular territory has been immensely lessened because of the conditions which exist. That is economic consideration No. 1.

No. 2. The condition there at the present time is not a condition of peace, but a mere suspension of hostilities, and the situation, as the Senator from West Virginia has said, is exceedingly tense. Coal production has not reached what it should be at all, and the appearance of peace is maintained only by virtue of the force that is there. To say that an impartial investigation under the circumstances can not be of any good would seem to say that there never had been an investigation which could have accomplished any results.

Mr. UNDERWOOD. No; I do not agree with the Senator at all. If I am interrupting the Senator from West Virginia, I will stop now and wait until he gets through.

Mr. SUTHERLAND. Not at all. I am very glad to have the Senator interrupt.

Mr. UNDERWOOD. Here is what I am leading to. I do not say that congressional investigations have not produced results in the past. But take up the proposition which the Senator from California has advanced. He said that there are two good reasons why we should have this investigation, one that the production of coal is retarded, because of this disturbance, and the other that the only reason why hostilities do not break out is because there is force there. Analyze that. I know a great many mining districts in the United States where the production of coal is not up to the standard, or anywhere near up to the standard, because of the panic conditions in the United States.

Mr. SUTHERLAND. If the Senator will allow me on that point, I will say that the operators who operate in that territory now claim that their production is normal—that is, that they are able to fill all the orders they have, and have all the men they need at their mines.

Mr. UNDERWOOD. That part of the investigation, then, is settled. If they are able to fill all the orders they have to sell coal, we can not accomplish anything along that line.

Now, along the line of there being hostility between the contending factions, and that it has only quieted because of force, as I understand it, it is the arm of the State of West Virginia enforcing the law, preventing men from murdering each other, which is the force that is complained of. I must say, as far as I am concerned, I do not need any investigation to tell me to sustain the lawful arm of the lawful government.

I merely wish to say that if the Senator from West Virginia, in whose State this investigation is proposed to take place, is willing to stand here in his place and say on his responsibility as a Senator that the passage of this resolution in his judgment would bring about better conditions in his own State than his own State government can work out if left alone, I am willing to support his proposition and agree to the payment of the fifty or hundred thousand dollars it is going to cost. But if we do not have something affirmative in sight in the way of benefit, I must say that I am getting mighty tired of spending money out of an empty Treasury. We might as well recognize the fact that we can dig holes into the Public Treasury as well as the executive branch of the Government, and we have had investigation after investigation in the last two years, costing I do not know how many millions. They deplete the contingent fund of the Senate so fast that we can not make an annual appropriation to keep it up. Every time a deficiency appropriation bill comes in we have to make another appropriation for the contingent fund of the Senate. That was not the case in the old days; we made an appropriation for a contingent fund, and in the main maintained it.

It seems to me that we are getting to a point where we should not as a matter of course pass such resolutions of investigation. If we are going to spend between fifty and a hundred thousand dollars out of the Treasury, we ought to know that some definite result is to be obtained for the good of the people of West Virginia, at least.

Mr. SUTHERLAND. In reply to the Senator from Alabama I will say that this trouble had been going on more or less for a year. About a year ago, or a little more, a strike occurred in that territory and production was interfered with. Later a large proportion of the strikers went back to work in the mines, and since then that has been the cause of the disturbance. Those who went out on strike formed tent colonies near by, have been getting support from the national organization of mine workers, and are maintained there with their families. Of course, the operators had to have houses in which to put the new men, and the old ones, of course, had to leave them, and there has now been more or less effort on the part of those who are out on strike, as is always the case in such disputes, to prevent those who are now employed at those mines from working. But the operators, and others who are in that territory, state that they have enough men in the mines to carry on their mines and fill all the orders they have. Of course, we all know that the coal business is, like other businesses, very slack at this time.

Mr. OVERMAN. Mr. President, did we not have an investigation of a coal miners' strike in West Virginia some years ago?

Mr. SUTHERLAND. There was an investigation of the Cabin Creek, Kanawha County, strike.

Mr. OVERMAN. The people of West Virginia do not want Congress to investigate every strike that takes place in the coal mines of West Virginia, do they?

Mr. SUTHERLAND. Most of the State of West Virginia is in a state of absolute peace and quietude, and a condition of brotherly love is maintained throughout the State, although we have had some of these disturbances. Whether that investigation was helpful or not, I can not say. If this one is undertaken I hope it will be beneficial, and I believe that the ascertainment of the facts in this case will be helpful.

Mr. OVERMAN. Helpful to the miners?

Mr. SUTHERLAND. Helpful to the public generally in tending to quiet conditions.

Mr. OVERMAN. If the Senator will say to me that West Virginia can not handle the question itself, and is impotent, I shall be very glad to support the resolution.

Mr. SUTHERLAND. I call the Senator's attention to the fact that this is on the border between two States, and the trouble exists on the Kentucky side as well as on the West Virginia side. That makes it more difficult for the State government to handle it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.



The READING CLERK. A bill (S. G320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. LODGE. The chairman of the Committee on the Judiciary has some nominations that he is very anxious to dispose of in executive session. I have been waiting all morning to give him the opportunity. It will take only about 10 minutes.

Mr. JOHNSON. Will not the Senator let me have the resolution disposed of? The debate has been concluded.

Mr. NORRIS. If the debate has been concluded—

Mr. JOHNSON. The debate has been concluded, and I will ask the Senator if he will not permit the matter to be submitted to the Senate now?

Mr. MYERS. Mr. President, I must object. I call for the regular order.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

#### ADMIRAL SIMS'S STATEMENT AND AMBASSADOR HARVEY'S ADDRESS.

Mr. HARRISON. Mr. President, the morning Washington Post, on the front page, carries an article headed "Misquoted," Sims cables to Denby." I will read the article so it may appear in the RECORD. It is by the Associated Press, as follows:

Remarks attributed to him in press reports of his recent address before the English Speaking Union in London, in which he criticized activities of Sinn Fein sympathizers in this country, were not correctly quoted and were misleading. Admiral William S. Sims declared in a cablegram received yesterday by Secretary Denby.

I now quote from the message of Admiral Sims to Secretary Denby:

"Statements that were attributed to me," said the message, "were not correctly quoted. Context misleading and garbled. Report of statements is incorrect and inferentially wrong. Statement actually made was substantially the same as repeatedly made in public in America and in my book 'The Victory at Sea,' and in public address at meeting held for increasing good relations between the English-speaking people."

Mr. President, the report that is stated by Admiral Sims in this message to Secretary of the Navy Denby to have misquoted him was carried by all the news services of the country and is already incorporated in the CONGRESSIONAL RECORD. I shall not read, but ask that as a part of my remarks may be included the report of certain London papers the morning following the speech of Admiral Sims showing what the representatives of their press thought Admiral Sims said at that time. I think that this is in fairness to the news service and the newspapers of the country that have carried the dispatch from London which Admiral Sims says was garbled and in which he says he is misquoted. It is fair to Admiral Sims also.

I first desire to have incorporated in the RECORD, and it is not very long, what the Daily Telegraph of London reported that the admiral said on that occasion. Then I desire to have incorporated also what the Morning Post, an English paper, said, and also what was stated in the London Times, which, in my opinion, goes to show that the reports that were published by the news services in this country were about the same as carried in the London press of that date.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Special cable to the Washington Post.]

LONDON, June 12.

The day after Admiral Sims's speech before the English Speaking Union the Daily Telegraph reported him as follows:

"It had been found necessary on the other side to form as quickly as possible certain associations in order to counteract the very dangerous propaganda by enemies of the two countries. False news was being put on the wires on both sides, and that was the sort of thing they were trying to counteract."

"He has been abused for certain articles he had published in which he told the simple truth about the actions of the Sinn Fein faction in reference to troops during the war. Owing to the action of these people forces had to be diverted from their legitimate purpose of escorting American troops and American ships, and that had caused a great many ships to be sunk and a great many lives to be lost."

#### STATEMENT OFTEN MADE.

"He had made that statement wherever meetings had been called to counteract propaganda and he intended to keep on making it. He had never hesitated to say that some Americans and Sinn Fein sympathizers in America had the blood of English and American boys on their hands. These people were Americans when they needed money, but Sinn Feiners when they were on the platform. They were like the zebra—they were either white horses with black stripes or black horses with white stripes. Really he strongly suspected that they were asses. Each one of these asses had a vote and it was one of the inconveniences

of a Republic that American-born citizens found it necessary to cater for those votes."

"This created a wrong impression on this side, but now the people of Great Britain would know how much confidence to place in an Irish resolution which was forced by these jackass votes." [Laughter and cheers.]

On Wednesday the Morning Post discussed the speech of Admiral Sims in detail. Regarding the part of his speech which Admiral Sims cabled Secretary Denby had been garbled, the Post said:

"It was their (i. e., the Pilgrims) business to counteract the dangerous influences of those who were the enemies of both countries and to bring out the truth about and between them."

"In the press of America, generally, the wrong side was represented and the right side was not represented."

"In order to rectify this and to counteract the dangerous propaganda to which he alluded, further organizations, he said, were being suggested, and this action involved a certain amount of unpopularity for some people in high position on the other side."

#### MISREPRESENTATION ALLEGED.

"He (Admiral Sims) had been greatly misrepresented when it was alleged that he was opposed to everything Irish and to the whole Irish nation in an article which he had written. He told the people of America facts with regard to action of the Sinn Fein against them and their troops during the war, and how a great many lives and ships were lost on this account through forces being diverted from escorting merchant ships and other important services."

"The same influences," he said, "were at work to-day, carrying on a war against both America and this country and trying to sap the good relations between the two nations which had been established while they were cooperating at sea."

The sympathizers with Sinn Fein in America," he said, "had the blood of both British and American boys on their hands. They were Americans when they wanted money, but they were Sinn Feiners when they were on the platform. They were like the zebra, which was described by some as a white horse with black stripes and by others as a black horse with white stripes. In America they knew that these were not horses at all. He strongly suspected that they were asses, but each of those asses had votes, and there were a lot of them. It was necessary that their influence for harm should be counteracted."

The News and the Chronicle did not report the speech, and the Daily Mail and the Daily Express printed very brief reports.

#### LONDON TIMES VERSION.

The London Times, in reporting the speech of Admiral Sims, said, in part:

"His enemies said he opposed the whole Irish nation. He was not going to speak of the Irish question, for it was partly on an American question, but he had written certain articles in which he told the truth about the action of the Sinn Fein faction in reference of our troops during the war. They had not had the material to attack directly, so they had done so indirectly. Forces had had to be diverted to deal with them, with the result that a great many ships and a great many lives had been lost."

"He intended to continue to make that statement," he said. "They had people on the other side, technically American citizens, who were carrying on war to-day against America and against Great Britain and were trying to destroy the good relations between the two countries."

"To those with Sinn Fein sympathies in America, he said that the simple truth of the wretched business was that there was the blood of English and American boys on their hands."

"They were Americans," he said, "when they wanted money, but they were Sinn Feiners on the platform. They were like a zebra, either a black horse with white stripes or a white horse with black stripes. He suspected that they were not horses, but asses. But these asses had votes, and there were a lot of them."

"The consequence was that American-born citizens found it necessary to cater for those votes. This was one of the inconveniences of the Republic which created a wrong impression on this side."

"Those who understood the situation, however," he said, "knew how much importance to attach to resolutions in favor of the Irish which were forced by those jackass votes."

Mr. HARRISON. Since this remarkable speech was made by Admiral Sims last Tuesday night and the inquiry went forth from the Secretary of the Navy for a report as to the correctness of what he said on that occasion, and no report had come in answer to that request from the Secretary, the Secretary took very appropriate action on Saturday by sending this cablegram to Admiral Sims:

Remainder of your leave is revoked. You will return to the United States immediately and report at once in person to the Secretary of the Navy. Acknowledge.

So this matter will be heard by the Secretary of the Navy on the return to this country of Admiral Sims, and will also be investigated under a mandate of the Senate by the Committee on Naval Affairs of the Senate.

Mr. McKELLAR. Mr. President—

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

Mr. HARRISON. I yield.

Mr. McKELLAR. Did Admiral Sims reply to the first cablegram of the Secretary of the Navy before he got the second cablegram directing that he should come home? Can the Senator tell us about that?

Mr. HARRISON. Of course, all I know is what I have seen in the press. I understand that the cablegram from the Secretary of the Navy which I have just quoted, revoking the leave of absence granted Admiral Sims and directing him to return immediately and report to the Secretary of the Navy, was sent and was probably received by the admiral, although I am not sure about that, before Admiral Sims made the reply carried in the morning press. All the statements I have seen since Secretary Denby first cabled to Admiral Sims were to the effect that he would leave on a certain boat on Wednesday next.

according to his plans; he did not seem to show any haste in answering the summons.

Mr. President, there has been a great furore about the so-called "jackass speech" of Admiral Sims. The impression seems to be universal throughout the country that it was in bad taste; that it was intemperate and was most indiscreet for one occupying the high official position as head of the Navy War College and of naval operations in European waters during the recent war to have discussed a delicate political question in London on that occasion.

It has been called to the attention of the Senate before that there was another remarkable speech made on the 19th of May last by another higher in authority than Admiral Sims, by one who is closer to the President of the United States than any one in official life, except, perhaps, one or two Cabinet officers and one or two distinguished Senators here. He was very close to the President in the late campaign, has been close to him since; they were in constant communication and conference before Col. Harvey was appointed ambassador and left for London. So the importance of the speech that was made at the Pilgrims' banquet on May 19 by Col. Harvey can not be discounted.

The country accepted it as the views of the administration not only touching our entry into the League of Nations but as to other expressions therein. Some went so far as to intimate and, indeed, to state that the speech evidently had been read by those high in authority in this country before the departure of the new ambassador for London. Whether or not that is true, of course, none of us knows except the President himself or the Secretary of State. Those statements, however, have never been denied by the President, the Secretary of State, or by anyone who is high in authority. There has been no protest, so far as we know, on the part of anyone who is high in the official kingdom of the present administration to this remarkable speech of May 19.

I read with a great deal of interest on yesterday an article which was published in the New York Times. It is a well-written letter by one Frederick Lynch to the editor of the Times. I am not going to read all of the letter, but I ask consent to have it incorporated in full in the RECORD in the course of my remarks. I shall read only a part of the letter, if my request is granted, and I imagine no one will object to it.

THE VICE PRESIDENT. Without objection, permission is granted.

Mr. HARRISON. This letter written by Mr. Lynch is remarkable for three reasons. The first is that Mr. Lynch, as I understand, is a Methodist preacher of splendid character and great reputation; secondly, that he is or was a Republican; and, thirdly, because he was present at the Pilgrims' banquet when the speech was made by Col. Harvey. In this letter he expresses the impression which was made on his mind and on the minds of the other banqueters at the time; how it shamed him, and how badly he felt at hearing such expressions touching the motives and purposes for our entrance into the war by the representative of the United States in the highest diplomatic position of our country; aye, beyond that, from one who had been designated as the personal representative of the President of the United States on the supreme council. Occupying that high position, it is no wonder Mr. Lynch was humiliated when the words fell from the lips of a supposed representative American that we went into war not for the high ideals that we had previously indorsed, but because we were afraid not to fight, and so forth. I shall now read a part of this letter. I am sorry there are not more Republicans on the other side of the Chamber to hear it, because this is a Republican speaking to Republicans as well as to Americans everywhere. Mr. Lynch says:

A month has now passed since Mr. Harvey made his famous first speech in London as the American ambassador to the Court of St. James. Had it been Mr. Harvey speaking simply as a private citizen, his famous three points would not have caused the commotion that they have in Europe; but he spoke officially, as the ambassador of the United States, sent to England to speak for the Nation. Indeed, our ambassador is generally supposed to have consulted his President or the King before speaking anything in public.

Mr. Harvey, at the now famous dinner given him upon his arrival in London, made three points, and made them very emphatically, both in words and manner. I happened to hear the speech, and he spoke as a man who was going to leave no doubt in anybody's mind as to just how he and his Government felt upon the matter. These three points were (1) that the United States entered the war actuated by motives of self-interest purely and simply, having no thought whatever of saving Belgium or France, but of saving herself alone.

No one who was not present at the dinner can have any idea of the consternation each one of these statements produced as they followed one upon the other. As a matter of fact, they so stunned the 500 persons who heard them that they did not quite grasp the significance of them. It was not until the next morning, when the people of Europe read the words in cold type, that the significance came over

them. Ever since then the British, French, Belgian, and German papers have been asking: "Did Mr. Harvey really represent the mind and feeling of the American people? Did the Americans enter the war actuated by selfish motives only? Was Mr. Harvey right in throwing scorn upon American idealism, as he did, all through his speech? Is it true that the majority for Mr. Harding was a mandate against the League of Nations? Do the American people want to have nothing to do with the League of Nations and have no part in the new world order?" These are the questions all the journals of Europe—of the world, for that matter—have been asking for the last month. Is it not time that we, the American people, ask ourselves the same questions, and see if, upon sober second thought, we really agree with Mr. Harvey and are going to say to the world, "Yes; he spoke the mind of the American people"?

Mr. Harvey's first point, to quote his own words, was as follows: "Far more prevalent until recently was the impression—and this was, and still is in a measure, sincere—that we went into the war to rescue humanity from all kinds of menacing perils. Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. That is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that."

As I said above, no one who was not present can imagine the consternation with which these words were heard. It must be remembered, in the first place, that England did not go into the war to save England, and if one suggests that even to-day in England he is in danger of being knocked down by the nearest Englishman.

The only man that ever dared say of England what Mr. Harvey says of America is Mr. Bernard Shaw, and everybody will remember with what a howl of derision and storm of scorn Mr. Shaw's naive pamphlet was received. (All readers of Mr. Shaw know that his general attitude toward life is that of the cynic.) The English people, unless they are a nest of hypocrites, did not go into the war to save England. Furthermore, I have never met an Englishman or Frenchman who believed the United States entered the war solely to save herself. I was interested in the murmur of "nays" that I heard about me on the night of May 19, when Mr. Harvey said we did. But the question now is, "Do we Americans stand by Mr. Harvey's asseveration and in chorus say to Europe what he said as our representative?" If we do, let us say so, for the sake of the estimate the world has for us. England and France and Belgium unanimously believe we acted with unselfish motive, urged on by a zeal for righteousness and a desire to avenge the oppressed and to save the world from Prussian domination. Germany did not believe it, and openly called us hypocrites for saying so. Let us say openly and frankly which is right.

I may, of course, have very limited experience of men, may have touched only select men; but of the hundreds with whom I have come in contact all entered or supported the war not to save the United States but to make a great sacrifice for righteousness. My experience may have been different from that of others, for I was won to the support of the war from a final conviction that it was a war for the saving of the world from the rule of force—what is generally designated as Prussianism. All my friends professed to have been led to its support on the same high, idealistic ground.

Mr. President, that was the impression made upon this good Republican Methodist preacher at the banquet on the night that the words were spoken by our representative in London.

I ask that the entire letter be printed in the RECORD at this point.

The letter in full is as follows:

COL. HARVEY'S AUDIENCE.

(By Frederick Lynch.)

LONDON, May 24, 1921.

TO THE EDITOR OF THE NEW YORK TIMES:

A month has now passed since Mr. Harvey made his famous first speech in London as the American ambassador to the Court of St. James. Had it been Mr. Harvey speaking simply as a private citizen, his famous three points would not have caused the commotion that they have in Europe; but he spoke officially as the ambassador of the United States sent to England to speak for the Nation. Indeed, our ambassador is generally supposed to have consulted his President or the King before speaking anything in public.

Mr. Harvey at the now famous dinner given him upon his arrival in London made three points, and made them very emphatically, both in words and manner. I happened to hear the speech, and he spoke as a man who was going to leave no doubt in anybody's mind as to just how he and his Government felt upon the matter. These three points were (1) that the United States entered the war actuated by motives of self-interest purely and simply, having no thought whatever of saving Belgium or France, but of saving herself alone; (2) that the great Republican majority was a protest against the League of Nations, a "mandate" not to have anything to do with it; (3) that the United States did not intend to have anything to do with the League of Nations nor with any of its committees, either formally or informally.

No one who was not present at the dinner can have any idea of the consternation each one of these statements produced as they followed one upon the other. As a matter of fact, they so stunned the 500 persons who heard them that they did not quite grasp the significance of them. It was not until the next morning, when the people of Europe read the words in cold type, that the significance came over them. Ever since then the British, French, Belgian, and German papers have been asking: "Did Mr. Harvey really represent the mind and feeling of the American people? Did the Americans enter the war actuated by selfish motives only? Was Mr. Harvey right in throwing scorn upon American idealism, as he did, all through his speech? Is it true that the majority for Mr. Harding was a mandate against the League of Nations? Do the American people want to have nothing to do with the League of Nations and have no part in the new world order?" These are the questions all the journals of Europe—of the world, for that matter—have been asking for the last month. Is it not time that we, the American people, ask ourselves the same questions and see if, upon sober second thought, we really agree with Mr. Harvey and are going to say to the world: "Yes; he spoke the mind of the American people"?



Mr. Harvey's first point—to quote his own words—was as follows: "Far more prevalent until recently was the impression—and this was, and still is, in a measure sincere—that we went into the war to rescue humanity from all kinds of menacing perils. Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. That is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that."

As I said above, no one who was not present can imagine the consternation with which these words were heard. It must be remembered, in the first place, that England did not go into the war to save England; and if one suggests that even to-day in England he is in danger of being knocked down by the nearest Englishman. I happened to be in the House of Commons the first week of August, 1914, on the night when England voted to enter the war. I heard the great four hours' debate. Not a soul from Grey down mentioned England's taking the step that was to cost her such agony to save England. It was to save Belgium, to maintain the honor of the plighted troth, to indicate righteousness in international relationships, to save Europe from the inevitable triumph of the gospel that might makes right should the aggressor triumph. The president of a great university in Scotland is reported to have said that practically every student came to him in the first month of the war to volunteer, and that they did not talk about fighting for "King and country" at all, but they all, without exception, offered their lives to save Belgium and vindicate honor. They were filled with a holy rage against what was going on in Europe.

The only man that ever dared say of England what Mr. Harvey says of America is Mr. Bernard Shaw, and everybody will remember with what a howl of derision and storm of scorn Mr. Shaw's naïve pamphlet was received. (All readers of Mr. Shaw know that his general attitude toward life is that of the cynic.) The English people, unless they are a nest of hypocrites, did not go into the war to save England. Furthermore, I have never met an Englishman or Frenchman who believed the United States entered the war solely to save herself. I was interested in the murmur of "nays" that I heard about me on the night of May 19 when Mr. Harvey said we did. But the question now is, "Do we Americans stand by Mr. Harvey's asseveration and in chorus say to Europe what he said as our representative?" If we do, let us say so, for the sake of the estimate the world has for us. England and France and Belgium unanimously believed we acted with unselfish motive, urged on by a zeal for righteousness and a desire to avenge the oppressed and to save the world from Prussian domination. Germany did not believe it, and openly called us hypocrites for saying so. Let us say openly and frankly which is right.

I may, of course, have very limited experience of men, may have touched only select men; but, of the hundreds with whom I have come in contact, all entered or supported the war not to save the United States but to make a great sacrifice for righteousness. My experience may have been different from that of others, for I was won to the support of the war from a final conviction that it was a war for the saving of the world from the rule of force—what is generally designated as Prussianism. All my friends professed to have been led to its support on the same high, idealistic ground.

The second utterance of Mr. Harvey that the American people should either justify or contradict, for the sake of the world, was this: "As you know, the question of America's participation in the league came before the people, and the people decided against it by a majority of 7,000,000 out of 25,000,000. A majority of 7,000,000 clearly conveyed a mandate that could be neither misunderstood nor disregarded." Here again the audience at the dinner was nonplused. The English people had never dreamed that the great vote for Mr. Harding was a mandate against the League of Nations. They had been told by the American papers that it was not. They had read about thousands of proleague Republicans. Prominent Americans had just been saying in London before Mr. Harvey came that it was not, and that thousands and thousands of those who voted for Mr. Harding believed in the league. But Mr. Harvey told them no—the vote was a mandate—one the President could not disregard "without betrayal of its creators and masters." Did Mr. Harvey tell the truth or did he misrepresent us to the world? One should answer this, because all Europe has been greatly surprised at the statement. Personally I thought otherwise. I had hundreds of Republican friends, who had been ardent proleaguers, who told me they were going to vote for him as the surest way of getting in. Many of these friends signed a statement to this effect—a statement that went all over the Nation and was favorably sustained, to judge by Republican journals, by thousands of Republicans. I happen to be a member of the executive committee of the League to Enforce Peace. It is made up of those who believe in the League of Nations. Indeed, they had much to do with shaping the present covenant—Mr. Taft, Mr. Straus, President Lowell—many more, all good Republicans. They clung to the league to the end, are still in the organization, but voted the Republican ticket. Certain organizations interested in the league polled the churches not long before the election. The votes in favor of the United States entering the league were so unanimous that the votes against were not worth considering; but from all I can learn about four out of five of these clergymen voted for Mr. Harding.

Finally, Mr. Harvey said, with great emphasis, that the United States would have nothing whatever to do with the League of Nations or anything connected with it. Let me quote his now familiar words, words that have probably been read by everybody in the world who reads: "There still seems to linger in the minds of many here, as, indeed, of a few at home, an impression that in some way or other, by hook or by crook, unwittingly and surely unwillingly, the United States may yet be beguiled into the League of Nations. Now, let me show you how utterly absurd any such notion is." (He then refers to the "mandate" of 7,000,000 majority against entering the league.) "It follows, then, inevitably and irresistibly, that our present Government could not, without betrayal of its creators and masters, and will not, I can assure you, have anything whatsoever to do with the league or with any commission or committee appointed by it or responsible to it, directly or indirectly, openly or furtively."

If the two first declarations fell upon the audience like clubs, this one fell like a thunderbolt. There was simply dead silence. It was so contrary to that which everyone was expecting. Mr. Harding had said certain things before his election that had awakened hope that in some way the United States would participate in the new world order. Mr. Fred B. Smith and others had been saying the same thing in London. Mr. Lloyd-George had seemingly taken for granted that the slow but final consent of the United States to participate with the supreme council in settling the war questions meant that she would join in establishing the new order of peace, in the establishing of the international court, the reduction of disarmaments, the dissipation of the old feuds of the world. His address of welcome to Mr. Harvey dwelt upon three things; and then came Mr. Harvey's slashing ultimatum that the United States would not associate itself with the other nations of

the world in accomplishing any of these things. Lloyd-George's great appeal was a noble appeal for disinterested service to the world. Mr. Harvey's whole speech gave the impression that America would be actuated by self-interest alone. He seemed to take particular pains to make this plain. The impression everyone got was that she was joining the supreme council simply to protect her own interests. Anyhow, the statement about the league was given with all the finality of the last judgment, and was accepted as such by everyone with whom I spoke in Europe.

The question I would like to raise is this: Do the people of the United States accept it as final and stand by Mr. Harvey in this statement? (Of course, he would not have made it except on President Harding's authority, so that it is accepted in all the world as the final word by the administration.) Is it the word of the American people to the world? Perhaps I was mistaken in believing in the idealism of the American people. Perhaps they never did have any desire to serve humanity. Perhaps they are concerned in self-interest only. Perhaps they have no interest in world problems. Perhaps those Americans who have been so interested in world courts, international arbitrations, Hague conferences, disarmament, cooperative nationalism, world conference, or world problems, a Christian world order, do not represent the American people. I thought they did, but if Mr. Harvey speaks for us they did not.

Let us answer the question; but before doing so, let us realize just what it means. All the world, excepting the United States and Germany (which will soon be in the league), is in an association of nations whose primary function is to deal with the great problems and principles just mentioned. The day after Mr. Harvey's speech Lord Robert Cecil, who is not only a member of the league assembly but is acknowledged to be among the three or four greatest British statesmen, moved by Mr. Harvey's remarks, wrote a letter to the London Times to the effect that the British people must support the league more heartily than ever, now that America had definitely refused to have any part in it, because it was the only thing that would save the world from future wars and destruction.

FREDERICK LYNCH.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I yield to the Senator from Tennessee.

Mr. McKELLAR. Some days ago I pointed out the very great difference between the recent views expressed by the President and those expressed by Mr. Harvey, but in justice to everybody it may be recalled that in the Senate on June 8, 1917, then Senator Harding among other things, speaking of a speech delivered by President Wilson a short time previously, had this to say on this very interesting subject:

In that speech the President said that we were not in war because of any particular grievance of our own. In another speech the President has said, and beautifully said, that we want to make the world safe for democracy. I subscribe to that sentiment, Senators, but I want to say to you men who are responsible for government in these trying times that you can not justify this war and you can not unify the American people in the defense of the American Nation except on the justifiable ground of defending and preserving American national rights. If I were in any place other than the Senate Chamber of the United States, where one might speak with a little more freedom than the courtesies of this body require to be observed, I would say that much of the sentiment uttered concerning our part in the war is balderdash.

I delight in these collateral issues involved. I believe in democracy just as much as any man on this floor. I can find my heart thrilled with the thought of this great Nation taking its part in the maintenance of human liberties and the safety of the liberty of the world, and I am not a little impressed by the part of this great Republic in making sure the guaranties of the best civilization the world has ever known. But nations called upon to fight must have a more defensible reason than even these ideals; and the one defensible reason for the United States of America, back of which every Senator can array himself and back of which every American citizen can and will array himself, no matter whence he comes, is the defense of American national rights, the safety of American lives, the maintenance of American honor, and our freedom to participate in the commerce of the seas.

I call the Senator's attention to this for the purpose of showing that in 1917 the views of President Harding were substantially the same as those expressed by Mr. Harvey in his Pilgrims' banquet speech. I, for one, am delighted that that President has changed those views and has now adopted, at least in the public prints, the views from which I quoted in a speech I made in this body not long ago.

Mr. HARRISON. The Senator has correctly quoted from the speech of President Harding, but the President never in any utterance that he ever made went so far as to say that "we were afraid not to fight," that that was the reason we entered the war; whereas the explanation that our new ambassador to the Court of St. James has given to the world and to history as to our reasons for entering the war is that "we were afraid not to fight."

Of course, I am surprised that he should make such a statement as that. I should be surprised at any American saying that we went into this war because we were afraid not to fight; but, as has already been included in the CONGRESSIONAL RECORD, it would come with much better grace and more appropriately from this gentleman who now represents our country at the Court of St. James than from any other American, because in a speech that he made in Charleston, S. C., to the St. Andrew's Society on November 30, 1904, this same gentleman, in discussing the Civil War and the part that he and his family played at that time, gave voice to somewhat similar utterances.

Let me read this, so that those who may scan the CONGRESSIONAL RECORD may know what 18 years ago this same individ-

ual said about those of his family when the War between the States broke out—that this man, who now says that our boys were fighting because “we were afraid not to fight,” once uttered like sentiments touching members of his family in the War between the States.

I quote from him. He says, in this speech away back in 1904:

The first of my ancestors to arrive in this country landed in Massachusetts in the seventeenth century. The last of my ancestors born in another country came from Scotland in the nineteenth century. My two grandfathers hewed out their homes in the wilderness of Vermont nearly a hundred years ago. In those days the least of evils to be apprehended was race suicide, and many were the sons and grandsons to whom fell the duty and the honor of sustaining the beliefs and maintaining the traditions of those earnest men.

At the outbreak of the Civil War—

Said Col. George Harvey, and he never got that title by any service in any real war—

At the outbreak of the Civil War, of my immediate ancestors living, were two grandfathers, my own father, and nine uncles. They were northern men. Not one of them had ever crossed the Mason and Dixon line. They regarded any form of slavery with abhorrence, but not one of those 12 men ever lifted a hand against his white brother in the South. From their meager store and from necessity 11 of them furnished the Federal Government with the sums of money fixed for the procurement of substitutes. One uncle, perhaps the best able of the 12 to do so, absolutely refused and chewed the cud of bitter reflection for nearly two years in the county jail. I make no boast of their action. I claim for them no credit. Whether at that time, under those circumstances, I should have done as they did I do not know, but the facts are family history and constitute the basis of my assertion that I have an absolute and unqualified right to speak to you men of the South the words of a fraternal heart.

I commend that part of his speech to the valiant men who fought in this late war when they read the speech of Ambassador Harvey on May 19 at the Court of St. James, when he said that they went to war because “we were afraid not to fight.” They will understand, then, that Ambassador Harvey is alone in that belief.

So, Mr. President, as intemperate, as indefensible, as inappropriate as was the speech of Admiral Sims on last Tuesday night in London, attempting to voice the sentiment of the American people because he was at the head of the American Navy abroad, it is not nearly as reprehensible, in my opinion, as the vile slander, as the base insult expressed by Ambassador Harvey on May 19 against all of those who had a part, it matters not how small it was, in the late Great War.

I know it is not true that America went to war because she “was afraid not to fight.”

I can not believe that Pershing's actions abroad in laying his plans that brought luster and honor and glory to our flag were because he “was afraid not to fight.”

I can not believe that the millions of boys throughout the country, from hamlets and cities and rural sections, volunteered their services in this war because they “were afraid not to fight.”

I can not believe that the hundreds of thousands of brave young men who enlisted in the American Navy and plied the waters, undergoing every kind of danger, night and day, remaining on deck, any moment being subject to attack by submarines, joined the Navy because they “were afraid not to fight.”

I can not believe that the thousands on thousands of brave lads in the marines, in the Army, as they sat up night after night in the trenches in France and Belgium, waiting to charge or repulse the attacks of German armies, went to war because they “were afraid not to fight.”

I can not believe that the spirit of the men—the marines—who won such glory at Belleau Wood, was prompted by the thought that they “were afraid not to fight.”

I can not believe that those gallant and splendid and brave engineers of the Army, as they withstood the assaults of the German forces at Chateau Thierry, were prompted by the belief that they were fighting because they “were afraid not to fight.”

I can not believe that Sergt. Alvin C. York, one of the greatest heroes of the war, whose name will be emblazoned on the pages of American history throughout time, was prompted in rendering such gallant service by the thought that “he was afraid not to fight.” I do not believe it, even though the personal representative of President Harding in the most important position now to which a man could be appointed said that we went into the war because “we were afraid not to fight.” I do not believe and will not believe that makes it true.

I do not believe that Col. Whittlesey and the courageous young men who were with him and under his command in that sector at Argonne Forest, penned in for three days, I believe, without food and without water, who, when the truce was handed to him and he was asked to surrender, told the Germans to “go to hell,” was prompted by the spirit that “we were afraid not to fight.”

I do not believe—and I know that you Senators over there agree with me—that Quentin Roosevelt, splendid, sturdy, brave young fellow that he was, the son of a gallant soldier, a great statesman, and a distinguished man in the Republican Party, who gave up his life as an aviator in the cause of his country, and whose remains lie buried now somewhere in France, went into the war and gave his life in the cause prompted by the spirit that he “was afraid not to fight.”

This statement of Ambassador Harvey is an insult to every soldier and sailor and marine who helped to win this war. There is not a mother's son of them who was prompted by the thought that they “were afraid not to fight” when he went into this war and blazoned in letters of gold glory for the Stars and Stripes. There was not a mother in this land, nor a woman who went across or stayed here and contributed her mite to win it and sustain the boys, who thought it was a war that was being fought because “we were afraid not to fight.” There is not a man in this country, I care not how poor and humble he may be, who bought a Liberty bond or did the minutest thing to win the war, who believed that we were fighting simply because “we were afraid not to fight.”

And so, speaking, as he is, as the high representative of a great and powerful Government, closer to the President than anyone else, history will be written and critics of this war will point to it throughout time that the personal representative of the President said that it was a war which the United States entered because “we were afraid not to fight.”

The pages of American history should be made pure; they should reveal the truth; and I know no better way in which to do it than by a resolution which I am going to present and ask for its immediate consideration to see that the facts are given to the American people that this foul stain be wiped out. If he has been wrongly quoted, then history should show it. If he has been correctly quoted, he deserves not only a reprimand but a recall from the high position to which he has been appointed.

Oh, yes; Sims should receive the criticism that is being poured on him. Investigation should be made. The Secretary of the Navy has acted right in his case; but I see no justice in the proposition that because he slandered a part of the American people and is to be punished, and drastic and immediate action is being taken against him, one higher up, who is guilty of a more atrocious offense than Sims, whose remarks are more intemperate, inexcusable, and unjustifiable than Sims's, should remain at his post of duty and continue to voice what he claims to be the sentiment of the American people.

I have waited, and patiently waited, and Americans everywhere have done so, for some voice in authority to be lifted in protest against this speech that was an insult to those who voted for the war and to those who helped to win the war, but not one word publicly has been said by President Harding since May 19 by way of calling Harvey to account for that speech. Nothing has crept into the public print emanating from the Secretary of State, Mr. Hughes, protesting against that utterance. I can not believe that they approve of it. What I want to know is whether or not he truly voiced the sentiment of the present administration when he expressed that vile slander against the Government when he said that we went to war because “we were afraid not to fight.”

So, Mr. President, if action is taken against Sims, as it should be, then more prompt and more vigorous action should be taken against Ambassador Harvey.

It may be true, and I hope it is, that his making of that speech on May 19 so aroused President Harding and Secretary Hughes that they cabled to him and asked him if he had made those remarks. It may be that they reprimanded him severely, and have protested. But we are in the dark about it; the country is in the dark about it. History will not reveal those facts, unless we take some action.

So I offer the resolution which I send to the desk and ask that the pending bill may be laid aside temporarily for the purpose of the immediate consideration of the resolution.

Mr. President, I ask for the immediate consideration of the resolution which I send to the desk.

The PRESIDING OFFICER (Mr. Capper in the chair). The resolution will be read.

The reading clerk read the resolution (S. Res. 91), as follows:

Whereas Admiral William S. Sims on the 7th day of June, 1921, in an address to the English Speaking Union at a dinner in the city of London, is reported to have employed the following language: “There are many in our country who technically are Americans, naturalized and born there, but none of them Americans at all. They are Americans when they want money, but Sinn Feiners on the platform. They are making war on America to-day. The simple truth of it is that they have the blood of English and American boys on their hands. They are like zebras, either black horses with white stripes or white horses with black stripes. But we know they are not horses; they are asses. But each of these asses has a vote, and there are lots of them”; and



Whereas within a very few hours the Secretary of the Navy, by cable, requested an explanation of the speech and, failing to receive within a reasonable time a reply to the request, the admiral's leave of absence was peremptorily canceled by the Secretary of the Navy and he was ordered to return to Washington and report personally to the Secretary of the Navy; and

Whereas the Hon. George Harvey, the ambassador representing the United States at the Court of St. James, on May 19, 1921, in a speech at the Pilgrims' dinner in the city of London, employed the following language:

"Even to this day at rare intervals an ebullient sophomore seeks applause and wins a smile by shouting that 'we won the war!' Far more prevalent until recently was the impression—and this was and still is in a measure sincere—that we went into the war to rescue humanity from all kinds of menacing perils.

"Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. This is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that.

"We were not too proud to fight—whatever that may mean. We were afraid not to fight. That is the real truth of the matter, and so we came along toward the end and helped you and your allies to shorten the war. That is all we did and all we claim to have done"; and

Whereas the remarks of Ambassador George Harvey, touching the reasons for our entry into the war do not represent the views of the American people and were most reprehensible, and the provocation for reprimand or his recall is as great, if not greater, than that for the recall of Admiral Sims: Therefore be it

Resolved, That the Senate of the United States respectfully request the President of the United States, if not incompatible with the public interest, to report to Congress:

First. Whether he was consulted or knew of the purported speech of Ambassador George Harvey, made at the Pilgrims' Day dinner on May 19, 1921, before it was made.

Second. Whether he or, through his direction, the Secretary of State has protested or reprimanded Ambassador George Harvey for making the said speech or employing such language in said speech, or whether he or the Secretary of State have undertaken to ascertain whether the ambassador was correctly quoted in his speech as carried in the American newspapers.

Third. Whether in the opinion of the President there is as much reason and justification for a reprimand or the recall of Ambassador George Harvey for his Pilgrims' Day speech of May 19, 1921, as for the reprimand or recall of Admiral William S. Sims for his speech of June 7, 1921.

Fourth. And whether the order of the Secretary of the Navy Denby as follows:

"Remainder of your leave is revoked. You will return to the United States immediately and report at once in person to the Secretary of the Navy. Acknowledge," was issued at the direction or approval of the President, and why an order by the President or Secretary of State of similar import is not issued against Ambassador George Harvey.

Fifth. Whether the Secretary of State or the President has received any communications from Ambassador George Harvey to any request or protest from either the President or Secretary of State, and if any have been received, for the President to transmit them to the Senate, if in his possession, or the Secretary of State, if in his possession.

Mr. HARRISON. I ask for the immediate consideration of the resolution.

Mr. CURTIS. Mr. President, I demand the regular order.

Mr. HARRISON. I understand that carries with it an objection?

Mr. CURTIS. It carries the resolution over.

The PRESIDING OFFICER. The resolution goes over. The unfinished business will be proceeded with.

#### THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. NORRIS. Mr. President, as I stated before, it had not been my intention to debate the pending bill, because I felt that it was in reality the same measure which the Senate passed a short time ago after very full debate. But it seems that the idea of the Committee on Agriculture, that the Senate would not care to go into a lengthy consideration of this subject again, was erroneous. It appears from what has been said and the arguments that have been made against the bill so far that there is a determination to debate it.

When the committee came into the Senate with this bill, believing it would not bring about much debate because of the very slight changes which were made in the bill, they did not refrain from debating it through any fear of what the necessities of the case demanded in legislation, but they did it to a great extent out of respect for the Senate, thinking that it would be almost an imposition to go over all the ground again, and we are confronted at the threshold by those who oppose the Senate committee bill with criticism because we did not have more hearings. After we had had hearings so long that it had worn out all the members of the committee, we are censured now on the floor of the Senate because we did not have more hearings. That is only one of the methods, Mr. President, that is resorted to to defeat legislation on this subject.

Without ascribing it to any Member of the Senate, I say that the packers will be able to start in now with hearings and

hold them for the next 10 years without any let up, and if we had listened to their requests and gone into it again, we would have spent another two years conducting hearings, going over the same ground again.

Many of the essential terms of the two bills are the same, and in an attempt to get the Senate to vote for the bill as it passed the House many of the terms of the Senate committee bill are condemned, many of the terms which are being condemned being also in the House bill. So that we are being harangued about things that are in the Senate committee bill which are said to be wrong and vicious, many of which are likewise in the bill as it passed the House, for which you are expected to vote.

All the influences that can be brought to bear by the great corporations engaged in the packing business are now being brought to bear to secure, if possible, the adoption by the Senate of the bill as it passed the House. Do not let anybody misunderstand the issue. If the packers are to have their way in the vote that must come in this Chamber, then we will vote down the Senate committee substitute. Vote against the committee amendment if you want to please the packers. It might be right to do that. I am only offering that as a suggestion for light, as to where the parties interested in this legislation are lining up. I may be entirely wrong; the committee may be wrong. The packers may be entirely right, and I am not finding fault with the man who believes that. I can only say that after these years of investigation I do not believe it will do any good to strike the packers across the back with a feather.

Let me take up some of the provisions in the Senate committee bill which are assailed; and I would like to say, Mr. President, as I have said before, that the Senate committee bill is not the outgrowth of any one particular man's ideas. There are some things in it I do not like, and I shall frankly tell the Senate about them when we reach them. I expect myself to offer an amendment that was defeated in the Committee on Agriculture while the bill was still there.

One of the issues that is here at stake is the life of the Federal Trade Commission. I realize that some Senators, and many other people, would be glad to wipe the Federal Trade Commission off the map, and they have the right to that opinion if they believe that. I am not impugning the motives of the man who believes it. But I want to say that neither bill is satisfactory, in my judgment, on that proposition, and those of you who believe that the Federal Trade Commission is doing a great work for our people and our country, and want to retain it, with all its jurisdiction and all its powers, will have to amend whichever bill passes.

The House bill, in my humble judgment, is much worse on that subject than the Senate committee bill. It repeals the Federal Trade Commission authority to do anything with these packers. As far as the packing and allied industries are concerned, the House bill repeals the law. I want to read what it says, and then I will take up what the Senate committee bill says.

Paragraph (b), section 406, of the bill as it passed the House reads as follows:

(b) On and after the enactment of this act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this act, complaint has been served under section 5 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, or under section 11 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

So, for all practical purposes, excepting only pending cases, the jurisdiction of the Federal Trade Commission is entirely taken away. In the bill reported by the Senate committee it is section 5 that limits. Section 5, after giving certain powers to the courts, the same as the Federal Trade Commission act gives them, which in reality is only surplusage, because the same thing is given in other parts of the bill, winds up by saying:

Upon the taking effect of this act the jurisdiction of the Federal Trade Commission, in so far as it relates to live stock and live-stock products in domestic commerce, shall be terminated, except in such cases where the Federal Trade Commission is directed to make an investigation by the President, the Secretary of Agriculture, or either branch of Congress.

As between the two provisions, I very much prefer the Senate committee provision. It still leaves the Federal Trade Commission subject to be required at a moment's notice to act when asked by the Senate alone, by the House alone, by the Secretary of Agriculture alone, or by the President alone. In my judgment, that authority in the law would have a great effect upon any commissioner who might get the office and

who was not in sympathy with the act or who was friendly to the packers, and that condition might come. It was said last Friday on the floor of the Senate that sooner or later the commissioner provided for in the Senate bill would be controlled by the packers. That may be. It might also be said of the Secretary of Agriculture.

It might also be said of the Federal Trade Commission, but it will be several years before the Federal Trade Commission can be thus controlled, and it would have a good effect, it seems to me, upon the official, whether it be the Secretary or the commissioner, who would look after the carrying into effect of the law, if he knew that if he did not do his duty there was liable to be a resolution put through the Senate or through the House, or a request come from the President or the Secretary of Agriculture, that would order the Federal Trade Commission on the trail to make an investigation.

The incumbent of the office of Secretary of Agriculture may change overnight. He is not selected with regard to his views on this law or any other law. He is a political appointee, appointed according to what the President elect, whoever he may be, thinks to be the demands of the political situation. That would be one easy way in which the packers could get a Secretary who would be friendly, without the President who appointed him knowing anything about it and without the Senate which confirmed him knowing anything about it.

The commissioner provided for in the Senate committee bill has but one duty to perform. He has nothing else to do except to look after this situation. He is appointed for his qualifications and his ability to carry out this law and none other. So that when he would be appointed there could be no other reason given why this man or that man should be appointed to the office excepting for his qualifications to enforce the provisions of the particular statute. That is the only thing.

Then in another part of the Senate committee bill is another safeguard, which provides that the commissioner can be removed by a concurrent resolution of the House and the Senate, so that while he is in office, if he does not do his duty, it is within the power of Congress, without consulting the President, to remove the commissioner. I do not know how to place any more safeguards around him. I would if I could.

I realize, and I realized it fully after having listened for many weeks to the testimony on the packer situation, that there is perhaps not another combination of men in the world whose silent influence is so great and which extends so fully into every quarter and every portion of the country and even of the world. They are connected up with all the great financial institutions of the United States and with many in foreign countries. Their operations go on all around the world. They have, in my judgment, the almost complete control of the main food products that the American people must buy in order to live.

They are prepared at a moment's notice to send one of their representatives to a meeting of the Women's Christian Temperance Union anywhere in the United States, and at the same time send another one to a gambling den or into the barroom of a saloon or into a church or into a farmers' meeting or into a live-stock association meeting, and every one of them will be an expert. They can cover the country all in the same day and keep it up all the time, and the people who produce beef and pork and the people who eat meat pay the bill. If they control a sufficient quantity of the product to control the price, it matters not how many independents there are following along in their tracks, and there are many. The overhead expense in keeping this great machine going is nothing to them. It comes out of us. We pay the money for our own control and our own undoing.

The evidence, volumes of it, is filled with just those kinds of activities—looking after a legislature in Albany and one in Texas at the same time, fighting a pure food bill in Indiana, Kansas, and Illinois all at once, spreading their literature in every home in the way of advertisements in all the magazines and all the papers, big and little, great and small. The people who deal in the products or use the products, whether as producers or as consumers, pay the bill.

Mr. Swift testified on the witness stand that during that year, at the rate they were spending money for advertising, that firm alone would spend \$1,700,000 for advertising. There was not a newspaper in the United States, so far as I have been able to find, that did not get part of it. At the little country crossroads and in the great city of New York all of them had paid advertisements, and at a time while the company were dealing in a product the demand for which they could not supply. They were not advertising to sell their products. I have examined hundreds of their advertisements, and most of them said nothing about anything they had for sale.

I looked through the New York papers a year or two ago, and every one of them, as well as Philadelphia and Chicago papers, was carrying half or quarter page advertisements. I remember one in particular that ran through them all, as far as I was able to find, that spoke of nothing except the patriotism of the employees of the particular packer who was advertising, something that no one had questioned, something that everybody would be willing to admit, but it was a way of getting the money out where they supposed it would do some good.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. KENYON. In this connection I wish to ask the Senator about an advertisement I saw in one of our great magazines a short time ago, a whole page devoted to a eulogy of Judge Landis, paid for by Wilson & Co. What was the object of that? Does the Senator have any idea?

Mr. NORRIS. I think the principal object was to get some money into the hands of the magazines.

Mr. KENYON. Judge Landis was the man who called the grand jury together in Chicago some years ago and worked out the indictment of the packers. I wondered just why that advertisement should carry a eulogy of Judge Landis, and I thought perhaps the Senator might know.

Mr. NORRIS. No; I do not know, excepting as anyone, I think, from this mammoth scheme of advertising can know what the object must be.

I figured out once the amount being spent. I took some Swift & Co. and Armour & Co. advertisements and figured it out, and I found that for every hour in the day for every day in the year there was being paid for advertising, only for that one item, more than \$1,000 an hour. But that is only one branch. They have an army of men scattered over the country everywhere. They are experts, they are able, they are competent.

I have just happened to think of one advertisement that we have all read, undoubtedly. For a long time it ran through all the papers. It was written in the form of a letter. It began, "Dear Folks." The man who did that was a very able man. His name was signed to it. It usually ran about a column in length. He wrote a series of letters in regard to Wilson & Co., always headed "Dear Folks," and he told what a wonderful organization and what a wonderful institution this thing was. There was nothing on its face to show that it was advertising, but, of course, it was. He went on to show, among other things, how sanitary and how pure everything was, and one of the slogans that he continued to use was, "The Wilson label will protect your table." That cost hundreds of thousands of dollars, and they kept it up.

It is not only the payment of the paper for the advertising, but the man who did the writing was a high-class fellow and worthy of a big salary, and got one without any doubt.

While all that was going on, right here in Washington under the shadow of the dome of the Capitol of the country, there was an agent, a man who represented Wilson & Co., selling the products of Wilson & Co., who was arrested for violating the pure food act. He was selling catsup, and, to begin with, it was news to most people that Wilson & Co. were dealing in catsup, but they were. He was found guilty. They opened the cans of catsup. They had five or six of them there, and they opened them all but one. Every one was short. In fact, after they had all been opened but the one, the prosecuting attorney said, "I will agree now to submit the case on that unopened can and we will open it in the presence of the court. If it is short, you are guilty, and if it is not, I will dismiss the case." They would not do that; but the can was opened and, like the others, it was short.

The agent of Wilson & Co. in that prosecution was fined the magnificent sum of \$10. I suppose similar cases were in every wholesale house in every city and in every town almost in the United States; and all of them were short; yet the same paper that carried that little notice somewhere on the inside, without any flaming headlines or anything of that sort, of the trial of a big packer for a petty offense carried prominently a column article setting forth how a Wilson label would protect your table. I only mention it as an instance. It could be multiplied by a hundred thousand.

Mr. President, while I am talking about Wilson & Co. I am reminded of another matter which perhaps I ought to mention. Of course, the people pay all the expenses of the packing companies.

Mr. SIMMONS. Mr. President—



The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I do.

Mr. SIMMONS. I want to ask the Senator a question. I was very much interested in the statement made by the Senator a little while ago with reference to the multitude of agents who are employed by the packers, all experts, he says, appearing at all sorts of conventions and meetings and representing, in fact, the interest of the packers. I wish to ask the Senator if this vast army of experts who are employed to attend different meetings to use their influence in the behalf of the packers appear generally as the hired agents and representatives of the packers, or does the Senator mean to say that they do not make their employment known?

Mr. NORRIS. Some of them do and some do not. My own idea is that those who are in the employ of and getting a salary directly from the packers, something of that kind, so far as I know, do not conceal their identity. Those who have come in contact with me have not tried to do so.

Mr. SIMMONS. But many others, the Senator thinks, do conceal their identity?

Mr. NORRIS. Yes.

Mr. SIMMONS. Did the committee in the course of its investigations find that the packers employed such agents and sent them out to engage in this sort of service?

Mr. NORRIS. They send them wherever they need to do so. Before I conclude I shall give the Senator several instances where such things have happened.

When the Senator from North Carolina interrupted me I was about to go a little further into the subject of Wilson & Co., but before I conclude I am going to take up the provisions of the bill which have been assailed and defend them as well as I can. Those which I do not think are right I am going frankly to say to the Senate that I am not myself in favor of.

Wilson & Co. is headed by a very shrewd man. Mr. Wilson is a very able man. Wilson & Co., as everybody knows, constitute one of the so-called Big Five. It is not the biggest, but it has had within the last few years a remarkable history. It was reorganized; some other business was taken over some years ago—I think less than five years ago—and Mr. Wilson was placed at the head of it. He was given a salary of \$125,000 a year.

That looks pretty big to a man who works for two or three dollars a day and yet pays 60 cents a pound for bacon. That salary is what Mr. Wilson gets now unless his salary has been increased or diminished. I have not heard of it being changed. However, that was not all he got when the reorganized company started out. They made him a present when he became the president of the company of \$100,000 in cash. That added a little bit to the price of bacon; but that was not all; they also gave him a bonus of \$1,500,000 of the common stock of Wilson & Co.

Mr. NELSON. May I ask the Senator a question?

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. Was he a poor man and in needy circumstances?

Mr. NORRIS. I can not inform the Senator just how poor Mr. Wilson was; but I do not think there is any occasion for his being poor any longer. He was also given, as I have stated, a bonus of \$1,500,000 in common stock, which he himself testified he would not sell for par, though at that time it was selling below par. The people have given the company profits enough in the price they have paid for meat and the lower prices that the farmer has received for his hogs to make that stock very valuable.

But that is not quite the end of the story; they also gave him some more besides. In addition to that they gave him an option on \$3,500,000 worth of common stock at \$10 per share. He took up that option—it was worth more than that—by simply selling a part of it at a high price and paying for the remainder at a lower price. He sold none of it for less than \$50 a share and some of it for \$55. He had purchased the stock at \$10 a share. Of course, the stock did not originally cost anything. When he got through he was the owner of 43,000 shares of stock of the par value of \$4,300,000 which had cost him absolutely nothing. In 1917 that stock paid a little over 16 per cent in dividends. That will look good to the farmer who is selling his hogs at less than cost and to the poor devil who is paying 50 cents a pound for meat.

In addition to that, Mr. Wilson was getting the poor man's salary of \$125,000 a year, while he had \$100,000 to spend as he saw fit without making an explanation as to its expenditure.

Mr. NELSON. Mr. President, was he making any sacrifices when he accepted the employment at the salary the Senator has named?

Mr. NORRIS. No; he probably received an increase in salary over the amount he had theretofore been paid. I am inclined to think he made great sacrifices working so cheaply and working so hard at such a small salary; it probably was a great sacrifice to him; but he was patriotic; he wanted to help the consumers of meat get something cheap to eat, and he was anxious to have the farmer out on the prairie get a little profit on the hogs and the cattle that he raised. He made sacrifices, no doubt.

Mr. SIMMONS. Mr. President, what made his services so valuable to this concern?

Mr. NORRIS. He is not an exception to the general rule. I have heard through the investigation what other packers receive by way of salary, and I think he averages up with the rest of them. His services were not particularly valuable, but it was possible for this kind of an operation to be carried on by men who controlled enough of certain food products to set the prices both for the producer and the consumer. This is only one place where the rake-off takes place. It starts in at the stockyards, where the farmer first sells his cattle and hogs, and it runs clear through until the consumer buys the product.

Mr. NELSON. Mr. President, will the Senator yield to me further?

Mr. NORRIS. Yes.

Mr. NELSON. I should like to ask the Senator another question.

Mr. NORRIS. Very well.

Mr. NELSON. After this man has been so successful, has he built any libraries or started any colleges or sent any missionaries to China or to other foreign countries?

Mr. NORRIS. Not that I know of. I suppose he will have to have an increase of salary before he can do that. He will have to ask a little more for meat at one end and pay a little less for hogs and cattle at the other; then, no doubt, he will be able to perform that kind of an operation.

The Senator from North Carolina [Mr. SIMMONS] asked me about the employees who were sent to various places to look after matters and inquired whether or not they were paid and made known the fact they were paid. A great deal of money is spent in all parts of the country by men who do not appear as employees of these companies. For instance, there has been published in the city of New York for many years a paper called the National Provisioner. I may be mistaken about the name, for I am speaking of these matters mostly from memory, but I think that is the name of a trade paper that goes to the trade in the meat line all over the United States. A man by the name of McCarthy was the editor, manager, or controller of that publication. Mr. McCarthy had died before the Senate hearings took place, but while the hearings were going on there appeared in the committee room one day a man from New York, whose name I can not now recall, but he represented the National Provisioner, and I think he was the successor of Mr. McCarthy. He was very indignant, very much wrought up, and wanted to go on the witness stand immediately in order to refute a charge that had been made against the honest name of Mr. McCarthy. It had been stated that McCarthy had taken some money on the side from the packers while he was running the trade publication.

That charge had been heard by the man who desired to go on the witness stand, and so he went on the witness stand, the committee laying aside everything else in order that he might go on. I am not even charging that this man was not honest; he might have been perfectly honest in everything he said and did. He said he was an old, confidential friend of McCarthy, had known him for years, and had been associated with him on the paper referred to. He resented the idea that against that man's fair name, after he had passed away, there should go out through the newspapers or in any other way a charge that he had ever been guilty of any conduct that was unfair, disreputable, or dishonorable. He said he knew it was impossible for Mr. McCarthy to get a salary from the packers on the side. He told what salary he received from the trade paper and how, when times became hard, his salary had to be increased. The witness might have been perfectly honest in all that he said; and yet, before he left the witness stand, he was presented with copies of correspondence between various packers—documentary evidence, which, by the way, would never have seen the light of day had it not been for the despised Federal Trade Commission—which showed that McCarthy for years had been getting \$5,000 a year from the packers, divided up amongst a certain number of the packers; I think three. The correspondence showed that the three packers—if the number was three, and if it was not three it was four—who had been dividing that up and contributing proportionately to the amount, had reached the conclusion that the other big packers ought to bear their share of it; and so the attorney, who was acting as go-between,

wrote them and said, "You have not contributed anything toward this \$5,000 item that other packers have been paying. This year we will call on you for your share." One of the packers refused to pay his share, and so they had to go to others or to make another assessment to get enough to pay McCarthy, and they did so.

Now the question arises, Why should the packers pay McCarthy anything? What good could he do them? Well, it developed from the Federal Trade Commission's investigation also that in making some appointments in carrying out the pure food act Mr. Hoover wrote to the fellow who was running the National Provisioner, Mr. McCarthy. He was running a trade paper that went to big and little packers all over, and was supposed to represent them all; and I think it was Mr. Hoover; at all events it was some governmental official in carrying out one of our war statutes who wanted to get the names of some little packers, and he wrote to this man to get them. He got them, but he did not get them until after McCarthy had communicated with the big packers and submitted the names of little packers that were satisfactory to them. I suppose he felt that he was earning some of his salary when he did that.

But, Mr. President, it is worth something to control that magazine that goes to the trade. Here was this witness, if he was telling the truth—and I am inclined to think he was—who was a confidential friend of Mr. McCarthy on the same paper, associated with him, working under him for years, and, as he said, he did not know that McCarthy was getting \$5,000 a year on the side. Do you suppose that the packers are paying these men these salaries without getting what in their judgment is value received for them?

Why, there was a great lot of trouble down in Fort Worth, Tex., several years ago, where the packers had a stockyard, owned, as I remember now, by Armour and Swift. If I have made a misstatement in regard to any of these details, and there is any Senator here who knows what the facts are, I shall be glad to have him correct me. I think it was Armour and Swift. There was a newspaper there that was unfriendly, just as in some of the legislatures there was some farmer representative that they would have to look out for and get, either directly or indirectly; and so they wanted this newspaper.

A man bought it. Nobody knew that he was connected with the packers. His readers did not know it. The policy of the paper changed. It was very friendly; and if it had not been for this despised Federal Trade Commission, you never would have known the truth.

Mr. STANFIELD. Mr. President—

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

Mr. NORRIS. In just a moment. But they found that this man had borrowed money of Armour and of Swift; and in one of his letters, when he wrote to get an extension of the loan that he had made from them, he called their attention to the difference in the policy of the paper "before taking and after taking."

I now yield to the Senator from Oregon.

Mr. STANFIELD. Is the Senator aware that there are many newspapers in the country that were originated for the purpose of blackmailing not only packers but other industries when they go into a community, in order to misrepresent them before the public and instill ill will against them, and that perhaps the easiest way to cure that forming of adverse opinion would be to see that some one that was friendly and fair took the ownership of that daily paper?

Mr. NORRIS. In the particular case of which I speak there was no blackmailing that I know of, and if the Senator knows if I should be glad to have him tell it, because I will not defend blackmailing; but does the Senator justify this immense expenditure of money by the packers in order to save themselves from criticism of newspapers or editorial writers?

Mr. STANFIELD. If the criticism was unfair to the packers, and detrimental to the best interests of the people.

Mr. NORRIS. They think it is. They never were criticized in the world but that in their judgment it was unfair.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. KENYON. On the theory of the Senator from Oregon, it would be the business of Members of Congress, if they had the money, to buy up editors and put men in charge of newspapers who would not criticize their acts in Congress. That would be the ethics of the matter.

Mr. NORRIS. I have heard of men in public life who have done that.

Mr. STANFIELD. Mr. President, if the Senator will yield—

Mr. NORRIS. Yes.

Mr. STANFIELD. I will say that there is a vast difference between a man engaged in a business which is not a public business, where he has invested his capital, and a Senator or a Representative in Congress. It is not likely that a paper will blackmail a Representative in Congress in order to induce him to pay over his money, but that has happened in many instances with private industries, where they have been held up by papers.

Mr. NORRIS. Yes, Mr. President, I have no doubt that is true. I have no respect for the blackmailer; but if the expenditure of this money—which has gone, as far as I know, into every newspaper office in the United States—is because they were being blackmailed, then that is an indictment against every newspaper in America that it is a blackmailing sheet, and, of course, I do not stand for that. I think there are many papers that receive these advertisements that are not controlled or influenced by them. There are many that keep still because of them. There are others that become active supporters of the men who furnish the money to pay for these advertisements.

Mr. KENYON. Mr. President—

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

Mr. KENYON. This is enlightening, and may account for the evidence which the Senator remembers was given before our committee of the lobby in Washington, and the distinguished lobbyist who was drawing thousands of dollars from various corporations, including the packers, and giving all kinds of dinners and social functions in Washington to those high up in authority. It may have been that that was for the purpose of preventing any blackmail.

Mr. NORRIS. I suppose so.

Mr. STANFIELD. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. STANFIELD. I should like to call the Senator's attention to the numerous other representatives of industries, such as our farmers' bureaus and our grange and lumbermen's organizations and textile manufacturers' organizations. In fact, every principal industry has large organizations that pay out money. It takes money to support them; and I should like to call your attention to the fact that the packer is no exception to the general rule—that of educating the public. If the packer were doing something unfair, and misrepresenting himself, it would be a different matter; but I have not come in touch with any evidence or indication that he was doing any more than attempting to set himself right before the public and educating the public as to the function he was attempting to perform.

Mr. NORRIS. Will the Senator say that at a time when the demand for the products of the packing industry was greater than they could supply, Swift & Co., to be concrete, were justified in spending \$1,700,000 in advertising in every newspaper in the United States, when they did not let any of their advertisements try to sell anything, because they could not produce enough to supply the demand that was made on them? Was that good business, or did they have some other motive? Was it to prevent the newspapers from blackmailing them, or was it to blackmail the newspapers and, through them, the people of the United States?

Mr. STANFIELD. Mr. President, if the Senator will yield—

Mr. NORRIS. I yield.

Mr. STANFIELD. I hardly believe that it was for either purpose. I think that perhaps even during the time when the demand was equal to the entire output of Swift & Co. or any other packing company they might go along with their advertising, because they would be aware that there was a time coming when their product would be in excess of the demand; and good business concerns do advertise at all times. Regardless of whether they are oversubscribed in their product or not, they continue their advertising.

Mr. NORRIS. Mr. President, I will submit that proposition to the American people. As I remember, Mr. Swift said at the time he was testifying that they had spent \$1,700,000 the year before, and that at the rate they were going then that one firm alone would spend that year \$2,500,000 for advertising. I will submit to the honest American citizens the question as to whether there is any justification for that kind of extravagance, and as to whether, when we know that these corporations control the food we eat, we are going to refuse to



give, as the Senate bill gives, any governmental authority the right to go into the books, to inspect them, to find out how far and to what extent this business is going.

Mr. SMOOT. Mr. President—

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

Mr. SMOOT. I call attention to the fact that many of the businesses of the United States during the war period spent more money than was ever spent by them for advertisements in any preceding year, and more than ever will be spent again. There was a reason for it, but I never approved of it. I do not think it was justified. I do not think they received very much good from the amount of money they spent; but if the Senator has followed the Saturday Evening Post, which contained page after page of advertising during the war period, there were concerns which did that not because of the fact that they had more goods to force upon the market but for the purpose of keeping themselves before the public, and for this reason: Every cent of their excess profits, if they had not paid them out for advertising purposes, with the exception of 20 per cent, would have had to be paid in taxes to the Government. The papers have been full of it; and the merchants asked themselves: "Is it worth one dollar out of every five to put my name before the American people at this time in a way that under ordinary circumstances I could not do?"

Some of the greatest advertisers in the United States during the war period never have and never will advertise again as they did then, and it is for this same reason, I will say to the Senator, that many of the increased wages that were paid for the simple reason as each reasoned, "Unless I pay this extra donation to the head of this department or the head of that department, the whole of it, with the exception of 20 per cent, will go to pay taxes, and I think I will get more out of it by giving it to the head of some of the departments that have been working for years and years as employees of the institution." I think the Senator realizes that that was carried on to an extent that was never known in the world before.

Mr. NORRIS. Now, Mr. President, first let me say that no Senator who is supporting the Senate committee bill is contending that it will cure all the evils surrounding the packing industry. The packers are not the only people who have done this business. They have done it more extensively than any other people; but if we were trying to convict somebody for murder before a jury, and the defense came in and said, "This defendant is guilty, it is true, but his neighbor is likewise guilty," it would be no defense for him.

Mr. SMOOT. There is no defense being made for the expenditure of the money. I was simply calling attention to a condition which existed in this country.

Mr. NORRIS. I am not finding fault.

Mr. SMOOT. I think it was a mistake.

Mr. NORRIS. I understand. I am not criticizing the Senator from Utah, but I am going on with the statement he makes here, assuming it to be true. He has said, and it is a fact, that on account of the excess-profits tax they did not have to pay for all of their advertising; that it came out of the Government of the United States; that is, that they paid that much less tax—above 20 per cent, the Senator from Utah said, which is right. Then, it must follow, if that is the answer to the packers' proposition in regard to this expenditure of money, that they were making more than 20 per cent.

Mr. SMOOT. Oh, no; the Senator misunderstood me. Twenty per cent is one dollar out of five, and—

Mr. NORRIS. Yes; 20 per cent is one dollar out of five. I agree to that.

Mr. SMOOT. The cost of the advertisement was but 20 per cent of the cost. Under the law, only 8 per cent on the capital and surplus was exempt, and all above that was excess profits.

Mr. NORRIS. But the Senator was right before—the 8 per cent is the first bracket. They can make 8 per cent without paying any excess-profits tax.

Mr. SMOOT. Certainly.

Mr. NORRIS. And then they pay on a percentage of the next bracket, a larger percentage on the next one, and so on.

Mr. SMOOT. The Senator is wrong. Wherever it comes into the higher brackets, it all depends on the amount of increase, and 80 per cent is the highest figure.

Mr. NORRIS. I understand; but it goes up just as the income tax does. There is not any dispute about that. I think I know how it goes up, just as the Senator from Utah knows. We agree on that. I took the figures from the Senator from Utah to begin with, but he does not want those now; he is going back to 8 per cent.

Mr. SMOOT. No; I never said 20 per cent; never intimated it, and never had it in mind.

Mr. NORRIS. I beg the Senator's pardon. Now, we will take 8 per cent. Before they would pay any excess-profits tax, they must make 8 per cent net. That applied only, as I remember, where they did not have a rate on the three prewar years, did it not? They were allowed to pay an excess-profits tax on what they made on the average in the three years before the war.

Every one of these packers made a good deal more than 8 per cent. I will give Senators the percentages of profit of some of them before I get through.

Mr. SIMMONS. The Senator means, I suppose, that in determining the capital upon which the 8 per cent was allowed, you took the average of the earnings of the three prewar years?

Mr. NORRIS. Yes.

Mr. SMOOT. That was on the capital and surplus, not the exemption. There never was an exemption of more than 8 per cent.

Mr. NORRIS. But the high rate did not affect their earnings immediately above 8 per cent. We all know what the fact is. Let us not try to get the record wrong. There are different brackets, and they climb up and go up as high as 80 per cent, I believe. There is not any bracket below 8 per cent. You do not pay any excess-profits tax if that is all you make. If you listen to these packers, they will make you believe, through their experts, as they have tried their best to make the American people believe, that they made only 2 per cent. That was one of their misleading advertisements.

Mr. SMOOT. Mr. President, the packers never advertised that they made only 2 per cent on the capital invested. They made 2 per cent on the turnover—that is, on the sales—but no packer I ever knew or heard of ever claimed that they made only 2 per cent on the capital invested.

Mr. NORRIS. Mr. President, the Senator is so anxious to take care of these packers that he does not let me get through with my statement.

Mr. SMOOT. I will not interrupt the Senator again, I assure him.

Mr. NORRIS. The Senator can interrupt me, but I would like to get through with one statement.

Mr. SMOOT. The Senator says I can interrupt him, and then he objects if I do interrupt.

Mr. NORRIS. I said that they tried to make the American people believe that they made only 2 per cent, and no man can take those advertisements, can take that "Dollar" advertisement which Swift sent to every newspaper in the United States, in which was contained a statement that was intended to deceive the people, and reach any other conclusion. That is what the ordinary person would have thought if he believed what he saw, although if you had analyzed it technically you would find that it said, just as the Senator from Utah said, that it was 2 per cent on the turnover. It had not anything to do with the amount they really make in a year, which might be nothing and which might be very large.

Mr. STANFIELD. The Senator refers to the "Dollar" advertisement which Swift & Co. sent out showing their profits. As I remember that, it said, "This is what Swift makes out of each dollar," and showed 1.8 cents. Was there anything misleading or deceptive about that?

Mr. NORRIS. Yes, there was. If the Senator will study it and consider its meaning to the ordinary person, he will, I am sure, admit, that it was not intended to do anything else than make people believe they were not making any money. That was the object of it. One of those years Swift & Co., while they were making a 2 per cent turnover profit, declared a dividend of 33 per cent on their net worth, on their capital stock and their surplus, a great part of which was never contributed by them, but was contributed by the people who buy meat.

When the Senator from Iowa [Mr. KENYON] interrupted me, he made a suggestion which reminded me of another man somewhat similar to this McCarthy, who was at the head of the National Provisioner. That was a man by the name of Logan. Mr. Logan was a newspaper correspondent in Washington, a very bright and able man. As the Senator from Iowa said, he was quite conspicuous in society for a while, and yet nobody has ever charged Logan with lobbying among Members of Congress directly for anything. He was a very high-class man. You would not think the ordinary newspaper correspondent was getting as many salaries on the side as he was.

Now, first, what was he doing? He started in with one paper, I believe, and his ability soon became acknowledged by a great many other publications. He was an editorial writer on one paper in Washington for a while. He was an editorial writer on the great commercial paper in Wall Street, the Wall Street Journal, and to my Republican friends let me say he was an

editorial writer on the American Economist, which we all get and which a great many Republicans swear by. He was an editorial writer on the Fourth Estate, a trade publication which goes to practically every newspaper in the United States, where newspapers would see his editorials.

I am assuming that his editorial writings were able. I have not read them myself, so I am not complaining about them, and probably would not be able to if I had read them. They might have been all right. But when a man is an editorial writer on a great financial journal, and on a paper which circulates altogether among the followers of one political party, and another paper which reaches all the newspapers of the United States, his viewpoint is worth something. It is worth something to have that man write all these articles from the right viewpoint.

What transpired? It was found that while he was engaged in this lucrative business of writing editorials for all these publications, this man was getting \$500 a month from Swift & Co. As far as this bill is concerned that is as far as I ought to go, probably; but that is not the only corporation which paid him, and, as a matter of fact, the truth is, when it is once understood and known, the packers and other similar corporations are intertwined and interlinked in all kinds of ways. Logan was getting \$500 a month from Swift & Co.; but he was getting \$500 a month also from the Standard Oil Co. of New Jersey; and \$500 a month from the Standard Oil Co. of Indiana; and \$700 a month from the Atlantic Refining Co., which is a subsidiary of the Standard Oil Co., I understand; and \$500 a month from the Freeport Sulphur Co., and \$500 a month from the General Electric Co. With all his writings for newspapers, and all his salaries from these corporations, including the packer corporation, he ought to have been able to keep the wolf from the door.

Mr. CARAWAY. Mr. President, what pretext was offered for paying him these salaries?

Mr. NORRIS. I am coming to that. Let me say again that had it not been for this despised Federal Trade Commission we never would have known that Logan was drawing \$500 a month from Swift & Co. while he was writing editorials for us to read in a Washington paper, while he was writing editorials for the bankers of the country to read in the Wall Street Journal, while he was writing articles for the newspaper men of the country to read in their great trade paper. None of them ever suspected that this man was being paid on the side by Swift & Co., by the Standard Oil Co., by the General Electric Co., and by the Freeport Sulphur Co., in most cases \$500 a month, and in one case \$700 a month.

The question arises, just as the Senator from Arkansas has propounded, What is the excuse for it? Let every Senator ask himself the question, What is the excuse for it? Mr. Logan went on the stand and admitted that he was getting \$500 a month from Swift & Co., and when asked to tell what he did to earn the \$500 a month he said that he was an expert adviser on publicity, and that is how he got all this money from all the other corporations which were paying him these large salaries. But when he was asked to produce a single letter, a single memorandum, or a single advertisement that he had ever written, that he had ever made while he was drawing this salary, he was unable to do it, and he did not do it.

When Mr. Swift testified, he said the same, that he was an expert adviser on publicity, and yet in all this great advertising scheme about which I have told, in which Swift spent in one year \$1,700,000, nowhere was there a trace or a track of Logan, and it was admitted that he never wrote an advertisement, not a single one.

But it did happen, and it was disclosed, that Logan did a good many other things that were not in the line of his employment. As the Senator from Iowa has suggested, his connection here—and any man in Washington who has as much money as he was getting could get almost any kind of connection he wanted—was very high. He gave very fine dinners, and so forth. But in every instance where there was a letter from him to Swift & Co. or a memorandum on which Swift & Co. acted—and there were a good many—it was about something else, never about publicity, never about advertising.

Not in a single instance was there anything of that sort, but he gave Swift & Co. notice of what the pure food bill was going to contain before we knew it in the Senate. Swift & Co. in Chicago knew before Members of Congress knew what was going to be provided in the pure food bill, and when we take into consideration that during those stormy days Congress was more or less a rubber stamp for the President, it can be understood that he would not have had to consult Congress to know what Congress was going to do. He sent them valuable information. He advised them what to do to get ready for the pure food act.

I do not know how many things there were that never were disclosed, but never yet has it ever been disclosed that he ever did a thing in the line of what he said and what his employer said he was getting \$500 a month for from Swift & Co.

So, in answer to the Senator from North Carolina and the question which he propounded quite a while ago, there are a great many people who are not known to be getting salaries who are, as a matter of fact, and they are engaged in some other business. The real reason this money was paid to men like Logan, not only by Swift & Co. but by these other corporations, was in order to control the various editorials that he and others wrote for the various influential and powerful magazines and newspapers that went into every bank and every home in the land, and in addition to which, of course, was the direct information he obtained as to what was going to happen in the way of legislation in Washington.

Now, Mr. President, how are we going to handle this subject? Are we going to say that these great corporations shall not be controlled through legislation? It is said there are some things in the bill that are harsh. There are things in the bill that I am sorry are necessary to have in a bill, but unless we give some one the right to investigate, unless we give some one inquisitorial authority to go into their books and into their places of business, we will never find out these things, we will never be able to legislate, we will never be able to convict them of a crime. We can not convict \$100,000,000 unless we have some way to investigate behind the scenes and get evidence that can not be disputed.

That is all the bill provides. There is not a place in the Senate committee bill, though I think some Senators have gotten a contrary idea, which provides otherwise than that a man can not be convicted of a criminal offense until after he has had his day in court. It is made the duty of the officials of these corporations to permit this investigation, and if they refuse to let the properly authenticated official go in to investigate their books, then they can be brought to trial and that will be before a jury. There is nothing in the Senate committee bill which makes the violation of a rule or regulation a criminal offense until after there has been an opportunity to be heard and until the order is made that they shall desist and cease any unlawful practice, and not then until they violate that order, and then they are tried by a jury. If I could get along with less drastic legislation, I should like to do it.

Armour & Co. started in 1869 with the investment of \$120,000, and the first year they made \$80,000—66½ per cent. They got back practically all of their investment in that year. The next year they made 24½ per cent, and so on down I can give it in any year except three, which I do not happen to have. One of the lowest years they ever had was in 1894, I believe, when out in the western country at least you thanked God if you were permitted to live, when nobody out there made anything. That year Armour & Co. made 5.6 per cent. The year 1904 was another year when everybody went to pieces all through the West, when there was not a farmer west of the Mississippi and east of the Rocky Mountains who did not lose money, who was not poorer at the end of the year than he was at the beginning. That year Armour & Co. made 4.2 per cent. That seems to be the lowest they ever went. In one year they made in one year 75 per cent, another year 24 per cent, and then on down 28 per cent, 77 per cent, 30 per cent, 60 per cent, 60 per cent, 37 per cent, 34 per cent, 35 per cent, 64 per cent, 43 per cent, 31 per cent, 7 per cent, 24 per cent, 14 per cent, 13 per cent, 12 per cent, 18 per cent, 15 per cent, 14 per cent, 10 per cent, 16 per cent, 16 per cent, and so on; and in 1918 they made 12.6 per cent.

Now, let us see about their capital. They started about 50 years ago with a capital of \$160,000. The business has earned \$179,270,000—that was up to 1919, a year or two ago—of which \$29,866,000 has been paid out to partners and stockholders and the balance invested in the business.

The actual contributions of the stockholders—now, get this and see how much the stockholders have put in—were limited to the original investment of \$160,000, the Kansas City investment of \$10,125,000 in 1900, which was largely property built up on some unknown original cash investment, and \$3,725,000 cash received from preferred stock in 1918. The total stockholders' contributions in cash and property did not exceed \$14,000,000 in 50 years, and the Federal Trade Commission say they were probably much less.

Now, I know that it will be contended that when a business like one of these packing concerns makes a big per cent of profit and sets it aside as surplus that they afterwards have a right to issue stock for it. As a technical legal proposition that is true. But they have no moral right to do it provided in the



meantime they have been getting reasonable returns on their invested capital.

There has been capital stock issued by the packers in various amounts which came out of their earnings. One hundred million dollars of the capital stock of Armour & Co. came out of their profits. They got these large per cents of profit that I have been reading in addition to that. The dividends I have given you, running up as high as 77 per cent, were paid them through all these years, and yet in the 50 years in which they have operated in addition to all that, there has been \$100,000,000 contributed by the people that they have capitalized, and upon which they are now compelling the consumers of the country to pay what they call a reasonable dividend. Swift & Co. have \$50,000,000 of that kind of capital stock. Wilson & Co. have \$20,000,000 of that kind of capital stock. The Cudahy Packing Co. have \$12,777,000 of that kind of capital stock.

Now let me make reference to Morris & Co.—and this is interesting when given consideration in connection with the famous five to four decision of the Supreme Court, in which stock dividends were held to escape income tax. Just listen to this: Morris & Co. issued a stock dividend amounting in round numbers—I figured it out hurriedly here at my desk, and it may be a few points either up or down—of 1,233 per cent in 1921. Of course, it will be said that is nothing, that it was their money, which it was. They never contributed a penny of it themselves, but it came out of the producers and consumers of meat. Thirty-seven million dollars that amounts to, and no tax to pay. That is a stock dividend.

Mr. SMITH. May I ask the Senator was that an accumulated-stock dividend that went over a series of years?

Mr. NORRIS. Yes, sir.

Mr. KENYON. That was after the decision of the Supreme Court.

Mr. NORRIS. Yes.

Mr. President, I could go on almost without end from the evidence that has been brought out. I only have given to the Senate a few illustrations in order to show the general rule.

Mr. STANFIELD. May I ask the Senator a question?

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

Mr. STANFIELD. Will the proposed Senate committee amendment limit the profits of the packers?

Mr. NORRIS. No.

Mr. STANFIELD. It will not make any difference, or it should not make any difference, with their earnings at all; the earnings of the packers might be just the same as now or they might be 5 per cent or 10 per cent higher or lower?

Mr. NORRIS. There is nothing in the bill which limits the profits of the packers. The Senator does not want to limit their profits, I suppose?

Mr. STANFIELD. I was wondering if it did give that relief or if it was going to give that relief.

Mr. NORRIS. Will the Senator support the bill if we propose an amendment to limit the profits of the packers?

Mr. STANFIELD. No; not if it should at the same time limit their efficiency.

Mr. NORRIS. Of course, they would say it would limit their efficiency. Their efficiency consists chiefly in making big profits. They are very efficient in that respect.

Mr. President, what does this overhead mean to the packers? They have nothing to do but to raise meat a cent a pound or cut down a cent in the price which is paid to the farmer and it is fixed up in the twinkling of an eye. I have not gone into the stockyard proposition, where some of the most unheard-of things have happened, and the people have been helpless.

The Senator from Oregon [Mr. STANFIELD] asks, Will this bill limit the profits of the packers? I say, no. We are merely trying to get where we can obtain real publicity.

The Federal Trade Commission, which investigated the packers, Mr. President, was put on the rack, and every big business—not the packers alone, but every other big business, and every allied financial industry—jumped onto the Federal Trade Commission. They started a propaganda over this country, that has never before been equaled in any similar transaction, condemning the Federal Trade Commission. They did not come forth and deny that what the Trade Commission said was true, but they condemned the Federal Trade Commission for giving the information to the people. The people were startled when the conditions were given publicity.

Mr. President, the Senate committee bill undertakes to give to the commissioner the right to go into all of the offices of the packers and to examine their books. It provides that he can say what system of bookkeeping shall be used and how the books shall be kept. The bill is drastic in that respect, but I do not know how to accomplish anything and be less drastic. If I did, I should do so.

Mr. STANFIELD. Does the Senator from Nebraska mean to say that the commissioner may establish a different system of accountancy than the one which the packers have accepted now?

Mr. NORRIS. Yes, sir; that is what I mean.

Mr. STANFIELD. And change all their books?

Mr. NORRIS. Yes.

Mr. STANFIELD. And their method of keeping records?

Mr. NORRIS. That is true.

Mr. STANFIELD. Can the commissioner compel the packers to make that change repeatedly, or only once? May he change their books this year and then change them the next year or the next month?

Mr. NORRIS. I suppose, under the proposed law, he could change their books repeatedly. That is going to be the argument; that will be the packers' argument; that we propose to give a man authority to come in and change the books, and he will come in to-day and he will come in to-morrow and he will come in the next day and change them and will keep that up forever. That has been the argument which has been made here against that proposition. It will be further said it is going to cost the packers so much money that they can not do it.

The facts are that everybody who has looked into the matter understands that even the Federal Trade Commission, on account of the packers' systems of bookkeeping, was unable in hundreds of instances to ascertain just what had happened, and we never shall correctly obtain this information until we provide for the packers, as we provided for the railroads, a uniform system of bookkeeping. To say that the man who is going to provide for the packers a form of bookkeeping—perhaps he will not change their system; perhaps he will only make some slight modification of it—is going to use that power to put the packers out of business is simply to say that the man who shall be so charged with carrying out this bill will be a rascal and selected because he is a rascal. Nobody wants to do that; but if there is anything in bookkeeping—and every Senator knows there is, and that bookkeeping sometimes covers up as well as reveals—somebody must have the authority to provide a uniform system for all the bookkeeping of these institutions and must compel them to follow that system. Then their books will show what actually takes place.

Now, let me take up the bill. I have taken more time than I had expected, but I have not yet nearly gotten through with it. I shall not take the time of the Senate to define the difference in the two bills in reference to the powers and duties of the commissioner and the Secretary of Agriculture. That has been done; I have explained my theory of it. I may be wrong; but if the Senate bill is passed it will go to conference. Of course, the Senate conferees would expect they would have to give way on a good many items. They may have to give way on that proposition. I am not condemning the House bill because it provides that the Secretary of Agriculture shall have the power; but, as I have said before, in my judgment, in view of the fact that the Secretary of Agriculture is a political appointee, selected without his having any especial knowledge of the subject, with his tenure of office uncertain, subject to removal to-morrow, when a different man would come in who knows nothing about the business, the chances are that, with all the ramifications of the packers through financial institutions and kindred corporations, they will be able to name a Secretary of Agriculture without the President who makes the appointment knowing that behind it all and covered up somewhere the real reason for his appointment is his friendship for the packers. Everybody has confidence, so far as I am aware—I know I have—in the present Secretary of Agriculture. So I am not speaking of a man; I am speaking of a principle only.

I now wish to take up some of the provisions of the bill which were discussed and have been objected to. If there is a Senator who thinks any provision of the bill is objectionable, I should be glad to have him interrupt me and inquire about it. As I said before, I am not responsible for everything that is in the bill; there are some provisions in it that I had rather would be cut of it, and I think I shall move to strike one or two of them out. I am going, on behalf of the committee, to move to strike out a provision which I think got into the bill by mistake.

I now take up Title III—Duties of packers and operators—and read as follows:

SEC. 12. It shall be unlawful for any packer to—

(a) Engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers, or unreasonably affecting the price of or creating a

monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

Mr. STANFIELD. Mr. President, will the Senator yield to me again? I should like to ask a question there.

Mr. NORRIS. I yield.

Mr. STANFIELD. What do the words "substantially to lessen competition" mean? If by establishing a lesser price competition was eliminated, would it be an unlawful act on the part of the packer to lower prices?

Mr. NORRIS. I should not think so.

Mr. STANFIELD. The Senator would not so construe the provision?

Mr. NORRIS. I will say to the Senator as to subsection (c) to my mind that is a difficult question and I am not satisfied whether the subsection ought to be in there or out. There are some evils which ought to be corrected, but there are some dangers in connection with it, I admit. When enough power is given to a man, as must be given to any man who undertakes an investigation of the character proposed, to go into these matters, under the power given him he may do harm, if he wants to; I admit that; but that is true of all kinds of business, it is true of every regulation; we can not escape it.

The Senate bill provides that any investigator or Government official who acquires any information and discloses it contrary to the provisions of the bill is guilty of a misdemeanor and can be sent to the penitentiary and made to pay a fine. We tried to surround it with all the protection possible.

Now, reading a little further, there are other provisions on page 38, which Senators have probably read, making certain acts illegal; but, Mr. President, practically every one of those acts is illegal now; almost every one of them would be a violation—I am not sure but that every one would be a violation—of the Sherman antitrust law.

The provisions set forth are not much more than a codification of existing law. If the bill stopped there it never would accomplish any good. It is impossible to convict anybody under such provisions unless there is some way of getting the evidence, and the evidence is all in the possession of the packers. That is the reason the subsequent sections must come in the bill. Further on, in section 14, it is provided that—

No operator shall engage—

That means, in the main, a commission merchant—in any unfair or unjustly discriminatory practice—

And so forth; which is practically the law now.

Section 15 provides:

It shall be the duty of every packer and operator to comply with the provisions of this act and the rules, regulations, and orders which the commissioner, with the approval of the Secretary, may from time to time prescribe in conformity with this act.

It is made the duty of the packers, in other words, to obey the rules as well as the law. That is offered as an objection. I am one who has always looked with a jealous eye upon the granting of power to convict any man or establish a criminal offense for the violation of a rule or regulation that is not set out in the statute; but we can not set out here—no living man could set out here—every rule and every regulation that will be necessary to properly care for this big business. We do not make the violation of those rules a crime until after a hearing and after a notice and after an order, upon which the defendant can go to the Supreme Court of the United States, if he wants so to do. An order is issued that forbids him to do a certain thing; then if he violates it he is guilty; and even then he is tried by a jury. All this talk about making a rule and somebody being sent to the penitentiary for its violation when he does not know and does not have any chance to know anything about it, does not mean anything; there is nothing like that in the bill.

It is made a crime to hinder an investigation; it is made a crime to submit a false report. Why should it not be? It is made a crime to prevent the investigator from examining the books. Why should it not be? If we are going to give the commissioner power to examine the books we must make it a crime to prevent their examination, or he will never be permitted to examine them; do not forget that.

Now, what is the procedure when the rules and regulations are violated? Section 20 provides that—

Whenever the commissioner believes that any packer or operator is violating any provision of this act or any rule, regulation, or order issued hereunder, he shall cause notice in writing to be served upon such packer or operator, specifying the alleged violations, and—

Now notice, he must be served with a notice "in writing," and it must specifically state what is wrong and the definite

charge must be set forth, just the same as in any other litigation the bill of complaint originating the action must set out definitely the charge or complaint—

specifying the alleged violations and requiring such packer or operator to attend and testify at a hearing before him at a time and place designated therein—

He fixes a time and notifies him to appear—

and at such time and place the commissioner shall afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commissioner, with the approval of the Secretary, may prescribe.

What is wrong about that? Need any honest man be afraid of that? Is there any danger there to the man who has a good defense to a charge against him that he claims is false? Has he been punished for a violation of a rule or regulation without any notice, without any opportunity to defend himself?

Now, listen. I read on:

If, after such hearing, the commissioner finds that such packer or operator has violated any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served—

Now, listen. You would think from the argument that has been made against this provision in the bill that when the commissioner made that finding he was going to send the packer to jail right off; he saw the penitentiary doors opening right before him, and he was pushed right in without any opportunity to defend himself. See what the statute says:

and shall issue and cause to be served on such packer or operator—

He is not even under arrest; he is not even in custody—

shall issue and cause to be served on such packer or operator an order requiring such packer or operator—

To do what? To pay a fine? To go to jail? No—

to cease and desist from continuing such violations.

The commissioner finds that the packer has violated the rule, the regulation, or the order, and the only thing he has power to do to him is to say, "Stop! Do not do it any more." And if he stops, that is the end of it. Is that vicious? Is that going to hurt an honest man? Is it sending anybody to jail for violation of a rule without a trial? Have we so much sympathy for these great packers that we will not even permit a commissioner to say, "Stop doing wrong?"

Now, let us see what happens after that:

Requiring such packer or operator to cease and desist from continuing such violations.

That is not bad. Is there any honest man who is afraid of that? Will that hurt even a packer who is so sensitive and thin skinned?

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

Mr. NORRIS. Yes.

Mr. STANFIELD. Referring back to line 8, on page 43, it says:

Or of any rule, regulation, or order issued hereunder.

Mr. NORRIS. Yes.

Mr. STANFIELD. Those would be rules that would be made by this commissioner outside of the law.

Mr. NORRIS. Yes; with the approval of the Secretary of Agriculture.

Mr. STANFIELD. And then they can ask the packing concern to cease.

Mr. NORRIS. Yes.

Mr. STANFIELD. On the opinion of these two people they can practically enact a law under which the packer will become a criminal.

Mr. NORRIS. They will hear the evidence; and I am not through with reading the statute. If they find against him he can go on to the court. He does not need to take their word or their finding. I think they would be at least as good as a justice of the peace in an ordinary suit. If I sue the Senator for \$100 before a justice of the peace, and I have no right whatever to recover, and I go on and get a judgment by false testimony, and he does not appeal it, it becomes as final as though it were approved by the Supreme Court of the United States; but there is a method of appeal in the law. The Senator always assumes that when we are going to do anything with one of these packers we are trying to do something wrong.

The first law that was ever proposed providing for a justice of the peace court might have been objected to on the same ground. They might say: "Why, suppose a rascal becomes justice. Suppose he is a bad man and he finds an innocent man guilty." Now, that might happen; that is true.

Mr. STANFIELD. I never have known of a justice of the peace promulgating rules of law, or rules that should act as laws.



Mr. NORRIS. Probably a justice does not in all jurisdictions; but there is not a court of record in the United States that I know of that does not have power to make rules, and if the Senator goes in there and violates one of those rules the court can, if it wants to, send him to jail for contempt. Why, that is a common thing. Just a few steps down here is the Supreme Court of the United States, which makes its own rules, and if you violate those rules you may subject your client to the loss of his case, which might mean \$40,000,000. The Supreme Court makes those rules and it enforces them.

Now, then, this bill goes on and tells about what shall be done. I do not know that I ought to take the time to read it all; but it goes on and provides that if the packer is dissatisfied with the decision, he appeals it, and it goes to the circuit court of appeals, and the circuit court of appeals takes it up and has a hearing. If that court finds that the matter has not been tried properly, if it finds that the commissioner has not done the right thing, it orders it back to the commissioner and orders him to take more testimony. It practically orders a new trial, and the case goes back, and new testimony is taken, and it comes back again to the court. If the court finds it all right, the court approves it to begin with. If the court finds there is nothing to it, that the commissioner is wrong, the court dismisses it and the man goes free. He has never been in jail. He has never been in the shadow of a jail. No rule or regulation has ever clouded his countenance.

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

Mr. NORRIS. I do.

Mr. WADSWORTH. I make the request of the Senator with a good deal of hesitancy, because I do not really feel competent to discuss the legal phase of the bill; but may I ask the Senator this question: Has the circuit court of appeals any jurisdiction over the reasonableness of the rule laid down by the commissioner?

Mr. NORRIS. Let us see what the statute says. I am reading part of section 21 now, at the bottom of page 44:

No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such packer or operator for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commissioner.

Mr. WADSWORTH. Yes. Now, I am not referring to the order, but I am referring to the original rule. Suppose the commissioner—now, this may be an exaggerated illustration; I do not mean to have it taken word for word, but this point is brought up, I think, in the question of the Senator from Oregon in a way; perhaps he had it in mind—suppose the commissioner issues a rule or regulation which imposes an almost impossible condition of affairs upon a man engaged in one of these businesses. The man violates that rule. The commissioner then gives him a hearing, and it is proved upon the hearing to the commissioner's satisfaction that the man has violated the rule. Then may the business man appeal to the court, and bring before the court the question as to whether that original rule is not an utterly impossible thing?

Mr. NORRIS. Taking the Senator's illustration, it seems to me that if I were the judge, and the commissioner had made that kind of a rule, I would hold that it was beyond the jurisdiction of the commissioner. The commissioner can not make a rule that is impossible of performance, and no court would hesitate to set it aside or to hold that he had no jurisdiction to try a man for a rule that he had no right to make in the first place. If the rule was contrary to the law, if it infringed the statute, of course he would have no right to make it. He can not make a rule that is contradictory to the law. He can not require a man to perform an impossibility; and, in my humble judgment, if the rule were of such a nature that it appeared to have been made for the purpose of making it difficult to comply with it, the court would set it aside, or at least it would give all kinds of opportunity to be heard on it and to carry it out.

Mr. WADSWORTH. Then the Senator thinks that that phrase, on page 48, line 4, "beyond the jurisdiction of the commissioner," is the saving phrase in that case?

Mr. NORRIS. Oh, no; I do not think so. I think they are all saving phrases. "Infringes the Constitution of the United States" is another one. I think that would be true if it were not put in the law. I do not think that adds anything to it.

Mr. WADSWORTH. As the Senator knows, sometimes with the best of intent a Government official will issue a regulation, and it may be possible to comply with it, but compliance with it imposes such conditions upon the business itself as to discourage anybody from going on with the business. I have heard of such rulings.

Mr. NORRIS. Yes; I concede that.

Mr. WADSWORTH. After much argument and trouble, and the employment of attorneys, and hearings and rehearings, generally those rules are finally modified if there is nothing to the contrary in the statute itself. My criticism of this would be—and it is the criticism of a layman, may I again assure the Senator—that the court is not specifically authorized to pass upon the reasonableness of the rule itself.

Mr. NORRIS. I shall have no objection, so far as I am concerned, if the Senator will propose an amendment to provide for that. I realize, as I have said before—I do not want anybody to misunderstand me—that in order to carry out this kind of a law we must confer upon somebody power and authority that can be abused. Why, Mr. President, that is true of every executive officer that we have. The President of the United States, if he wanted to, could get us into war with any country on earth in less than 30 days, and we could not help ourselves. Everybody knows that. Why, if we were making a constitution, and we were as solicitous about the people as some people are about the packers when we pass a law, we would say, "You must not have a President, because he is liable to be a malicious fool, and to run us into war"; and you could not deny it. He might be. There is not a judge on the bench anywhere in any United States court or State court but that could send innocent men to jail and to prison. Sometimes they do it, I think; but shall we abolish our judicial system because of that? When you give a man power, he may abuse it; I do not care what it is. We have tried to safeguard this power; and I will support any amendment which, without taking away the power to make a proper, honest investigation of the packers, will protect every innocent, honest man anywhere and everywhere.

Mr. President, I am not through, but I want to be able to finish, and probably it might be as well now as at any time, since I happen to have that part of the bill before me, to take up an amendment on page 42. I think there will be no objection from any quarter. It is in reality a committee amendment. This language I am moving to strike out appeared twice in the bill, and was to be stricken out in both places, but I find that when it was printed it was only stricken out in one place. The amendment is on page 42, line 7, after the word "court," to strike out these words:

Each day during any part of which a condition, practice, omission, or course of action punishable under this section is maintained or continued shall constitute a separate violation thereof and shall be punished as a separate offense.

I move to strike out those words.

The amendment to the amendment was agreed to.

Mr. NORRIS. Now, Mr. President, before the Senate recesses, I would like to say, particularly to the Senator from New York [Mr. WADSWORTH], who has made a suggestion about the reasonableness of rules that the commissioner can make, if there is any danger in it which ought to be corrected, the committee will not object to any amendment which will make it certain.

Personally, I think that one of the vital things in this legislation is the taking away of the jurisdiction of the Federal Trade Commission, and if the Senate committee bill is not agreed to I shall move to amend section 405 of the House bill by striking out of said section paragraph (b), which is the one I read at the beginning of my remarks, which takes away the jurisdiction of the Federal Trade Commission, and in lieu thereof inserting the following:

Nothing in this act shall affect or take away any of the powers or jurisdiction of the Federal Trade Commission.

I think I will offer in effect the same amendment as to section 5 of the Senate committee bill, to strike out the section and insert the same language. If I offer those amendments, they will not be committee amendments; they will come from me personally. I offered an amendment to that effect in the committee and it was defeated.

Mr. McCORMICK. Mr. President, I should like to ask the Senator if he thinks there is any prospect of a conflict of jurisdiction between the Department of Agriculture and the Federal Trade Commission?

Mr. NORRIS. No. The Senate committee bill as it now reads gives to the Secretary of Agriculture the authority to call on the Federal Trade Commission to make an investigation any time he wants to on any of these matters, and that part of it received his approval, I understand. It is a difficult matter to know just the right thing to do, and there will be instances, if we pass either the Senate committee bill or the House bill, when there will probably be nobody who will investigate; and that is the reason I am so jealous to retain the administration and the authority of the Federal Trade Commission.

Let us take an instance. Suppose the Federal Trade Commission are investigating the complaint of one manufacturer of clothing against another for unfair competition, which is one of the common kinds of work they do. That clothing is made of wool, which comes from sheep, and that in turn comes through the packers. There would be a very serious question, if we should pass the House bill, as to whether the Federal Trade Commission would be allowed to make that investigation, because wool is one of the by-products of the packing industry, and the jurisdiction is given to the Secretary of Agriculture by the House bill and to the commissioner by the Senate committee bill. The Senate committee bill goes so far as to give the Secretary of Agriculture the right and authority to ask the Federal Trade Commission to make an investigation, and they could do it then and save the situation. But these things overlap, and I am afraid there is grave danger that the jurisdiction of the Federal Trade Commission in various things that are on the first blush not connected with the meat-packing industry will be affected and taken away, and I ask Senators to consider that seriously.

Mr. CARAWAY. Under the Senate committee bill the by-products are no longer under the control of the Secretary or the commissioner after they cease to be the property of the packer. So, under the Senate committee bill that conflict can not arise.

Mr. NORRIS. Mr. President, it was desired by a good many Senators who are anxious to get away to-morrow that we vote on this bill to-morrow, but in consultation with several Senators who are interested in the matter we have reached the conclusion that it will be an impossibility to get a quorum to-night, and hence it would be useless to make the request. But I give notice now that to-morrow when we convene I shall try to get an agreement for a final vote on the bill, not so much on my own account as on the account of several Senators who are anxious to get away.

Mr. SMOOT. The Senate will recess to-night instead of adjourning?

Mr. NORRIS. Yes; I shall ask that a recess be taken.

Mr. KENYON. I ask leave to have printed in the Record, in parallel columns, an analysis of the bill as it passed the House and the Senate committee bill, with the material points of difference. I think it may be helpful to Senators in studying the bills. While I did not prepare this myself, it has been prepared by a gentleman in whom I have confidence.

Mr. NORRIS. Instead of putting it in the Record will not the Senator have it printed in bill form? I had that done with a compilation I had, but the work was of no consequence whatever, because the parallel columns were printed just as the bills run, and the subjects were not put opposite each other. The Senator from Iowa has it properly arranged, I understand.

Mr. KENYON. It takes up each section and compares it with the corresponding section in the other bill, and there is a short résumé. I ask that it be printed in the Record.

Mr. McCORMICK. Do the corresponding sections appear opposite one another irrespective of their numerical sequence in the bill?

Mr. KENYON. Yes; that was attempted.

Mr. McCORMICK. That seems to be important for our understanding of the matter.

Mr. KENYON. It is not a perfect paper, but it will be helpful.

The VICE PRESIDENT. Is there objection to the request of the Senator from Iowa?

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

SENATE AND HOUSE PACKER BILLS.

MATERIAL POINTS OF DIFFERENCE.

HOUSE BILL.

SENATE BILL.

(1) In addition to cattle, sheep, and swine, which are covered by the Senate bill, includes—

(a) Horses, mules, and goats.

(b) When handled in connection with the packer business, dairy products, poultry, poultry products, and eggs.

(1) Forbids any packer, after two years from date the act becomes effective, owning or controlling or having any interest in any stockyard, directly or indirectly, by community of stock ownership, or otherwise, unless the commissioner shall find that such ownership or control or interest is not in violation of the purposes of the act or that the packer has been unable, despite due diligence, to dispose of such ownership or control or interest, in which case he may extend the period.

(2) Does not apply to stockyards having an area of less than 20,000 square feet. The Senate bill applies to all.

(2) Confers investigational authority not contained in the House bill and broader than the authority in the annual appropriation act. The provision is:

SEC. 6. The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations of and the ownership of stockyards. He shall likewise compile and furnish to producers, consumers, or distributors, by means of regular and special reports, or by such other methods as he deems most effective, information respecting the condition of the live-stock market and the supply, demand, prices, and other conditions affecting the market.

(3) Forbids rebates, but expressly provides that this shall not prohibit a cooperative association of producers from bona fide returning to its members, on a patronage basis, its excess earnings on their live stock, subject to such regulations as the Secretary may prescribe. The Senate bill does not contain this provision.

(3) Forbids conspiracy to prevent any person from competing. This provision is not in the House bill.

(4) Forbids, as to packers, undue preference to any person or locality. The Senate bill does not have this provision.

(4) Preserves the powers, rights, duties, and obligations of the Federal Trade Commission act for the purposes of this act, but terminates the authority of the Federal Trade Commission with respect to live stock and live-stock products except where the commission is directed to make an investigation by the President, the Secretary of Agriculture, or either branch of Congress.

(5) Makes it unlawful for any market agency or dealer to carry on his business at a stockyard which the Secretary finds subject to the act, unless he registers with the Secretary his name and address, character of business, and kind of services. The Senate bill provides for voluntary registration, as will be indicated below.

(5) Provides for voluntary registration of packers and operators. They are entitled to registration if—

(a) The location, character, and extent of their accommodations and facilities are found suitable and adequate for the proper conduct of their business.

(b) Their financial resources, credit, and standing are sufficient to assure safe conduct of the business.

(c) They agree to comply with and abide by the requirements of this provision and the rules, regulations, and orders of the commissioner.

Every registrant is required to conduct his business in a just, fair, and efficient manner and to keep accounts and records and submit reports to the commissioner. The reports shall be open to public inspection. The commissioner may make inspections of the places of business and operation of registrants.



In return for submitting themselves to the regulations prescribed for registrants, the commissioner is required to do the following things for them:

(a) Furnish to them reports embodying existing knowledge of satisfactory and economical applicants and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail experienced persons to advise them.

(b) Cooperate with them in procuring adequate services by common carriers.

(c) Furnish to them all available information as to supplies of foodstuffs handled by them, and the location and movement and transportation costs of such foodstuffs.

(d) Provide, when requested, for inspection of live stock, live-stock products, or perishable foodstuffs, received or distributed by them, to determine and certify the quality, quantity, or condition thereof. Any such certificate is made prima facie evidence in any of the courts.

Any certificate of registration may be revoked by the commissioner for violation of the law or any rule, regulation, or order thereunder, and it is made a misdemeanor for a person to forge, alter, counterfeit, or, without proper authority, use any certificate of registration.

(6) Does not contain a provision protecting cooperative associations of producers.

(7) Penalizes false entries, false statements in a return or report required by the act, altering accounts or records, obstructing Government agents in performing their duties, failure to answer under oath, or otherwise, correctly, all questions being investigated under the act, or to produce records.

(6) Provides that the authority which it confers as to interstate commerce may be exercised as to commerce wholly within the State when this is necessary for the protection of interstate commerce. This provision is not in the Senate bill, but probably would follow as a matter of law, anyway, under the Supreme Court decisions.

(7) Requires stockyard owners and market agencies to file with the Secretary, and print and keep open to public inspection at the stockyard, schedules showing all rates and charges for stockyard services, and authorizes the Secretary to prescribe the form of schedules.

(8) (a) Forbids any changes in the scheduled rates or charges except after 10 days' notice to the Secretary and to the public, filed and published as required with respect to the original schedule.

(b) The notice must plainly state the proposed changes and the time they are to go into effect.

(c) The Secretary is authorized, for good cause shown, to allow the changes on less than 10 days' notice.

(d) Upon the filing of schedules for new rates or charges or a new regulation or practice affecting them, the Secretary,

either upon complaint or his own initiative, upon reasonable notice, may order a hearing concerning the lawfulness of the rate, charge, regulation, or practice, and, pending the hearing, upon filing with the schedule or delivering to the person filing it a statement in writing of his reasons, may suspend the operation of the schedule and defer the use of the rate, charge, regulation, or practice for not more than 30 days beyond the time when it would go into effect, and may extend the suspension for 30-day periods until the hearing can be concluded. After the hearing the Secretary may make an order finding the rate unreasonable and prescribing a reasonable rate.

(9) Authorizes the Secretary to apply for an injunction to restrain the violation of an order appealed to the circuit court of appeals.

(10) Authorizes the Secretary to investigate any complaint and make an award of damages for the recovery of which suit is authorized to be instituted.

#### POINTS IN COMMON.

Both bills prohibit—

(1) As to packers:

(a) Unfair, unjustly discriminatory, or deceptive practices or devices.

(b) Apportioning the supply by interdealing to restrain commerce or create monopoly.

(c) Manipulation of prices by interdealing.

(d) Conspiracy to do any of these things.

(2) As to operators:

Unreasonable rates or charges and unfair or unjustly discriminatory or deceptive practices or devices.

Both require, as to operators, the keeping of accounts and records and authorize uniform methods to be prescribed.

Both provide for the filing of complaints against packers or operators, the holding of hearings, and the issuing of orders to desist from any unjust practice or collecting any unreasonable charge, for appeals to the circuit court of appeals from any order, and for review ultimately by the Supreme Court. Both make the decree of the circuit court of appeals affirming or modifying an order operative as an injunction pending final determination by the Supreme Court, if it is carried that far.

Both penalize the violation of an order which has become final through failure to take an appeal or by affirmance or modification by the appellate court, if not carried to the Supreme Court, or upon affirmance by the Supreme Court.

Both provide for compulsory attendance of witnesses and production of records, etc.

#### ADMINISTRATION.

The House bill provides that it shall be administered by the Secretary of Agriculture.

The Senate bill is to be administered by a Federal live-stock commissioner, to be appointed by the Secretary at a salary of \$7,500 per annum, and the commissioner is to enforce the act under the direction of the Secretary, and may be removed by the President or by concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office.

The commissioner is authorized to appoint such officers, employees, and agents and to make such expenditures to carry on his business as may be necessary, the appointments to be made under civil-service rules.

## WHO IS REGULATED.

## HOUSE BILL.

Packers: Meaning persons engaged in the business of—

(1) Buying cattle, sheep, swine, horses, mules, or goats for slaughter.

(2) Manufacturing or preparing meats and all edible products and by-products of the slaughtering and meat-packing industry for sale or shipment.

(3) Manufacturing or preparing products and by-products, other than meats and edible meat-food products, of the slaughtering and meat-packing industry for sale or shipment.

(4) Marketing meats, meat-food products, live-stock products, dairy products, poultry, poultry products, and eggs.

Note: Certain exceptions in the definition of packers exclude from the operation of the bill persons engaged in manufacturing, preparing, or marketing live-stock products, meats, meat-food products, dairy products, eggs, etc., where they do not also buy live stock for slaughter or manufacture or prepare meats or meat-food products for sale or shipment and have not more than a certain percentage of financial interest in the buying of live stock for slaughter, and manufacturing or preparing meats or meat-food products for sale or shipment.

Stockyard owners, market agencies, and dealers: Meaning persons engaged in the business of conducting or operating a stockyard, persons engaged in the business of buying or selling live stock at a stockyard on a commission basis or furnishing stockyard services, and persons not a market agency but who are engaged in the business of buying or selling live stock at a stockyard either on their own account or as employees or agents of the vendor or purchaser.

## ACTS MADE UNLAWFUL.

## HOUSE BILL.

Packers shall not—

(1) Engage in any unfair practices.

(2) Make or give undue preferences to any person or locality.

(3) Apportion among themselves the supply if the effect is to restrain commerce or create a monopoly.

(4) Manipulate or control prices or create a monopoly by selling to or buying from any other person or by any other means.

(5) Conspire, combine, or agree with any other person to

## SENATE BILL.

Packers: Meaning persons engaged in the business of slaughtering cattle, sheep, and swine or preparing products and by-products of the slaughtering and meat-packing industry derived from cattle, sheep, and swine and owned or controlled by the packer, for sale, and persons engaged in the business of marketing these products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

Operators: Meaning persons engaged in the business of conducting or operating a stockyard in which cattle, sheep, and swine are handled, and any trader or commission man or other person performing services with respect to cattle, sheep, and swine handled in or in connection with a stockyard.

## SENATE BILL.

Packers shall not—

(1) Engage in any unfair or deceptive practice or device.

(2) Apportion supply or unreasonably affect prices or create monopoly by interdealing.

(3) Engage in business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect may be substantially to lessen competition or restrain commerce or tend to create a monopoly.

(4) Conspire, combine, or agree to apportion territory or purchases or sales of live stock or live-stock products or to control prices thereof, or to do any act to prevent any person from competing with them.

(5) Do or abet any forbidden act.

do any of the foregoing forbidden acts.

(6) Fail to obey any order of the Secretary of Agriculture to desist from violating the act when such order, because of no appeal or upon appeal and affirmance, becomes final.

Stockyard owners and market agencies shall not—

(1) Make any unjust, unreasonable, or discriminatory rate or charge for stockyard services.

(2) Make changes in rates or charges filed and published by them except after 10 days' notice to the Secretary and to the public.

(3) Establish, observe, or enforce unjust, unreasonable, or discriminatory regulations or practices.

(4) Make any rate, charge, regulation, or practice which shall cause any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate, interstate, or foreign commerce.

(5) Carry on business until their rates and charges have been filed and published.

(6) Charge, demand, or collect a greater or less or different compensation than the rates and charges specified.

(7) Rebate; but cooperative associations of producers may, in good faith, return to their members, on a patronage basis, excess earnings on their live stock, subject to regulation by the Secretary of Agriculture.

(8) Extend to any person any services not specified in their schedules.

Stockyard owners, market agencies, or dealers shall not—

(1) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling of live stock.

(2) Fail to keep such accounts, records, and memoranda as prescribed by the Secretary of Agriculture.

Market agencies and dealers shall not carry on their business at any stockyard until they have registered with the Secretary their name, address, and character of business.

(6) Own, control, or have any interest in any stockyard, after two years from the effective date of the act, unless the commissioner shall determine that such ownership or control or interest is not in violation of the purposes of the act or that the packer has been unable, with due diligence, to dispose thereof, in which case the commissioner may extend the period during which it may continue.

Operators shall not engage in any unfair or deceptive practice or device, or charge, collect, receive, or demand any unreasonable charge or rate for any service performed. Packers and operators shall not—

(1) Fail or refuse to make full and true entries in their accounts and records.

(2) Make false entries in their accounts or records.

(3) Alter, mutilate, cancel, or destroy any account or record.

(4) Make any false or fraudulent statement in a return or report required by the act.

(5) Hinder, obstruct, or resist Government agents in performance of their duties.

(6) Fail to answer under oath or otherwise correctly all questions being investigated under the act or to produce books, papers, records, and correspondence.

(7) Fail to obey any order of the commissioner to desist from violating the act when such order, because of no appeal or upon appeal and affirmance, becomes final.



## BY WHOM ENFORCED.

## HOUSE BILL.

By the Secretary of Agriculture.

## SENATE BILL.

By the Federal Live Stock Commissioner, appointed by the President at \$7,500 per year.

The commissioner is to enforce the act under the direction of the Secretary of Agriculture and may be removed by the President or by concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office.

The commissioner is authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere and to make such expenditures for carrying on his business as may be necessary, all such appointments to be made under civil-service rules.

The commissioner's principal office shall be in the District of Columbia, but he may exercise his powers at any other place.

## POWERS CONFERRED.

## HOUSE BILL.

The Secretary of Agriculture may order any stockyard owner, market agency, or dealer to discontinue any unfair, unjustly discriminatory, or deceptive practice or device.

In addition to penalties for failure to comply with the order, the Secretary or any party injured thereby may apply to the proper Federal court in an appropriate action for enforcement of the order.

The Secretary, upon complaint or upon his own initiative, may enter upon a hearing concerning the lawfulness of any rate, charge, regulation, or practice of a stockyard owner or market agency, and may suspend the operation thereof for 30 days, and after full hearing thereon he may order the same permanently discontinued.

Upon complaint of any person of anything done or omitted to be done as required by the act by a stockyard owner, market agency, or dealer, the Secretary of Agriculture shall require the stockyard owner, market agency, or dealer to file an answer, and the Secretary shall make such investigation as may be necessary, and if he finds that the complainant is entitled to an award of damages he shall make an order directing that it be paid. The person in whose favor an award is made may institute suit thereon in either the Federal or State courts. The findings and orders of the Secretary of Agriculture are made prima facie evidence of the facts therein stated.

The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, or District or possession, or department, agency, or political subdivision thereof, or any per-

## SENATE BILL.

All powers, rights, remedies, duties, and obligations conferred and required by the Federal Trade Commission act are reserved to the Federal live stock commissioner, the courts, and all persons affected by this act, except as modified by this act.

The commissioner himself, or in cooperation with existing governmental agencies, is required to investigate and ascertain the demand for, supply, consumption costs, prices of, and all other facts relating to ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations of and ownership of stockyards.

The commissioner shall compile and furnish to producers, consumers, or distributors, by means of regular and special reports, or otherwise, as he may deem effective, information respecting the condition of the live-stock market, the supply, demand, prices, and other conditions affecting the market.

The commissioner may compel attendance and testimony of witnesses relating to any of his investigations, and he or any examiner designated by him may issue subpoenas and administer oaths. If the per-

son in the enforcement of the act.

The Secretary of Agriculture shall serve a complaint in writing upon any packer who he has reason to believe has violated, or is violating, any of the provisions of the act applicable to packers, and may require the packer to attend and testify. The packer shall be heard in person or by attorney and may introduce witnesses. Any person, for good cause shown, may be allowed to intervene.

Whenever the Secretary of Agriculture is of opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency is or will be unjust, unreasonable, or discriminatory, he may—

(1) Determine and prescribe what will be the just and reasonable rate or charge to be observed thereafter and what regulation or practice is or will be just, reasonable, and non-discriminatory and thereafter followed.

(2) Order such owner or operator to discontinue such violation.

The Secretary of Agriculture may require stockyard owners and market agencies, in their schedules, to state plainly their rates and charges in detail, and may prescribe the form and manner in which they shall be stated.

If the Secretary finds that the packer has violated, or is violating the provisions of the act, he shall make his findings accordingly, and shall order the packer to cease and desist. Such order shall be final and conclusive on the packer unless within 30 days the packer appeals to the circuit court of appeals for the circuit in which his principal place of business is located.

When notified by the clerk of the circuit court of appeals, the Secretary of Agriculture shall certify to the court all the papers in the case, and on application of the Secretary at any time thereafter, the court may issue a temporary injunction against the packer. Additional testimony may be taken on order of the circuit court of appeals, and such testimony shall be certified to the court by the Secretary when taken. The decree of the circuit court of appeals, if adverse to the packer, operates as an injunction.

The packer may remove the case to the Supreme Court of

son summoned disobeys the subpoena, the commissioner may invoke the aid of the Federal courts to require attendance and testimony and production of books, papers, etc. Witnesses shall receive the same fees and mileage as in the United States courts.

The commissioner, with the approval of the Secretary of Agriculture, shall make such rules, regulations, and orders as are necessary to carry out the act, and may cooperate with any department or agency of the Government, or any State or political subdivision thereof, or with any person.

The commissioner, with the approval of the Secretary of Agriculture, shall fix fair and reasonable practices, charges, and rates to be observed by operators.

The commissioner may prescribe uniform systems of accounts and records to be kept by packers and operators, and he and his agents may enter and inspect the place of business of the packer or operator and examine their books and records.

The commissioner may order any packer or operator to cease violating any provisions of the act, or rule, regulation, or order thereunder. Such order shall be final and conclusive unless within 30 days an appeal is taken to the circuit court of appeals in which their principal place of business is situated.

The clerk of the court shall notify the commissioner as soon as appeal is taken, and the commissioner shall forthwith send to the court all the papers in the case. The court may order the taking of additional evidence, and the commissioner shall transmit the additional evidence to the court. If the decree of the court is adverse to the packer or operator, it shall operate as an injunction.

The packer or operator may have the case removed to the

the United States on a writ of certiorari within 60 days.

Stockyards which do not embrace more than 20,000 square feet, exclusive of runs, alleys, and passageways, are not included in the act, and the Secretary is required to ascertain what stockyards are subject to regulation and to give public notice thereof.

#### VOLUNTARY REGISTRATION OF PACKERS AND STOCKYARDS.

The Senate bill contains a title designated as above. The House bill contains nothing like it.

This title, as its heading implies, is not compulsory. The persons engaged in the businesses covered thereby may or may not take advantage thereof, as they see fit. If they do take advantage of this provision, they receive from the Federal Live Stock Commissioner a certificate of registration to engage in or carry on that particular business, and they thereby receive the benefits intended to be conferred thereby.

The businesses covered are the conduct or operation of stockyards, the slaughtering of live stock, and the processing, preserving, or storing of live-stock products or perishable foodstuffs.

They are entitled to registration if—

(1) The location, character, and extent of their accommodations and facilities are found suitable and adequate for the proper conduct of their business.

(2) Their financial resources, credit, and standing are sufficient to assure safe conduct of the business.

(3) They agree to comply with and abide by the requirements of this title and the rules, regulations, and orders of the commissioner.

Every registrant is required to conduct his business in a just, fair, and efficient manner; and to keep accounts and records and submit reports to the commissioner. The reports shall be open to public inspection. The commissioner may make inspections of the places of business and operation of registrants.

In return for submitting themselves to the regulations prescribed by this title, the commissioner is required to do the following things for registrants:

(1) Furnish to them reports embodying existing knowledge of satisfactory and economical applicants and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail experienced persons to advise them.

(2) Cooperate with them in procuring adequate services by common carriers.

(3) Furnish to them all available information as to supplies of foodstuffs handled by them, and the location and movement and transportation costs of such foodstuffs.

(4) Provide, when requested, for inspection of live stock, live-stock products, or perishable foodstuffs, received or distributed by them, to determine and certify the quality, quantity, or condition thereof. Any such certificate is made prima facie evidence in any of the courts.

Any certificate of registration may be revoked by the commissioner for violation of the law or any rule, regulation, or order thereunder, and it is made a misdemeanor for a person to forge, alter, counterfeit, or, without proper authority, use any certificate of registration.

Mr. WADSWORTH. I offer two amendments, which I would like to have printed and lie on the table. I wish to call the attention of the Senator from Nebraska [Mr. NORRIS] and the Senator from Iowa [Mr. KENYON] and other Senators interested in the bill to one of the amendments. The Secretary need not read them.

The one to which I call attention is on page 30, commencing in line 22. The bill now reads:

The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce.

So far, so good; we all know what that means. Then it goes on:

And any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

My amendment is to strike out the words "trader or," and I have this thought to suggest to the Senator: If the bill means what I think it does it means to apply the term "operator" to a trader who is performing services, and traders do not perform services. I think there is a misunderstanding about what a trader is in the stockyards. A trader is a man who buys

Supreme Court of the United States on a writ of certiorari if such writ is applied for within 60 days.

cattle in the yards on his own account and for his own profit and sells the cattle, if he chooses to sell them, to anybody. The bill does not define the word "trader." If the word "trader" means what I think the committee thought it meant—that is, any man who makes it a business to buy and sell cattle in the stockyards—it will include thousands upon thousands of ordinary cattle producers.

Mr. KENDRICK. Mr. President, I ask the Senator from New York if he does not believe that there should be some definition of what are known as "scalpers" and "traders" in the yards, those who make a business of speculating and dealing in live stock in the yards?

Mr. WADSWORTH. I have given a lot of thought to that, and having been in the yards a good deal myself, I do not see how you can draw a definition to include the people to whom the Senator refers without including every man who buys or sells cattle.

Mr. KENDRICK. Does not the Senator believe that the definition might be narrowed to those who make that their principal business and confine their operations largely to the stockyards? I have asked the question for very good reasons.

As the Senator knows, some of the bitterest complaints that have arisen in connection with dealings in the stockyards have been directed at this very agency, as we call it in the bill, of buying and selling on speculation.

Mr. WADSWORTH. They do not buy and sell for speculation. They pay cash.

Mr. KENDRICK. Oh, yes. That is what I mean. There is just that difference of meaning in the same thing. I spoke of the men who poll for profit.

Mr. WADSWORTH. We all do that.

Mr. KENDRICK. There has been continuous complaint, and some of the Senator's very good friends who are connected with the packing-house industry have told me personally that there are great abuses existing in places, in spite of the fact that ordinarily they perform a very useful function. The supposition is that they take up the surplus when there is a surplus, and carry it over to days on which there is a shortage.

While they do perform this useful function there has been bitter complaint, as I have stated, of irregularities on the part of those traders and scalpers in their dealings with the commission firms of the yards?

Mr. WADSWORTH. With the commission firms?

Mr. KENDRICK. Yes; unfair practices between the two.

Mr. WADSWORTH. I have never heard that. I do not understand how that can happen.

Mr. KENDRICK. Those complaints have come to me in connection with the matter.

Mr. WADSWORTH. It might very well be true that some commission men would like to drive them out of business because they compete with them.

Mr. KENDRICK. I think the commission men find them to be a very useful part of the trade. As I said, under legitimate conditions, it is a desirable part of the whole system. There is no question about that. The only difference between myself and the Senator from New York is that I would limit the definition so as not to include the man who comes into the yard and makes his purchases and goes away with them, but the man who goes there and stays there and trades and makes it a part of his business should by all means be included in the provisions of the bill.

Mr. WADSWORTH. If the Senator desires to do that, his bill does not accomplish it, because the bill applies, under the term "operator," only to traders who are performing a service. Traders do not perform any service.

Mr. NORRIS. They are supposed to perform service.

Mr. WADSWORTH. For whom?

Mr. KENDRICK. That is true, and I have had it called to my attention before.

Mr. WADSWORTH. The phrase "performing a service," may I say to the Senator from Nebraska, means a service in a representative capacity for some other person. A commission man performs a service. The stockyards management performs a service. It sells services or facilities.

The commission man sells his selling ability, his skill, to the owner of the cattle and acts as his agent; he performs services for the owner of the cattle in selling them. The trader, however, serves no one. He acts entirely on his own account.

Mr. KENDRICK. Yes; that is true.

Mr. WADSWORTH. He represents no one but himself. Take the man who makes it a practice—and there are many hundreds of those people, though some of these things are not very pretty to talk about—to buy the dead hogs that are occasionally, in fact quite often, found in the pens. He is known in business as a trader, but he does not serve anybody.



He buys the carcasses and sells them to rendering companies outside the yards.

Mr. McCORMICK. Does he not buy live stock?

Mr. WADSWORTH. I am speaking of just the one kind of trader. That is an example. There is another kind of so-called trader, and I agree with the Senator that they are most valuable for the yards. If I may inject a personal note I have often dealt with them. Another kind of traders, and an overwhelming majority of them are most responsible people, make it a business to go into the yards themselves and buy loads of cattle for their own account, not for anyone else, not performing any service to any one else. They take title to the cattle. Then an outside buyer, like myself or the Senator from Wyoming, arrives, looking for a certain kind of animal that he wants to buy. He may ask the commission man if they have a load or two of that type, and he may not be able to find among them just what he wants. He will encounter the trader, and ask the so-called trader, "Have you anything of the kind I am looking for?" The trader then says, "I think I have. Come around to pen No. 225 with me," and he sees the cattle, and buys them from him; that is all. On the other hand, the trader may take those cattle which he purchases and ship them out into the country to fill an order placed with him by a feeder 500 miles away. He sells them. He is not performing a service.

Mr. CARAWAY. Will the Senator from New York permit me just a moment?

Mr. WADSWORTH. Certainly.

Mr. CARAWAY. Does not the Senator think, looking at the entire phrase "performing services wholly or partly in commerce," that it gives a different meaning? Does he not perform a service in commerce although he is not serving any individual? He is a part of the machinery by which the stock moves from the producer to the final consumer, and he thereby does perform a service in commerce. That is what the phrase says.

Mr. WADSWORTH. Then, if that is the construction of it, any man who buys and sells cattle anywhere is performing a service in commerce.

Mr. CARAWAY. No; because he must buy or sell in a stockyard and perform a service in commerce.

Mr. WADSWORTH. Would the Senator say that when I go to the stockyards to buy some cattle, which, I may say, I sometimes do, I am a trader?

Mr. CARAWAY. No; I do not think so.

Mr. WADSWORTH. Would the Senator say on the ground that I am performing a service in commerce?

Mr. CARAWAY. I do not think so. That is not the kind of person this provision reaches, if the Senator from New York will pardon me.

Mr. WADSWORTH. I can not see it any other way.

Mr. KENDRICK. I feel sure that the Senator from New York, with his intimate acquaintance with this industry, understands clearly the difference between the man who comes from the country and buys and the man who makes it a part of his business to handle regularly the receipts of the yards—the man who is a part of the system in the yards and whom we recognize as such.

I agree with the Senator in thinking that the majority of them are high-class men. A group of them were in my office less than a week ago, talking to me about some of the exacting provisions contained in the bill as it passed the House. I think some of those provisions should be changed, if we finally adopt the House bill, and I intend to offer an amendment to that effect to protect those men. However, they do not deny that they are a part of the system within the stockyards.

Mr. WADSWORTH. That is perfectly true; they are.

Mr. KENDRICK. I wish to call to the Senator's attention a thing I do not like to do here, because I have refrained from the time the discussion began from bringing to light the things within the stockyards that are disreputable and not to the credit of the great system under which we market our stock, but one of the things against which there is complaint lodged is collusion between the commission firm and the trader by which they share in the profits. I do not know how much truth there is to that. I have said here previously and I say now that the great majority of the men in the stockyards, both the commission men and the traders, are perfectly reputable, splendid business men of the finest integrity, but I am speaking of the man who is not of that kind. The difficulty comes in right there. If these men are not under that supervision they would escape entirely, and I think they do not ask to escape.

Mr. NORRIS. I do not think they do, but the object of putting them in is exactly the same as putting the commission men in.

Mr. WADSWORTH. They do not do the same kind of business at all.

Mr. NORRIS. No; they do a different kind of business.

Mr. KENDRICK. They may be, as the Senator from New York said, not properly defined in the bill.

Mr. WADSWORTH. They are not defined at all.

Mr. KENDRICK. They should be correctly defined and should not be eliminated from the provisions of the bill.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 10, 1921:

S. 1084. An act to provide a national budget system and an independent audit of Government accounts, and for other purposes.

On June 11, 1921:

S. 1154. An act for the construction of a bridge across the Des Moines River at or near the city of Dumas, Mo.

#### HOUSE BILL REFERRED.

The bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, was read twice by its title and referred to the Committee on Finance.

#### ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on the 10th instant they presented to the President of the United States the enrolled bill (S. 86) to amend the act approved December 23, 1913, known as the Federal reserve act.

#### OIL PROSPECTING IN FOREIGN COUNTRIES (S. DOC. NO. 39).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, on motion of Mr. LODGE, was, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

In response to the Senate's resolution of March 10, 1920, requesting the President, if not incompatible with the public interests, to inform the Senate—

"First, as to what restrictions, if any, are imposed either directly or indirectly by France, Great Britain, Holland, Japan, or any other foreign country, or the dependencies thereof, upon the citizens of the United States in the matter of prospecting for petroleum, or in the acquisition and development of lands containing the same within the territory subject to the jurisdiction and influence of such countries.

"Second, if such restrictions exist, what steps have been taken by the Government of the United States to secure their removal and equality of treatment in respect of citizens of the United States.

"Third, if any restrictions are imposed by the Government of Mexico upon citizens of the United States in regard to the acquisition or development of petroleum-bearing lands within its jurisdiction which are not imposed upon nationals or other foreign countries.

"Fourth, if any such discriminating restrictions are imposed by the Government of Mexico upon citizens of the United States, what steps have been taken by the Government to secure removal of such restrictions and the equality of treatment in respect to citizens of the United States."

I transmit herewith a report by the Secretary of State, furnishing information requested by the resolution, supplementary to that embodied in reports submitted May 14, 1920, and April 6, 1921, as far as such information can be supplied compatibly with the public interest.

WARREN G. HARDING.

(Inclosure: Report by the Secretary of State.)

THE WHITE HOUSE,

June 13, 1921.

#### TUG FORK OF BIG SANDY RIVER BRIDGE.

Mr. SHEPPARD. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 4091) granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va., and I submit a report (No. 112) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Borderland Coal Corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tug Fork of Big Sandy River, at a point suitable to the interests of navigation, and at or near Borderland, in the county of Mingo, State of West Virginia, 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RECESS.

Mr. NORRIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Tuesday, June 14, 1921, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate June 13, 1921.*

## UNITED STATES ATTORNEY, DISTRICT OF NEBRASKA.

James C. Kinsler, of Nebraska, to be United States attorney, district of Nebraska, vice Thomas S. Allen, whose term has expired.

## UNITED STATES MARSHAL, EASTERN DISTRICT OF VIRGINIA.

Clarence G. Smithers, of Virginia, to be United States marshal, eastern district of Virginia, vice John G. Saunders, resigned, effective July 1, 1921.

## COLLECTORS OF INTERNAL REVENUE.

## DISTRICT OF MASSACHUSETTS.

Malcolm E. Nichols, of Boston, Mass., to be collector of internal revenue for the district of Massachusetts, in place of John J. Mitchell, resigned.

## TENTH DISTRICT OF OHIO.

Charles H. Nauts, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio, in place of Frank B. Niles.

## DISTRICT OF WISCONSIN.

Alonzo H. Wilkinson, of Bayfield, Wis., to be collector of internal revenue for the district of Wisconsin, in place of Burt Williams, resigned.

## SURVEYOR OF CUSTOMS, COLLECTION DISTRICT NO. 4.

Herman Hornel, of Boston, Mass., to be surveyor of customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Joseph A. Maynard.

## ASSISTANT APPRAISER OF MERCHANDISE, COLLECTION DISTRICT NO. 4.

Osgood C. Blaney, of Boston, Mass., to be assistant appraiser of merchandise in customs collection district No. 4, with headquarters at Boston, Mass., in place of Francis X. Quigley.

## SUPERINTENDENT OF MINT, PHILADELPHIA, PA.

Freas Styer, of Norristown, Pa., to be superintendent of the mint of the United States at Philadelphia, Pa., in place of Adam M. Joyce.

## ASSAYER, MINT AT SAN FRANCISCO, CALIF.

John McCabe, of San Francisco, Calif., to be assayer in the mint of the United States at San Francisco, Calif., in place of John W. Pack.

## COAST GUARD.

## LIEUTENANT COMMANDER.

Lieut. William H. Shea, to be lieutenant commander in the Coast Guard of the United States, to rank as such from April 23, 1921, in place of Lieut. Commander W. A. Wiley, retired.

## DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE.

Julius Klein, of Massachusetts, to be Director Bureau of Foreign and Domestic Commerce, in the Department of Commerce, vice Roy S. MacElwee, resigned.

## REGISTER OF LAND OFFICE, DULUTH, MINN.

Robert D. Blackwood, of Duluth, Minn., to be register of the land office at Duluth, Minn., vice Joseph Winczewski, resigned.

## RECEIVER OF PUBLIC MONEYS, DULUTH, MINN.

Robert E. Patterson, of Duluth, Minn., to be receiver of public moneys at Duluth, Minn., vice James L. Travers, resigned.

## APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES.

## GENERAL OFFICER.

## Brigadier general.

Col. Robert Emmet Callan, Coast Artillery Corps, from June 9, 1921.

## PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES.

## Captain with rank from July 1, 1920.

First Lieut. Jesse Plez Green, Infantry.

## MEDICAL CORPS.

## Captains.

First Lieut. Walter Francis Tolson, Medical Corps, from June 9, 1921.

First Lieut. Hugh Max Bullard, Medical Corps, from June 11, 1921.

## DENTAL CORPS.

## Captain.

First Lieut. John Rudolph Wikeen, Dental Corps, from May 28, 1921.

## REAPPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES.

## FIELD ARTILLERY.

## First lieutenant with rank from May 25, 1921.

Clarence Elmer Cartwright, late first lieutenant, Field Artillery, Regular Army.

## First lieutenant with rank from June 7, 1921.

Maxwell Michaux Corpening, late second lieutenant, Cavalry, Regular Army.

## INFANTRY.

## First lieutenants with rank from June 7, 1921.

Charles Raymond Gross, late first lieutenant, Cavalry, Regular Army.

Edwin Clark Maling, late first lieutenant, Infantry, Regular Army.

## APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

## ORDNANCE DEPARTMENT.

Capt. David Wilson Craig, Field Artillery, with rank from September 25, 1919.

## CHEMICAL WARFARE SERVICE.

Capt. David Lee Hooper, Infantry, with rank from July 1, 1920.

First Lieut. Raymond Henry Reece, Infantry, with rank from July 2, 1920.

First Lieut. Edward Joseph Sullivan, Infantry, with rank from July 2, 1920.

## COAST ARTILLERY CORPS.

Maj. Clarence Leslie Gilbert, Field Artillery, with rank from July 1, 1920.

## AIR SERVICE.

Col. Theodore Anderson Baldwin, jr., Infantry, with rank from April 27, 1921.

Capt. Warner Beardsley Gates, Infantry, with rank from July 1, 1920.

## UNITED STATES NAVY.

## PASSED ASSISTANT PAYMASTER.

Passed Assistant Paymaster Cyrus D. Bishop, of the United States Naval Reserve force, to be a passed assistant paymaster in the Navy, with the rank of lieutenant, to rank from August 3, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 13, 1921.*

## ALASKA.

## GOVERNOR OF ALASKA.

Scott C. Bone.

## BUREAU OF THE CENSUS.

## ASSISTANT DIRECTOR OF THE CENSUS.

Joseph A. Hill.

## PUBLIC LAND SERVICE.

## REGISTER OF THE LAND OFFICE AT KALISPELL, MONT.

Robert M. Goshorn.

## CONSULAR SERVICE.

## CONSUL OF CLASS 7.

Leland L. Smith.

ASSOCIATE JUSTICE, SUPREME COURT DISTRICT OF COLUMBIA.

Adolph A. Hoehling.



## HOUSE OF REPRESENTATIVES.

MONDAY, June 13, 1921.

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

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, grant that our citizens everywhere may be deeply concerned in the cultivation of those national virtues that shall enable our Republic to go on from strength to strength. Promote fraternity and cooperation among all of our citizens through the symbolism of the uplifted flag. May its individualism appeal to the lowliest and its self-reliance to the weakest, and grant that its courage may inspire all, and arch our land from coast to coast and from border to border with that sublime optimism of the Christian faith. O Columbia, Columbia, God shed His grace upon thee that our flag, with its stars of light and bars of white and the red of our Nation's sacrifice may ever wave over the land whose God is the Lord. In Jesus' name. Amen.

The Journal of the proceedings of Saturday, June 11, was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment No. 1 of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

## TERMINATION OF THE WAR.

Mr. FLOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, though a new Member of the House, I am not obsessed with the belief that my remarks will have any influence in shaping the course of this legislation. But however useless the effort, I will, at least, have the satisfaction of protesting against this first selfish, backward, and cowardly step taken by my country.

I want also to use this opportunity to discuss the statement of our reasons for entering the war made by our ambassador to England, and state that, so far as Kentucky is concerned, I can speak authoritatively, that his statement that our aims were selfish is recklessly untrue.

So holy was our cause considered, such a blessing was to flow from our victory, that the courthouses were abandoned and our meetings held in the churches, and with patriotism godly men and women strove to their utmost, believing they were opening a way for "peace on earth, good will toward men."

Men from my country went to war believing that Belgium had died for civilization; that France, to whom we owe our independence and our everlasting gratitude, was bleeding to death; that the men and women of all Europe were being murdered and ravished by a frightful coalition of German and Turk. They were told that should they never return their lives would have been given in beautiful sacrifice for future peace. Their sons would fight and their daughters weep in wars no more.

In many a country church I told these stalwart folk, feeling that I was talking with divine sanction, that in doing our part we were advancing sacrificially, not selfishly, the Kingdom of God. We all believed what I told them, and this man who publishes to the world that we entered the war not to benefit mankind but because we were afraid not to accuse me of being a party to a hellish fraud; and I want to say as forcibly as my command of language will permit that, whatever Col. Harvey's motive might have been, so far as my people are concerned, it is a malicious falsehood.

Every patriot resents it. The great metropolitan Republican newspapers denounce it.

I will quote the Philadelphia Inquirer:

He deliberately and wickedly misrepresented his country.

And again:

Unless he is forbidden to talk in public on international questions, he is certain to bring discredit on the Harding administration.

What amuses me is that pretended doubt should exist in any mind that this discredit properly belongs on the Harding administration. Who selected Harvey for this most important diplomatic post? Were not his views that are now so vigorously denounced well known to President Harding when he selected him? Was he not also known as one who would at the first opportunity give voice to his vindictive views? Was he not also known as a dealer in choice billingsgate and hatred?

If these facts were known, and they were, and yet he was selected for this most important position, then the Harding administration is justly entitled to bear the discredit of having our beloved country slandered abroad. Can one select a reckless, drunken chauffeur to drive through a crowded thoroughfare and be blameless for the disaster sure to follow?

How tactless and stupid these remarks were, as well as false, can only be realized when we remember how in the past other nations considered us. Our rich tourists have been the laughingstock of Europe; they have descended with their gold seeking to purchase a knowledge of art and literature by acquiring a collection of the works of the old masters. Europe had judged America by these false types, lavishing in wealth and display and lacking in refinement and culture. Col. Harvey rises to assure them that their previous unfavorable opinions were all correct.

Lest we forget I will remind you of some statements made by us during the war and which seemingly have been discarded by the majority, but which I am glad to reaffirm because they were and yet remain the truth.

When the Great War broke out Europe knew that America, with its exhaustless resources, was not in peril, and when under the inspired guidance of Woodrow Wilson it unselfishly took up the cause of right and humanity it became the champion of oppressed peoples, a big brother to the sister nations, the hope of a despairing civilization, and a beacon light to wavering Christianity.

The world for the first time saw the great American Nation as we know it to be, and in the short space of one administration—I am proud to say a Democratic one—our Nation became the beloved of all nations, and in influence and power stood out like Saul among his brethren.

Alas, under this short Republican régime what a sad spectacle she presents. I feel like exclaiming with David of old, "How are the mighty fallen." Yesterday the proud proclaimer of unselfish aims, to-day the cowardly renouncer of every noble impulse. [Applause on the Democratic side.] Yesterday the eagle bathing his plumage in the sun, to-day the bat seeking the dark, foul cavern in which to hide.

When this resolution is adopted we abandon our allies and align with our enemies. Our position as conqueror is abandoned and we accept a position of negotiator.

All questions arising out of the war are to be settled by a treaty made, if Germany will consent to make it. We can not force her, for we will be at peace. We then receive no apology for the past nor promise for the future.

But they say a treaty is to follow. If Germany is the bandit and robber and tyrant we have said, why not agree to terms before we unload our guns? Why order our dinner before reading the menu?

No; the only reason for this legislative abortion is to relieve the Republican administration from the responsibility of its own folly.

While I consider this resolution infamous in both Congresses, there was at least a reason for it in the last Congress, for then the President and the Senate, who constitute the sole treaty-making power, were in hopeless disagreement. But now the President and the Senate are in accord, and can any reason be given why the President does not act? He has made no effort but to deal in glittering generalities.

You hear so much about encroaching on the President's prerogatives. It is not so much that that I object to as it is relieving him of responsibilities placed upon him by the Constitution. I am tired of his talking on both sides of every question and acting on neither side of any.

Does he indorse or renounce Harvey's slander on this country? Like his preelection position on the League of Nations, both sides claim him.

Is he going to call a conference of the nations to consider disarmament? Why does he not issue the call? I will tell you the reason: Because he would be told that 48 of the leading nations of the world are now in conference, and disarmament is their chief consideration, and they would welcome him into their conference.

If the President is not satisfied with the treaty that all our allies accepted, why does he not submit one of his own framing that is better, so that we may learn the terms before we declare the status of war at an end?

A word to some of my Democratic colleagues. The people are not in favor of this subterfuge where they understand it.

If you will excuse a personal reference, this resolution was an issue of my campaign, and I promised my people to vote against it, my opponent had already voted for it. That and the League of Nations were the sole issues.

There is no more enlightened district in the United States than the district I have the honor to represent, the eighth district of Kentucky, and in no district was there a harder fight made. Every paper discussed the league in every issue. President Harding made five speeches in my district, Vice President Coolidge three, and every prominent Republican available was sent into it. My opponent, an able speaker, and I made two speeches a day for six weeks before the election. And that district, which had gone Republican by 1,600 a year before, and then represented by a Republican on this floor, on that issue went 3,000 Democratic. [Applause on the Democratic side.]

It is true that President Harding received a large majority in the country at large by using the same kind of tactics being played now, but not on this issue, or on the issue of the League of Nations, but because he received the votes of those like Secretary of State Hughes, "As the surest way of entering in," and also the votes of those like Senator JOHNSON "As the surest way of staying out."

I have known men able to escape taking any side, but he is the only man I have ever known with such transcendent ability as to be considered the champion of every side. [Laughter and applause on the Democratic side.] It would be refreshing to the entire country to be able to agree as to where he stands on some one question.

I would like to know what the terms of peace are going to be, before I help to make it.

The most eloquent speech I have read on this resolution, when it was previously before the House, was delivered by the distinguished Republican from Michigan [Mr. KELLEY]. He said:

If any man had said while the war was in progress that when the war was over he would be willing to make a separate peace with Germany, without terms or without guaranties as to the restoration of Belgium or France, he would not have been safe in any community in the United States. What change has taken place that we should propose such a change now?

He also said:

This is so inconsistent with everything that has been done, let's don't mar our record.

I am not so apprehensive of that as of the tragedy to result from the folly of halting the onward progress of civilization for 50 years. He said in conclusion:

Others may do as they please, but it will never be done with my vote.

Likewise, my fellow countrymen will never grasp the hands of German officers, murderers of men, and ravishers of women, allies of Turkish assassins reeking in the blood of disemboweled Armenian children, as equals, and sit with them as such to discuss terms of treaty, with my consent. [Applause on the Democratic side.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Speaker, I do not care to discuss the constitutional feature of this resolution. I oppose it because, in so far as it does anything, it tarnishes our national honor, and if it affects the legal or peace status at all it is hurtful to the interests and just rights of our country and citizens, and brings aid and comfort only to Germany and German nationals.

The gentleman from Kansas [Mr. CAMPBELL] on Saturday said that this resolution was made necessary by the dismal and humiliating failure of the Wilson administration to make peace. The gentleman chose to ignore the fact that the President alone could not make peace; that only the President and the Senate, acting in concert, could make peace. The President negotiated a peace treaty which every other nation but ours, including Germany, has long since ratified. It can not have been wholly bad since it is approved by the statesmen and people of more than 30 nations, including all the great nations of Europe save Russia, and all the leading nations of the western world, including Australia and Canada, save the United States and disordered Mexico. Mr. Speaker, the plausible pretext on which a resolution similar to this was urged and passed by Republicans in May, 1920, was that it was necessary because the Democratic President and Republican Senate were deadlocked and could not agree on the terms of peace, and so could not make a peace treaty in the way clearly authorized and directed by the Constitution. If that pretext was true in 1920, it is not true now since we no longer have Mr. Wilson for President; since the President and Senate are both Republican now. Why have they not made—why do they not now make peace with Germany in an undoubtedly constitutional way?

The justice of Mr. Wilson's appeal in 1918 for the election of a Congress in sympathy with his administration grows clear in the light of events following the Republican victory of that

year. Had a Democratic Senate assembled instead of a Republican Senate in May, 1919, the treaty would have been ratified, without reservations or with reservations, and all the great nations, including ours, would have been these last two years working in harmony for the restoration and healing of the world. The nations, with renewed faith and hope, based on absolute harmony and unity of purpose, would have been two full years along the pathway of reconstruction and prosperity. The failure to ratify the peace treaty, with or without reservations, the failure to make peace, was, as the gentleman from Kansas said, dismal, because it was complete; made so by the action of a Republican Senate grown arrogant and bent on the complete destruction of every Wilson or Democratic claim to credit for a successful war and a just peace; and it was humiliating, because by the words and actions of Republican Senators, and one or two Democratic Senators, more bitter and vituperative than Republicans, against the President, it was and is now clear that no treaty which the President could possibly have brought home from the peace table at Versailles would have secured ratification by that Senate. And this for two reasons: First, because of a bitterness never equaled toward the President, and because under his leadership we had fought the war to glorious victory, and the credit of a just and equally glorious peace must not be permitted for personal and political reasons; and, second, any peace made in keeping with our avowed purposes when we entered the war and in conjunction with our allies would of necessity impose mutual and joint obligations on us and them for the preservation of the rights and safety and freedom of the world, and the exaction from Germany of just reparations to us and our allies for her crimes and injuries. With many, a man or a cause defeated is discredited. Obligations that are heavy are easily made odious. The treaty of Versailles has been discredited because its ratification has been defeated, and its obligations are easily made odious because they are real and substantial.

All the purposes we so loudly proclaimed in 1917 are scouted and scorned now. We are not interested in European or world peace or welfare. Even enlightened self-interest fails to move the party in power to assume any obligations for preservation of international justice or human rights outside of the United States. We turn yellow and abandon all the lofty ideals and purposes we once professed and gloried in, and endure without rebuke from the President the shame of having our ambassador in London, Mr. George Harvey, declare to the world that all our professions were lies and that we fought only to save our skins. Few are bold enough to use his words, but many haters of Wilson, I fear, are beginning to receive them with approval. How times change, and men change with them. How sordid selfishness and sordid politics debase all that is noble in men. How they tend to destroy the righteousness that exalteth a nation.

On April 3, 1917, the day after President Wilson delivered his war message to Congress, George Harvey sent to the White House the following telegram of congratulation:

A great message of patriotism, evidencing masterful leadership based upon mutual faith of the President in his country and of the country in its President. I was confident as one could be, but even so I was not prepared for so splendid a realization. For the Nation, it is glorious; for patriots, inspiring; for the President, noble.

The following paragraphs are from the message referred to by Mr. Harvey, delivered by President Wilson at a joint session of the two Houses of Congress on April 2, 1917:

American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. \* \* \* Our motive will not be revenge or the victorious assertion of the physical might of the Nation, but only the vindication of right, of human right, of which we are only a single champion.

While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world what our motives and our objects are. \* \* \* I have exactly the same things in mind now that I had in mind when I addressed the Senate on the 22d of January last; the same that I had in mind when I addressed the Congress on the 3d of February and on the 26th of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles. \* \* \*

We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included, for the rights of nations great and small, and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall



be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.

It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

Col. Harvey's telegram on April 3, 1917, expressed not only his own sentiments but those of nine-tenths of the people of the United States. The resolution before the House is in keeping with Mr. Harvey's London speech. It shows that the great party, which came into power in 1918 under loud professions of being and having been even more loyal to the war policies and purposes of the President than the Democratic Party, that the party which in 1918 denounced Mr. Wilson as guilty of a gross and slanderous imputation when he asked the people to elect a Congress in sympathy with him, has abandoned all our high purposes, and cares now only that the United States "save its own skin"; that we only secure all the claims and rights possible for ourselves. That it repudiates every obligation and leaves our allies without our aid or cooperation to secure proper and just reparation from Germany, to impose proper and just penalties on her for her crimes, and to make good the high purposes we boasted as to weaker nations and human rights. It seeks only to "save our own skins" and to get all the benefits without bearing any of the burdens stipulated for us in the treaty of Versailles. Is it any wonder that with such a party in control of the Senate the efforts of Mr. Wilson to secure the ratification of any treaty of peace was a dismal and humiliating failure?

Mr. Speaker, I have not the slightest doubt that even to-day the Senate of the United States, if the treaty of Versailles were resubmitted to it, can ratify it subject to any reservations it chooses to make, and thereby make a binding treaty of peace with Germany, a treaty which would not abandon our allies or leave them alone to enforce the terms of the armistice which our soldiers, living and dead, helped to wring from Germany.

The Versailles treaty, so far as it affects Germany, has never been criticized by them. They can ratify that part only of the treaty if they choose, and this they would have already done, it seems to me, if they have not decided to abandon our allies and deal separately with Germany. If that is true, then Germany has accomplished her great desire and divided finally and completely her enemies. But if mere pride or hatred of the former President or politics forbid them to make use of any part of the already negotiated treaty, they can still preserve our honor by negotiating a peace with Germany under the terms of the armistice, in which we may still help our allies, as well as ourselves, to secure their and our rights.

More than three months have elapsed since March 4, and no step has been taken by the Republican Party to do either of these things. The President alone can negotiate a treaty, yet he has taken no step to negotiate any treaty singly or in conjunction with our allies. He has been content to express from time to time vague and general and conflicting thoughts, hardly amounting to a purpose on the subject. Sometimes he seems to suggest ratifying the existing treaty with certain reservations. He voted that way when he was Senator. Sometimes he seems to suggest that he might negotiate a new treaty. But he does nothing. Our people grow weary, and in their weariness the Republican Party, uncertain what to do, how to proceed, submit this or the Knox resolution, thinking that our people will gladly accept anything that professes to end the war and settle all its issues. If it did this and was not covered over with shame, I myself would vote for it. It does not end the war; that is ended. It does not settle all its issues or any of its issues, but it is covered over with shame.

But, Mr. Speaker, what about the resolution itself? First, it is the fourth bite the Republican Party has taken at one cherry.

On April 1, 1920, Mr. PORTER, chairman of the Committee on Foreign Affairs, introduced H. J. Res. 327, which the House passed. It declared the war at an end, but did not repeal the resolution on which we entered the war. It recognized how that simple declaration might endanger the rights and claims of our Government and people, and so in section 2 it provided that if Germany did not within 45 days notify the President that Germany also had declared the war at an end, and that she waived for herself and her nationals all claims against the United States or their nationals, as stipulated in the treaty of Versailles, then the President should proclaim all commercial intercourse between the two nations prohibited; and it provided heavy penalties against all American citizens who might trade with this nation, with which we were at peace. It was severe on our own people, and might hurt us as much or more than

Germany. It made no provision for any indemnities or claims of the United States or of any of our people. Surely, this resolution was impotent; but it passed the House. When it reached the Senate it was scrapped, and the Senate tried its hand on making peace.

The Senate struck out the Porter resolution and substituted for it one drawn by Mr. KNOX. This was bite No. 2 at the cherry. It repealed the resolution of April 6, 1917, under which we fought the war, thereby, in Mr. PORTER's opinion and in the opinion of the Republican members of the Foreign Affairs Committee of the House, withdrawing or apologizing to Germany for our declaration of war, as shown in the committee report. It then declared the war at an end.

It rejected Mr. PORTER's embargo and penalizing sections, but provided that we should hold all the property of Germany or her nationals until by treaty she arranged to satisfy all claims of ours and to waive all claims of Germany or its nationals against us. It also declares we do not waive any rights to anything coming to us under the unratified treaty of Versailles. The Porter resolution relied on trade prohibition, while the Knox substitute relied on our holding German property, about a billion dollars' worth, to persuade Germany to make a treaty we wanted. One can not help thinking of the towering figure of Bismarck when he stood over the French delegates and dictated the terms of peace in 1870, and fancying just how the Kaiser would have made peace had he been victorious.

This Knox substitute passed the Senate and then went back to the House, where it was swallowed and passed, apology to Germany and all, and then went to the President, who vetoed it on May 27, 1920, on the ground that it placed an ineffaceable stain on the gallantry and honor of the United States; that it made peace without exacting of Germany any righting of wrongs done to the peoples whom it attacked and whom we professed it our purpose to aid when we entered the war, or attaining any of the purposes for which we declared we went to war, and because it made a complete surrender of the rights of the United States and severed our relations with our allies so far as Germany was concerned. Thus ended the two resolutions of 1920, which were defended on the ground that they were the only way to make peace, since the President and Senate were hopelessly deadlocked.

March 4, 1921, Mr. Harding was inaugurated. He and the Republican Senate seem also deadlocked.

On April 28, 1921, the Senate passed Senate joint resolution 16. It makes the same apology to Germany for entering the war as did the resolution vetoed May 27, 1920, by repealing the resolution on which we entered the war and then declares the war at an end. But it declares we will hold all German property till Germany makes a treaty with us providing for satisfaction of all our claims, and, in fact, until Germany makes all the concessions we ask, notwithstanding any existing treaty between us and Germany. This was evidently intended to prevent our treaty of 1828 with Germany, which was in force when we went to war, from coming to life when we made peace. It was really an ex parte declaration that we would ignore a treaty which by all the rules of law bound us. In other words, we emulated Germany in making our treaty a scrap of paper.

I am sure our ex parte declaration or reservation can not affect any right of Germany or her nationals under any treaty we had or have with her. All this was taken care of in the treaty of Versailles by Germany agreeing in that treaty that she herself would settle the claims of her citizens whose property we had seized as well as waive all her own claims and pay all the claims of our Government and our citizens. But this treaty, not ratified by us, not binding on us, is surely not binding on Germany. Senate joint resolution 16 says it reserves all the rights of its citizens which were stipulated by the treaty of Versailles, though we have not ratified it. Every man in Congress knows such a reservation is absurd. If any of these resolutions effect a legal status of peace, then under international law all the rights of each nation and its citizens will rest on international law or on existing or binding treaties between the two nations. It is said that in the prospect of this resolution passing, lawyers have been retained already to bring suits for the recovery of property of many German citizens seized by the United States. In like manner our citizens whose property was seized in Germany must go to Germany for relief. A beautiful prospect for thousands of lawsuits and rich pickings for hundreds of lawyers opens up.

Since April 28 Senate joint resolution 16, having passed the Senate, has been here in this House waiting for action. Mr. PORTER is again at the bat. He can not stomach its apology to Germany by its repeal of our war resolution, and so he reports the present substitute for it which we are considering. This

is the fourth and last effort, I trust, to solve this German peace and treaty problem by congressional resolution. This resolution is shorter, and that much better, than any of its predecessors. It does not repeal our declaration of a state of war begun by Germany, and is that much cleaner than the resolution vetoed by Mr. Wilson and the Knox resolution of this session.

Here is the Porter substitute for Senate joint resolution 16:

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

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise.

Mr. ROGERS, the ranking Republican on the Committee on Foreign Affairs, discussing this resolution, says:

Mr. Speaker, it takes two to make a war. Similarly, it takes two to end a war. The passage of a peace resolution by the Congress of the United States is a domestic act. The action is unilateral and not bilateral; therefore in and of itself it can have no international force or validity.

To that extent he says he agrees with the Democrats on the committee who oppose the resolution. He then argues, however, that if Germany should pass a resolution like this to the extent of declaring the war at an end, that would establish by mutual action an actual and legal status of peace. If that be true, it would be a peace without any terms or conditions binding on the United States or on Germany, and if a treaty is hereafter negotiated between them it will be a treaty between two nations equal in every way, and Germany may utterly reject section 2 of the resolution, which seeks to reserve all American rights stipulated in the armistice or the treaty of Versailles. The resolution, therefore, by the confession of its proponents, accomplishes nothing, but it is an excuse for doing nothing. The party in power have not the nerve or capacity to make a just and honorable peace. This resolution seeks only to delude our people into believing they have done so. Republicans are hopelessly incompetent to deal with the situation, and any Democrat who votes with them for this resolution is only helping them to pull their chestnuts out of the fire; helping them to fool the people; not helping our people to secure any right or any benefit or betterment of our condition. The resolution consists of two sections. Section 1 declares the war at an end. That is a truth, which is neither added to nor taken from by the declaration. The President declared it first. The declaration accomplishes nothing; it effects no settlement or agreement of or about any matter, thing, question, claim, right, or wrong growing out of or connected with the war. We will appoint no representative of our Government to go to Germany, nor will Germany appoint any representative to come to us under or by virtue of it. It does not affect our trade or trade rights in Germany or those of Germany here. These can only be affected by a treaty when one is made. Under the actual peace existing and recognized by both countries our international trade is as free and untrammelled as it will or can be under this section.

The only possible effect of section 1 is that we may be estopped by it from assuming the position of victors in negotiating a treaty with Germany hereafter and be compelled to treat as with an equal in all respects. I said the war in fact had ended. Perhaps that is not quite correct. We have our troops still occupying German territory under the armistice. It may be that under this resolution we must at once withdraw those troops. If and when we do that we will be at peace absolutely, legally and technically, treaty or no treaty. The President has had the power to order those troops home all during these three last months. It may be that, not having the confidence in the rightfulness of such a course or the courage to pursue it, he wants this resolution to strengthen his backbone. I do not know.

Nations may go to war with a declaration or without declaring it, as Germany did with us and with Belgium. In either case there are two ways of making peace, one by a peace agreement or treaty; the other by a voluntary and mutual cessation of all war acts. Until now the United States and Germany have not made peace in either of these ways. Germany has quit every war activity toward us, but we still have our troops on her soil, as I understand it under an armistice which binds Germany if we insist on it to bear all our expenses of maintaining them there, amounting to some \$250,000,000.

If we now remove them without a further agreement with Germany, that sum, together with all other claims of our Government or people against Germany, will be left to future negotiations between two equal sovereign States.

Section 2 of the resolution is more futile and useless than section 1.

"In making this declaration and as part of it, there are expressly reserved to the United States of America and its nationals all rights," and so forth, "with rights to enforce same"—"to which they are entitled under the armistice," and so forth. If that reservation means anything it means that the loud declaration of peace does not go at all until we have enforced all our rights of all kinds whatsoever growing out of the war or otherwise, so that the whole declaration seems to be a sham and a fraud, made to save the President's face, he having declared in the campaign he would have such a resolution passed or made to meet a widespread clamor for an ending of all war questions and to fool the people into thinking that this resolution settles them or some of them. In truth, it settles none of them, but if acting under it the President withdraws our troops from the Rhine, all things between us and Germany will be further than ever from any settlement.

Mr. Speaker, the Republican Party have been since 1918 powerful enough to thwart every effort of President Wilson to bring back peace and good understanding to the world, but they have no leadership to fill his place. They have no definite, concrete policies or principles for the guidance of the ship of state in domestic or foreign affairs. Their every step is hesitating; their every policy is a makeshift. They do not even see through a glass darkly.

My greatest prayer is not that they may be hindered but that they may be helped; that they may cease to be blinded by partisanship and find wisdom.

God grant that our weary and stricken country and a sick and wounded world may find healing in a dedication of all that in them is to higher ideals, nobler lives! May we in domestic affairs find faith in justice and equity and in international affairs go forward to the performance of our whole duty toward all nations, whatever the burdens may be, so that our children and the whole world in future generations shall not say we were weighed in the balance and found wanting but must rise up and call us blessed.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, it ought to be apparent to Members of the law-making body, as it is apparent to everyone else in the country, that an impasse has long since been reached in the matter of concluding the proposed treaty of peace with the nations with whom we were lately at war. As a result of this condition, there remains to be made an official transition from the status of a war ended to a peace restored. The object of this resolution is formally and officially to take this step by the enactment of this plain and simple legislative declaration which is framed to meet the recommendation of the President in his recent message to Congress, wherein he stated his readiness to approve a declaratory resolution of Congress to establish a state of peace with the qualifications essential to protect our rights.

The pending resolution does precisely what the President recommended. In scope and purpose it goes no further than it ought to go in securing the ends desired.

Gentlemen who oppose this measure deny that it is within the power of Congress to enact legislation declaring the state of war at an end, and assert that the bill is a usurpation of power which under the Constitution does not belong to this body. Their contention seems to be that once Congress has declared a state of war to exist it has exhausted its power, save in the matter of furnishing the means to carry on the war; that all authority over what is to follow a cessation of hostilities is exclusively swallowed up by the treaty-making power, whether that power functions speedily, successfully, and conclusively, or whether it fails to function altogether. If this doctrine were the correct one, then all discussion upon the proposition now before us should be indefinitely postponed, and the problem of peace deferred until the treaty, twice rejected already, or some other treaty shall have been finally accepted and made the supreme law of the land.

I am not in accord with this position, for I am not aware of any language in the Constitution which restrains the Congress from doing what this legislation proposes to accomplish. Gentlemen seem seriously to contend that because the Constitution gives to the President and the Senate the right to make treaties, provided two-thirds of the Senators present concur, therefore this legislation is an assumption of power which the House of Representatives does not possess. When this pending measure



was considered by the members of the committee who voted to report it to the House, this phase of the question was carefully examined and, I believe, the resolution here presented is so restricted in language and application that it can not offend even the most critical specialist in the perplexing study of constitutional limitations.

Gentlemen who are responsible for reporting this resolution to the House, and I am one of them, disclaim any right on the part of the House to participate in the negotiation of a treaty. They do not admit, however, that the House has not the right or that it is not a pressing public duty to deal here with a plain reality which has come into existence after war has long since ceased and the failure to conclude a treaty has been made plain to everybody. [Applause on the Republican side.] What is the reality which confronts us? It is the reality of peace—a condition which has prevailed for nearly three years, and this resolution is but a plain recognition of the fact which no one can deny and which all are ready to proclaim.

The pending resolution is not an encroachment on the treaty-making power. Nowhere can you find in it, either expressed or implied, any plan or purpose of negotiation. If it proposed mutual action or interchange of terms; if it provided for any regulation by compromise or compact; if it laid down conditions for the adjustment of differences between this country and Germany, there would be some ground for the contention of those who dissent from this procedure; but there is nothing of this character to be found anywhere in the resolution. It does not contain or even suggest any declaration calculated to put Congress in the unlawful position of attempting to initiate or direct the foreign policy of the country. It is confined solely to the proposition of ending the technical state of war with the German and Austrian Governments, reserving all the rights and privileges we now possess or to which we are entitled by reason of our participation in the war. In this resolution Congress is not addressing Germany or any other nation, nor is it dictating to the President any line of policy for him to follow.

Termination of war is not a matter that is regulated by the organic laws of the country. It is regulated by rules of international law which assert that war may sometimes be terminated by a simple cessation of hostilities with no accompanying agreement on the part of the warring nations. Such is the present situation. The state of actual warfare ceased to exist two and one-half years ago, and by this resolution we officially recognize the patent fact and propose that the United States shall end upon its own initiative the anomalous situation of being any longer technically at war while actually at peace.

What constructive end is accomplished by the passage of this resolution? It throws off the restraints imposed by the technical state of war, and leaves this country free to enter any agreement it may desire with any other nation or nations. Pending the arrival at an agreement, diplomatic and consular relations with the enemy may be restored and American traders may resume in unrestricted measure their trade relations with all the world, without being further hampered by the limitations of presidential permits. American business is entitled to the full benefits of such relations.

In the discussion which this proposition has evoked it has been stated—and the minority report reiterates it—that even if we have the power we should not do what is here proposed, for the reason that the President can make better terms under a technical war status than under a legal peace status. This is a play on words, mere quibble, and can not be offered as argument. It has been asserted, too, that the enactment of this measure will endanger and leave unsettled several important questions, such as title to ships taken during the war and property in the hands of the Alien Property Custodian. The resolution covers these matters. One of its main purposes is to hold in statu quo whatever rights we have or may be entitled to claim against Germany. Nothing is therefore imperiled. On the contrary, all these rights and advantages are reserved until our relations with the German Government are finally adjusted.

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. KENNEDY. I will.

Mr. COCKRAN. Would not that condition exist by the mere adoption of a declaration that the war is at an end without these specific statements?

Mr. KENNEDY. I am not so sure the gentleman is right about that. I have heard the gentleman say either section 2 is a treaty or it is superfluous. I do not believe it is a treaty. There is no question in my mind that the United States, even though it is not a party to a contract that is made by other nations or individuals, can have reserved for it certain rights, advantages, and stipulations under that contract, and what we propose to do here is merely to reserve those rights. Maybe this action is superfluous, though I do not exactly think so; at

any rate, I can see no harm in including these reservations in the resolution. [Applause.]

Furthermore, it has been said by those who dissent from this procedure that the passage of this resolution will, in effect, be an abandonment of the Allies. The proposed legislation does not and can not detach us from consultation or deliberation with any of these powers. It simply puts us upon a legal peace status toward Germany—a status such as the allied powers now occupy. They have already made peace with Germany. Can we not also make a move toward peace, which affects us solely in our domestic relations? Pass this resolution and we shall have a state of peace without a treaty of peace. With this much accomplished, there is nothing to hinder the President from proceeding to effectuate a satisfactory settlement. [Applause on the Republican side.]

Nothing proposed by this resolution can endanger the settlement to be made. It is difficult, therefore, to perceive how any right or association of ours can possibly be prejudiced by its passage. At all events and under all circumstances we may at least feel assured that in the final reckoning America will exact nothing but what is fair and reasonable, and that our differences will be adjusted only after due examination of all the facts and arguments upon which a just, impartial, and honorable determination must depend. Germany must see the advantage of a settlement based upon such solid ground and accordingly come to a final agreement without any unnecessary delay. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 40 minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, it has been said we are living in a new day—a time of new conditions—an era in which old things are passing away. Warrant for that statement may be found in a situation which has constrained the Republican administration to present to Congress the Knox joint resolution, to make and declare peace with our late enemies, by an act of Congress rather than by the constitutional means of a treaty, and thus set a precedent which has never before been set in the history of the Republic.

In April, 1920, a similar resolution passed the House, but before it was conceived or adopted it was known that it could not properly nor would receive Executive approval. Certain of that result, its proponents, desperately driven by partisan pretense and expedience, sought to induce in the minds of the people of America the belief that they were sincerely undertaking to bring into being a state of peace and were thwarted in that purpose by the President. It was then confessed that never before in the political history of the United States since the adoption of the Constitution had Congress undertaken to make peace with a foreign power.

The present situation strikingly illustrates how vicious and harmful a precedent established in error may become. A year ago political strategy dictated a departure from constitutional processes. Maneuvered by the stress of circumstance into a renewed advocacy of such a course, during a heated presidential campaign, the Republican Party, that it may seem to vindicate its prior adoption of error and to mask its former insincerity, feels compelled now to pursue the same pathway, though it leads to shame.

On April 8, 1920, in this Chamber, I sought in a carefully prepared speech to demonstrate by reference to the Constitution, international law, and court decisions the incompetence of Congress either to make peace or negotiate a treaty of peace with a foreign power. Neither time nor inclination will allow reiteration. Constitutional difficulties avail little with a mad-dened majority driven by partisan whip and spur.

While I shall not now venture to discuss the constitutional questions exhaustively, I desire to suggest the basis of the lack of authority in Congress to make peace or conclude a treaty. Section 1 of the resolution is as follows:

*Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.*

It has been suggested that Congress having declared war, "the same power which has the right to declare and carry on war would seem naturally to be the proper power to make and conclude a treaty of peace." The language is from Kent; but the same author proceeds as follows:

But the disposition of this power will depend upon the local constitution of every nation; and it sometimes happens that the power of making peace is committed to a body of men who have not the power to make war. (a) In Sweden after the death of Charles the Twelfth the King could declare war without the consent of the National Diet, but he made peace in conjunction with the Senate. (b) So by the Constitution of the United States the President, by and with the advice and consent of two-thirds of the Senate, may make peace, but it is reserved to Congress to declare war. This provision in our Constitu-

tion is well adapted (as will be shown more fully hereafter) to unite, in the negotiation and conclusion of treaties, the advantage of talents, experience, stability, and a comprehensive knowledge of national interest with the requisite secrecy and dispatch.

In the Constitutional Convention the power to declare peace was expressly denied to Congress.

On August 17, 1787, the convention debated the clause appearing in the tentative draft as "to make war," and the following transpired, as will appear in Elliot's Debates:

FRIDAY, AUGUST 17, 1787.

On the clause, "to make war."

On the motion to insert "declare," in place of "make," it was agreed to: Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia—ayes, 8; New Hampshire—no, 1; Massachusetts, absent.

Mr. Pinckney's motion to strike out the whole clause was disagreed to without call of States.

Mr. Butler moved to give the legislature the power of peace, as they were to have that of war.

Mr. Gerry seconds him. Eight Senators may possibly exercise the power, if vested in that body, and 14 if all should be present, and may consequently give up part of the United States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

On the motion for adding "and peace," after "war," it was unanimously negatived.

Adjourned.

Commenting on the transaction, Mr. Storey said:

In the convention, in the first draft of the Constitution the power was given merely "to make war." It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power "to make peace"; but this was unanimously rejected upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress under the Confederation of the difficulties attendant upon vesting the treaty-making power in a large legislative body was too deeply felt to justify the hazard of another experiment.

Dr. William Rawle, in his view of the Constitution (Philadelphia, 1829, pp. 110-111), remarks:

Treaties, by which peace is completely restored, may, as already shown, be made by the President and Senate alone, without the concurrence and against the will of the House of Representatives.

It has been made a subject of doubt whether the power to make war and peace should not be the same, and why a smaller part of the Government should be intrusted with the latter than the former. Sufficient reasons may certainly be assigned for the distinction. Peace is seldom effected without preparatory discussions, often of length and difficulty, the conduct of which, of course, belongs only to the President and Senate.

Abundant authority may be quoted, but I shall not multiply citations. Reference is made to them in my remarks in CONGRESSIONAL RECORD, page 5352, April 8, 1920. All will admit that the Constitution vests the treaty-making power in the President "by and with the advice and consent of the Senate." None will contend that Congress is authorized to end war by the making of a treaty. When confronted by a constitutional objection of such unquestioned soundness, the only escape for gentlemen urging the resolution, lies in a flat denial that a treaty is proposed to be made by Congress. It is not, however, contended by gentlemen on the Republican side that the passage of this resolution will be effectual, because the President is quoted as saying, and the leaders in the Senate are quoted as saying, and gentlemen on the floor of this House have already said, that even after this resolution shall have been adopted a treaty of peace must be entered into by the President with the German Government.

Assuming for the moment that Congress possesses the power to do what is proposed, which, of course, I deny, is it wise or safe for our interests to do so? What good can be accomplished? What harm will result? What are the ends sought? What useful purpose will it accomplish for the people of the United States? What are the arguments urged a year ago to support such a plan?

First. The excuse was offered that the President and the Senate could not agree on terms of peace, and that that constitutional agency having failed, Congress should exercise a power never before claimed for it. That claim has no support now. The President and both Houses of Congress are in entire accord. Any treaty which the President might make would probably receive the consent of a willing Senate. Such a pretext can not now bottom an unconstitutional course by the Congress.

What was the next argument? The desire for peace, the ending of war, the return of the Army from Germany, were next urged as sufficient ground to support the action.

Mr. Speaker, fighting closed in November, 1918, and has never been resumed. Hostilities have come to an end. The armies have returned to the United States and been demobilized, except the forces in the occupied territory of Germany. The troops now in Germany may be recalled by the President as constitutional Commander in Chief whenever he may see fit. If you want them returned, let the President bring them home. That boggy no longer stalks abroad to affright the nervous and the timid.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. CONNALLY of Texas. I do not want to decline, and I think I am coming to what the gentleman has in mind in a minute.

What was the third excuse? A year ago the cry went out that peace by resolution must be had to restore trade with Germany. That was and is a specious but hollow appeal. The United States has for more than a year been trading with Germany to the extent of her ability to buy. I hold in my hand a letter from Secretary of State Hughes, under date of May 5, 1921, stating that there exists no restriction of trade with Germany except the restriction against the importation into the United States of dyes, certain chemicals, and coal-tar products from Germany. Why does that restriction exist? That exists because the Republican emergency tariff bill, recently enacted, provides for that restriction. Fancy Republicans urging this resolution that we may trade with Germany, when the only impediment to such trade was imposed by a tariff embargo on German dyes and chemicals. Listen to the letter:

DEPARTMENT OF STATE,  
Washington, May 5, 1921.

Hon. TOM CONNALLY,  
House of Representatives.

MY DEAR MR. CONNALLY: I have your letter of May 3, 1921, inquiring as to what, if any, restrictions are now imposed on trade between the United States and Germany or Austria.

In reply I take pleasure in informing you that no restrictions are now imposed on trade between the United States and Germany and Austria except in the case of property in the hands of the Alien Property Custodian, and of sodium nitrate, synthetic organic drugs, synthetic organic chemicals, dyes, and dyestuffs, including crude and intermediates, all products, whether embraced in the above or not, derived directly or indirectly from coal tar, including crude intermediate and finished or partly finished products, mixtures, and compounds of coal-tar products.

I am, my dear Mr. CONNALLY,  
Very sincerely, yours,

CHARLES E. HUGHES.

Mr. KEARNS. Will the gentleman yield?

Mr. CONNALLY of Texas. Not now.

Here is a letter from Secretary of Commerce Hoover, of May 6, 1921, relating to the volume of trade with Germany. It also discloses that no restriction is placed on exports to Germany. It declares that for 1920 exports to Germany amounted to \$311,437,377 and imports into the United States from Germany amounted to \$88,836,380, as against, for 1919, exports of \$92,761,314 and imports of \$10,608,141. For 1913, exports to Germany were, in round numbers, \$351,000,000. For the first three months of 1921 they amounted to \$118,934,738. At that rate they will amount to more than \$450,000,000 for 1921, a greater sum than for 1913, before war had interrupted our trade. We are selling Germany now more exports than before the war. Listen to Secretary Hoover's letter:

DEPARTMENT OF COMMERCE,  
OFFICE OF THE SECRETARY,  
Washington, May 6, 1921.

Hon. TOM CONNALLY,  
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: With reference to your letter of May 3, I am inclosing herewith a statement regarding the trade of the United States with Germany, prepared by the Bureau of Foreign and Domestic Commerce, which I hope will be of assistance to you.

Yours, faithfully,

HERBERT HOOVER,  
Secretary of Commerce.

(Inclosure 34651.)

DEPARTMENT OF COMMERCE,  
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,  
Washington, May 6, 1921.

In reply refer to 17.

Memorandum for Secretary of Commerce:

In reply to letter from Hon. TOM CONNALLY, Representative in Congress, under date of May 3, regarding the import and export trade of United States with Germany and restrictions, if any, on the trade.

There are quoted below the total values of imports and exports of merchandise into and from the United States in its trade with Germany during the calendar years 1919, 1920, and the months of January, February, and March, 1921:

	Imports.	Exports.
1919.....	\$10,608,141	\$92,761,314
1920.....	88,836,380	311,437,377
1921:		
January.....	4,630,381	48,812,037
February.....	4,952,278	39,619,713
March.....	7,367,780	30,502,988
	16,950,439	118,934,738

There are no restrictions placed on the exportations from the United States to Germany. The imports of sodium nitrate, synthetic organic drugs and chemicals, dyes and dyestuffs, including crude and intermediates, and all products whether embraced in the above or not which are derived, directly or indirectly, from coal tar, including intermediates and finished products or partly finished products, mixtures, or compounds of coal tar are subject to restrictions. The regulations governing the importations of these commodities are issued by the War Trade Board Section of the Department of State, and if Representative CONNALLY is desirous of securing a copy of these regulations it is suggested that he communicate with that office.

J. HOHN,  
Chief Division of Statistics.



Germany is gradually recovering her power to buy, and exports from the United States are growing. A few days ago I read in the Galveston News of recent arrangements to send large shipments of cotton to Germany. England, on account of the coal strike, is taking little cotton, but Germany is beginning to purchase larger and larger amounts. The greatest impediment to trade in cotton with Germany is the Republican protective tariff, which prevents her from shipping goods to pay us for our cotton and raw materials. This act will not repeal the tariff. If so, it would not be here.

Her trade is reviving. Her ability to buy is coming back. All she needs is money with which to purchase. This bill will not coin a single gold mark. We are now selling her all the goods she can pay for. The trade pretense is too frail a nail upon which to hang an argument.

Oh, but gentlemen said a year ago, and they are repeating it now, that we must pass this resolution in order to get rid of these irritating and annoying war laws. The most appealing of all contentions made a year ago was that the war laws should be repealed. On the 3d of March, 1921, a joint resolution of Congress was approved by President Wilson, H. J. Res. 382, that wiped off the statute books every single war law that was written there, except a few laws which a Republican Congress, which passed that statute, refused to wipe off the books. [Applause on the Democratic side.] They were terminated by a resolution of simple repeal without a declaration of peace, and yet you come now and say that you want to pass this resolution to repeal laws which you refused to repeal only three months ago. There is no firm ground there upon which to stand. The word "peace" has a tremendous psychological appeal. Many seem to think that this resolution will produce some magical result. But what can it actually do in fact? Let us strip it of the words and phrases by which it is concealed and see what it really can do. The resolution will not end the fighting. It is already ended. The troops in Germany may be brought home at the pleasure of the President. It will not restore trade with Germany—it is already restored so far as she is able to buy. It will not repeal the war laws—they have already been repealed.

What, gentlemen of the House, remains to be settled and determined as issues and outgrowths of the war? What is there then that remains to be done to restore the United States to the prewar status? All that remains is the adjustment of the rights of the United States Government and American citizens with the German Government. What are those claims and rights that must be settled? American ships were sunk and American citizens killed on the public highways of the sea. Claims for reparation must be adjusted. Many millions of dollars of property of American citizens in Germany was seized and held by the German Government. Claims affecting the sinking of American ships, claims for the loss of American lives, American property in Europe seized or damaged or destroyed by Germany, German ships and German property in the United States that were seized by the Government are the questions remaining to be settled. And what do we find about that?

Senate Document No. 419 (66th Cong., 3d sess.) contains a report by the Secretary of State to the President, of date March 2, 1921, respecting claims of American citizens against Germany as disclosed by the records of the State Department. I quote from that report certain tables and statements disclosing the state of such claims. I shall not read the tables in detail, but will place them in the RECORD for your information.

#### CLAIMS OF AMERICAN CITIZENS AGAINST GERMANY.

Claims and losses which may be readily classified are herein set forth in summary, indicating the items into which the claims and losses may be conveniently classified, the number of claims which has been filed, the number which is prospective, and the amounts of the claims and the alleged losses.

*Summary of losses—Statement of alleged losses or communications indicating intention of filing claims (without accompanying proof).*

	Num-ber.	Amounts.	Claims filed.	
			Num-ber.	Amounts.
Submarine warfare..... (Including loss of life, personal injuries, loss of hulls, cargoes, and personal effects, war-risk insurance, losses due to submarine, raiders, and mines. These figures do not include hull losses for which the United States Government may be liable through requisition, nor insurance claims on hulls, except by Bureau of War Risk Insurance.)	451	\$110,254,058.69..... 23,500 pesetas..... 22,909.25 liras..... 17,709.55 francs..... £13,701.....	411	\$23,321,243.65..... £7,908.....

#### Summary of losses, etc.—Continued.

	Num-ber.	Amounts.	Claims filed.	
			Num-ber.	Amounts.
Military requisitions of and damage to property, including that in occupied territory.	77	\$10,299,279.69..... 6,842,599.05 marks..... 1,419,388.91 francs..... 13,580.05 rubles..... 55,650 pesos..... £11,868..... 63,000 kronen..... 672,618,713.46 lei <sup>1</sup> .....	35	\$5,439,539.41..... £2,932..... 161,850 francs..... 9,680.16 guilders..... 4,500 marks..... 1,016,422 taels. <sup>2</sup>
Personal injuries, arrests, detentions, expulsions.	2	\$200,000.....	2	\$52,500.....
Sequestration cases, damage to property in Germany, including loss, use, sale liquidation, forced loans.	82	\$46,066,419.28..... 59,000 francs..... 29,744,866.40 marks..... £135,259..... 443,970.33 kronen.....	65	\$6,075,986.05..... 42,000 francs..... 496,874.95 marks..... £2,800.....
Miscellaneous, not included above.	23	\$2,539,420.81.....	5	\$5,238,646.85..... 186,698.28 marks.....
Total of above as stated in dollars.	.....	\$169,359,178.47.....	.....	\$40,127,915.96.....
Other items mentioned above if converted into dollars at ordinary values of the respective coins, about.	.....	\$107,390,560.1.....	.....	\$1,057,815.25.....
Complete total.....	635	\$180,098,234.48..... 672,618,713.46 lei.....	518	\$41,133,231.21.....
Grand total of 1,253 claims and statements of loss or communications indicating intention of filing claims.	.....	.....	.....	\$221,231,465.63..... 672,618,713.46 lei.....

<sup>1</sup> A weight of silver.

<sup>2</sup> Claim for German destruction of property in Rumania at time of German invasion of Rumania in 1916. Stated in lei, a coin of Rumania; rate of exchange not known.

Claims in which no amounts have yet been stated..... 37  
Statements of losses and statements concerning property in Germany in which no amounts have been given. Many of these may become claims, particularly those based upon submarine warfare..... 853

The items included in the foregoing summary which comprise the principal part of the amounts claimed or losses alleged are loss of life, personal injuries, vessels sunk in submarine warfare, cargoes lost in submarine warfare, insurance paid, and premiums paid on war-risk insurance. Further information regarding these losses and claims is set forth below under their respective headings. In the statements which follow the term "prewar" relates to losses which occurred prior to the entry of the United States into the war. The term "belligerent" relates to losses which occurred during the participation of the United States in the war.

#### Statements of alleged losses and claims arising from loss of life.

	Number.	Amount.
Prewar <sup>1</sup> .....	135	\$15,865,756.02
Belligerent.....	15	205,345.74
Total.....	150	16,071,102.76

<sup>1</sup> Mainly Lusitania claims.

#### Statements of alleged losses and claims arising from personal injuries.

	Number.	Amount.
Prewar.....	46	\$1,761,316.41
Belligerent.....	40	634,237.23
Total.....	86	2,395,553.64

#### Statements of alleged losses and claims of private owners arising from the sinking of vessels.

	Number.	Amount.
Prewar.....	11	\$6,604,487.95
Belligerent.....	89	23,807,276.17
Total.....	100	30,411,764.13

Insurance losses: Losses by American insurance companies or organizations (including the Bureau of War Risk Insurance) as reported to the department up to the present time are as follows:

Prewar.....	\$34,349,900
Belligerent.....	50,734,713
Total.....	\$85,084,613

The Treasury Department has notified the Department of State that it is desired to make claim to reimburse the Government of the United States for losses paid on business written by the Bureau of War Risk Insurance.

Property belonging to many Americans was seized by the German Army at the outbreak of the war, both in Germany and in the countries invaded by the German Army. A great deal of valuable American property in Belgium was either seized for military purposes or damaged or destroyed during the German occupation of Belgium. Much valuable American property available for war purposes, such as automobiles, machinery, and supplies, was promptly taken by the German Army. American property in northern France was also lost or damaged.

Among the heaviest prewar losses of this character were those sustained by several American corporations which had valuable property interests in Rumania.

#### GENERAL LOSSES OF THE UNITED STATES GOVERNMENT.

Various items have been communicated to the department as losses sustained by the Government of the United States as a result of the war which are not included in the general summary of losses and claims as set forth above. These items may be briefly summarized as follows:

	Prewar.	Belligerent.
Cargoes, United States Government owned (see Exhibits 5, 6, and 7).....		\$36,185,890
War vessels of United States Navy (see Exhibit 5).....		12,958,394
Armed vessels requisitioned as naval auxiliaries (see Exhibit 5).....		1,566,964
Department of Labor expenses in caring for German officers and sailors.....		900,000
Expenses of United States Navy re same.....	\$26,477	
War Department expenses in caring for prisoners of war in the United States.....		3,305,300
Expenses Department of Justice in handling enemy aliens in United States.....		1,032,656
United States Navy expenses in restoring damaged interned German ships.....		6,961,285
United States Navy demurrage charges in re damaged German vessels.....		8,762,433
Shipping Board expenses in repairing damaged German ships.....		8,584,942
Relief and repatriation of submarined American seamen.....	50,000	200,000
Total.....	76,477	80,457,864
Grand total, prewar and belligerent.....		80,534,341

(No account is taken in this report of the expenses of the American Army in occupied territory in Germany.)

Monetary losses sustained by the Shipping Board on account of sinkings due to submarine warfare are comprised in three principal classes: (1) Vessels owned by Shipping Board and not in service of Army or Navy, (2) requisitioned American steamers, and (3) requisitioned Dutch steamers. (See Exhibit 10.)

#### EXHIBIT No. 10.

##### United States Shipping Board losses in dollars.

Vessel.	Dead-weight tons.	Value.	Date of accident.	Location.
<b>(a) Owned—Total losses:</b>				
Council Bluffs.....	4,200	\$840,000.00	Nov. 13, 1919	Sunk by mine off Terchelling.
Florence H.....	5,500	962,500.00	Apr. 17, 1918	Explosion at Quiberon Bay, France.
Lake City.....	4,000	800,000.00	Oct. 3, 1918	Sunk in collision off Key West.
Lake Placid.....	4,200	840,000.00	May 19, 1919	Sunk by mine off Bingo Light, Sweden.
West Arvada.....	8,800	1,760,000.00	June 19, 1919	Mined near Dutch coast.
<b>(a) Owned—Partial losses:</b>				
Englewood.....	7,323	1,464,600.00	Aug. 18, 1919	Struck mine mouth of Thames River.
Liberty Glo.....	7,500	1,500,000.00	Dec. 5, 1919	Struck mine off Terchelling.
<b>(b) Requisitioned—total losses:</b>				
Alamance.....	5,300	1,103,883.33	Feb. 5, 1918	Torpedoed off Maiden Head, Ireland.
Atlantic Sun.....	3,800	626,728.77	Mar. 18, 1918	Torpedoed, Atlantic Ocean.
Carolina.....	4,100	937,500.00	June 2, 1918	Sunk off Delaware capes by submarine.
Pinar del Rio.....	4,060	776,071.23	June 9, 1918	Submarined off United States coast.
Santa Maria.....	8,300	1,483,529.73	Feb. 25, 1918	Torpedoed off Lorne, Ireland.
Tyler.....	4,200	915,457.51	May 2, 1918	Sunk by submarine off French coast.
Winneconne.....	3,200	590,912.60	June 8, 1918	Sunk by submarine off Jersey coast.
<b>(c) Chartered (from Dutch)—Total losses:</b>				
Merak.....	5,250	1,304,675.03	Aug. 6, 1918	Sunk by submarine off Diamond Shoals.
Texel.....	5,600	1,405,864.68	June 2, 1918	Sunk by submarine.
Yesselhaven.....	6,293	1,524,069.77	Feb. 14, 1919	Sunk by mine.

#### EXHIBIT No. 11.

##### Recapitulation of American steamships and sailing vessels destroyed by submarines, raiders, or mines since the beginning of the war.

Type.	Number.	Gross tons.
<b>Steamships:</b>		
Freight steamers.....	66	251,302
Tankers.....	14	66,335
Freight and passenger.....	5	51,303
Total.....	85	368,940
<b>Sailing vessels:</b>		
Ships.....	3	8,282
Barks and barkentines.....	7	7,271
Schooners.....	58	43,019
Barges.....	4	2,971
Total.....	72	61,549
Grand total.....	157	430,489

#### AMERICAN INTERESTS IN GERMANY.

The treatment of American-owned property of various descriptions in Germany is a possible source of further claims. Several thousand American citizens have filed with the department statements describing their property in Germany and giving an estimate of its value. An abstract of information furnished the department regarding American interests in Germany follows:

Character of property:	Estimated values.
Real estate.....	\$10,271,449.48
Debts, including accounts and bills receivable.....	29,267,147.27
Securities.....	67,183,750.55
Deposits.....	30,851,549.20
Miscellaneous property.....	49,910,371.10
Inheritances, real, personal, and miscellaneous.....	3,563,079.16
Total.....	191,147,346.76

By an ordinance of January 11, 1920, various war measures adopted by the German Government relating to enemy property in Germany were repealed.

Consequently, while American citizens, since January 11, 1920, have been able to obtain the possession of real estate and certain classes of personal property which had been sequestered by the German Government, they have been unable to obtain the release of credits, cash, and deposits.

The amount of claims which may be expected to result from sequestration of American property in Germany is as yet uncertain.

Losses by American prisoners of war: By reference from the War Department, some 613 cases in which American prisoners of war lost property in Germany or suffered other injuries or losses while prisoners have been brought to the attention of the Department of State. The losses submitted by the War Department were compiled from data contained in the affidavits of the American military prisoners who were held in various prison camps and hospitals in Germany. In addition to the complaints regarding loss of personal property, other grounds of complaint are cruelty, neglect, lack of food and medicine, ill treatment, insanitary living conditions, and enforced labor. These cases may be summarized as follows:

Number of cases in which value of property is reported.....	296
Total value of property lost as reported.....	\$12,560.08
Cases in which miscellaneous injuries are reported but no amounts of claim or loss alleged.....	464
Cases involving loss of property in which estimates or statements are incomplete.....	116

Gentlemen of the House, not to mention the untold millions of Government property destroyed, claims of American citizens against Germany of more than \$221,000,000 and 672,000,000 lei (Rumanian coin of unknown American value) remain unsettled.

That does not include any claims of the United States for the loss of Shipping Board vessels or for pay of soldiers in the Army of occupation, or any other governmental claims. But there are \$221,000,000 of private claims of American citizens. Are you going to pass this resolution and declare a state of peace and abandon hundreds of American citizens to their fate to prosecute their own claims against the German Government? Somebody has got to pay them. If the German Government does not pay them, will you gentlemen vote \$221,000,000 out of the United States Treasury to pay them? We very properly refused to permit the Allies to repudiate their debts to us. Will you gentlemen be more generous with Germany than you were with the Allies and give her an acquittance and remission of her obligations to pay \$221,000,000 to American citizens?

The United States has made no claim nor will make any claim for indemnities to cover military expenses during the combat period. We were not fighting for gain or conquest, but under the terms of the armistice, Germany is to reimburse the United States for the expenses of the Army of occupation in Germany. Many millions are long past due. A declaration of peace will automatically end the armistice and may endanger that claim.

What else do we find? We find there is approximately \$190,000,000 of American property located in Germany. Much



of that property was sequestered by the German Government, and the German Government to this date has failed and refused to restore to American citizens their cash or credits in Germany. What else do we find? The United States, acting under its rights as a belligerent, sequestered and now holds the property of enemy aliens. The seizure was authorized only by a state of war.

The office of the Alien Property Custodian informs me that he has in his custody now approximately \$400,000,000 belonging to enemy aliens, which was sequestered during the war. This property was not confiscated; it was merely sequestered in order to keep it from going to the aid of the enemy. The Shipping Board informs me that it now holds 40 former German ships of a total tonnage of 352,887 tons—40 German ships, 16 cargo and 24 passenger vessels. Those ships mostly belong not to the German Government but to private German corporations or citizens.

My fellow American citizens—and I speak to you to-day not purely as partisans, but as citizens of this great Republic, and as men charged with a terrific responsibility in these premises—what do we find with reference to those things that remain to be settled? Now, can this resolution settle them? They can only be settled by negotiation, by going into the mass of details to separate the various kinds of claims for damages, for loss of life and property, for restitution of property, and by the ascertainment of questions of fact. To secure restitution of American property held in Germany, to acquire the right to appropriate German property in the hands of the United States to the payment of reparation claims of our citizens involves stipulation that can only be properly and intelligently ascertained by diplomatic negotiation. It may require the establishment of tribunals or commissions to fix and determine claims.

What do gentlemen say? They say that a treaty must still be negotiated after this resolution passes.

The Knox resolution assumes that a treaty will be made. It undertakes to reserve American rights under the treaty of Versailles until a treaty can be negotiated, and so forth. Then, if that be true, what purpose or what benefit will this resolution produce? What useful office can it fill? Why, the Secretary of State and the President in the case of Mexico refuse to recognize her until she enters into a treaty, but in the case of Germany they make peace with her first and talk about a treaty afterwards. [Applause on the Democratic side.] What may result? By the passage of this resolution, if it means anything, we shall immediately be at peace.

Why does not the President negotiate a treaty, which he must make now or later? Certainly a declaration of peace by Congress can not make his task easier. To my mind it will surely make his duty harder.

What will confront him and the country? If this measure be effective, the legal status will be that of peace.

There will then be no alien enemy. There will be then no German enemy. We shall stand on an equality before the world. The two Governments and their nationals and the rights of each must be regarded in the light of a legal state of peace. And what will the President do? The President will undertake to negotiate a treaty with Germany to settle matters arising from war. He may propose to retain alien property until American claims are paid, and Germany will reply to the President—or if she does not you are providing that she may reply to the President—"Why, my dear Mr. President, we are at peace. You have already solemnly said that we are at peace. I have no right in time of peace to turn over the property of my citizens to you to satisfy a war claim which terminated automatically with the end of the war."

At the very threshold the President may be met with that argument.

Already it has been hinted that Germany will claim rights under the treaty with the United States of 1828. In 1799 the United States made a treaty with Prussia. Article 23 of that treaty reads as follows:

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 and settle their affairs and may depart freely, carrying off all their effects without molestation or hindrance, and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy into whose power by the events of war they may happen to fall, but if anything is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price.

In 1828 another treaty was made and article 12 thereof revised and extended articles 23, 24, and others of the treaty of

1799. It will be noted that by the express terms of the treaty it was to be effective in time of war as well as of peace. The State Department recognizes that that treaty was in force when we entered the war.

Before the expiration of nine months after the war was declared the United States seized German property—the property of German merchants. We molested their property and impounded it under the trading with the enemy act. But it may be said that war abrogated the treaty. That would not prevent Germany from asserting the contrary. The assertion of it, peace having been declared, must result in embarrassment and leave a source of friction for the future.

But wise gentlemen on the Committee on Foreign Affairs will say that war abrogated the treaty. Let us see if it does. Do not forget that Germany knows what is in that treaty. Do not forget that she will recall it to your attention after this resolution passes. I feel warranted in calling it to your attention now, because I want you to know what you are doing when you pass this resolution. Will she fail to point to that clause of article 24 of the Prussian treaty reading as follows:

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

On the other hand, without a declaration of peace until a treaty is made, the President, on behalf of the United States, can without difficulty adjust to his satisfaction the many issues, claims, and reparations that arose from the war. He may dictate his own terms. As a belligerent we have a right to retain alien property until Germany settles with our citizens.

In addition to what the treaty of 1828 provides, may not Germany contend that under international law the coming of formal peace revives the rights of alien enemies to claim their property, even though it has been sequestered by the State during the war?

Hall, on International Law, in discussing the effects of a treaty of peace, says:

In a general way it revives all private rights, and restores the remedies which have been suspended during the war; contracts, for example, are revived between private persons if they are not of such a kind as to be necessarily put an end to by war, and if their fulfillment has not been rendered impossible by such acts of a belligerent Government as the confiscation of debts due by subjects to those of its enemy, the courts also are reopened for the enforcement of claims of every kind.

With reference to the seizure of alien-enemy property, it is said:

Property belonging to an enemy which is found by a belligerent within his own jurisdiction, except property entering territorial waters after the commencement of war, may be said to enjoy a practical immunity from confiscation; but its different kinds are not protected by customs of equal authority, and although seizure would always now be looked upon with extreme disfavor, it would be unsafe to declare that it is not generally within the bare rights of war.

Recourse is not restricted to text writers. Federal judicial authority is at hand.

During the War of the Revolution many of the States enacted laws, similar to the trading with the enemy act, under which the property of British subjects was sequestered and held by the State. In 1783 a treaty was concluded containing a clause providing that British subjects should not suffer any impediment to the collection of British debts.

The State of Georgia instituted an original proceeding in the Supreme Court of the United States to enjoin the payment by a citizen of that State of a debt due to Brailsford, a British subject, on the theory that the debt had been sequestered and had thereby become the property of Georgia. The case was submitted to a jury, which was instructed as to the law by Chief Justice Jay, in part as follows:

We are also of opinion that the debts due to Brailsford, a British subject, residing in Great Britain, were by the statute of Georgia subjected not to confiscation but only to sequestration, and therefore that his right to recover them revived at the peace, both by the law of nations and the treaty of peace. (*Georgia v. Brailsford*, 3 Dallas, 1.)

Bearing in mind the treaty of 1828 with Germany and the possible contention that it was terminated by the war, the decision of the Supreme Court in *Society*, and so forth, versus *New Haven*, 8 Wheaton, 464, is of interest:

But there is a still more decisive answer to this objection, which is that the termination of a treaty can not divest rights of property already vested under it.

If real estate be purchased or secured under a treaty, it would be most mischievous to admit that the extinguishment of the treaty extinguished the right to such estate. In truth, it no more affects such rights than the repeal of a municipal law affects rights acquired under it.

We think therefore that treaties stipulating for permanent rights, and general arrangements, and professing to aim at perpetuity, and to deal with the case of war as well as of peace, do not cease on the occurrence of war, but are at most only suspended while it lasts; and unless they are waived by the parties, or new and repugnant stipulations are made, they revive in their operation at the return of peace.

Vattel, Chitty's edition 1857, page 322, states the rule:

He who declares war does not confiscate the immovable property possessed in his country by his enemy's subjects. By permitting them to purchase and possess such property he has in that respect admitted them into the number of his subjects. But the income may be sequestered in order to prevent its being remitted to the enemy's country.

Where is the man who doubts that German citizens will demand the return of their property? Are there not hundreds of claims for such return now pending with the Alien Property Custodian? If Germany hesitates to perform obligations which she has solemnly assumed, will she be timid in asserting claims that possess the color of lawful rights? So that by the treaty of 1828 as well as the law of nations the moment this country declares peace every German alien may go into court, and will have the right to go into court, and demand the return of his part of the \$400,000,000 of property held by the Alien Property Custodian. We have the right to retain that \$400,000,000 and say to Germany, "We hold it in pledge to offset your damages due to American citizens in the sum of \$221,000,000." Will you pass this resolution and run the risk of surrendering the position which the United States may occupy at the council table?

"Oh, but" they say, "we can attend to that later." Who doubts, gentlemen, but that after this resolution passes the United States will deal with Germany not as a victor, but as an equal? When she goes to the council table I want my country to be in a position to absolutely dictate the terms of peace. [Applause on the Democratic side.] I want to give your and my President the power to settle these matters in the interest of the people of the United States. I do not want him to be humiliated in dealing with an enemy over whom we have triumphed. America should be able to exact as a victor in war into which she was forced, what she was unable to exact while she was yet at peace. I shall never vote to make my country an humble mendicant, cringing and fawning before the enemy she has conquered, to secure unquestioned rights as a matter of grace. [Applause on the Democratic side.]

With peace formally declared may not Germany and her nationals demand: Give back my ships! Give back my property—my stocks and bonds—my moneys and my lands!

What will you say to American claimants to justify your course?

"Oh," the gentlemen on the majority side say, "section 2 takes care of these things. Section 2 reserves all the rights we have." Let us see what that does.

Here is section 2:

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefits; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise.

Section 2 undertakes to reserve rights under the armistice. When peace is declared the armistice is terminated because an armistice is merely a truce to allow diplomatic negotiation. "Oh, but," they say, "we reserve rights under the treaty of Versailles." Let me demonstrate how ridiculous that pretense is. The proposition that the United States may reserve rights under a treaty which she has failed to ratify and has repudiated constitutes such a mockery of accepted legal principles that its assertion by men in high and responsible station is amazing. A party is not bound by a contract to which it is not a party. A treaty is a compact or contract between two or more nations. The United States has refused to ratify the treaty of Versailles. It has declined to be bound by it, and having so declined, is not bound. If the United States is not bound, neither is Germany bound to the United States.

But if you can reserve rights under the treaty of Versailles, then Germany is bound in some way to us by the treaty of Versailles. If Germany is required to respect any right or any assertion which we may make, then she must be bound. The United States is not bound, because we have repudiated and heaped with abuse the treaty of Versailles. If the United States is not bound, then Germany has no right under the treaty which she can require us to respect. Can it be that Germany, who has ratified the treaty, can have no rights whatever under it as against us, when we, who have not ratified it, can have rights under it which she is bound to respect? The existence of a right implies the power to demand it and to enforce its acknowledgment.

If you can reserve something which you have not, then you will perform a legislative miracle in this day and time. The dictionary says that to reserve is to hold on to that which is

your own; to hold it back for a little time. You can not hold back something which you have not. We now have no rights under the treaty, because we have never had any rights under it.

But suppose that we could legally reserve those rights, then the reservation appearing in section 2 becomes a treaty. Whenever Congress by legislative act adopts any language or any clause or any sentence in a compact, in a treaty, or any other kind of obligation relating to a foreign power, and seeks to give vitality to it and to base rights upon it, then to the extent of that language the Congress is entering into a treaty with a foreign power. Now, let me show you why. If Congress can adopt any part of a treaty, then Congress can adopt all of the treaty. If Congress can adopt one line of a treaty which says that the United States has certain rights in certain property or that her citizens shall have certain rights, then Congress can adopt two lines, or three lines, or one hundred lines, or the whole treaty, and make it a part of the law of this land.

To the extent of such stipulation, it is an undertaking to make a contract or compact with a foreign Government, the terms of which are set forth in those clauses of the treaty defining the advantages and benefits sought to be claimed. Such an act is tantamount to erasing from the formal text of the treaty all language except that stipulating the rights and advantages which are sought to be reserved, and then ratifying by act of Congress that which remains. By such an act we say to Germany, "We will not agree with you to be bound by certain sections of the treaty. We do agree with you on those sections according to rights, and hold you to their performance." Any such agreement with a foreign power, though expressed in a single line, is a treaty. If made by Congress, it is a congressional treaty. It is unknown to the Constitution.

The gentleman from Illinois [Mr. MASON], a member of the Committee on Foreign Affairs, stated on this floor some weeks ago that the Knox resolution infringes the treaty power. The gentleman from Pennsylvania [Mr. PORTER], on June 11, 1921, in opening the debate in support of the resolution, said in this House:

Further, the Senate resolution fixes many terms and conditions of the treaty to be made with our late enemies, thereby unmistakably invading the Executive's prerogative which vests him with the exclusive initiative in the making of treaties.

Their statements were based upon the fact that the Knox resolution attempts a reservation of rights until a treaty makes "suitable provision for the satisfaction of all claims," and so forth.

My response to that, gentlemen of the House, is that if Congress can reserve rights in the treaty of Versailles for 1 day it can reserve those rights for 2 days, or 1 year, or 2 years, or 10 years, or for any other period which it may see fit, even until the negotiation of some specific description of a treaty, unless in the meantime those rights are changed or abrogated by another treaty.

This is but another evidence of the absurdity of the attempt to reserve rights. The clause in the Knox resolution to reserve them until a particular kind of treaty is made is ineffective, because when any kind of treaty modifying or settling those rights is hereafter made and ratified it has the effect to that extent of repealing the resolution. They are no longer reserved, because they no longer exist. The same is true of the Porter substitute now being considered. If the Knox resolution is not constitutional, neither is the Porter substitute.

So you can not stand upon the hypothesis or the theory that you are reserving something in a treaty; because whenever you do you are thereby making a treaty.

But let me suggest another phase. Suppose you could, under the Constitution, reserve rights in the treaty, would not the United States present an unworthy and an unenviable aspect before the bar of civilization? Would we not forfeit the fair renown which we have achieved before the world in claiming the benefits and the rights of a treaty whose obligations we spurn and cast out?

Would it not neutralize or destroy the splendid opinion which the world entertains that in entering the war and in fighting for our rights we were also fighting for the rights of civilization and for the establishment of liberty and justice and equity among the nations of the earth? For one I shall not be willing to put my country in such an attitude before the bar of history. [Applause.]

Mr. Speaker and gentlemen of the House, President Harding was inaugurated on March 4 of the present year. Every moment since the time he lifted up his hand and took the oath of office his ample powers under the Constitution have authorized him to treat through the channels of diplomacy in any manner that he might see fit with the German Government and other Governments toward concluding a treaty of peace and toward settling the multifarious questions that the war has left on our



doorstep. Why, gentlemen, he has had the unlimited power and authority, if he saw fit, to submit to the Senate of the United States the treaty of Versailles with or without reservations, with or without any league. That treaty is now in his office. That treaty has been in his office ever since he attained to the office of President. If he had desired, he could have submitted to the Senate for ratification the treaty of Versailles with such reservations as he had in mind when he addressed this Congress in this Chamber on the 12th of April, 1921. What did he say then?

The wiser course would seem to be the acceptance of the confirmation of our rights and interests as already provided and to engage under the existing treaty, assuming, of course, that this can be satisfactorily accomplished by such explicit reservations and modifications as will secure our absolute freedom from inadvisable commitments and safeguard all our essential interests.

[Applause.]

But, gentlemen, let me tell you that when the present President sat in the Senate of the United States he voted for the treaty of Versailles with the Lodge reservations. Surely he would not have voted for that treaty with those reservations if it did not reflect what he thought to be a proper settlement of the war with Germany.

He certainly would not have voted for the treaty of Versailles with the qualifying reservations which he did if that did not represent his conscientious conviction that it was the kind of a settlement that this country was entitled to; and if he did, that treaty is still in his office. Why does he not send it back to the Senate now, with the reservations which he approved, and ask the Senate either to approve it or to tie on still more reservations? He then would be saved the difficulty of a new negotiation.

But suppose he is not satisfied with that. Suppose he has changed his mind. Suppose he has changed his mind since he voted in the Senate and since he spoke here in this Chamber and said that the present treaty was the one upon which to base our rights. If he has changed his opinion, under the Constitution his powers are broad enough to permit him to throw the treaty of Versailles in the waste basket, and to proceed through his great Secretary of State, Mr. Hughes, to negotiate an entirely new treaty settling all the questions of peace and war and trade and all the things that war has left on our hands. But he has declined to do it. His failure to act is not the failure of Congress. For that failure he is answerable, and not the Congress of the United States. For the plenitude of his powers the Constitution is responsible, but if there be poverty of performance he is responsible. [Applause.]

Ah, perhaps the zeal of the President has grown calm. Perhaps the zeal of the campaign was such as to cause him to make inconsiderate and thoughtless statements about what he would do with reference to the foreign policies of the United States. The tremendous responsibilities of the Presidency have sobered him and brought to him the realization that in his conduct of our foreign affairs he is the spokesman of the Nation and not simply of a party and he has grown cautious. The solemn and stunning knowledge has come to him that difficulties lie in his pathway. He has found that his pathway is stony. Even though it is not as stony as that of his predecessor, he finds it difficult now to do the things for which he blamed the man who occupied that high station before him. [Applause.] The President is a man of gracious and pleasing personality, and inspired by patriotic impulses, and I shall not indulge in criticism of him except as my duty in considering this resolution as it affects his functions requires.

The President in his address to the Senate and the House stated on April 12, 1921:

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 a resolution should undertake to do no more than thus to declare the state of peace which all America craves.

The President's haste was then hot. He must have this resolution without further delay, and yet three months have transpired from the beginning of his term and two months of the session of Congress, and now we have it presented for the first time. I would like to ask the gentleman from Pennsylvania why the delay. What has occurred at home or abroad to delay the plan for peace? He may answer now if he desires. Why, he may say, because he wanted to wait until Germany made the first reparation payment. Now, gentlemen, if you have to wait until she makes the first reparation payment, why, by the same logic, not wait until she makes the second reparation payment? [Applause on the Democratic side.] And, by the same logic, until she makes the third. Sirs, if something transpired across the water, if something transpired in world affairs a month ago which caused you to hesitate and hold back, how do you know but something may transpire a month from

now which will make you regret that you ever passed the resolution?

Senator Harding, on July 22, 1920, in his speech accepting the Republican nomination, said:

I promise you formal and effective peace so quickly as a Republican Congress can pass its declaration for a Republican Executive to sign.

A special dispatch to the Washington Star from San Augustine, Fla., where the President elect was at that time, under date of February 8, 1921, said in part:

When Warren Harding, as President of the United States, sends his first message to the extra session of Congress he will ask for the immediate passage of the Knox resolution declaring the war against Germany and Austria at an end. \* \* \* Mr. Harding will announce that immediately the resolution of peace is passed by Congress and approved by himself he will undertake the negotiation of a commercial treaty with what was once the German Empire.

Then a little later the Washington press carried the following notice:

PRESIDENT HARDING NOT INSISTING UPON HASTY PEACE ACTION.

President Harding is not asking for delay in the adoption by the House of a peace resolution, it was said to-day in high administration quarters, but because of the situation in Europe growing out of the reparations settlement he is not insisting that there should be any haste in putting the measure through.

Again, on May 20, the Washington Herald carried this notice:

HARDING URGES ACTION TO END STATE OF WAR—PEACE RESOLUTION AWAITING FIRST REPARATION PAYMENT BY GERMANY—CHANGES GUARD AMERICAN RIGHTS—AVOID EMBARRASSING ALLIES BY ACTING TOO QUICKLY IS NOW PLAN.

Establishment of peace with Germany by a declaration of Congress, it is learned, will await Germany's first reparations payment to the Allies. The payment is scheduled for June 1.

The unsettled European situation, which has delayed the declaratory peace in Congress for two months, is considered sufficiently clarified for the House Foreign Affairs Committee to resume work on the resolution. But its passage will not be immediate.

On May 20 he is getting cautious; he is finding a hard, rocky, briary, and perilous road.

Gentlemen, foreign affairs should never be lowered to the plane of partisan politics. All Americans should face in one direction—toward the enemy, or even a friendly power, when American interests are at stake.

This resolution a year ago was begotten of spite toward President Wilson and a desire to embarrass him before the country. Even now it is being made the vehicle of unsatisfied partisan scorn.

On May 28, 1921, there appeared in the Washington Post the following:

FRAMES PEACE RESOLUTION—HOUSE COMMITTEE REPUBLICANS AGREE ON FORM OF MEASURE.

Republican members of the House Foreign Affairs Committee agreed yesterday on the form of a peace resolution, which will be put before the full committee next Thursday for adoption.

We there have notice that the Republican majority of the Committee on Foreign Affairs has prepared a resolution known as the Porter resolution and will later submit it to the committee with a demand that it be reported as written. The newspaper reporter was given more information than was vouchsafed to the Democratic members of the committee. True to form, that course was followed, and now under a special rule, which prevents amendment, it is to be driven through the House as a partisan measure.

I warn the leaders on the Republican side not to be too reckless and rash. Considerations that turned your impatience hurriedly into caution and fear should warn you in the most solemn manner that you are treading upon dangerous, yea perilous, ground when Congress undertakes to invade the province of treaty or peace making, and obtrudes itself into foreign affairs whose conduct under the Constitution is vested in the President.

There are other complicated matters still unsettled. President Harding has appointed observers on the Reparations Commission, the Supreme Council, and the Council of Ambassadors. If peace without a treaty is declared, must not they be recalled?

Congress has not been advised of the state of foreign and diplomatic affairs. Excepting the President, the Secretary of State alone acquires full and complete information. Was Secretary of State Hughes called before the Committee on Foreign Affairs to express his views? I direct the question to the gentleman from Pennsylvania. Why was he not called? Will Congress act without consulting, without hearing the distinguished Secretary of State? Will a partisan majority plunge wildly and recklessly into the dark labyrinth of foreign affairs without the sanction or wise counsel of Judge Hughes? Will anyone contend that Secretary Hughes favors this plan? If he does, where and when has he said so? If the Secretary favored this measure, the report would have informed the House of his approval.

I make the statement that the resolution is unwise and unnecessary, and for the fact that it is unnecessary I call Senator Warren G. Harding as a witness. A year ago, on May 15, when he voted for the Knox resolution, he rose in his place in the Senate and said:

I do not regard a pronouncement of formal peace as tremendously essential to the welfare of the United States or to the promotion of our trade relationship with the other nations of the world. I do not think a formal declaration of peace is essential to continued freedom from hostilities; I do not think it possible that Germany is likely to resume armed warfare against this Republic in two generations to come; nor does it seem to me necessary to have this formal declaration, particularly in this form, in order to resume our commercial relations with Germany, for they are already more or less resumed, and, in the very nature of things, trade relations with Germany will be developed according to the needs of that people and our own inclination to trade.

There has been but one way of recovery from war and war waste since the world began, and that is to work, to produce, and exchange; but we need not worry on this side of the Atlantic, for the war-torn nations of the Old World are just as certain to seek our favors in trade as that to-morrow shall come. So the peace resolution is not seriously involved in a continuation of peaceful relationships.

If it was not necessary a year ago, is it necessary now except to redeem a rash and unwise campaign pledge that we would make peace as soon as a Republican Congress could write it? [Applause on the Democratic side.]

In that address he added:

I think the significance of the passage of this resolution lies in its reestablishment of the constitutional powers of the American Congress.

He was then anxious to maintain the constitutional powers of the Congress, of which he was a Member. Has his viewpoint undergone a change?

The President in his address to Congress on April 12, 1921, in referring to a peace resolution, said:

In correcting the failure of the Executive, in negotiating the most important treaty in the history of the Nation, to recognize the constitutional powers of the Senate we would go to the other extreme, equally objectionable, if Congress or the Senate should assume the function of the Executive. Our highest duty is the preservation of the constituted powers of each and the promotion of the spirit of cooperation so essential to our common welfare.

Constitutional processes can not be preserved by a congressional treaty.

The Executive proclaims his jealousy of the presidential prerogative and warns Congress not to invade it. Let me suggest that the surest way for the President to prevent Congress from invading his province is for the President himself to exercise his powers and prerogatives.

If the President is fearful that Congress may, in making peace, invade the domain of his authority, he may find complete safety by himself making a treaty of peace. That very contingency illustrates the error in the theory that Congress can make peace. The power, under the Constitution, can not rest in two places—it can not reside in Congress and also reside in the President and Senate alone.

If that were true, the President might negotiate a treaty and submit it to the Senate; failing to receive the necessary two-thirds of the Senate, he could submit it in the form of a joint resolution and by a majority of 1 in each House make a treaty in defiance of the constitutional requirement that two-thirds of the Senate must concur.

On April 8, 1920, Mr. ROGERS, of Massachusetts, ranking Republican on the Committee on Foreign Affairs, in a speech in this House said:

Before proceeding, however, it may be well to reiterate that a treaty of peace is unquestionably the normal and the desirable method of concluding war. I still hope that a formal treaty may in the future be ratified. It is only when for some reason a treaty of peace proves impracticable that recourse is had to other methods.

In conclusion, I repeat my regret and chagrin that peace has not been attained through the normal and far preferable medium of a treaty.

On that same occasion the gentleman from Pennsylvania [Mr. PORTER], the author of this resolution, said:

It is true that the usual and normal method of terminating a war status is by a treaty made by the President, by and with the advice and consent of two-thirds of the Senate.

Each foreign war of the United States was terminated by normal method of treaty. The Revolutionary War by the treaty of Paris, September 3, 1783; the War of 1812 by the treaty of Ghent, December 24, 1814; the Mexican War by the treaty of Guadalupe Hidalgo, February 2, 1848; the War with Spain by the treaty of Paris, December 10, 1898. If a return to normalcy is desirable, the President is free to embrace an excellent opportunity to make peace in the normal manner.

This Government is now conducting diplomatic negotiations with other Governments regarding the island of Yap, Shantung, oil interests in Dutch East India, and American interests in Mexico; why can not it negotiate a treaty about peace—is it of less importance than these?

Mr. Speaker, I, too, want to witness the establishment of peace, a genuine and constitutional peace, a real peace that will

definitely settle the issues at stake and not leave them suspended and undetermined.

Gentlemen of the House, you are about to do a foolish and unworthy thing. I want to warn you that what you are about to do in making peace by this resolution will not fulfill the duties which we owe to the people of our country. In April, 1917, when Congress in the name of the people of the United States declared the existence of a state of war, there were in the mind of the Nation clear and definite purposes. The heart of America was stirred by a fervid resolve to right the wrongs that had forced us to draw the sword. There was the purpose to revenge the loss of American life on the highways of the sea; there was the purpose of demanding reparation for American property and American lives. There was the purpose to fight for high ideals, for the establishment of justice, and liberty, and equity among the nations of the earth; there was the purpose to fight in such a way as to render the enemy so impotent that he never again could challenge the safety of the world. There was the purpose to serve notice that no other nation could ever do so with safety. There was the purpose to make a peace which would last and to have a part in that peace. Have those ends been accomplished? Where is the man who has been paid for his ship sunk at sea? Where is the widow or mother who has had indemnification for the death of loved ones whose bones even now are washed and rolled by the tireless tides of a restless sea? Have we so soon forgotten the wailing cries of little children as with outstretched hands they were swept beneath the swirling waters of the deep?

Where is the guaranty to the United States that Germany will disarm and stay disarmed? Where is the pledge to the United States that war, like a bell in the night, shall not again hideously rouse us from the sleep of peace? Did America go to war simply to prove her prowess at arms? The history of the past supplied in glorious fashion that proof. Did she go to war like the gladiator to test the strength of her arm or the temper of her blade? Was the war simply an international contest to decide the championship of the world?

No, Mr. Speaker, no such base or sordid motive dwelt within America's heart. With lofty purpose and chastened spirit, with uplifted face, and beckoned on by no low or mean temptation, the people of the United States and their Government, when patience could no longer tolerate repeated outrage and wrong, mustered their gallant hosts and sent them charging across the fields of Europe to glorious triumph—a triumph of terrific cost in blood and life and misery and sorrow. America fought an honorable war. She must not make a dishonorable peace. I shall never be willing to approach the little mounds above our heroic dead and place on them this scrap of paper covered with surrender and repudiation of the cause for which they fought. [Applause on the Democratic side.]

#### IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a request for unanimous consent, if the gentleman from Pennsylvania will yield?

Mr. PORTER. I yield.

Mr. JOHNSON of Washington. Mr. Speaker, from the Committee on Immigration and Naturalization I am authorized to report House joint resolution 153, and I ask unanimous consent that I may have until 9 o'clock to-night to file such report, and that the minority may have until the same time to do the same.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, under what rule does the gentleman have the right to report the resolution from the floor of the House?

Mr. JOHNSON of Washington. I am asking unanimous consent to have until 9 o'clock to-night to file a report, and that the minority may have until that time to file their views. I am reporting the resolution through the basket.

Mr. RAKER. I do not think we ought to do that. Let it go into the basket and let it take its usual course.

Mr. JOHNSON of Washington. Very well. Mr. Speaker, I withdraw the request and will file the report through the basket now.

The SPEAKER. The gentleman from California objects.

#### TERMINATION OF THE WAR.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, there are two principal reasons for the passage of this resolution, one of which appears in the first section, the other in the second. First, to terminate a technical state of war which exists, although hostilities have ceased and our allies have concluded definitive agreements with Germany, and, second, in order that there may be an unequivocal



assertion of our rights, arising from our participation in the war, including legislation enacted by Congress, seizures in pursuance of that legislation, and also our rights under and by virtue of the treaty of Versailles. Taking these up in their order an incongruous situation exists. Hostilities have ceased, the war is at an end, Germany as a military power is prostrate, but the declaration that war exists is still on the statute books. What are some of the disadvantages that exist by reason of that?

The free play of commerce is hampered. That credit which Germany might obtain in this country for the purchase of our abounding surplus of agricultural products and raw material is forbidden to her, because, strictly speaking, war between States renders illegal any transaction between the nationals of either party. We have not resumed diplomatic relations. Only a so-called commissioner acts for us. That attention which consuls and diplomatic officials could give to the wide range of American interests is lacking. Spain is the country selected for taking care of our rights. The citizens of neither country can bring suit in the courts of the other, except for certain specific purposes very limited in their extent, authorized by the trading with the enemy act. Still further, we are out of line with conditions under which we should do everything that makes for amicable relations.

What are some of the objections to this resolution? It is said in the first place that it is unconstitutional, that the sole right to make peace rests with the President under a treaty to be ratified by the Senate. Mr. Speaker, we have broken the fetters of strict construction which restrained us for so many years. We have come to realize that in this great expanding country the Constitution must be a flexible document. It may be true, as has been said here, that in the constitutional convention a proposition was made that Congress should have the right to make peace, and this was voted down, but that rejection is not conclusive. In that same constitutional convention a proposition was brought forward by Mr. Madison that a national bank might be established. That was voted down, yet in the first administration after the adoption of the Constitution a national bank was established. One of the strongest contentions of the strict constructionists in earlier years was that there was no right of annexation of foreign territory by treaty or, in fact, in any other way. Mr. Jefferson said there was "necessity for shutting up the Constitution, or amending it"; but, as an amendment was not possible, he yielded to the idea that the object to be secured by the annexation of Louisiana justified the means, and so a treaty was entered into, under which that vast accession was made to our territory. In all cases but two—Texas and Hawaii—annexation has been by treaty.

I note that two gentlemen from Texas have stressed the idea that peace by resolution is invalid. Gentlemen of Texas, I want to ask you how did your splendid State come into this great array of Commonwealths, making up this Union? [Applause on Republican side.]

Mr. CONNALLY of Texas. Mr. Speaker, does the gentleman desire an answer to that?

Mr. BURTON. I must decline to yield. How are we freed from the deprivation which would occur if we were without the eloquence and the patriotism of the Members who come from that State? President Tyler submitted a treaty to the Senate in 1844, as Mr. Wilson did in 1919. The former was negotiated with the independent Republic of Texas, providing for annexation. The Senate failed to ratify it, and on the following 1st of March, 1845, a resolution was passed providing under conditions that Texas might be annexed, and under that resolution and not by treaty Texas came into this Union. [Applause on Republican side.]

Mr. Speaker, I am unwilling to concede that this Congress, nearest to the hearts of the people, has not the right to declare that peace exists. Suppose we had a President stern and severe, like some of the despots that have ruled in Latin America, who desired to continue a war, although the people were against it. Would the only right of Congress be to refuse supplies? Can Congress not, having the right to declare war, also exercise the right to declare peace as well? I am unwilling to concede that the right does not exist in all cases. But this situation is very exceptional. Here peace actually does exist. A treaty has been made by our allies under which Germany has laid down her arms, a treaty which, so far as regards actual cessation of the contest, applies to all nations. Our entrance into the great struggle was not under an ordinary declaration of hostilities, but under a statement that war had been thrust upon us by the action of the Imperial Government of Germany. That Government has been overthrown. Are we so bound by constitutional

limitations that Congress, which declared as a statement of fact that war existed, can not now declare as a statement of fact that war does not exist? Mr. Speaker, let us throw the constitutional argument into the wastebasket.

But it is said that we are untrue to our allies. How are we untrue to our allies? A treaty has been framed and is in operation. Not for more than a century has there been a treaty more severe in its provisions. Under it Germany's resources to the last farthing, all her most vital political and economic interests, are subject to the dictation of the conquerors. Our allies have made haste to take advantage of this treaty in the promotion of trade and in every possible way. Diplomatic relations have been restored by all of them. British troops passing through Germany on the way to Silesia were everywhere greeted with enthusiastic acclaim. A conference has been in progress at Weisbaden having in view the establishment of closer trade relations between France and Germany. Yet when we were asked merely to submit a proposition from Germany to the Allies we declined.

Have we not done enough for Belgium, of which mention has been made, to merit her lasting gratitude? Have not our millions of soldiers gone across the sea, our men and women, for the succor of all these peoples? Have we not done with our might what we could toward bringing about a lasting peace which shall be of benefit to the world? What do gentlemen want? Do they think that we should send our warships to Hamburg and to Bremen to bombard German ports? Do they wish our Army should march into Germany, that our transports should carry across other troops? That is what you really mean. What significance is there in a continuance of a state of war unless armies and navies are to engage in combat? Face the facts when you say that this resolution ought not to be passed. [Applause on the Republican side.] Now is the time when peace should prevail, and we wish to cure conditions as far as possible in a troubled world. And so we make declaration for peace, declaration that the last trace of this terribly bloody war must be at an end. It is said that we will have relinquished certain rights. If we relinquish rights by this resolution we will still be relinquishing rights if the war lasts for a thousand years.

No advantages can be lost. In this connection I may say that the second section here is just as necessary as is the first, because we reserve our rights and it is necessary we should do so. If we did not reserve those rights by express declaration of the will of the people Germany might urge that the treaties of 1785, 1799, and 1828, providing for the mutual protection of the property of the citizens of each country in case of war, were still binding. Germany might also maintain that the general rules of international law under which the property of nationals in an enemy country may be safe—

Mr. COCKRAN. How would that claim by Germany affect us?

Mr. BURTON. Because we by solemn declaration would wipe out the condition of war, but omit to claim for ourselves the results by reason of our participation in that war.

Mr. COCKRAN. How could we wipe out by declaration here the obligations of a treaty?

Mr. BURTON. Obligations of a treaty—I will come to that in a moment.

Mr. COCKRAN. I will wait, I would like to hear it.

Mr. BURTON. There was no justification for our course in seizing and disposing of enemy property except the very extraordinary nature of the late contest. This country has taken the lead in regard for immunity of title of nationals in an enemy country. It has occupied that position, but Germany in the fierceness and brutality of her conduct in waging war, by glaring violation of treaties and established rules of international law, became an outlaw, and thus we were justified in regarding these old treaties as void and in making seizures and imposing penalties, altogether out of line with our traditional policy. As Secretary Lansing declared at the outset, it would be utterly futile to enter into further negotiations when this country was considering the question as to whether these treaties had any binding force.

Mr. COCKRAN rose.

Mr. BURTON. I really could not yield further. I have such a short time. It is thus due to the exceptional nature of this contest and to our exceptional action in pursuance thereof that it is desirable to pass the second part of the resolution.

A treaty is a necessary sequence to this resolution. Manifestly the best course would be to become a party to the treaty of Versailles, no matter how many reservations may be necessary to safeguard our interests. On this subject President Harding said:

The wiser course would seem to be the acceptance of the confirmation of our rights and interests as already provided and to engage under the existing treaty, assuming, of course, that this can be satisfactorily accomplished by such explicit reservations and modifications as will secure our absolute freedom from inadvisable commitments and safeguard all our essential interests.

Germany has not the right of free and independent action in the control of her foreign, or even of her domestic, affairs. She is under such supervision and control that whatever agreement is made with her must have the sanction, or rather the cooperation, of the allied powers, to which she is in great degree subject. Also, there would have to be a treaty with Germany herself. But it is not strictly a treaty of peace that we would negotiate with that country. It would be a treaty of commerce and amity, settling these various questions which must arise between countries after cessation of war, when existing engagements have been annulled. Let us never lose sight of that. Another reason for the passage of this resolution is the very considerable delay which naturally will ensue before treaties can be agreed upon.

Now, I will discuss briefly our right to accept the advantages conferred upon us by the provisions of the treaty of Versailles. What was the general aim of that treaty? It was most ambitious. It aimed at a settlement of the affairs of the whole world and sought to fix relations between countries. That is manifest not only in the general tenor of the treaty but by its respective stipulations; Germany abandons rights possessed and incurs obligations to various countries irrespective of participation in the treaty or of their action in ratifying it.

Covenants are entered into for the benefit of the principal allied and associated powers and the allied and associated powers. The United States is included in both of these groups, and whenever it is the intention to restrict the rights acquired to the contracting parties which ratify the treaty it is made manifest in the body of the instrument. All through there are provisions pertaining to nations which either were not parties in the negotiations or which were parties, but did not ratify. First, in the armistice of November 11, 1918, appears a demand for the release of all neutral vessels; a provision that the Black Sea ports should be evacuated; that restrictions on neutral vessels engaged in trade should be canceled. When we examine the treaty itself there is a section with reference to Luxemburg under which Germany renounces the benefit of treaties in her favor entered into with that country. Luxemburg was not a party to the treaty. There is an agreement with reference to Denmark, requiring a plebiscite to determine whether Schleswig should remain a part of Germany or be restored to Denmark. The vote was taken, and a majority favored annexation to Denmark, and that annexation was carried out. There was a provision with regard to Russia—a country which by no means had any participation in this conference—to the effect that the treaty of Brest-Litovsk should be abrogated and that Germany should thereafter respect the independence of all the territories which were part of the former Russian Empire. The right was also reserved to Russia to obtain from Germany restitution and reparation based on the principles of the treaty. China was released from payment to Germany of the balance of the Boxer indemnity of 1901 and the German concessions in the cities of Hankow and Tientsin were surrendered. It was also agreed that certain astronomical instruments belonging to China, taken away from Peking in 1901, should be returned. China did not ratify this treaty. Every one of these agreements is in full force and effect.

Now, let me read one or two provisions. It is claimed we will not have any opportunity to obtain indemnity for the cost since the armistice of the maintenance of our troops in the Rhine region. Page 111, article—

Mr. KUNZ. Will the gentleman yield for a question?

Mr. BURTON. I will.

Mr. KUNZ. If the resolution is passed, will the United States be bound by the treaties of 1799 and 1828?

Mr. BURTON. I think not. War and the acts of Congress have destroyed their binding force. The general principle is that an act of Congress supersedes a treaty. Of course, the other party might by force maintain that the treaty existed, but Germany is not in a position to do that. At the same time, in view of the fact that these treaties were framed for the express purpose of determining the rights of private citizens in case of war, we should not leave the door open. That fact makes this second section necessary, giving us the benefit of all seizures under the acts of Congress.

In the section on page 111 to which I referred, provision is made for the cost of our armies of occupation, after the armistice and after the treaty, and these charges have priority. They are preferred claims under article 251, and article 252 safeguards our interests as follows:

The right of each of the allied and associated powers to dispose of enemy assets and property within its jurisdiction at the date of coming into force of the present treaty is not affected by the foregoing provisions.

That is, we need not turn over property seized by us to any general fund for reparations. Reparations in general are secured to us by article 297, of which paragraph (b) is as follows:

Subject to any contrary stipulations which may be provided for in the present treaty, the allied and associated powers reserve the right to retain and liquidate all property rights and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them within their territories.

And so forth.

Paragraph (d) of the same article validates exceptional war measures and refers to paragraphs 1 and 3 in an annex to article 297. These assure the validity of vesting orders for winding up businesses or companies of German nationals. Paragraph 4 of the annex was especially framed with a view to securing payment of claims growing out of acts committed by the German Government between July 31, 1914, and the date when the United States entered the war. This is familiarly known as the *Lusitania* paragraph.

In paragraph (i) of article 297 the obligation is imposed upon Germany to compensate her citizens for property seized in the following language:

Germany undertakes to compensate her nationals in respect to the sale or retention of property rights or interests in allied or associated States.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes more.

Mr. BURTON. I regret I am not able to dwell upon this part of the subject more thoroughly. The total value of enemy property seized by us is estimated at \$350,000,000. This may not be sufficient to meet just claims for reparation, but we could occupy no better situation in this regard if a technical state of war continues. Have we any advantage in declaring to Germany, "We will not cease war or make a treaty with you until you are nearer to annihilation"? Are we of that type? Have we no spirit of mercy? We all recognize the savage campaign waged by Germany; but Germany is a part of this world, and will live in it and will live with us. That country has made a great contribution to civilization and literature, to music, art, and science, and has been at the forefront in many branches of endeavor. They fell under the spell of the Hohenzollern dynasty, and the spirit of jingoism with a desire for world domination permeated every part of her population. I do not sympathize with the idea that it was merely the Junker class that led to the war. The whole German people were obsessed. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PORTER. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. BURTON. Two or three minutes is all I desire.

Germany should make expiation to the last pfennig which she is able to pay for the suffering and ruin which she has wrought. But we ought not to seek to make them permanent serfs. Maybe the drastic restrictions upon the maintenance of an army and navy imposed by the Allies will turn the attention of the people to fields of helpful endeavor and thus in the industrial race Germany may make more rapid progress than her conquerors.

First of all, it would seem that there is no proper feeling in Germany that they have been guilty of wrongdoing in the course they have been pursuing. Nor is there a complete realization in the minds of the people that they have been defeated. But, with time and a calmer consideration of eternal principles of right and wrong, let us trust that Germany will cherish the traditions of earlier years and those ideals which they have "loved long since and lost awhile." [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, in the few minutes allotted to me I want to give some attention to the objections on the minority side of the House to the passage of this resolution.

That the House has two or three times before passed a similar resolution and then sees fit to pass this one to-day does not lie with any force. That this resolution may be different from the one that may be passed by the Senate seems to me to have no weight in coming to a conclusion as to what action should be had at this time.

And, again, the constitutionality of this instrument has been attacked by men on the Democratic side. What does the resolution do? And in calling this to your attention I do so in



order to make clear that section 1 of the resolution does nothing more than recite the finding of a fact. Now, I appeal to the men on this, the Democratic, side—the men on the other side of the House, I am sure, already see it—is it possible for the United States Congress by joint resolution to pass a resolution of finding of fact that will be unconstitutional?

Now, I will grant if we go into the treaty-making power it is entirely questionable whether or not it could be unconstitutional or whether it would stand the test of the courts. But let us see about that. I submit to the minority membership that when, under any emergency, this body, in conjunction with the other body, delegates unusual powers to the Chief Executive of the country to change existing relations and status between two nations, it is beyond the power of Congress to interfere in that relationship.

Hence we are not treading on the treaty-making power and can not tread upon the treaty-making power if we were so to desire. The relationship which was brought about with Germany, economical and social and international, was a relationship that was produced by Germany being on the aggressive side, and the only way that that relationship can be changed from the status it now finds itself to be in is by a treaty with the United States, made by the Chief Executive and ratified by the Senate; and we are not attempting to do anything to interfere with that power.

The charge has been made that if we enact this peace resolution we will be forfeiting some of the rights, some of the privileges, some of the advantages that have accrued to the United States or to its nationals during the state of war. I want to ask any man on the minority side how you can forfeit anything in an agreement in which you are not going to participate—even if by the recitation of the reservation we fail to reserve it, how we can forfeit it in a unilateral contract?

A treaty, if it is anything in the world, is a contract between nations, and if we have no power to enter into the negotiation of that treaty, how by the passage of a resolution could we forfeit any of our rights to be attained under that instrument?

I submit to you that the only thing left to you is, as the gentleman from Ohio [Mr. BURTON] has recited—the only thing left to do between the United States and Germany is to settle the dispute on an economic basis and to establish a new ground of international relationship between the two countries. That is the only possible thing that can be done.

Suppose two men have a dispute. The dispute may linger along in the courts for a number of years. If two nations have a dispute the final adjustment and settlement of that dispute may last a number of years; but in order to adjust and settle that dispute it is not necessary that one of those parties keep on in a condition of a technical state of war.

It seems to me preposterous to take the position that the gentleman from Texas [Mr. CONNALLY] takes, that the United States can get better terms under the final treaty that is made if we do not pass this resolution, but sit down at the table with Germany as enemies. Do you mean to say, you men who expect to vote against this resolution—do you mean to indicate to me and to this House that you expect the United States to extract from an enemy something that she would not grant in any other capacity? The history of the United States is replete with evidence after evidence of generosity on the part of this Government toward an enemy, or an enemy country, and every utterance of the Chief Executive prior to March 4 this year was to the effect that we went into this war on the high plane of the defense of civilization, and that we asked and demanded nothing in the way of dollar payment, and that we were only fighting for a principle, and not for any self-aggrandizement. If that be the policy of this country—and I am one who believes that to be the policy of this Nation—if that be so, even though we are exchanging our technical status from that of an enemy country to that of a peaceful country, we have nothing to fear and nothing to lose when we sit down at the peace table and undertake to negotiate the settlement of the past claims and differences between the two nations and adjust a working agreement for the future, because that is what a treaty amounts to. We can do it as peaceful nations as well as enemy nations.

I want to say a word regarding the minority report. The minority report says that the Congress has no right to enter into a contract between nations. I think I have made that clear. I think my colleague from Ohio who preceded me [Mr. BURTON] made it clearer than I, that we are not undertaking to enter into any contract with nations; we are simply reciting a condition of facts which exist and which no one can deny.

You gentlemen on this side, are you willing to vote that you do not believe that the termination of a state of war is needed

between the two countries—a mere repeal of a declaration of war, a mere declaration of a finding of fact as to the completion of the war, the finding of the previous fact that we found, that any peril no longer exists?

They say not one single American citizen will be benefited by this resolution. I contend that every last American citizen will be profited by such a result, too long deferred. Millions of dollars of damage will have accrued to millions of Americans. I want to ask the Democratic side—I want to ask the minority members of the committee—how did any of our nationals gain any material advantage under the war? The only way that we could gain any material advantage under the war was to take advantage of the war condition and buy some alien property that was offered for sale by the Alien Property Custodian. [Applause.]

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

Mr. FLOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Virginia [Mr. MONTAGUE].

The SPEAKER. The gentleman from Virginia is recognized for 15 minutes.

Mr. MONTAGUE. Mr. Speaker, I congratulate the Committee on Foreign Affairs that it has made an improvement in this resolution over that of April last a year ago. The Members who were in the House at that time will recall a very extraordinary omission in that resolution, an omission not found under the resolution now under consideration, namely, a similar declaration of so-called peace with Austria-Hungary. Why the omission and why the distinction between Germany on the one hand and Austria-Hungary on the other no one can understand or explain.

I wish also to congratulate the committee that has adopted its own resolution instead of that of the Senate, although I must admit that if we looked at the matter purely from the logical viewpoint, coupled with the power of the Congress, the position of the Senate is more logical than that of the House. As I understand the jurisdiction of the House, it has no power to do anything except to concur in the repeal of a resolution which Congress has heretofore enacted, and I seriously doubt that Congress has even this jurisdiction when it is invoked to declare peace.

We have never declared war against Germany; we have simply recognized an existing state of war with Germany. Therefore the logical position is to recognize the end of the war by the repeal of this declaration of recognition of war. But the motives that have moved this particular declaration are to be applauded, for the report of the committee asserts that it is unwilling to approve any expression that makes an apology, express or implied, for the war against the Imperial German Government and Austria-Hungary.

I wish to call to the attention of the House that the first reason advanced in the report of over a year ago for this declaration on the part of the Congress was that there was a deadlock between the Senate and the executive department, the treaty-making agency of the Government. That was the first reason and the most stressed reason in the report, and I am sure that it contained the strongest appeal to the majority of the House. Then the majority advanced the idea that it was exercising this extraordinary power because of the deadlock between the Executive and the Senate. To-day you must bottom your reason for your action upon the ground that the Government now is no longer deadlocked, but that it has broken down. The ordinary constitutional agencies to bring about peace have not been called into operation. There is no justification or excuse for this failure, for the Senate and the Executive, which is the treaty-making power, is under the entire control of the majority, and yet after three months these agencies have not functioned, and have failed to try to bring about peace, which you affirm is the most desirable thing on earth.

But what does the majority gain by this resolution? You do that which you have no authority to do if you do anything, or you do nothing. This resolution is wholly a unilateral pronouncement. Every intelligent citizen knows that the statutes of the United States have no extraterritorial effect. Congress may pass resolutions of peace from now until the crack of doom, and until they are assented to by the Government affected they are but "paper and packthread."

Therefore, if your resolution has any merit it must be assented to by Germany and Austria-Hungary, and if assented to by them it practically becomes a treaty, and if a treaty this House has no constitutional jurisdiction to touch it, for it is a plain invasion of two other constitutional agencies of our Government, and this plain invasion can not be cured or remedied by the consent of the agencies so invaded.

But, gentlemen, I now call your attention in the short time allotted to me to what I think is a grave matter. When by this resolution you declare peace—and I must dissent from the gentleman from Kansas [Mr. CAMPBELL], who thinks the resolution is perfection in phraseology—I think you have not properly done what you improperly wish to do; to set forth that a state of peace exists. Congress can not declare peace, it can not establish peace. Peace, for the purposes of this discussion, exists by reason of the train of circumstances, by the procession of facts, and all the Congress can do is to recognize this fact, not to establish this fact. You may say that this is a play upon words; but, gentlemen, sometimes words are things. If the Congress recognizes peace as a fact, and upon that fact makes its declaration, there may be some logic in its position; but when Congress undertakes to establish and declare peace, it is acting beyond the scope of its agency and beyond its authority and power.

But you declare peace, you contend, because you wish to prepare for and facilitate a treaty of peace. You wish to stimulate and facilitate the exercise of the treaty-making function, the real peace-making function, of the Government, is the contention. But does this resolution accomplish this purpose? What is one serious effect of the resolution conceding that it will be operative? War suspends the laws and the rights existing between the belligerents. This is the settled American law and practice save as it may be vaguely modified by the doctrine of *uti possidetis*, a variant and precarious reliance for America. I repeat, Mr. Speaker, that war only suspends the rights of the belligerents, and when war is over and peace is declared those rights that have been suspended, namely, the rights and duties in existence at the date of the declaration of war, and not at the date of the declaration of peace, are revived. Thus by the very force of the resolution, if it has any effect at all, you give Germany the rights she had on the day of our declaration of recognition of a state of war and deny us possibly the rights we had at the close of the war. Then Germany will base her rights at the peace table upon her treaty of 1828 and will there and then assert those rights. And what position will we be in to deny them?

When we sit at the table with Germany we should do so in no spirit of vengeance, but a nation that has so shocked and crippled the civilization of this world is not likely to make satisfactory agreements at the peace table unless we go there somewhat panoplied as victors. [Applause.] I am unwilling to hobble the American Government in such a great transaction. I am unwilling that the other nations may negotiate with their hats on their heads while America must go with her hat in her hand, a suppliant negotiating upon equal terms with a nation that has ravaged the civilization of this world. [Applause.]

I would vote here to-day as independently as I voted for war. There should be no partisanship in this great matter. The lack of partisanship that declared war should obtain in the making of peace. Why not go back to the normal way of doing business of this grave and solemn character? Why, for the first time in the history of the Nation, shall we adopt this anomalous and unknown course?

It has been asserted in debate that we admitted Texas by a similar resolution. It is a long time since I have read the history of that event, and the distinguished and honorable gentleman from Ohio [Mr. BURTON] may be correct, but my recollection is that this Government passed a resolution giving the conditions of admission and that the Texan government passed an identical resolution, coupled with an acceptance, which was an admission of a State in pursuance of the Constitution, and therefore Texas came into the Union not in conformity to international law but by virtue of the constitutional requirements or conditions appertaining to the admission of new States. There was no other way by which the admission could have been accomplished.

Mr. Speaker, what effect can this resolution have? Unless Germany passes an identical corresponding statute it can have no effect whatever. But the consideration of this resolution has had one good result—it has consumed time. I am pleased that the chairman of this committee [Mr. PORTER], in conference perhaps with administration authorities, has waited thus long for the consideration of this measure, because the longer we wait for the consummation of this sort of legislation the better faith have we kept with our great allies. [Applause.] I have no doubt of the accuracy of the statement made in this debate that if we had acted earlier we would have embarrassed the reparation settlement recently had by the German Government with the Allies. Of course earlier consideration would have embarrassed this negotiation and settlement all the more. If half that is said be true, Mr. Viviani's mission to this country

was accomplished when he persuaded the American Government to wait until the Allies could meet at the reparation table and exact a settlement of Germany.

The delay has somewhat relieved us from embarrassment by resultingly aiding our allies, and I again suggest that a longer delay will still more help the Allies, unless we promptly deal with the whole matter by competent diplomacy.

Mr. HARDY of Texas. We have no allies now.

Mr. MONTAGUE. No; we have no allies now; that is very true and very sad. We had allies when at war, but we throw them overboard in peace, except that by this resolution we exact all the advantages accorded in the Versailles treaty, while ignominiously rejecting all responsibility therein imposed—an ignoble position for a great idealistic Nation to take. We reserve the loot but not the liability.

What should have been done—if I may be so audacious as to advance the thought—is that as soon as the President took his seat, he should have sent a commission of able men to the Allies, and then to the German Government, to see if something could not be preserved out of the wreck and the ruin, and something set up to prevent the terrible recurrence. For, gentlemen, deeper than your peace pronouncement, deeper than your treaty of Versailles, is the great question of whether or not the statesmanship of this world is willing to confess to the struggling masses of humanity that it is unable to do something to diminish the atrocities of war and the frequency of war. [Applause.] I make the assertion that unless the statesmanship of the hour does not do something reasonably quick the masses of the people will believe that that statesmanship is bankrupt in mind and in conscience, that it has not the mentality or spirituality to observe or control the great forces that are washing away the foundations of civilization. I fear that unless something is done we may look for a collapse of civilization and the recurrence of the Dark Ages. The alarm bells are ringing. This is no place or time for partisanship. Its assertion here has been ignoble and perhaps dangerous. There are too many complications. A congressional enactment is wholly wrong or inadequate. Invoke and employ all of the treaty powers of the Government, and exercise and apply them all in a spirit of the broadest justice, of the most catholic mercy, and of wise expediency for Germany and for America. Justice to Germany and loyalty to our great Nation and its holiest ideals. [Applause.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, my colleague, Senator MASON, who is a member of the Committee on Foreign Affairs that drafted this resolution, had expected to make a few remarks in support of the resolution to-day, but unfortunately he is detained at the hotel with a rather serious illness, and has asked me to read a few paragraphs of what he desired to say in support of that resolution:

“MY DEAR COLLEAGUE: Chairman PORTER has arranged for me to extend my remarks on the peace resolution. I had hoped until to-day to be able to take a few minutes to explain a point which seems to have escaped most of us who have studied the best way to declare peace; and if you will give my friends and colleagues my statement on the main question I will be very thankful.

“With humility but with very great earnestness I give it as my opinion that this Congress can not repeal the declaration of the World War. To attempt to do so would be a legislative absurdity.

“The Constitution, following the Bill of Rights, gave Congress alone the power to declare a state of war, and so forth. Congress did declare the World War; all branches of the Government, including the people, responded. The winning and closing of the war is an historical fact, and any attempt to repeal it would be as futile as the passage of a resolution repealing the action of Congress whereby it, the Congress, submitted any one of the many amendments to the Constitution of the United States.

“A declaration of war is not a mere passing of a bill, subject to repeal at any time in the future, nor is that next highest duty and power granted to Congress, namely, the right to submit amendments to the Constitution subject to any congressional limitation after Congress has exhausted its power in submitting the question of amendment.

“A declaration of war is the greatest power given Congress. It is not the mere passing of an act affecting private rights or civil or criminal procedure; on the contrary, it is an act that changes the relations and conditions of every citizen and of every nation in the world. To repeal a law says by implication that the enforcement of the law worked injustice and unrightness. If we had the power, clearly our people are not



ready to attempt to make an historical record that the act of war or any part of its conduct were not both just and righteous.

"Therefore, my dear colleague, the simple declaration of a state of peace or that the war is at an end is all that is necessary.

"The reservations have been most carefully drawn as a mere matter of precaution that we would not attempt to invade the treaty-making power, but reserved all possible rights that could come to our country by our participation in the war, and we have carefully guarded against ratifying or approving anything that has come to any American citizen by reason of the war unless that thing has come to him rightfully. This was done to prevent anyone from claiming any advantage which came to him from purchase from the Custodian of Alien Property.

"Thank you, my dear colleague, for reading this to all my friends who have been kind enough to listen. In the language of the immortal Grant, and in keeping with the spirit of the Master, 'Let us have peace.'

"Sincerely, yours,

"WILLIAM E. MASON.

"Hon. THOMAS S. WILLIAMS,

"House of Representatives, Washington, D. C."

[Applause.]

Mr. PORTER. Mr. Speaker, may I inquire how much time has been used?

The SPEAKER. The gentleman from Pennsylvania has used 145 minutes and the gentleman from Virginia 160 minutes.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Indiana [Mr. MOORES].

Mr. MOORES of Indiana. Mr. Speaker, it has been a privilege which I have highly esteemed to be associated upon the Committee on Foreign Affairs with the gentleman from North Carolina, who addressed the House with learning and eloquence on Saturday, for whom as a soldier, a distinguished lawyer, and an eminent statesman I have always held the highest respect; but when he asserts, speaking of the Constitution, that "not one line can be found in that great instrument which gives to Congress the right and power to declare peace," and proceeds to use the following language: "There is no power given to Congress to declare peace, and that power can not arise by implication; it is not a legislative power. This will clearly appear from the minutes of the convention which framed our Constitution." "The Supreme Court of the United States has sustained the position which I have just stated, that the termination of a foreign war and making peace does not belong to the legislative body," and cites the *Anderson* and *Hijo* cases in Ninth Wallace and One hundred and ninety-fourth United States as his authority, I feel called upon to challenge his statement, and to discuss the question he raises.

By section 8 of Article I, the Congress is given power "to declare war," in connection with the power to "raise and support armies," and to "provide and maintain a navy," as well as "to make rules for the government and regulation of the land and naval forces." Coupled with these powers in the same section is the authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

This clause has been considered and construed by our Supreme Court many times, from the time of John Marshall down. In the *Legal Tender* cases (12 Wallace, 457, 538), the court, in the opinion by Mr. Justice Strong, says:

Happily the true meaning of the clause authorizing the enactment of all laws necessary and proper for carrying into execution the express powers conferred upon Congress, and all other powers vested in the United States, or in any of its departments or officers, has long since been settled.

It was, however, in the case of *McCulloch v. Maryland* that the fullest consideration was given to this clause in the Constitution granting auxiliary powers, and a construction adopted that has ever since been accepted as determining its true meaning. We shall not go over the ground there trodden. It is familiar to the legal profession, and indeed to the whole country. Suffice it to say, in that case it was finally settled that in the gift by the Constitution to Congress of authority to enact laws "necessary and proper" for the execution of all the powers created by it, the necessity spoken of is not to be understood as an absolute one. On the contrary, this court then held that the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Said Chief Justice Marshall, in delivering the opinion of the court: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not pro-

hibited, but consist with the letter and spirit of the Constitution, are constitutional."

The gentleman from North Carolina referred to the minutes of the convention which framed our Constitution, stating that it will plainly appear from them that the power to make peace is not a legislative power. The minutes of the convention for August 17, 1787, when this section was adopted, throw little light on the question. Everything disclosed by the minutes will be quoted:

"The question being taken to strike out the word 'make,' it was passed in the affirmative. Yeas: Connecticut, Pennsylvania, Delaware, Virginia, Maryland, North Carolina, South Carolina, Georgia—8. Nay: New Hampshire—1.

"It was moved and seconded to add the words 'and to make peace,' to the 14th clause; which passed unanimously in the negative."

From the report of the proceedings in Elliott's Debates, it appears that Mr. Pinckney opposed originally the vesting of the power to make war in the legislature upon the ground that it would meet but once a year; and he further said: "It would be singular for one authority to make war and another peace."

After some discussion by Pierce Butler, of South Carolina, with Messrs. Madison, Gerry, and Sherman as to the desirability of permitting the Executive to make war, and of the difference in meaning of the words make and declare, Mr. Ellsworth, of Connecticut, afterwards Chief Justice of the Supreme Court, remarked that "There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War, also, is a simple and overt declaration; peace, attended with intricate and secret negotiations."

Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging, rather than facilitating war, but for facilitating peace. He preferred "declare" to "make."

"On the motion for adding 'and peace' after 'war,' it was unanimously negatived."

It is greatly to be regretted that the report of this debate is so meager, but from this report it is plainly apparent that what the delegates had in mind was the fact that the Congress met but once in a year, and that the delegates adopted the views of Chief Justice Ellsworth, briefly but forcibly expressed, that "it should be more easy to get out of war than into it," and those stated by George Mason, of Virginia, that he was for clogging rather than facilitating war, but for facilitating peace.

The framers of the Constitution were great men and well-informed men. To this day their names are household words throughout the Union, and they were men thoroughly posted in international as well as domestic law. It will not do to attribute to them ignorance of the law.

At the time of the meeting of the convention the best-known authorities on international law in the colonies were the works of Hugo Grotius (1623) and that of Vattel (1758). From Grotius I quote:

The person who has authority to begin a war is the only one to whom the right of making peace can properly belong, according to the general maxim that everyone is the best judge in the management of his own affairs. From hence it follows that public war can be made by the sovereign power alone on each side, a right which in every kingly Government is very justly vested in the Crown.

In popular or aristocratic forms of government the right of making war or concluding peace is generally lodged in some public council or body, where a majority of voices may form treaties, conventions, or resolutions which will be binding on the dissentient part of such council. All who are bound by a peace, whether approving it or not, are entitled to its benefits. (Grotius, Rights of War and Peace, Ch. XX.)

To much the same effect is the statement in Vattel, Book IV, chapter 2.

It would plainly appear from these authorities that under the views held at the time, the power of making peace was necessarily incident to the power of declaring war.

The Constitution grants to the Congress the power to declare war, and also to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces, and out of abundant caution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Let us consider these words of authority and, not forgetting the construction given them by our great Chief Justice, and ever since constantly adhered to by the Supreme Court, decide for ourselves whether at the conclusion of a war, declared by the Congress, a declaration of peace is not necessary and proper. I repeat the words of the Chief Justice:

Let the end be legitimate, let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

In 2,000 years the great principle laid down by Aristotle, the most eminent of philosophers, "The goal of war is peace," is still the rule of all civilized nations.

The cases cited by the gentleman from North Carolina do not bear out his contention.

The gentleman from North Carolina discussed two cases, one of which was the case of the *United States v. Anderson* (9 Wall., 56, 70), which, like three or four other cases of the same sort, was based upon the necessity of having the Supreme Court decide at what time the Civil War ended. In that case—the

report of which I have here and from which I shall not read, a case in Ninth Wallace—the Supreme Court drew attention to the fact that President Johnson, in August, 1866, had issued a proclamation of peace, and coupled with that the statement that the Congress had ratified this by the act of March 2, 1867. It appears that Congress was not in session and had not authorized the proclamation of peace, but that it was afterwards ratified.

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

Mr. PORTER. I yield to the gentleman five minutes more.

Mr. MOORES of Indiana. The Hijo case grew out of the Spanish War, and all that was decided in that is that a condition of peace did not exist between the time of the armistice and the final treaty. I have the discussion, which will be found in the One hundred and ninety-fourth United States. There was no condition of peace between Spain and the United States during the period intervening between the armistice and the final treaty of peace. That is all there is in that case.

On the other hand, I have a case in Ninth Howard, decided by a unanimous court at a time when Mr. Taney was Chief Justice and wrote the opinion. The case referred to is the case referred to by the chairman of the Foreign Affairs Committee in his argument on Saturday. It was a case involving the importation of goods from Mexico at a time when Tampico, a Mexican port, was in our possession during the Mexican War. In that case the Chief Justice says, speaking of the right of the United States to annex territory—and I shall not read as much as I would like to, because my time is short:

But this can be done only by the treaty-making power or by legislative authority, and is not a part of the power conferred on the President by the declaration of war.

That has been followed up by the Federal court in a case in which the language which I shall read has been three times quoted with approval by respectable courts. In the case of the United States *v.* One hundred and twenty-nine Packages (27 Federal Cases), Judge Samuel Treat, of Missouri, was called upon to decide this great question in the light of Chief Justice Taney's opinion, and he did decide it, and I read his words, as follows:

In short, the status of the country as to peace or war is legally determined by the political and not the judicial department. When the decision is made, the courts are concluded thereby and bound to apply the legal rules which belong to that condition. The same power which determines the state of war or insurrection must also decide when hostilities have ceased; that is, when peace is restored. In a legal sense the state of war or peace is not a question in pairs for courts to determine; it is a legal fact ascertainable only from the decision of the political department.

That was decided in 1862, almost immediately following the decision by Chief Justice Taney in 1850. A dozen or more authorities from the Supreme Court are then cited. That case has been followed and the exact language quoted in United States *v.* Bales (27 Fed. Cas., 325, 328), a Michigan case, by Judge Emmons, of the Federal circuit court. It has never been overruled; it has never been spoken of with disrespect. It was followed as late as 1906 by Judge Lewis, of Colorado, in the case of Moyer *v.* Peabody (148 Fed., 871), and the exact language given by Judge Treat is used by Judge Lewis. In conclusion, I read from a case in the Supreme Court of Indiana, quoting the language of Judge Treat (Perkins *v.* Rogers, 35 Ind., 124, 167; 9 Am. Rep., 639, 664, 674):

The war-making power is by the Constitution vested in Congress, and the President has no power to declare war or conclude peace except as he may be empowered by Congress.

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

Mr. DAVIS of Tennessee. Mr. Speaker, we readily concede that there has been and is now a persistent, nation-wide, righteous demand for peace. We regret that the Republican leaders have been so long in hearing that demand, and that even now they hear it so indistinctly. We warn them that this miserable makeshift will not meet or satisfy that demand. The reason that some of us are opposed to this resolution is because we are earnestly in favor of real peace. We believe this resolution will simply result in additional delay, procrastination, and a complication of conditions. As has been stated already, and which has not been seriously controverted, the question of political expediency is undoubtedly entering very largely into the introduction and consideration of this resolution and will influence the action of a great many. In fact, some of the individual Members have admitted that although they have no confidence in the virtue or efficacy of the resolution, yet they are going to support it from the standpoint of political expediency. One Member stated on this floor that although he detested this resolution, yet he was going to

support it, and advised other Members to do so upon the ground that our constituents would misunderstand and misconstrue a vote against it. Mr. Speaker, in the first place, I have a higher opinion than that of the wisdom and ultimate judgment of my constituents, and, in the second place, I think that those who are disposed to follow a lead of that kind are misconstruing and misrepresenting the so-called "verdict of last November." Several Members have spoken as if the verdict last November was in favor of this so-called peace resolution. I respectfully submit that it was not in favor of peace by any sort of resolution.

The Republican platform nowhere mentions a separate peace or a peace resolution, although the Knox peace resolution had passed Congress and was vetoed, the excuse given then for such a resolution being that we had a Democratic President, who was unwilling to join hands with the majority in the Senate. Even that excuse does not obtain now, because the Republicans are in complete control. As just stated, there is not a word in the Republican platform adopted at Chicago with regard to a separate peace with Germany or a peace resolution. On the other hand, in the said Republican platform the section dealing with the League of Nations and the question of making peace starts out with this sentence:

The Republican Party stands for agreement among the nations to preserve the peace of the world.

And it concludes with this sentence:

We pledge the coming Republican administration to such agreements with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals—

And so forth.

The issue, in so far as the League of Nations and the question of peace making entered into the last campaign, is very correctly stated in a recent editorial in the Washington Evening Star, which is a Republican paper and very friendly to the present administration. In discussing these peace resolutions the said editorial declares:

Much weight has been attributed to the answer of the American people in the "solemn referendum" of last November, and it should be borne in mind that the question then before the Nation was not "Do you prefer the treaty of Versailles to a separate peace with Germany?" but "Do you prefer the treaty of Versailles with or without those reservations which the Republican Party deems necessary?"

This editorial concludes in this wise:

Scrapping the treaty of Versailles would be unwise in the extreme. It is difficult to believe that such a course is to be finally adopted by the administration.

In another recent editorial in the Washington Evening Star, under the title "The 'Separate Peace' Again," it is stated:

Interest in the action of the Senate on Saturday, when the Knox resolution was passed, centers in the revival by Senator Lodge of talk concerning a separate peace with Germany.

"If we choose to make peace with Germany by a treaty, which will probably follow this resolution," said Mr. Lodge, "surely we are not betraying them." By "them" he referred to the powers, with whom we were associated in the war.

So out of the passage of the denatured Knox resolution—a gesture which accomplished nothing more than the declaration of the fact that we are no longer in armed conflict with Germany—are reborn the grave misgivings which, prior to President Harding's impressive first message to Congress, beset America and those with whom we fought shoulder to shoulder in France. It is the purpose of the United States, while insisting upon the rights which have been guaranteed it under the treaty of Versailles, to dodge the complementary obligations and, making a separate and selfish bargain with Germany, to bid our former allies to do the best they can without us in the difficulties into which our course would plunge them?

Far from being authorized to scrap the treaty of Versailles by the unqualified verdict of last November, the Republican Party is bound by that verdict to cling to whatever is good in the League of Nations and to ratify a modified version of the treaty of Versailles. Seeking the political control of the Nation for the next four years, talk, by any sane extreme few, of a separate peace with Germany was noticeable only by its absence. President Harding is aware of the resulting obligation—of the fact that the Nation as a whole would regard such a step as one of unwisdom and dishonor.

These editorials are representative of innumerable other editorials which have appeared in Republican and independent as well as Democratic newspapers throughout the United States prior to, during, and since the last campaign. In fact, during the recent campaign the Literary Digest sent out questionnaires and took a poll of practically all the daily newspapers in the United States, from which it appeared that an insignificant percentage of such papers favored "scrapping" the treaty of Versailles and the covenant of the League of Nations, they nearly all declaring in favor of either the peace treaty without change or with mild reservations or with the Lodge reservations.

On October 15, some 17 days before the election last November, 31 very prominent Republicans, including two who are now members of President Harding's Cabinet, Charles E. Hughes and Herbert Hoover, gave out a statement in which they told the friends of a League of Nations that the best way, the most



effective way, to procure it was to support President Harding, on the ground that he was for the League of Nations with reservations, for which he had voted as a Senator, and that he could work in harmony with the Senate, which, it was claimed, would certainly be Republican. After quoting at length from the Republican and Democratic platforms, both candidates for President, and other authorities, that statement stated the issues in the following language:

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 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.

That was likewise the attitude of all the Republican "spellbinders" during the campaign, with the exception of a few "bitter-enders." The controversy hinges around a question of reservations. The Republican fight was directed against certain features of the covenant of the League of Nations. Practically nobody advocated rejection of the peace treaty itself, and I never heard of anybody at that time insisting that it would be the policy of the Republican Party to make a separate peace with the enemy.

Consequently, a scrutiny of the actual issues involved in the last campaign discloses the fact that the so-called "verdict of last November" was against a separate peace and against an effort to make peace by resolution. These facts should be borne in mind by those Members who are hunting for political cover and who are so anxious to cast a vote of expediency. For their further consideration, I commend another editorial which recently appeared in the Washington Herald, which is in part owned by a member of President Harding's Cabinet, and which is very friendly to the present administration. In discussing the question of the peace resolution and that of a separate peace, this editorial stated:

Any suggestion of a separate treaty with Germany is but to put false hope and an added false stubbornness and unrepentance into the heads of the German leaders.

Such a peace would not affect the treaty of Versailles. That would still be there and would still bind Germany. Such a peace would not give this Government any authority or influence as to the provisions of that other treaty; it could not change or modify it in any way. It would range this country alongside of Germany and permanently apart from people with whose armies our Army fought side by side in the war. It would be both a disastrous and disgraceful position, creditable to neither our common sense nor to our moral sense.

If the Republican Party should undertake such a peace, deserting our war associates, the Democrats would have their time of squaring accounts, and if such a treaty got the required two-thirds vote the Republicans would pay the penalty in 1923.

I fully agree that politics and partisanship should have played no part in making peace, but politics and partisanship were injected into it, both in the Senate and in the House, not by the Democrats but by the Republicans. Under the Democratic administration and under the matchless leadership of Woodrow Wilson politics and partisanship were laid aside, all parties combined in marshaling the resources of the Nation to combat Prussianism. Under the inspiring example of President Wilson the Nation was gripped with patriotism. However, as soon as the war was fought and won, and while we were seeking to make secure the fruits of our victory, certain Republican leaders began to play politics in order to destroy the prestige of President Wilson.

The policy now being pursued by the Republicans can not be indicted in any stronger terms than by employing the language used by some of the Republican leaders before they began to play politics in connection with the important question of peace making. The present Republican leader of the Senate and chairman of the Senate Foreign Relations Committee [Senator Lodge] publicly proclaimed that any proposition for a separate peace with Germany would make us "guilty of the blackest crime." Again, in the Forum Magazine of June, 1918, Senator Lodge said:

If we send our armies and young men abroad to be killed and wounded in northern France and Flanders with no result but this, our entrance into 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 should be no peace until we could create a situation where no such war as this could recur. We can not 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.

This Porter resolution is much preferable to the Knox resolution, not because it is any more effective but simply because it is less dishonorable in its phraseology. [Applause on the Democratic side.]

However, there is nothing—there has been nothing since March 4—to prevent President Harding from proceeding in the

regular, orderly, constitutional way toward making peace through the instrumentality of a peace treaty, whether he desired to take the treaty of Versailles as a basis or to make an entirely new and separate peace with Germany. There is positively no reason whatever for not taking as a basis the treaty of Versailles, which has already been signed by all of our late associates and allies as well as by the enemy countries, even though President Harding and the Republican Senate are unwilling to accept it in its entirety. In discussing his own proposed reservations to the peace treaty, Senator Lodge said:

The other nations will take us at our own terms, for without us their league is a wreck and all their gains from a victorious peace imperiled.

And yet he and the other Republican leaders now refuse to join hands with our allies "at our own terms," even though "all their gains from a victorious peace be imperiled." That statement was sordid and repulsive enough, but the present policy is more so.

After having been in complete power for more than three months they now offer this subterfuge. Having repudiated the treaty of Versailles, this resolution proposes to cling to all the advantages therein contained. They propose to shirk all the obligations and responsibilities imposed upon each of the nations who signed the treaty of Versailles, but to reserve all the benefits; to grab everything and give nothing in return. They propose to reap where we do not sow. Although we are the wealthiest and most powerful Nation on earth, yet you are unwilling for us to play a manly part.

I deny that such a policy constitutes "Americanism." [Applause on the Democratic side.] It is blind selfishness, cowardice, and dishonor parading in the guise of "Americanism." [Applause on the Democratic side.]

This policy is very pleasing to Germany, but very displeasing to all of our allies. One Member made a very pathetic appeal to the Democratic Members of the House to support this resolution. If he is seeking votes, I suggest that he submit the resolution to the German Reichstag, where it would receive a unanimous vote; however, it would receive no votes in any of the legislative assemblies of our late allies.

I repeat that the verdict of last November was not as some would construe it. There is less reason now for supporting a resolution of this kind than there was when it was presented before. The time will inevitably come when the course of the last administration and the minority members of this Committee on Foreign Affairs in regard to this matter will be fully vindicated. Some of us are very much in favor of peace, but we are opposed to cowardly deserting the Allies at the front door and seeking to sneak into the international back door. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PORTER. Will the gentleman from Virginia use some of his time?

Mr. FLOOD. I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I have heard many remarkable arguments advanced in favor of this legislative stillbirth now under consideration, but I think the most remarkable was that to which we listened on last Saturday by the chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. PORTER], in which he undertook to justify the action here proposed on the ground that the Allies had deserted the United States by making separate peace with Germany and thus forced us into a position where we had to shift for ourselves. Such an argument would be ludicrous if it were not tragic. It approaches what I used to know in college as a pons asinorum.

I presume he would have had the allied nations wait indefinitely to ratify a treaty all had agreed on, while the Republican Party played miserable politics with it. The condition of mankind is sad enough at best, but its condition would have been unthinkable if all the other nations had pursued the venal and humiliating course which the Republican Party has compelled this Nation to take. The United States was left, is left now, to shift for itself. But it was not abandoned and compelled to shift for itself by England, or by France, or Italy, or Belgium, or Japan, or any other nation; but the United States Government and people have been put in the humiliating position of having to shift for themselves by the mendacity of Republican leadership during the past two and a half years. [Applause on the Democratic side.]

In his speech of August 28, 1920, Senator Harding, the Republican candidate then for President, stated that whatever good there might be in the league covenant should be used in any association of nations that he himself might attempt to form. He stated that if there were teeth in the league and no

teeth in his association or in the old discredited Hague tribunal, the teeth in the league covenant might be transferred to the association or the tribunal. In other words, what he then advocated was the extraction of the teeth from the toothsome league and insert them in his toothless association.

In his inaugural address on April 12 he stated that this Government would have no part in the present league, with its "world government" and its "superpowers." But he urged the ratification of the Versailles treaty with such reservations as he might deem proper to preserve our independent action. In other words, we would go in, while at the same time attempting and pretending to stay out.

In a statement issued by Mr. Herbert Hoover, now Secretary of Commerce, on February 28, 1920, when he was a sort of omnibus candidate for the Republican and Democratic nominations for President, he made the following assertion:

If the treaty goes over to the presidential election, then I must support the party that stands for the league.

In an interview in the Washington Star on March 18, 1918, Mr. Hoover made the following statement:

If we abandon this treaty, we must ask Germany to negotiate a separate peace with us. Having thus isolated ourselves from the Allies and withdrawn any consequential army from Europe, can we suppose that Germany will accept the Versailles terms from us? Will we resume fighting again? We shall be in the position of a nation which has abandoned its allies after having made an agreement with them, for the main lines of the treaty, as distinguished from the league, are not challenged even by reservations. Will not the Germans thus effectively drive a cleavage between us and the Allies? As the Reparation Commission can effectually veto any settlement we make with Germany for civilian losses, alien property, and trade matters, shall we go to the Allies and ask their help?

In a carefully prepared statement, published in the New York Evening Post, June 25, 1920, Mr. Hoover said:

The treaty of Versailles is the guaranty of the disarmament of our great autocracies, and no European nation is going to risk their revival. It is a mortgage upon the enemy States, and they are not going to offer opportunity to Germany, Austria, Hungary, Turkey, and Bulgaria to escape their debts by intrigue at a new peace conference. The European signatory nations will take no risks of seeing chaos from these causes.

The League of Nations covenant is an essential part of the treaty. A separate peace involves a series of negotiations from a disadvantageous position, not only with the enemy but with all the new States that have been created and with each of the Allies and the neutrals who have joined the league. I leave the legal phases of this to the lawyers, but I point out some prohibitive reasons—the treaty of Versailles is the web that holds Europe together to-day.

It embraces a vast network of economic clauses that vitally concern our economic well-being. The execution of these clauses is in progress at the hands of a commission practically controlling the economic future of the enemy States. This economic future can be guided impartially in the interest of the whole world, or in the interest of a few States, and thus against us. Its present attitude is of the latter character. No treaty between ourselves and the enemy States can admit us to this control, for that depends upon our late Allies. If we enter the reparation commission, we can only do it by ratifying the treaty. Statesmanship looking to a separate peace is plain foolishness, and worse.

Whether it be to-day or 10 years hence, we will, if we want peace, ratify the Treaty of Versailles in some form.

Will any Republican denounce that statement as untrue? If it was true when made by the great Secretary of Commerce, is it any less true now?

In a statement issued by thirty-one prominent Republican advocates of the League of Nations, on October 15, 1920, in which they urged friends of the league to vote for Mr. Harding, and which was signed by Mr. Hughes, now Secretary of State, Mr. Hoover, Secretary of Commerce, Mr. Root, former Secretary of War, Secretary of State, and United States Senator, and many other prominent Republicans, we find the following language:

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

And these men pledged Mr. Harding to a course of action which would result in the ratification of the Treaty of Versailles and the creation of a league of nations embodying the general principles of the league already in existence, with certain modifications which they set forth.

Did they know what they were talking about? Did they speak with Mr. Harding's consent and knowledge? It is hardly conceivable that they would have issued that statement without consulting him. Two of them are now members of the President's cabinet. Are they of the same opinion now? If not, what has happened to change their views?

In a speech delivered at the commencement exercises of the University of Pennsylvania by Senator Knox, he used the following language:

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.

It is doubtful whether any stronger argument or statement was ever issued by any man, publicly or privately, in behalf of the League of Nations.

In a speech delivered in the Senate on December 21, 1918, Senator LODGE said:

If the peace with Germany is to be durable terms must be exacted which will make it impossible for Germany to break out again upon the world with a war of conquest. It is the duty of the Allies and the United States to meet and determine what terms they will impose upon Germany. When this is done the first great step will be taken toward the establishment of the world's peace. \* \* \* Nothing can be done unless we work in complete harmony with those who are associated with us in the war against the Central Powers. I know very well we had no treaty of alliance technically with the Allies, but technicalities are of no consequence in the presence of facts. \* \* \* We must have common action now in making the peace as we had in carrying on the war, and this unity between us and the Allies is the first essential condition for a successful peace.

That was the language of HENRY CABOT LODGE before the Republican Party decided to stultify itself for political purposes, before that party had decided to leave this Nation to shift for itself and pick up whatever crumbs might be left at the international table after the other nations secure their rights under the Versailles treaty.

George Harvey, who is alleged to be a great colonel, but is acknowledged to be a poor ambassador, says we went to war to save our skins. HENRY CABOT LODGE said in that speech in the Senate that "we went to war to save civilization." But whether we went to war to save civilization or merely our skins, the legislative monstrosity now before this House does neither. If we went to war to save our skins, we ought not to leave them nailed to the barn door by surrendering all the rights we obtained as a result of the war. If we went to war to save civilization, we ought not to outrage that civilization by a dishonorable desertion of every impulse which actuated us in the conflict and every noble purpose for which we sacrificed so much in life and treasure.

We have been told that this resolution will restore peace. We can not enforce its terms upon Germany. Will it automatically result in the exchange of ambassadors? If so, we may never have a treaty of peace settling the questions growing out of the war. Can we reserve under this resolution rights in the Versailles treaty, which we have never ratified? Does anybody suppose that if we have to negotiate a new treaty with Germany we can do it otherwise than as two peaceful nations negotiating with each other? To suppose otherwise is to set at naught human nature and human history. And if Germany shall refuse to negotiate a treaty with us acknowledging her responsibility for the war, and acknowledging her obligation to reimburse our Nation and our citizens for the unlawful destruction of lives and property, how can we force her to do it? Will we again break off diplomatic relations and resume the status of war which this resolution seeks to dissolve?

Not having ratified the treaty of Versailles, the status at present is prescribed by the terms of the armistice signed November 11, 1918. It is under that armistice that our troops are in the occupied territory of Germany. An armistice is defined to be a "temporary suspension of hostilities between two nations at war." If this resolution shall, as its defenders claim, result in restoring the status of peace, then the armistice falls with it, for there can be no such thing as an armistice between two nations at peace.

Therefore, under any circumstances, under either horn of the dilemma which this resolution places this Nation in, we are left at a disadvantage. We are shorn of the fruits of victory and will be compelled to beg Germany for such terms of peace as she shall be pleased to grant us and as the Allies will permit us to have.

The American people are growing restless and anxious to know what the foreign policy of this administration is to be and by whom it is to be announced.

Before the election, two members of the present Cabinet, Secretary of State Hughes and Secretary of Commerce Hoover, signed a statement issued to the American people, saying that the only way to get a league of nations was to elect Harding. He was elected, and they are in his Cabinet. When are we to have a definite announcement? Have they changed their minds? Were they mistaken? Mr. Harding in his inaugural address said this Nation would have nothing to do with the league; then, in his address to Congress, he said he would favor the ratification of the Versailles treaty with suitable reservations. Mr. Hoover says the league is the heart of the treaty and both must stand or fall together. Mr. Hughes said in a letter to Senator HALE that he thought the best thing to do was to ratify the treaty, with certain reservations, which he outlined. Mr. Taft has many times said the same. So have Root, Wickersham, and other able Republicans. But our distinguished colonel, who occupies but does not fill the position



of ambassador to England, assures the world that we will have nothing to do with the treaty—openly, secretly, directly, indirectly, in the daytime or the nighttime, world without end. Amen.

Who speaks for this administration? Is it President Harding? Is it Hughes? Is it Hoover? Is it LODGE? Is it KNOX? Is it PORTER? Is it Harvey? The American people are disposed to be patient and long-suffering, but they would like to hear some responsible voice on this great subject. It has been six months since the election, and more than three since the 4th of March. If it is proposed to ratify the Versailles treaty, why has it not been resubmitted to the Senate? If it is proposed to negotiate a new and separate treaty with Germany, why has it not begun? The American people want peace. We all want peace—real peace, enduring peace—and we want to restore our friendly relations with Germany. But the American people want an honorable and upright peace, a peace which our fighting men won on land and sea, a peace that will restore our beloved Nation to its proper place in the vanguard of nations, a peace which will leave no stain of cowardice or betrayal upon our fair escutcheon. [Applause on the Democratic side.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. MONTROYA].

Mr. MONTROYA. Mr. Speaker and gentlemen of the Congress, I am very much gratified and honored to be here to-day as one of the Members of the Congress privileged to take part in this important question. I bring up, it seems, the rear guard of the discussion.

The people of my State, when by resolution of the Congress a declaration of war was made, were ready and eager to go to war for the Nation and the flag. And now, at this moment, I, as the lone Representative of that great State, say that we are just as eager on this 13th day of June, 1921, by the same action that declared war, to declare the end of the war by means of the Porter resolution. Gentlemen, I have very carefully listened to the arguments on both sides, the very able and brilliant arguments made by the minority side and the majority side, upon this great and momentous question. But it appeared to me that we were running in circles, the same as the seats in this House, and always in the course of the argument landed under the dome of the Capitol of the Nation, and under the Constitution of the United States, which gives the power and the right to Congress to declare war or to declare peace. I am here, gentlemen, to vote in behalf of the people of my State to declare the war at an end.

The Porter resolution declaring peace with the Governments of Germany and Austria-Hungary should have been passed months ago, for we have been in actual state of peace for over two years; but owing to an unexpected and unforeseen situation as to the treaty of peace, called the treaty of Versailles, being complicated with an agreement framed by the Allies called the League of Nations, the treaty and the declaration of peace have been up in the air for many months, and waited for the decision of the American people at the polls in November, 1920, which decision was given in thundering tones by over 7,000,000 votes majority, defeating the so-called League of Nations and its dangerous purport in entangling the United States directly and permanently in European affairs.

This decision left the matter to be dealt with by Congress, under the Constitution, for Congress has the sole power of declaring war or proclaiming peace. This question is here now, under a proper ruling adopted by the House, to be disposed of, not as a political question, political expediency, or any other camouflage or subterfuge, but as an open question of right, of justice, demanded by the American people and the world. Why should this proposition hang fire any longer? Why should it meet with any delay or opposition from any Member either of the minority or majority of this House?

We went into the war for the most potent and just reasons in the world, our honor as a Nation, the honor and prestige of our glorious flag, the Stars and Stripes, was at stake; we had been insulted; our men and women and children had been murdered on the high seas, not by orders of the German masses or common people, for they had very little to say under a despotic government, but it was done by the autocratic, ambitious, crazy power of the ruler and his despotic government.

The measure was filed, America made its decision, we accepted the gage, our boys by the hundreds of thousands, by the millions, responded to the call of the country and flag, our legions were formed under able leaders, 2,000,000 soldiers went across, united with the Allies for home and the liberty of humanity from the ambitions of tyrants; you all know the rest; you have heard of the Thermopylae of the war, Chateau-Thierry, Belleau Wood, the Argonne, Verdun, St. Mihiel drive, and the hundreds of places, now historic and consecrated ground where

the blood of Americans was shed for the noblest cause in the world, ancient or modern, for the liberty of humanity from oppression and vassalage by unprincipled, crazy tyrants.

The American troops, once in action, the American flag once moving forward against the enemy, never retreated—such a word is not known in our Army in America or elsewhere—but went forward, pierced, and broke to Hades the so-called impregnable Hindenburg line, went over the top everywhere, and in a few short weeks helped to land the Kaiser on the chain gang and into a wood pile in Belgium, as he deserved, and worse. Some of the newspapers are saying that there may be a "nigger in that wood pile," but I do not believe it. They will have to assign his majesty to one of our western forests when the wood gives out in little Holland. We will give him a couple of sections and keep him busy the rest of his natural life.

Now, the job is done. What next? Let us have peace. Let us have peace with the German people. The world and they are rid of the main causes of the Great War. Let us have peace; let us declare it now by voting for the Porter resolution declaring peace.

New Mexico, like every other State in the Union, in proportion to population was ready at the front when the call was made. We had no willful slackers in my State; we had a few conscientious objectors, but I as chairman of the draft board where they appeared took no stock in their claims. I asked them, "Are you satisfied with this country; are you happy with your families in this country; are you protected by our institutions and flag? Then, my boys, go and fight for that country and flag that protects you." And they went. On their return, I have met many of them, and they are the happiest of men, because I decided that they should wear the American uniform. I, as an American, in common thought with the American people and with our President, who from his inmost heart has said at the memorial held for our dead heroes: "This must not be; war must not be." Let us have peace; let us have peace, not the peace of conquest, not the peace of the grave wrought by mighty armies in devastation, death, tears, and suffering, but peace as proposed in the United States, by common consent of the leading nations of the world, headed by America, a peace by disarmament by turning to the paths of peace and forgetting war. This can be done and will be done, because the mothers of America and of the world are backing the movement.

As New Mexico was to the front when called to arms, New Mexico, by its Representative, is proud to be at the finish, bringing up the rear guard in declaring peace.

Let us follow the teachings of the Christ, whose salutation on all occasions, public or private, as the good book teaches us, was: "Pax vobis"—"Peace be with you." Let us have peace. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, on April 12 President Harding appeared before a joint session of Congress and delivered a message that has gone down in history as one of the notable state papers of the Nation. In that document this paragraph appeared:

To establish a state of technical peace without further delay, I should approve a declaratory resolution of Congress to that effect, with the qualifications essential to protect our rights. Such resolution should undertake to do no more than thus declare the state of peace which all America craves.

America craves a return to peace that will permit of the resumption of full commercial relations with the Central Powers, and the overwhelmingly large vote cast for the entire Republican ticket last fall was an expression of the people's determination to bring about a technical state of peace at the earliest possible date.

Mr. Speaker, the world is war sick, and the fever of unrest prevailing everywhere is but a manifestation of its weariness. The great nations are groaning under heavy taxes that will continue to weigh down mankind for generations not yet born. "Give us peace and prosperity" is a cry that daily issues from the throat of humanity, and in passing this resolution, which formally proclaims the ending of the state of war, we are heeding the anguished cry of a world writhing in mortal agony. I only wish to God that this step could have been taken right after the signing of the peace treaty at Versailles. Think of the misery and suffering it would have obviated. The failure to do so can not be charged to Congress, for we passed a resolution 18 months ago declaring the state of war to be over, only to have it vetoed by that cold and stubborn man who then occupied the White House. He would have no peace save his kind of peace, but when the great American people were given an opportunity to express their desires they rose en masse and proclaimed their abhorrence of foreign entanglements and alien

intrigue. They remembered the admonition delivered by the immortal Washington in his Farewell Address and proclaimed their faith in the wisdom of the policy enunciated by the Father of his Country.

Great Britain, France, Belgium, and the other allied powers have long since concluded formal peace and resumed commercial relations with Germany and Austria. Only the United States has failed to do so. Think of the tremendous loss in trade that our failure to act has cost us. To-day factories are shut down in every part of the country, several millions are out of employment, farmers are compelled to sell their products at a great loss, and actual want and suffering is the lot of all too many who are in no way responsible for conditions now existing. With the immortal Grant I say, "Let us have peace." Let us resume full relations with the Central Powers that we may find a market for our surplus products. Until we do so the pendulum will not swing toward normalcy and prosperity.

Last summer I went to Europe for the purpose of studying conditions in the war-torn regions of that Continent. After a careful study of conditions there I arrived at the conclusion that one of the first requisites to the revival of normal times in this country was the restoration of Germany and Austria to positions where they could help themselves and promptly pay the indemnities exacted of them by the victors.

That I am not alone in my conclusions is proven by an article which appeared in Barron's financial paper, published at Boston under date of June 6 this year, written from Berlin by its publisher, C. W. Barron, under the title "European unsettlements." Mr. Barron says in part:

#### EUROPEAN UNSETTLEMENTS—LOOKING INTO GERMANY.

I canvassed the German situation carefully with the Swiss bankers, for this was the object of my trip into Switzerland. Summarized, the findings were as follows:

"Whatever may be our feelings, Germany can not be wiped out. The Germans have passed through these trials before. They had the Thirty Years' War and the Seven Years' War. They can be reduced, but they can not be extinguished.

"The military party is quietly in control, but the Hohenzollerns will never come back. You can feel that the Germans are not at heart democrats. It will take a generation to change the spirit of a Germany brought up under military rule, and it will take two generations for the Germans to think for themselves politically. But despotism is broken down.

#### HELPING THE WORLD.

"To help the world we must help Germany; the whole body suffers because Germany is so important a member. The patient is Europe, and at first examination his heart is very weak. Strengthen that and the other organs will get strong. We don't say it out of love, but Germany is the heart of Europe.

"From a business standpoint, we must remember that Germany is the only country that paid its bills at maturity during the war and never defaulted. Italy and France suspended payment.

"The German is a good spender when he has money and takes naturally to motor cars and champagne. He is also a good family man and a good father, and except for this damned kaiserism has good common sense, is hard-working and intelligent.

#### ONLY GERMANY CAN REORGANIZE RUSSIA.

"Whether Germany makes war again will depend upon the opportunity that offers. You must force Germany to pay, and the English and the French need not fear the settlements.

"The Germans are the only people with location and ability to put order back in Russia, and if Germany is set going again she will look to Russia for profitable development rather than to western competition.

"The Germans will colonize industrially in Russia, and they are the only people to do it. The only hope for Russia is through commerce.

"Settle up this reparations business and the Germans will work like the devil. Their factories are blazing now, but they can do a good deal more, and they have much yet to do for themselves."

#### WAR PLANS FALLACIOUS.

I did not care to enter Germany by the railway train. I wanted to see the people off the usual routes of travel and out of contact with foreigners or officialdom. Therefore, after crossing Switzerland east and west and north and south, and getting a peep into Italy and the Swiss views of Austria, Czechoslovakia, and Russia, I dropped down the Rhine Valley and into the Black Forest by motor.

The roads were surprisingly good, but I was astonished to be able to read the history of the war 30 months after the armistice right in the faces and limbs of the men, women, and children.

The German children have not the ruddy complexions of the English or the vivacity of the French, but in previous years I have always found them rugged and sturdy of limb. My observations from Basel to Berlin clearly convinced me that the outside world was utterly wrong concerning Germany.

#### NO FIGHT IN GERMANY.

It will be a span of more than one generation before Germany can ever fight again with her own men. Her man power is gone and can not be reproduced in a generation. Not for 30 years can she contemplate war, and then another 30 years would be required to prepare for it.

My first trip to Germany was more than 40 years ago, and on many trips abroad in the 15 years preceding the war I spent more time in Germany than any other country. When I left Paris I had no special ambition to visit Berlin. But I knew well the Rhine Valley, its fields, villages, and little trout streams descending from the Black Forest, and the narrow streets by the watercourses where the children ran barefooted or clicked their wooden shoes against the stones.

In 1911 I saw the war program in railroads, training camps, and finance, and published that Germany was preparing for a great war in Europe.

#### THE PHYSICAL FACTS.

In 1913 I flew down the Rhine Valley toward Frankfurt in a Zeppelin, and later declared from a study of the financial situation in Berlin that Germany could not afford to go to war, as it was now solidified in finance, shipping, and mercantile organization, with prospect, fairer than had ever before beckoned any country, to move forward in the peaceful contest of supplying and expanding human wants.

I had to note the silver in the Spandau Tower—the stirrup cup of war—expanded from 120,000,000 to 360,000,000 marks and the war tax levy upon the capital of the country. Yet for 40 years following the war with France, Germany had been rattling the sword and steadily gaining in trade and finance. She could gain no more by war.

I am not now talking from financial or business logic but from physical facts.

#### READING WAR HISTORY.

There is no camouflage concerning the pinched legs of the children of the upper Rhine which told me the primary truth. If the children have been pinched in that rich valley, they can not be better off toward Vienna.

You can read the history of the war in the faces of the people as well as in the little legs of the children 30 months after the armistice. You can then understand the desperate game that Germany played with her women and children after the first defeat at the Battle of the Marne settled the issue. This was the first shock after England entered the war, and it was a series of shocks the next four years, with never strength enough in the man power of Germany to follow up when they broke through the line.

The English and the French not only received the shock of war in stubborn resistance, but they, too, knew that they had not strength enough to press forward. They held Germany and then they starved her. The Americans, well fed from the beginning, were the men who could take the offensive and follow through.

#### STARVED TO STERILITY.

The Germans put the food to the front to brace the fighting line and starved the women and children to sterility. Enter any German home, even in the upper classes, and you will find the women still pinched, shrunk, and underweight. Walk down the Unter den Linden with intention to count the war wounded and you are shocked, not at the number of one legged or one armed or disfigured, although these are more plentiful than in France or England, which conceals its hospital scars, but you are shocked at the number of idiots, the shell shocked, and the nervously strained. I not only saw them, but I had other people count them. When I asked the American Journalists in Berlin for an estimate of how many people counted in the streets showed the shock of war either in limb or in countenance, they replied that they had estimated on the average every other person. In England and France they do not permit the idiotic and heavily scarred countenances to appear on the street, but Germany is not masking her appearance. She has reasons for appearing poor and weak in every respect. Therefore England and France are weaker than they appear and Germany stronger than she appears.

#### STILL UNDERFED AND UNDERCLAD.

Nevertheless Germany must be considered for many years as ruined in man power, child power, and mother power, but not in lands, buildings, or machinery, although the lands have been underfertilized for many years and are not now producing as formerly.

Germany imports, as before the war, one-half her food, and she is still underfed. Women and children in the streets and at the railway stations show that they are not only underfed but underclad.

Everything is "ersatz," or substitutes. The substitutes are not only in the food but in the clothing. It is paper everywhere. Not only the paper mark but the paper napkin is universal, and some of the best hotels in Germany, like the Stephanie, in Baden-Baden, use paper tablecloths. Women bring forth their babies on paper sheets, and in the railway trains you are called upon to sleep under cold, coarse burlap. If a first-class restaurant in Berlin hands you a linen napkin, you may find it marked Hamburg-American or with the name of some hotel in southern France.

When the linen supply is exhausted, there is no ability in the paper mark to buy more.

#### THE BASIS OF THE HATE.

England is hated because in control of the seas she gave starvation to Germany. Nobody in Germany sees what Germany did to the English and the French with the introduction of her poison gases. Germany sees only that all the men went to the front and all the best men were lost and that the women and children were starved.

Germany does not yet realize the far-reaching effect of this starvation on her future. Only the physicians understand that, and they are not talking. But if you will quietly ask them they will tell you that tens of thousands of women and girls that should now or in the future be mothers will never bear children. Years of starvation have made them sterile.

#### HORSE MEAT AND TURNIPS.

I met in south Germany one whom I had known many years ago in London and who, against the protest of business people, had been interned in the Isle of Wight during three years of the war. He said:

"I realized that the English had no love for the Hun. But I did not realize what starvation was until I came here after the war and found the people living on coarse turnips, with no bread and no potatoes. In Cologne they were dying of starvation. Where shops opened at 8 people were in line from 3 o'clock in the morning waiting to get a small piece of horse meat."

#### STILL NO MILK.

I asked one of the ablest physicians in south Germany—a man with broadest practice with most wonderful results and whom I had known for more than 10 years preceding the war—for a view of the situation as respects the physical and moral conditions preceding and following the armistice. He replied:

"For two years, 1916-1918, the people had horse meat when they could get it and bread made with horse chestnuts. There is no milk even now. The farmers will not bring it in, because it is under Government control and the farmers are rich and can sell it quietly and privately to better advantage. During the war there were no potatoes for a long time and people lived on coarse turnips, formerly fed to the cattle. One hundred grams of beef in three weeks, and of course nobody could have meat."



## MORAL AND PHYSICAL DEMORALIZATION.

"There are many rich men in Germany—many more than before the war, but the people work hard and have nothing.

"During the war we had no linen for the wounded. We had to use paper. We had no sterilized silk or catgut to sew up wounds. It was a year after the war before we could get medical supplies or even soap. "Illegitimate births increased very much during the war. Everybody above 15 was in the war. All the fathers were at the front, and the boys and girls ran wild.

"The moral status was made bad by the war. Everybody deceived, but it is now a little better. Sometimes it was impossible to send packages by post or railway. If there was anything of value it would be stolen. Now the situation is improving. Still nobody wants to work if he can avoid it. Farmers are rich and paid all their debts and they are not now ambitious to produce. They have sold their products secretly to get more money than the law allows. They can now be classed with the rich.

## MIDDLE CLASS SUFFERING.

"The worst sufferers at the present time are the middle classes, teachers, professors, and salaried men. The universities and hospitals must stop and so must the schools on the present financial basis.

"Talk of war again is nonsense. The great industrial centers have been hardest hit by the war, and they have been the seat of our social or bolshevik troubles. The industrial workers there see the difference between the rich and the poor, which is greater now than before the war. Some people have enormous fortunes and know how to lie and cheat the government out of its taxes.

"We can not imagine how it is possible for an American workingman to have a Ford car. Fifteen marks a day dole for unemployment in this country is not enough for a man to live on.

## NO FIGHT FOR FIFTY YEARS.

"But Germany will recover in 20 to 30 years. She can not fight again for 50 years, and does not want to fight. Germany could not fight if she wanted to. It is impossible. All her best men are dead. Only young boys remain. Men who were in the war are now broken, as you can see by their faces as you walk the streets or visit the country in any part of Germany."

I turned from my friend and went over to the bank I had known before the war. I found it in larger quarters, for banking holds its own in Germany as everywhere else in the world. Of course, it was one of those big branches of the very big banks which Germany has built up. The manager said:

"We never wished war and we do not wish war now. We have no money and we have no soldiers. We have government bread cards still, but there is not enough strength in our food."

## SICKENING WAR BUDGETS.

From many sources I learned that the field labor of Russian prisoners kept the Germans alive during the war, and the people of the country were sorry to have them go home. And they were sorry, too, after they got home. Only prisoners, old men, women, and children worked the fields during the war.

Everywhere you learn that all the men were at the front, all the best men were lost and all the women and children starved.

Here in Berlin I am ashamed of my size. I believe I am to-day quite the largest man in Germany, and I do not weigh 300 pounds.

I have learned thoroughly that which I never suspected at home and that which I did not come to learn. I was looking to Europe for the facts of finance. I found physical facts which make the rising war budgets of England, France, and my own United States supremely ridiculous.

## FRANCE'S OPPORTUNITY.

If France did her duty by God and humanity she would expand her population and insure the preservation of that civilization and art culture which she has represented for so many years. But France is ambitious only for defense, for her own quiet ease and the pursuit of ways of pleasure, leisure, and art. The bulwark of a nation's defense is motherhood. There is no countertruth to that which declares: "If strong be the arms of the mother, the son shall make laws for the people."

## WHAT MIGHT BE.

If France had ambition, energy, and family expansion, she could seize the present opportunity in Germany's weakened condition to absorb the industries of the Rhine and become what Germany has been—the industrial center of Europe. And she would have in addition what the German with his guttural "g" and the Anglo-Saxon with his "th" can never have—the sound, the figure, the color, and the form of art as it is in beauty of all the divine creation.

France was fed by England, the United States, and by her own fertile fields, while Germany from her lands could raise only 50 per cent of her food. The people of England and France were neither shell shocked nor starved in comparison with Germany.

## MILITARISM DEAD IN BODY AND SOUL.

Writing from Interlaken in September, 1918, after I had viewed the prison-exchange movements at Berne, and from Switzerland had studied the food conditions of Germany, I declared: "When the returns come in after peace it will be found that Germany's great loss and the basis of her defeat has not been money, but losses in her man power."

Many English, as well as American, observers have been of late looking over Germany, and they agree that militarism is dead in Germany for at least one or two generations. It is dead in the spirit of the people and dead in the man power.

## BURYING MILITARISM.

There are two points in German history that emphasize the death of war in Germany. They are the funeral of the Kaiserin, which has just taken place, and the Kopp "putsch" of a year ago.

In March, 1920, more than 5,000 troops were sent into Berlin by Ludendorff for the purpose of reestablishing the old régime. The national Government quickly and quietly went out. But never was a Chinese boycott more effective than that of the Berliners against the military party. Everybody went on strike, officials, clerks, and office boys. Nobody would go to work. Nobody would recognize the troops. Nobody would do anything. Not a shot was fired. In a few days the troops melted away.

## MORE POLICE AND LESS ARMY.

The German people may have a monarchy, but never again militarism. There is no danger from the more than 100,000 police or the 100,000 men in the Reichswehr or national army now allowed by the Allies for Germany.

The Germans complain that even this national army is expensive, as it has to be regularly employed, conscription not being allowed by the Versailles treaty.

The funeral of the Kaiserin at Potsdam offered the first opportunity for a military parade since the war. Three hundred German officers, in full uniform, were in line. Everybody was there; all the old and once popular idols of the people, Hindenburg, Falkenhayn, Ludendorff, and the rest. The people were willing to look at them, but had no interest in them as military men. It was more like a funeral of the military party. It was emphasis of what was made clear in the strike against Ludendorff and his troops a year ago—that the people were through with militarism.

## AMERICAN MILITARISM.

The people who will regret the passing of militarism from the soil of Germany are the wives of the American Army officers who are already scheming to hold their positions here as long as possible. Officers' wives in Germany can pay three servants from the gold they get from America, while in the States they may be able to have none. There is a reversal of that situation here in the German families. The socialist government put a tax on servants, increasing it for the third and fourth servant to the extent that the tax became more than their wage. The result was to turn servants into the street.

The Germans are making many experiments and many mistakes in government, but their sentiment is now akin to that of the Irish who would rather govern themselves badly than be well governed by others.

## GERMANS DRINK LESS.

The Germans are not drinking champagne as the French report. The Germans are drinking less and not more. The statistics of the French are compiled from the tax labels. The champagne in the country had to be called up and labeled for tax, but the label does not altogether mean consumption.

Champagne, as we understand it, is very rare. Even at the best hotels German champagne that sells for a third of the French is what one finds on the bill of fare. A glass of beer now costs 3 marks, but the consumption here has declined enormously. As the Washington darkey said, "It ain't got no authority whatsoever." The Government, under its food control, will not give up the grains to put the food value into beer.

Germany is still underdrinking as well as underfeeding, although many people declare that the German budget could be balanced with a proper beer tax. Not only has the consumption of alcohol declined enormously, but coffee of good quality is not to be had. The Germans say nobody can pay for "schnapps" now.

It is not inviting to the German to pay 250 marks for a bottle of French champagne. It even frightens an American until he figures that it is under \$4.

There are some restaurants with French champagnes, but the Government does not encourage the importation of luxuries of any kind. Even lobsters have to be smuggled in from Holland in the bottom of vegetable baskets.

## RICH AMERICA.

It is good to come into Germany if only to feel rich. "As rich as an American" now has ten times its former force. Many things, even in Berlin, cost about one-tenth the price in the United States.

I called upon an old friend of many years' standing and he greeted me with surprise. He was rich and well to do in every way and therefore could smile, as on surprise he exclaimed: "Don't you know we are at war? I expected you later, but not this year."

I questioned him by the hour and found him bitter against the French; but, like all other Germans, not bitter against the Americans. They seemed to take pride in the fact that neither the French nor the English could win the war. He said:

"America won the war. The French have robbed us for the last 400 hundred years and are now to tax us. Alsace-Lorraine and Belgium were formerly ours. Now they are sending people out of Alsace and Lorraine, some at five hours' notice without their property. Of late they are doing better and paying something for the property they confiscate. One hundred and twenty thousand people have been sent out of Alsace and Lorraine."

## RESENTING THE TAX.

"The French gave millions to Russia, so that she might begin the war, and now Russian interest is paid by the French Government. France pays everybody and expects us to pay her. It is too much."

"The French have 850,000 soldiers. Why do they keep all these soldiers and ask us to pay for them?"

"France sold German coal back to us cheaper than we could buy it from the German mines. We have still no wheat bread. The enemy starved us out, and you Americans won the war for the French. They cut off our food, and our children suffered. They had no milk, and the cows were killed for food. Our bread is now better, although still expanded by the use of beans. We make beans into bread as well as into coffee."

## THE REAL TAX.

"In the district around my chateau we had 1,300 inhabitants, and from them sent 300 men to the war. That meant everybody between 18 and 50. We lost 80 men."

I asked one of the richest men in Frankfurt concerning present and past conditions. He said:

"There has been tremendous improvement in the past year and a half. Nobody knows or ever will know what we suffered. They had us surrounded. Even my wife and I were starved. I lost 20 pounds in weight. There was, of course, food to be had, but people in our position could not afford to buy food. We must stand by the people."

## THE LESSON OF THE COW AND THE ROSE.

On this year's trip to Europe my first landing for a night's sleep was at the island of Guernsey to inspect the beautiful lines of highly bred cattle which have become so important in American dairy farming. We American farmers understand something of what has been done in developing the dairy cow through many generations from the cattle of the plains and the hills, how milk veins and udders have been expanded, horns have been shortened, and types of head and haunch symmetrically changed, all by careful development in breeding. North Easton, Cohasset, and Hardwick, in Massachusetts, and Waterloo, in Iowa, stand for something in the land of Guernsey illustrative of the progress of man with animal life put into his hands.

As I walked here through the Tiergarten and Unter den Linden and noted the pinched, strained, shocked, and scarred faces, I could not but reflect upon the problem of what a prolonged modern war might do for

humanity. If the dairy cattle of the world should be destroyed, it would take many generations again to breed by selection from the beef cattle of the plains the motherly milch cow.

If the world were a cultivated garden of roses and men went to war and forgot the rosebushes for a few years, the garden would revert wholly to the wild rose and the briar. In a few years could be lost the fruit of a hundred years' development in hybrid crossings, graftings, and sports, for the base of the rose is in the wild briar. Gardeners must still take the root from the forest to properly develop the sport.

#### THE SPORTS OF HUMANITY.

Many years ago I heard President Eliot say in that wonderful clearness of speech which so markedly characterizes him: "The benefit to the race of the common school is that it saves the sports of humanity—the remarkable child of an otherwise not remarkable family."

Had Germany at this time suffered a Thirty Years' War, there would be nothing left to tell the tale. The women and children that might have been left would have been gibbering idiots, with no groundwork on which German "kultur" could have ever again been brought forth. But if all the children had been set aside and allowed to grow up in ignorance, how many generations or hundreds of years would it have taken to have developed a distinctive type in the human family upon that stock with any ability to hold place in the modern world of intelligence.

The lesson of the Guernsey cow and the garden rose was borne in upon me as I looked at the wrecks in this shell-shocked, starved, and deservedly beaten nation. The Germany of old, that gave its literature, art, and music to the world, was swallowed up in the scientific and physical development that grew a war machine that had its inevitable fruitage in self-destruction.

The military root is still in Germany, as it is still in human nature, but not from that root will come the sports of humanity to grow something higher and nobler, the breadth and beauty of which must for years remain unread in the scroll of a future divine providing.

We can here only note the danger that the pride of militarism may be transferred to the United States, now planning war budgets by the billion, when a few billion in credits or cash could so mightily assist in the restoration of France and a solution of the peace problems of Europe.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. Goodykoontz].

Mr. GOODYKOONTZ. Mr. Speaker, within the time allotted to me I shall address myself, not alone to the resolution, the passage of which by Congress and with the approval of which by the President would have the effect of ending the war with the Germans, but also to certain cognate questions which I regard as of equal if not of paramount concern to the Government and its people.

In November last, after nearly eight years of Democratic rule, the American electorate, according to the forms of an ordered and free government, decided by a strongly preponderating majority that Democratic rule should end and as a corollary that the Republican Party should again be restored to power, thereby investing the latter party with plenary authority as to all matters of national legislation and Federal administration.

Coupled with that authority were certain instructions, binding in character, delivered with great emphasis, for it was the voice of millions of men and women, recording their sentiments at the polls, who, by an overwhelming majority, proclaimed Warren G. Harding as President of the United States.

What were those instructions? One was that the covenant of the league should be cast aside, thrown into the discard. That has been done; but I may add that, as one of 435 Members of Congress, I shall, with not a little degree of anxiety, observe, as well as I may from this great distance, "every little movement" of the extra "full crew" men who, by our President, have been appointed as American representatives on the repatriation and other like European war commissions. We wish for these gentlemen Godspeed, which term comprehends a safe and especially an early return to this country.

Another instruction was to the effect that peace with Germany should be restored. As it is now, the nations that were associated with us in the war have concluded treaties of peace; but we, in theory of the law but not in point of fact, are at war with Germany. This ambiguous condition ought to be changed. The situation is as anomalous and absurd as it is expensive, inconvenient, and unjust to the American people.

By the enactment into law of the measure before us, the majority party will have fulfilled its promise as regards the establishment of peace.

Mr. Speaker, while we are on the subject of foreign affairs, and particularly of the war, it is pertinent for me to observe that the foreign Governments that stand debtor to us to the extent of \$10,000,000,000 are not manifesting a very great amount of concern—in fact, I presume no concern—as regards the discharge of the great obligations they are under—in fact, they have not even paid the interest on the debt. The money advanced to such Governments came from the pockets of our people as the proceeds of Liberty bonds and Victory notes. The people who bought the bonds are borne down under a very heavy burden of annual interest, necessary for us to pay on that debt. Consequently it seems to me as entirely just that

our Government should immediately take steps to enforce the collection of these vast loans, now standing as mere open accounts, but nevertheless obligations of the most solemn character, on the books of the Treasurer of the United States. As germane to this subject, may I direct your attention to the proposition that the Government should by a refunding arrangement or other method, restore the par value of the bonds? Assurance was made by those, especially the four-minute men, who harangued the people to buy the bonds that they were good, but we know very well that they are now selling far below par.

One cause of the constantly falling price of Government bonds is due to the action of the international bankers who for certain commissions are flooding this country with foreign securities. Only the other day an issue of \$100,000,000 of French bonds was dumped on the New York market at an interest yield of 8 per cent. I am told that the agents of six other nations have been, and perhaps are now, in New York negotiating for the flotation of further great issues. Our Government should take cognizance of the situation and maintain the position that no foreign bonds shall be sold in this country at a rate of interest higher than 6 per cent—I doubt if they should be allowed sale at all—in order to prevent our people from gambling in securities of very questionable value, and to protect the integrity of the bonds of our own Government, and of other domestic securities as well.

To what extent foreign nations may feel grateful for American assistance I do not know. That we have donated vast sums—probably three billions—to their charities and have made large private loans in addition to the Government loans I do know; and I therefore feel that it is now high time for foreign peoples to go to work and no longer to consider America as being solely an almshouse or one vast eleemosynary institution, operated for their exclusive benefit. We have obligations to our own people; charity must begin at home. The first duty of a nation, no less than that of the father of the family, is to provide for its own children. That we should do, and that we will do, in view of the fact that vast numbers of our most deserving workmen are without employment and fundamental business enterprises—agriculture, commerce, manufacture, mining, and seafaring, all—in America are now almost stagnant.

It may take the world 50 years to recover from the ravages of the war. In the meanwhile the most rigid economy in government, State and Nation, also in private life, should be practiced. We Republicans promised the people to relieve them of heavy taxation. Will we do it? We must admit that we have a difficult task to perform and we have made slow progress. We have not, so far as my knowledge goes, abolished a single board or bureau or commission. We have, I believe, added some new ones—for example, the one regulating the packers.

Over in the Senate one or two Members are agitating the passage of a bill to regulate coal, and incidentally to provide some more good jobs. Such regulation would undoubtedly add to the cost of the article.

Before the war an unfailing supply of cheap coal flowed steadily from the mines to the consumers' bins; but with war regulation all has been changed. Thus far this year the mines have been run at low ebb because consumers have listened to the siren voice of demagogues—those who promise the passage of regulatory laws which will cheapen its price. Coal can be bought at the mines on a very close margin of profit. In some cases it is sold below cost of mining, but the real cost to the consumer lies in the transportation charge. Coal from my district, traveling over one of the three railroads to Norfolk and by boat from there to Boston and distributed from the latter port to the surrounding region, must bear a rate ranging around \$7 per ton. The Interstate Commerce Commission regulates the rate. In the old days the railroad managers charged "all the traffic would bear," but they were too smart, too good business men to charge more than the traffic would bear.

Artificial laws and regulations, if persisted in, will ultimately destroy not alone the great coal industry but likewise great commercial and manufacturing enterprises and communities, such as exist in New England and elsewhere as well, in this United States. In the meanwhile I shall trust to the honor, wisdom, and ability of the Republican Party, constituted of its members in Congress—Senators and Representatives—and of the administration, headed by our excellent President, Warren G. Harding, to guide amid all vicissitudes the good old ship of state to a good and safe harbor, as was done by that party under the matchless and wonderful leadership of other men—stars of the first magnitude—Lincoln, Grant, Garfield, Harrison, McKinley, Roosevelt, and others—the great dynasty of Republican Presidents. [Applause.]



Mr. FLOOD. Mr. Speaker, I yield 25 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it had been my sincere wish and earnest expectation that the majority party in the Congress would forget the promise of a peace by resolution made by the successful candidate for the Presidency and not even attempt to make what was the most colossal blunder of a passion-swept political campaign the law of the land.

I am well aware of the fact that the only definite, specific, and clearly understandable declaration which the candidate for the Presidency made during that contest was the promise that there should be such an act just so soon as it could be passed by a Republican Congress and signed by a Republican President. Beyond this he stated that notwithstanding the fact that he had for years been a member of the Committee on Foreign Relations of the Senate of the United States, which committee had been strenuously and successfully thwarting the Executive in his every effort to adjust international affairs, yet he, Mr. Harding, had absolutely no plan to offer nor any specific suggestion to make other than this, and he gave no satisfactory intimation as to the form of even that resolution.

So far as my knowledge extends, he has not yet offered a suggestion as to form, except that in his message, delivered to the House in person on April 12 last, he made it perfectly clear that it must not be such a resolution as he himself while a Member of the Senate had voted for and urged. [Applause on the Democratic side.] In that message he demonstrated quite clearly that there was a decided difference of opinion between Harding the candidate and Harding the President. In polite but nevertheless specific language he made it perfectly clear that Harding the President would brook no interference with the constitutional prerogative of the Executive. He told us that we might, with his approval, declare a state of peace, but that under no circumstances must Congress attempt to fix its terms and conditions. I quote here the understandable portions of what he said upon that point. The President said:

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 a resolution should undertake to do no more than thus to declare the state of peace which all America craves. \* \* \* In correcting the failure of the Executive, in negotiating the most important treaty in the history of the Nation, to recognize the constitutional powers of the Senate, we would go to the other extreme, equally objectionable, if Congress or the Senate should assume the function of the Executive.

I pause just here long enough to remark that this last sentence is not particularly clear as to its exact meaning. The fair inference, however, is that the President could not resist the opportunity to cast an impolite imputation upon his predecessor, and for this purpose wove into a state paper an expression which would not have been in very good taste even in a campaign speech.

At no time did President Wilson seek to thwart the Senate in the exercise of its constitutional prerogative of ratifying or rejecting the treaty of Versailles. He advocated with all the force of his powerful intellect its ratification without substantial change, as was his unquestionable right and as many believe was his supreme duty in keeping faith with the nations with whom he had negotiated it. He gave his spirit, his high mentality, his moral excellence, and actually depleted perhaps for all time his physical manhood, with devoted and unselfish vigor and vision that the work of his brain might live, but so profound a student of government as Woodrow Wilson never for a moment believed that he could, even had he desired, have destroyed the senatorial prerogative woven into the fabric of the Nation's fundamental law.

Just what view the President will take of this resolution if it reaches him in its present form, which if I understand the interpretation of sections 2 and 4, does unmistakably enter the domain of negotiation, indirectly it is true, but inevitably, remains to be seen.

It shall not at least escape the notice of history that as a Senator and as a candidate he advocated a resolution designed to interfere with the constitutional prerogatives of his predecessor for which as President he says he will not stand.

I have said that it had been my wish and expectation that the campaign promise would be forgotten, notwithstanding it was the only definite one given out touching our foreign policy. I know that neither a party nor an individual often obtains credit by breaking its or his word, but I think the majority party could well risk the opinion of men and history if it would forget that shameful promulgation and refrain from placing this ineradicable stain upon the virtue of America's enterprise. [Applause on the Democratic side.]

My hope was founded upon the knowledge which most men now possess of the reasons for that promise and for the action

in the last Congress of passing the peace resolution and committing the majority party to it.

Those reasons were threefold: First, envy of and enmity toward the then Chief Executive, Mr. Wilson. Proceeding upon a predicate of passion and hate the majority were willing then to go to any length in the effort to humiliate and discredit him. How narrow and restricted was their vision time and history will demonstrate;

Second, their inability, moral and intellectual, to submit a substitute for his handiwork; and

Third, the determination to clinch for their party at the November elections the votes of all those elements in America who having but recently descended from foreign blood had their affections placed upon the aspirations of their kinsmen abroad rather than upon the interests and hopes of America.

In view of the character of the impulses which lay behind the action of a year ago, surely it would be an honorable thing to forget it so soon as history will permit. It ought to be effaced from the memories of men. [Applause on the Democratic side.]

No necessity for this action has been suggested which can, it seems to me, possibly appeal to the heart and conscience of America. We have no precedent for it. Our foreign wars of the past have been settled by negotiated treaties, with honor to ourselves and justice to our foes.

Is it possible that the administration finds itself, after full consultation with what it regards the "best minds of America," helpless and hopeless? Has America under Republican leadership reached such a position of inanity and mental vacuity as that it is unable to proceed along the lines of honorable diplomacy and negotiate a peace of justice and righteousness?

Must we leave the field made glorious by American valor and sanctified forever by the best blood of an unselfish Nation because the political leadership of the hour is unable to obtain a single promise or exact a single pledge giving at least some assurance that the things and principles for which our soldiers suffered and sacrificed and died are to be respected in the future? [Applause on the Democratic side.]

It has been said in the course of this discussion that this resolution does not wipe out the record of Chateau-Thierry and Belleau Wood and the Argonne.

Indeed it does not. Fortunately the luster of those supreme efforts of American manhood can never be dimmed by partisan political ineptitude and imbecility. [Applause on the Democratic side.] But will some one tell me before the debate is ended what this resolution does toward making the principles for which men died there the law of the world?

I have thought, sir, that the President's Secretary of State has within the brief period of his service as such demonstrated the fine capacity and good judgment with which he has, I think, very generally been believed to be endowed. By following, without exception, so far as I have observed, the lines of policy laid down by the last administration and asserting our national faith with firmness and courage he has become easily the outstanding figure of the new administration.

It is hard to make me believe that Mr. Secretary Hughes is lacking in ability to deal with the big things of the world, even though he be handicapped by a Harvey and perhaps humiliated by a Sims. [Applause on the Democratic side.]

But, somehow, the majority in the Congress seem to think the diplomatic power of the administration futile and insufficient; and so inane is to be crowned with garlands, and America—our America—is to close the most thrilling chapters in the annals of man with a peace which should be known in history as "the peace of incapacity." [Applause on the Democratic side.]

What the valor of our soldiers won on the fields of glory the timidity of our alleged statesmen will cast to the winds of the world, and we shall turn to face the future without a promise or a pledge, save only, I believe, sections 2 and 4 seek to place in escrow some \$400,000,000 seized from resident Germans by the Alien Property Custodian and whatever of rights we have in the German ships that were interned at ports while we were neutral.

Mr. Speaker, there may be differences of opinion as to what our soldiers fought for. There ought not to be, God knows, yet there may be, but I venture to assert that nowhere in America will you find a soldier or a civilian who will have the temerity to declare that they fought for the property of resident aliens or for German ships, and those things, sir, are all that this resolution of peace reserves. [Applause on the Democratic side.]

No, indeed; you will not have effaced by the passage of this resolution the glory of the Argonne and Belleau Wood and Chateau-Thierry; that is beyond your reach; but you will have

quit without gripping by solemn treaty the achievements which American valor won.

You can not wipe from the face of France the blood stains of American soldiers, but you can, and apparently are determined to, take the fateful step which will go so far toward rendering vain the shedding of that precious blood.

Why should this resolution pass? Its proponents have adopted the most remarkable attitude upon it that within my memory has ever been adopted upon any great question. They lay it before us with a report which says nothing, and follow it up with arguments which but add to our ignorance of what the real reasons are, and then say the burden is upon us to show why it should not pass.

I am compelled to say, having listened to practically every word uttered in the debate by those who favor it—or perhaps I should say in justice to them by those who intend to vote for it—that the strongest reason yet given was given by a gentleman on my own side of the Chamber, Mr. HUNDLESTON, of Alabama, who said, in substance, that we should make peace with our enemies in this way in order that we may the more easily lend them money, so that they can buy from us. With all deference to my friend, whose character I respect and whose ability I admire, that reason is not sufficient to bring me to its support.

Besides this, what are the reasons? Trade reasons? Except as to dyestuffs, which we ourselves inhibit, trade with Germany and with the nations that were Austria-Hungary is limited only by the capacity of their people to buy. That capacity is not likely to be increased save as we ourselves increase it.

In order to bring the American troops home? If the President of the United States wishes to scuttle, he may order them home to-morrow and in all the world there is no power to say him nay. Germany would doubtless consent as it would relieve her of the burden of their support.

In order to exchange ambassadors? I am in no hurry about that. [Applause on the Democratic side.] I know of no American interest in Germany which is not now being amply protected without an ambassador, and I have an all too vivid recollection of the last one which Germany had here to lie awake nights wishing for another to hurry to our shores. [Applause on the Democratic side.] I have not heard of any German nationals in America suffering from injustice because no Von Bernstorff is lodged in the embassy building here to serve in the dual capacity of ambassador and spy. [Applause on the Democratic side.]

Oh, but some say it must be done in order to drive the last nail into the coffin of the League of Nations. Are you so sure that such will be the result? In your heart of hearts are you—all of you—so sure that you wish it so?

You say the people of America spoke the final word of condemnation of that historic instrument at the November elections. Are you quite sure? I am not.

Oh, I know that Mr. Harding, lashed as with scorpions by certain eminent leaders of his party and a section of the press which was quite influential with an element of voters believed to be necessary to his election, declared in his Des Moines speech that he wanted to turn his back upon the covenant and destroy it, but are you sure he did it?

I know, too, that he so phrased other utterances both before and after that declaration of despair and compulsion as that 31 of the most eminent leaders of his party felt themselves able to issue a document destined to be historic, in which the people were reassured, and it was solemnly declared, that the surest guarantee of a league would be his election.

There is some one unique distinction to be found in the campaigns of every man who has been elected President of the United States—sometimes more than one.

In the case of Mr. Harding there are at least three.

First, he was elected by the largest majority ever given a candidate.

Second, he ran upon a platform which was absolutely colorless except when it was yellow. [Applause on the Democratic side.] And, third and most unique of all, if his Des Moines utterance meant what league opponents claim for it, he used other utterances which enabled 31 of the most eminent leaders of political thought in America to issue an appeal to the American people in his behalf predicated upon the hypothesis that they might discredit his pledged word and plighted faith as expressed at Des Moines, and one of these eminent men is now the premier of his Cabinet, holding in his steady hands the matter of our foreign relations. I have forgotten whether the name of the ambassador to the Court of St. James was among the 31 immortals or not.

I think we shall have to wait for a little while even after this resolution becomes law before we shall be assured that what is probably the highest achievement ever wrought by

finite men has perished utterly from the earth, so far as even America alone is concerned.

I always follow with great interest what my young friend the gentleman from New York [Mr. FISH] has to say. He comes of good stock, and, as the late President Roosevelt once said to me in doing a requested favor for a grandson of the great Confederate cavalry leader, Gen. Bedford Forrest, "There ought to be something in heredity, surely." The gentleman from New York seems to be a thinker and has not demonstrated any particular backwardness in giving utterance to his thoughts. [Laughter.] I heard the gentleman from New York in the last Congress say that the people at the November election had declared against any surrender of the Nation's sovereignty, and he then proceeded to outline for us his plan of insuring future peace, which was, in substance, that he would have an agreement among nations whereby armaments and armies should be limited, no nation to have, as I remember it, more than 200,000 soldiers; and then he would have an impartial committee to see that the agreement was enforced throughout the world. I do not suppose it lay within the purview of his dreams that this committee would come wholly from America, and I could not but puzzle as to just how much of our sovereignty we would surrender to such a committee. That can be explained later, perchance.

On Saturday last the gentleman from New York told us that the American people repudiated the doctrine of sending American troops into foreign lands to decide boundary disputes. I am sure I have heard that before.

Abe Martin said the other day that Tobias Jordan had given up his position at the sawmill, but that the idea was not original with him. [Laughter.]

The favorite phrasing of Republican stump orators in the last campaign as they shed the effulgence of their intellectual rays upon the people was to the effect that America must not become involved in European troubles growing out of disputes over boundary lines in the Balkans. That was a mouth-filling phrase and sounded well; it touched the hearts of mothers and fathers everywhere, but serious men must examine it in the light of history. If we are to profit at all from the past, let us vision it as it has been, not as we would have had it, and let us realize that only by certain courses shall we be able to make the future what we would have it.

Since this Republic was created two general wars have convulsed Europe, wars in which practically all the nations of Europe became involved—the first in the early years of the nineteenth century, when two young men—Pitt in the cabinet and Bonaparte in the field—were struggling for European mastery. With the messages and warnings of Washington and Jefferson as to foreign entanglements fresh in our history and with all our determination as to aloofness we eventually, as the result of the frictions of that titanic struggle, went into the War of 1812 with England.

The second came with the recent holocaust. Surely now the most intense and inveterate enemy of Woodrow Wilson will not deny that no man in authority in the history of the world ever tried with finer zest and greater determination to keep world conditions such as that his nation might be spared the horrors of engaging in war than did he, but without avail. And what, sir, was the beginning of that struggle?

On a day in June, 1914, a Prince of the House of Hapsburg, the reigning family of Austria-Hungary, visits the capital of a little principality which Austria-Hungary had seized by force of arms from Serbia following a dispute over a boundary line in the Balkans. An assassin shot him to death. The flash from that pistol set the world on fire; all nations and peoples everywhere upon the globe were drawn into the vortex of that awful flame. Its fearful forked tongues ran from the centers of civilization into the remotest jungles of savagery, consuming with remorseless wrath the wealth, the substance, and the lives of men; 10,000,000 died; 10,000,000 others were maimed and almost lost to the world. Here in America we mustered from hillside and valley, from crowded city and quiet spaces of rural retreat, from mansion and cabin, 4,000,000 men. We sent 2,000,000 across the trackless waters to do battle in strange lands and amidst the babel of unfamiliar tongues; we left 1,000,000 to sleep there under the lilies of France, save only as at the request of those who loved them some are returned to rest here, their graves to be forever a mute compelling appeal that those who come after shall see to it that they made the supreme sacrifice not in vain. Why? All because of a dispute about a boundary line in the Balkans, when there was no League of Nations to which to submit the issue.

Oh, Mr. Speaker, is this resolution all that the majority has to offer to the mothers of America, as the result of their toils and tortures? Can the genius of the majority evolve no higher



plan? Is this the ripened fruit of national endeavor? "Peace and we will hold pending settlement four hundred millions of money and the interned ships!" Is this the end?

Oh, you say no; but it is the power of your actions, not the force of your words, which will control. "It must not be again," exclaimed your President and mine over the 5,000 flag-draped caskets in New York. Ah, do you fancy that settles the problems of the future? Jefferson and Madison failed to prevent our becoming the victims of European quarrels; the prayers and patience of Lincoln were unavailing to prevent fratricidal strife; the gentle and patient McKinley strove in vain to avert war; the heroic and tenacious Wilson could not stay the holocaust. Do you for an instant believe that this resolution and the ipse dixit of Harding are sufficient to change the natures of men and fix the course of destiny? How absurd! We must act, not simply declare; we must arise to the evolutions of the world, the development of the mechanisms of men, the changes wrought in the social fabric, if we would even approach a guaranty that it will not be again, and must act in the light of history's lesson. It does not lie within the power of Mr. Harding or any other of the sons of men to still the troubled waters of the world by stretching forth his hands and, choking with emotion, say, "It must not be again"; nor can Congress quiet the rolling waves by any exclamation of "Peace, be still." The miracle of Galilee lies beyond our power; we must act; we must have a treaty or treaties; we must have behind it or them recognized power, power sufficient that all men know it must be respected.

The passage of this resolution throws away every moral and physical advantage which we now possess; it places us alone among nations, with all our vital interests exposed to the constant menace of a selfish and irritated world.

Surely we do not need to pass it in order to insure that we shall ourselves be just in negotiating with Germany and her allies. Is there anything in German history or any evidence in the manifested spirit of present-day Germany which encourages the belief that she will be more likely to make a just and righteous treaty after we have thrown every advantage away? Surely not. By passing it we are but depriving ourselves and our posterity of all the advantages accruing from a victory of arms honorably won by our bravest and our best and surrendering, perhaps for all time, the opportunity which has been ours and which still is ours to advance civilization and to calm at least in measurable degree the awful apprehensions of the mothers of men.

As an American Congressman I must be excused from aiding in such a denouement. [Prolonged applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. ROGERS].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. ROGERS. Mr. Speaker, I shall indulge in no sarcasm. I shall contribute nothing of partisanship to the discussion. I shall not astonish, either by my learning or by my eloquence. I shall simply try, in the few minutes that I have, to tell this House why I think it is our duty to pass this resolution to-day.

Mr. Speaker, as it proverbially takes two to make a quarrel, it takes two to make a war. Similarly, it takes two to end a quarrel or a war. The passage of a peace resolution by the Congress of the United States is a domestic act. The action is unilateral and not bilateral. Therefore, in and of itself it can have no international force or validity. To this extent I am in accord with what I understand to be the views of my Democratic colleagues on the Committee on Foreign Affairs.

But at this point I take sharp issue with them. The first and apparently the chief reason given in the views of the minority for opposing the resolution is, as alleged, because we can not "by an act of Congress enter into contracts with another Government," this being "an invasion of the treaty-making power." A treaty is undoubtedly a contract between two or more States. So if the proposed resolution constituted an offer to a contract, the point of the minority would perhaps be well taken. Apparently the minority has fallen into a fallacy, because it assumes that since this resolution contemplates bilateral action on the one hand by the United States and on the other hand by Germany, therefore a contract—or a treaty—is in some way involved. But because both countries must act before a mutually binding peace shall result, the action does not become contractual on the part of either. Suppose both nations simultaneously and independently declared the status of war to be ended; that could not be a contract, and yet the

status of peace would be complete. A lapse of time between the two declarations does not alter the situation. The Porter resolution is neither an offer to a contract nor an acceptance of an offer to a contract. Hence, there is no treaty in contemplation and no violation of the Constitution.

It is instructive in this connection to remember that when we passed a somewhat similar resolution a year ago, the Democrats of the House made a great to-do about its constitutionality and, indeed, rested their case upon that point.

But President Wilson, in vetoing the resolution, calmly ignored the Democratic contention. He knew it was untenable. There is even less opportunity for the argument to be plausibly urged against the measure now before the House.

As I have said, action by Germany as well as by the United States is necessary before a status of peace between the two nations can be a fact. It is the view of some students of the subject that Germany has already taken her requisite action, in that by ratifying the Versailles treaty she said in effect that so far as she was concerned the World War was ended—ended even as against belligerents who, like the United States, might not choose to ratify the treaty—at the moment when the treaty by its terms became fully effective. Possibly this view is sound. At all events it is so held by eminent authority, and I for one do not feel willing to dismiss it as unsound. If it is sound, of course the enacting of the pending resolution unquestionably ends the war.

But let us assume for the sake of argument that it is not sound. Let us assume that Germany has yet to do her part in reestablishing peace with the United States. It by no means follows, as charged by the minority, that the passage of this peace resolution is useless. Even on this theory it is the first necessary step toward a peace status. Affirmative action by Germany on this theory must be taken thereafter. It thus becomes at once necessary to inquire whether Germany desires the restoration of technical peace. In an effort to give an accurate answer to this question I have for the last six months been making constant inquiries of diplomats, business men, and public officials, many of whom have themselves recently been in Germany. I have never yet found a man—American or European—who does not strongly believe that Germany will instantly take the step necessary for the restoration of technical peace, if, indeed, it has not already done so. Everyone has agreed that this is true; and while action of the future can not be stated as a present fact, I strongly believe that the United States is justified in acting upon the theory that Germany only waits the opportunity to bring about the ending of the war by any act within her power.

But admitting all this—and I think most thoughtful observers of both parties do admit all this—what advantages will come to the United States as a result of the restoration of technical peace that she does not now enjoy? My Democratic colleagues are prone—and the gentleman who has just taken his seat [Mr. GARRETT of Tennessee] is no exception—to minimize the usefulness of the restoration of peace by joint action of the United States and Germany. They call attention, for example, to the fact—and it is a fact—that our exports to Germany are of substantially the same volume as in the years prior to 1914. They cite other similar facts tending to prove their point.

So we are confronted, and I think we are in duty bound to meet the challenge—so we are confronted by the question, What is really to be gained by the United States by the resumption of a peace status? I do not agree with the gentleman from Tennessee [Mr. GARRETT] that the restoration of diplomatic relations is of small account or even undesirable. I think the resumption of those relations is of great importance. It represents the established and the historic way by which two nations engage in intercourse with each other. Of course—I am glad to assert it, glad to admit it, or whatever you like—the first tangible result will be that the United States will send forth to Germany an ambassador and his diplomatic assistants and various consuls general, consuls, and other subordinates. When our consular offices in the Central Powers were closed just before we entered the war there were 73 representatives of the United States in those offices in Germany and 32 in Austria-Hungary. Thus more than 100 Americans, working for American interests, were in the two countries of Germany and Austria-Hungary in 1917. Since that time and up to this moment we have had no formal diplomatic or consular representation in either country. Of course, we have had commissioners in Berlin, Vienna, and Budapest, and these commissioners have had a few assistants, some of them holding a consular status and others holding a diplomatic status. But the relationship between these officers and the country in which they are located is purely informal and unofficial. Useful as they have been, the situation is a most unsatisfactory one and falls

far short of bringing to the United States the advantages which lie open to us. For purposes of comparison it should be remembered that every one of the principal allied powers is represented in the Central Power countries by a completely organized staff of diplomatic and consular representatives.

For the past four years the interests of the United States in Germany have been handled by Spanish diplomats and consuls. I have no doubt they have done their work well and faithfully. But their first duty is to their own country. The interests of the United States are necessarily secondary. I believe that the time has long since come when American citizens should represent the United States of America in Germany, Austria, and Hungary. Let me illustrate by one small incident one of the results which flow from the present situation. Hamburg is of course one of the great ports of Europe and of the world. Suppose an American in Hamburg desires to ship certain goods on an American vessel from Hamburg to some other port. He must have his invoice certified by a consular officer.

Naturally, he would go to the American consul. But there is no recognized American consul in Hamburg. Therefore he must go to the Spanish consul, certify to his invoice, and pay a fee of \$2.50. The fee thus received is retained by the Spanish consul and is lost for all time to the Treasury of the United States. A returning consular officer has recently told me that at the port of Hamburg alone 25,000 invoices were certified by the Spanish consul in the last year. This means a tidy little revenue of \$62,500 lost to the United States in one port and on a single item of business. Probably the total fees thus lost per year, with the present volume of trade, would amount to at least half a million dollars.

But after all, in spite of the inconvenience to the American shipper, and in spite of the revenues lost to the United States, the intervention of the Spanish consul makes feasible the transaction of export business, though in a somewhat abnormal way. In other respects, however, this subterfuge can not be utilized at all. Many Federal laws and many State laws require that a document executed abroad must be executed before an American consul. It has been held that a Spanish consul acting as American consul does not comply with the requirements of these laws. Thus such instruments as deeds, powers of attorney, mortgages, and many other documents affecting the transfer of rights or property as well as other business transactions can not be attested in Germany at all. The inconvenience to the business world is instantly apparent.

Congress has taken cognizance of this situation in at least two instances. Section 5 of public law 366, approved March 3 last, provides:

That all applications for patent filed since August 1, 1914, in which the oath was executed before or authenticated by a consular officer, or other representative qualified to administer oaths, of a Government acting in the interest of the Government of the United States, shall have the same force and effect as if said oath had been executed by the applicant before a consular officer of the United States.

This seems to care for the situation as far as patents are concerned, by allowing the Spanish officer to act. A similar situation has developed in connection with the execution of pension claims. On May 16 last the House of Representatives passed the Knutson bill, similar in purport to the patent section just quoted, to empower the Spanish consul to act in pension cases. But there are many classes of transactions as to which Congress has not acted and perhaps could not effectively act. We are trading with Germany—trading in considerable volume—and yet there continues, without warrant or reason, the small vexations for which the excuse long ago disappeared.

There are many other considerations, some of them very momentous, which unite to urge upon Congress the importance of restoring technical peace. Central Europe for a generation will be a battle ground of trade. Our sister nations are laying their plans with consummate care for the acquisition of trade advantages. We have scarcely begun. We can scarcely begin while our diplomatic and commercial interests are theoretically and to some extent practically in the hands of Spain. I want to see a great ambassador sent forth from the United States to Berlin, surrounded by a competent force of men trained in diplomacy and business. Not until this moment comes will the United States leave the starting post in the race for trade. The opportunity before us may be measured by the volume of trade of the present moment, which has come to us almost without the asking. If a carefully nurtured trade with the Central Powers were developed, a very large fraction of the export problems of the United States would disappear.

There is one quaint suggestion of the minority which, in conclusion, I desire to notice briefly. It is suggested that the passing of a peace resolution in some way constitutes a separate peace and involves a degree of moral turpitude because of the alleged desertion of our allies. Of course, the fact is that we

are now engaged in a separate war, and that the objective which we seek is to rejoin our allies in that peace status which they have already enjoyed for nearly two years. Some of the principal statesmen of Great Britain and France have in public addresses recognized, and even approved, the precise course which we are now following. Certainly since April 21, when Secretary of State Hughes replied so explicitly to the German request that the United States mediate in the matter of reparations, I think there can not be a shadow of doubt either in Germany or elsewhere in Europe that the United States is loyal to her war associates and to her international obligations. Under the circumstances criticism on this ground seems captious, if not absurd.

The country is justly tired of a war status. Not a single argument can be advanced against the propriety of ending the war status. It is a solemn duty and obligation upon the Congress of the United States to do its part toward bringing about the restoration of peace. The resolution before the House does this briefly, simply, and adequately. It is difficult for me to understand how any patriotic American can bring himself to vote against it. [Applause.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Speaker, I have no set speech and nothing prepared, but I do not want the vote to occur on this joint resolution without availing myself of the opportunity to briefly suggest some of the reasons influencing me to vote for it—reasons which have impelled me to urge and advocate it from the very first.

I want to say I regretted very much—I felt a keen feeling of personal disappointment—when I discovered, first in the Foreign Affairs Committee and then again on the floor of the House on Saturday and to-day, that my friends on the other side of the aisle have permitted partisanship to enter into this question which concerns the international relations and the welfare of our country. It is in great contrast to the nonpartisan support the Republicans unitedly gave to a Democratic President in time of war. It is in great contrast to the united support which I recall a Republican majority, when I was a Member of the Fifty-fourth Congress during Cleveland's term, gave to a Democratic President in international affairs in time of peace. When Cleveland's Venezuelan message was read to a Republican House in that Congress, party lines entirely disappeared. We unitedly supported a Democratic President in making war. Why will you not equally support a Republican President in making peace? I heard the gentleman from Virginia complaining, and I think other Democrats were heard to complain, because, as they pretended, partisanship had entered into the discussion of this resolution by the Republican members of the Foreign Affairs Committee in that they framed the resolution without any consultation with the Democratic members. Why, Mr. Speaker, it was the very evident partisanship of the Democrats that we attempted to avoid. In their attitude on this resolution they have justified our fears. It was well known, and it was demonstrated on Saturday and again to-day, that they, or most of them and their leaders, had announced that they were against the resolution.

In an effort to carefully perfect the phraseology of the resolution, how was it possible to include in conferences to that end those who were against the very purpose? The resolution includes two propositions. Intense partisanship has blindly led the Democratic leaders in this House to oppose both of them. In international affairs this is to be deplored.

The first proposition is, Shall Congress adopt a resolution to declare peace? The Democrats were against that. The second proposition is, Shall we add to that resolution a paragraph that will retain the status quo as to American rights? And they were against that. And yet they talk about partisanship! When we were in favor of the resolution to declare peace, when we were in favor of adding to that resolution a proper reservation to protect American rights, the only remaining thing was to carefully phrase the resolution to carry out that intent. In the phrasing of such a resolution we could not be aided by calling into consultation men who were against the prime purpose of the resolution itself. We could not make progress by calling into consultation men who were against the first section, a declaration of peace by resolution of Congress, and who were also against the second section, to protect American rights by reservations maintaining the status quo. The Republican members who were in consultation spent days in perfecting the resolution, exercising great care, and mayhap excessive caution, in framing a resolution international in scope and one that would avoid encroachment upon the constitutional rights of the President.

This much we believe we have accomplished. The status quo is maintained, entirely avoiding any chance expressions of new



affirmative legislation. Peace is declared without any encroachment upon Executive prerogative. The original resolution that was introduced contained affirmative expressions, expressions that might be construed as new affirmative legislation, but when you read the resolution as finally reported to the House of Representatives you will find that every word of the reservations is carefully limited to retain only the status quo. Partisanship should not have entered into that.

I for one have been in accord with the suggestion that we should not repeal the resolution of April 6, 1917, declaring a state of war. I do not entertain the fears expressed by some that a repeal of that resolution might be construed as a repudiation of the war. I do not in that regard fully share the fears of my esteemed friend, the chairman of the Foreign Affairs Committee. If the original war resolution had been a declaration of war no possible misconception could result from its repeal. But the trouble is—and to this extent I am in accord with the concern expressed in the report of the Foreign Affairs Committee, a report to which as a member of that committee I have willingly lent my adherence—that the war resolution was not a resolution declaring war against Germany. It was a resolution that declared that a state of war existed, thrust upon us by the Imperial German Government. I for one, if it can be avoided, would not wipe from our statute books that statement of a historical fact.

But the reason I prefer the form of the House resolution is because it has been declared in this House that under the Constitution of the United States of America Congress has not the power to declare a state of peace as it has the power to declare a state of war. When that challenge is made I for one want to have the challenge met, and I want, when this resolution is enacted into law, it to be a resolution which announces the fact for all future time that Congress has the power to declare peace as well as the power to declare war. If there has been no precedent in the past, I want that precedent established now, and I do hope that my friends in the Senate who believe that Congress has the power to declare peace will show themselves willing to surrender the form of the Senate resolution which implies that Congress has not that power. It is that implication to which I am opposed. Let us meet the issue squarely. Let us write on the statute books a resolution that for all future time will stand as a precedent declaratory of the proposition that the Representatives of the people have the power under the Constitution not only to declare that a state of war does exist, but also to declare the corollary that a state of war does not exist.

The form of the Senate resolution, and that I fear is the reason for it, is a concession to the argument that Congress did not have the power to declare peace, and it therefore invokes the power of Congress to repeal any act that it has passed. Of course, Congress has the power to repeal any act that it has passed, but when this resolution becomes a law I hope it will be in a form that will say unequivocally and without subterfuge that Congress has the power to declare peace. Now, that the issue is raised we ought not to set a precedent, even by implication, that any President of the United States, although he has not the power to declare war, nevertheless has the sole power to declare peace. Let us assert otherwise in a form that will say it without qualification or contrary inference that a declaration of peace as well as of war rightfully rests with the Congress of the United States of America. [Applause.]

Now, I do not know that I have the time, but in connection with the suggestion about reservations, in connection with the suggestions regarding the effect of the reservations, Mr. Speaker, it seems to me that many of those who have spoken here on this subject do not fully appreciate the force of unilateral agreements, how far they may extend, and what position it puts the country in when we have enacted a unilateral agreement and that enactment has been accepted by another country.

A unilateral agreement when accepted by another country becomes international, with all the binding force and effect of a treaty, but with the important qualification that it is binding only so long as both parties consent to adhere to it. Either party can withdraw from the arrangement at any time. It may be said to be in the nature of a revocable agreement, revocable at the pleasure of either party and without notice. Each party retains full freedom of action. This distinction is important in its bearing upon the question of invasion of the treaty-making powers of the President with the advice and consent of the Senate. An international contract from which this country might not withdraw without guilt of violation of contract is a treaty, and the negotiation and making of such a compact devolves upon the President, with the advice and consent of the Senate. A unilateral agreement—a subject of domestic legislation and domestic repeal, although it may be of

a nature to become, through acceptance of another power, of international scope—has never been considered an encroachment upon the Executive treaty-making power, probably because of the very fact that it remains within the domain of domestic legislation, subject at all times to repeal by the legislative body which enacted it. Such is the nature of provisions of tariff acts, which accord certain privileges to other nations adhering to the reciprocal clauses of such an agreement. No one ever pretended that any such provisions of a tariff act invaded the treaty-making power of the Executive. Let me quote from Fiore's International Law, Codified, section 920:

A State which, by unilateral act, has assumed an international obligation is bound to carry out what it has voluntarily undertaken to do or not to do, so long as it does not revoke the act by which it bound itself.

Now, bearing in mind that under international law it will, until superseded by a treaty declaring otherwise, always be in the power of Congress to revoke the act embodied in this joint resolution, let us proceed with the argument. The moment this joint resolution is enacted into law Germany may signify her acceptance. It would be an acceptance if in reliance upon the resolution she sent to this country an ambassador and consuls, received our accredited ambassador, and permitted the entry of our consuls. The negotiation of a treaty would thus be greatly facilitated, but if we met with an obdurate Germany, it would always be open, until a ratified treaty decreed otherwise, to repeal the declaration of peace and the status quo ante would be restored.

Now, for a moment let us talk about the armistice and then we may recur to the status created by the unilateral agreement embodied in the peace resolution.

The same authority on international law from which I have already quoted refers to an armistice as follows:

(Sec. 1775) An armistice may be concluded for a time either fixed or indeterminate. In the latter case it shall be fully operative until denounced by one of the belligerents.

Nevertheless, even when the armistice shall have been concluded for an indeterminate period or shall have been extended indefinitely, it can never be assimilated to peace, nor can the state of war be considered as terminated.

So long as peace is not concluded, hostilities may be renewed—it would not require either a new object of dispute, new formalities, or a new declaration of war; notification of the ending of the armistice would be sufficient to renew and continue the hostilities interrupted. It is necessary to bear these principles in mind, because both in the relations of public international law and in those of international law, during the armistice, however long protracted, the law of war, not the law of peace, must be applied.

I have thus quoted at length because it has seemed to me that our present status—the status until this joint resolution has been enacted into law—is under the armistice, and not a status created merely by the cessation of hostilities, and therefore a status of something more than mere technical war.

If this armistice status should become merged into a treaty of peace, the state of war would be irrevocably at an end. It would require a new declaration of war or hostile acts of aggression to restore war conditions. It would be a new war. But if this armistice status becomes merged into a unilateral agreement as embodied in the resolution of peace, accepted by Germany in sending to us her accredited ambassador, if she failed to adhere to our demands, to the reservations forming a part of the resolution of peace, we would be well within our rights to repeal the peace resolution and thereby proceed with hostilities. It would not require a declaration of war. It would not be a new war. It would be returning to the status of war by our right to repeal our own unilateral agreement. What, then, becomes of all the arguments against this resolution that we are surrendering our power to enforce terms against Germany? We wish nothing but just terms, and that I for one believe Germany is ready and willing to accord to us. The ultimate arrangement will be facilitated by the resumption of diplomatic relations.

This joint resolution will be effective, and it has my hearty support because—

- (a) It will create an immediate status of peace.
- (b) Because acceptance by Germany involves every portion of the resolution, including the reservations.
- (c) It paves the way to a treaty of amity and commerce.
- (d) It makes possible the immediate resumption of diplomatic relations and thereby facilitates the negotiation of a treaty.
- (e) It will immediately give to our commerce and to our citizens the benefit of consuls in Germany, in Austria, and in Hungary.
- (f) The reservations are notice to the Allies as well as to Germany consistent with the attitude our State Department has taken in previous notes and with all of our rights as in said reservations set forth.
- (g) It will pave the way to the prompt return of all of our soldier boys now with the armies of occupation by virtue of the

armistice. When the armistice has been superseded by this peace resolution there will be no authority of law to keep our soldiers in Germany and they must be returned.

(h) It will prevent for all time the return of the Versailles treaty to the Senate with or without reservations. It being a peace treaty, when peace is declared by resolution the door will be forever closed to the resurrection of that abominable carcass. The reservations were only a partial index to the iniquities of the league.

The issue of the last campaign was fully comprehended by the voters. It was whether George Washington's immortal Farewell Address or Woodrow Wilson's un-American League of Nations should be thrown in the scrap heap. By more than 7,000,000 majority the voters decided against the Wilson league. [Applause.]

The SPEAKER pro tempore (Mr. Hicks). The time of the gentleman has expired. The time remaining is 1 hour and 14 minutes. The gentleman from Pennsylvania has 26 minutes and the gentleman from Virginia 38 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, considerable time was taken up by unanimous-consent talk about the time the resolution was being considered fixing the time for the vote at 4.30 o'clock to-day. There is a general demand on both sides of the House for a little additional time. Therefore I ask that the time for a vote be fixed at 5 o'clock instead of 4.30 this afternoon, and that the additional time be equally divided between the gentleman from Pennsylvania [Mr. PORTER] and the gentleman from Virginia [Mr. FLOOD].

Mr. GRIFFIN. Mr. Speaker, I call attention to the fact that when the gentleman from New York [Mr. LONDON] was given unanimous consent to proceed for 15 minutes, as I understand it, that was not to be taken out of the allotted time, and there was an understanding then that the time would be extended to 4.45 o'clock.

Mr. CAMPBELL of Kansas. Then this would be merely in keeping with that definite understanding.

Mr. GRIFFIN. So that it would be 30 minutes more.

Mr. CAMPBELL of Kansas. This is for the purpose of fixing the hour at 5 o'clock.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the order for taking the vote on the resolution be set at 5 o'clock instead of 4.30, and that the additional time be equally divided between the gentleman from Pennsylvania and the gentleman from Virginia. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, there are some gentlemen on the Democratic side who want to speak in behalf of the resolution who have not been able to get time from the gentleman from Virginia.

Mr. PORTER. That is the purpose of this request.

Mr. HUDDLESTON. I think this additional time ought to be given to those on the Democratic side who want to speak in behalf of the resolution.

The SPEAKER pro tempore. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, I ask the gentleman to incorporate that in his request.

Mr. CAMPBELL of Kansas. I understand that is to be done.

Mr. GARRETT of Tennessee. That all of the additional time be so allotted?

Mr. HUDDLESTON. Yes.

Mr. GARRETT of Tennessee. Oh, no. The gentleman had his time from Mr. FLOOD, did he not?

Mr. HUDDLESTON. No; I got it from the gentleman on the other side.

Mr. FLOOD. I am yielding time on that side to gentlemen who are opposed to the resolution.

Mr. HUDDLESTON. The gentleman would not yield to me any time.

Mr. FLOOD. I am not yielding time to gentlemen on that side who are in favor of the resolution.

Mr. CAMPBELL of Kansas. I understand that some additional time may be yielded to the Democratic side of the House.

Mr. HUDDLESTON. I am compelled to insist that some arrangement be made to take care of gentlemen on the Democratic side who are in favor of the resolution.

Mr. CAMPBELL of Kansas. I think I can say that that arrangement has been made.

The SPEAKER pro tempore. Is there objection?

Mr. HUDDLESTON. I reserve the right further to object, to get some information.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded.

Mr. HUDDLESTON. Then, I object.

Mr. GRIFFIN. Then, I understand the time runs to 4.45 o'clock.

Mr. CAMPBELL of Kansas. No; until 4.30.

Mr. PORTER. Will the gentleman from Virginia now yield some of his time?

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Speaker, I regret that I can not join in supporting a resolution that is presented in the name of restoring peace to the world. I desire to support all helpful legislation proposed, but this resolution, in my judgment, is more harmful than helpful.

It provides no remedy. It accomplishes nothing. It creates no new status. We have been at peace since November 11, 1918, and its barren declaration at this late hour is a childish absurdity. It makes no war settlement. It simply declares the fact that we are at peace. It will not take a single soldier out of an American uniform. Our war army has been demobilized for nearly two years. It renews no trade. During the last year our exports to Germany have been over \$360,000,000, the greatest of our history. What we need is not a barren declaration of peace but actual peace settlements with the warring countries.

On principle this resolution is indefensible. It establishes no right in our favor. It forgives our transgressor without indemnity or admission of his wrong. It binds the United States and does not bind Germany. We can not legislate for Germany. As it takes two nations in combat to make war, so it takes two nations in agreement to make terms of peace. By this resolution we tie the hands of the United States and leave those of Germany free.

This resolution is a half-caste method of making peace that has no precedent among the practices of intelligent nations and is unworthy of our great Government. Under the Constitution the President, with the concurrence of the Senate, is given the sole power to make treaties and settle our international affairs. Every diplomat, every lawyer in the world, knows that no peace settlement can be made by the method here proposed. It can have no value except in the minds of those who are deceived by it. It is trifling with the great question of peace and world restoration.

What is the problem of the world? It is to restore stability, confidence, and security. There are a dozen ways of making peace, but there is only one end to be accomplished. That end is to restore security and stability to the warring countries. The resolution adds confusion and uncertainty and instability by emphasizing a separate peace, division among the Allies, and a seeming indifference of the United States to the instability and distress of Europe. In other words—words instead of action.

It is a continuation of the exasperating policy of confusion, doubt, and uncertainty that for 18 months has turned Europe and the world from hope to gloom. America needs to prove to the world that she is "faithful in peace to the immortal principles which guided her in war." America can not afford, after having made a glorious triumph in war, to make an inglorious settlement in peace.

Whatever reason has existed for attempting to make peace in this fashion has passed away. During the last Congress President Wilson and the Senate unfortunately failed to agree and that was urged as a justification of this method of attempting to make peace. No such inharmonious now exists. They are the agencies created by the Constitution to make peace settlements. As there is no sufficient reason for their failure to function, there is no reason why this House should usurp their functions.

Let President Harding, with the aid of his able Secretary of State, as he has a right to do, negotiate a treaty without interference of the Senate. When the time comes, let the Senate perform its unquestioned authority by either ratifying, modifying, or rejecting the treaty so negotiated. Congressional action in advance is not only officious, but harmful as well as futile.

#### OUR POLICIES UNDEFINED.

Outside of routine matters, making a treaty of peace in settlement of our world problems involves but three fundamental questions: First, shall the United States enter a league or an association of nations for the purpose of preserving the peace of the world and preventing future wars; second, shall the United States participate with our allies in the postwar problems of enforcing the peace treaty and restoring Europe; and third, reparations to be enforced against Germany for the destruction of lives and property of people of the United States and our Government.

Our attitude on these questions is undetermined. While we have debated, hesitated, and delayed Europe waited on us, and for the lack of our helpful participation passed from a situa-



tion of political, financial, and moral hopefulness to one of dissension, depression, confusion, instability, and despair. The treaty of Versailles provided for the voice of America in the settlement of postwar problems. We finally rejected that treaty and have provided no substitute. The warring nations, including Germany and Austria, looked to us for participation, advice, moderation, for our harmonizing influence and for a bulwark of justice and stability in the restoration of Europe. The first need of Europe was not our money or our soldiers, but the aid of our moral prestige.

In his opening message to Congress, the President declared:

In the existing League of Nations \* \* \* this Republic will have no part.

This definite statement seemed to eliminate the League of Nations from the question of settlement and made it no longer a source of confusion, delay, or impediment in making peace. Having so determined, the President did well to so declare. Proceeding with his message, the President declared in favor of an "association of nations" concerning which he said:

We yearn for this new instrument of justice.

Having added certainty to the situation by discarding the League of Nations, the President added more confusion and uncertainty by declaring for an association of nations.

There is no inherent difference in a League of Nations and an association of nations. The suggestion that we reject a League of Nations and create an association of nations assumes that names and forms are of more importance than substance. No effective association of nations for the preservation of peace will ever be established that does not contain the fundamentals of the League of Nations, regardless of whatever name it may be called. The fundamental idea of the League of Nations is conference and understanding between nations, arbitration, a world court of justice, disarmament, and cooperation to protect weak nations, and to prevent aggressive wars. The language of the instruments provided for these purposes may vary, but the fundamental purposes are the same. If it be the real purpose of the United States to participate with other nations in attempting to preserve the peace of the world and prevent wars, the only practical method of doing it is to cooperate in the existing League of Nations, composed of 48 nations, upon terms agreeable to the United States.

President Harding's frank recognition of the need and justice of an association, or League of Nations, after having given much thought to the subject, must be regarded as entirely commendable. Nevertheless, negotiating another league or association with those 48 nations and others is wholly impracticable.

Nobody supposes there are going to be two associations of nations. A declaration on the part of the United States that we propose to initiate an association of nations would in effect be a declaration of our purpose to destroy the existing league and establish another organization of unknown and doubtful value not wanted by any other nation and contrary to the desire of all allied countries. Such a declaration would weaken and render more difficult the work of the existing League of Nations, and add to the confusion and dismay of the world. Such a declaration carries nothing of helpfulness. It proposes a program of further delay, confusion, and uncertainty.

To-day we can go to the leaders of this House, to the leaders of the Senate, to the White House—we can go to the diplomats of every friendly nation, and nowhere can we find an answer to the question: Is America going to participate with the other nations in restoring stability or in preventing future wars?

This confusion and uncertainty as to our attitude should cease. If we will do nothing to assist in the restoration of Europe, it is better to so declare. Let us at least help the world by clearly defining our purposes.

Over seven months ago our President was elected to lead us in a prompt settlement of our peace problems. Each month since the world has waited to hear him define our policies as the spokesman of the world's greatest Nation. Yet two years and a half after the war the policy of America is undefined. If she has a policy of restoration, it is a secret unknown to all. We have passed through seven months of accumulating uncertainty and depression. In a less time our former President negotiated and completed a treaty acceptable to 48 nations, covering the most complicated situation ever involved in a treaty of peace, and presented it to the Senate for ratification.

#### EARLY SUCCESS OF PEACE NEGOTIATIONS.

The war inevitably left heavy burdens upon the world. The need of the world was the greatest that ever appealed to the consciences and intelligence of men. Yet, though infinitely difficult to secure, fundamentally the need of the world was simple. The need of mankind was to return to work in peace and security, secure in life and property, secure in the right to work, secure

against militarism, secure in the faith that their governments would endure, and to be relieved of the obligation of longer bearing oppressive military burdens.

To accomplish these needs Europe looked first to America. During the war President Wilson had been the unquestioned spokesman of our country. America had contributed to the success of the war to a degree unexpected by any nation in the world. America had no motive of selfish aggrandizement in that war. Allies and enemies recognized the power, prestige, and the comparatively disinterested motives of our country. By common consent America was assigned an equally noble place in the making of peace.

On the 11th day of November three years ago the armistice was signed and peace was suddenly restored to the stricken world. We were flushed with victory, but faced a situation of doubt and apprehension. Three million and a half men were to be discharged from our military organizations and seek re-employment in civil life. Several millions more drawn to our war industries were soon to be in need of other work. Uncounted millions of dollars in our war industries suddenly became unprofitable investments. We were confronted with the necessity of making one of the greatest peace readjustments known in history. We hesitated and doubted the capacity of our country and the world to endure the strain. That uncertainty was reflected in every business establishment in the United States. In 90 days fears were allayed, business regained confidence, there was employment for all, there was demand for every man's product. In seven months, and without the distress of unemployment, we had discharged 3,000,000 men from the Army. Within 60 days after the armistice the whole world had taken heart and started to work with an unexpected confidence and hope.

Decisive leadership was creating confidence. Less than four weeks after the armistice was signed the President was on his way to France to take part in the peace negotiations for the readjustment and reconstruction of the world. Rapid progress was made in the negotiations. In less than 90 days a tentative draft of the treaty was drawn. The newspapers and the financial publications of practically every allied country carried optimistic accounts of the harmony that had prevailed and the progress that had been made. This confidence was reflected in the fact that practically the whole world was returning to work, there was a job for every man, there was a market for every product, and hope enlightened the gloom of the world. The prestige of America under the unquestioned leadership of our President was leading the world back to security, stability, and a just peace.

When this stage of the peace negotiations had been reached, President Wilson was compelled to return to the United States to give his attention to the measures that had been adopted by the Sixty-fifth Congress, which was then in its closing days.

#### WILSON AND POLITICAL SABOTAGE.

For two years Woodrow Wilson has been the storm center of comment, ranging from that wholesome criticism that is essential for a popular Government to the gross attacks of unreasoning bitterness. To-day, with the more certain knowledge of retrospection, we can better judge the merit of these criticisms and the motives and methods that inspired these violent attacks.

I have frequently deplored some characteristics of President Wilson. I have deplored his seeming indifference to diplomatic methods of accomplishing results. I have deplored his lack of friendly contact and cooperation with Congress. I am able to understand a degree of the animus with which his political opponents assail him. But I am utterly unable to understand why some men in responsible positions permit their course in public affairs to be perverted and their country and the world distressed by a distorted opposition to President Wilson. Even the President of the United States is only a personality that soon passes on into the story of the past. But the policies we adopt endure to bless or scourge our country. I can see how a man in bitter passion may be willing to destroy the house of his enemy, but I am unable to understand how, to accomplish such purpose, he is willing to burn down a city. It is an impossible condition in our affairs when opposition to one man's personality should pervert the great processes of a nation. As Clemenceau said of a similar situation in France:

What a misery to reduce to personal concern the immensity of the interests at stake.

Saturday a gentleman stated on this floor with vindictive zeal that President Wilson made a most "dismal, humiliating failure" to negotiate peace. The failure of the United States to join with our allies in an honorable peace and to give the prestige and power of the United States to the restoration of stability to the world has indeed been humiliating.

Whether or not that humiliation shall be charged to Woodrow Wilson or his political opponents is not a question that can be decided by citing election statistics. The people have frequently made mistakes by large majorities. On another day and time the world will pass final judgment upon the work of Woodrow Wilson. It will not base its judgment on the testimony of those who sought success in his failure. Some day, freed from political motives and misrepresentation and distortion, the world will seek the facts.

When the world finally seeks the truth as to the cause of our failure it will find one of the first chapters of the story in the CONGRESSIONAL RECORD of March 4, 1919. It will find that on that day Senator LODGE rose in the Senate and presented a resolution which declared:

That it is the sense of the Senate that while it is their sincere desire that the nations of the world should unite to promote peace and general disarmament, the constitution of the League of Nations in the form now proposed to the peace conference should not be accepted by the United States.

Objection having been sustained, Senator LODGE continued:

I merely wish to add, by way of explanation, the following:

The undersigned Senators of the United States, Members and Members elect of the Sixty-sixth Congress, hereby declare that if they had had the opportunity they would have voted for the foregoing resolution.

This "round robin" was signed by 39 Senators and Senators-elect.

That was a remarkable resolution because it sought to deny the President his constitutional authority to negotiate treaties or to destroy his usefulness in so doing by interfering therewith. It is also remarkable for the lack of what it contains. It declared in favor of an association of nations to promote peace and general disarmament and that the League of Nations, "in the form now presented," should not be accepted. No statement was made of any specific objection to the "form" of the league. No helpful information was in fairness given the President as to what he should do to make the "form" of the league conform to their wishes. Pursuant to this resolution the President might have changed the "form" of the league every day in the year and still the proposers of the resolution could stand on their objection that the "form" should not be accepted. The resolution had all the earmarks of a destructive, obstructive effort without one word of helpfulness.

Prior to this time, after the return of the President to the United States, the Foreign Relations Committees of the Senate and House, at his invitation, had met President Wilson at the White House, where he presented to them the tentative draft of the league for their information and suggestion. Mr. LODGE was there and made no material suggestions to improve the treaty.

Nevertheless the President made other efforts to ascertain the best sentiment of the country as to what changes should be made in the League of Nations to make it more acceptable to the United States consistently with its fundamental purposes. The President received a number of valuable suggestions from Mr. Root, Mr. Taft, and Mr. Hughes, which were subsequently embodied in the League of Nations by the Allies before it was finally presented to the Senate of the United States.

This "round robin" was presented on the 4th day of March, the day before the President returned to Europe to resume his negotiations. The next day the newspapers of every country in the world threw a doubt upon the peace negotiations and declared the Senate would not stand behind the President in his negotiations in Paris.

Prior to the President's return from Europe the Commercial and Financial Chronicle in an editorial described the situation at the peace table in these words:

The peace conference is making progress. Not the least of the things it has accomplished is the peace that exists among its immediate members. President Wilson's pre-eminent part in obtaining this result is recognized on all hands in Europe. Private letters have reached us expressing surprise that this is not universally recognized here, and pressing the importance of the utmost support for him in view of the work that remains to be done.

But the necessity of supporting our President at the peace conference, even though of the utmost importance for the welfare of America and the world, did not appeal to embittered leaders. The destruction of Wilson became of more importance than the construction of the world.

The President returned to Paris. Negotiations were resumed. He took his place at the peace table in a different atmosphere. The spirit of concession to America had departed. Consider the position of the President and we will understand the reason for the change.

The President went to Europe as the exponent of high ideals, to work for a treaty of justice, for a treaty that would establish rights and give security to small nations. Part of the Presi-

dent's mission was to stand against oppressive settlements—in many instances, perhaps, to stay the hands of the victors of the war, to stand against selfish aggression.

When the President entered the council of peace he did not enter a contest with our enemies. He entered a friendly yet difficult contest with those with whom we had been associated in the war. Germany was defeated and at the mercy of the Allies. Germany had given abundant cause for revenge. If England, France, and Italy cherished revenge, the hour of their opportunity was at hand. If they coveted selfish aggrandizement at the expense of their enemies, then was the time to write it into the treaty.

Whether there should be a just treaty of healing influences depended upon the righteousness of our cause and the unity with which we supported the President as our representative at the peace table. The reactionaries and junkers of the allied countries had little patience with the idealism and restraints of Wilson. The war waged by many nations could not be settled by a peace dictated by one alone. At best, concessions must be made. The hope for a treaty of justice and security and that would bring the enduring peace for which we fought was that behind the President should stand united America. Seemingly winning the rest of the nations at the peace table, our President was deserted by his own country. With the weakening of Wilson at home came new demands for concessions. Finally, feeling that the Allies would not join in a treaty to which he could conscientiously subscribe his name, he ordered the *George Washington* returned from America for the purpose of abandoning the negotiations. Then the Allies came with new concessions; Wilson renewed the fight with all his energy, until for sheer lack of strength he was driven to his sick room. The peace negotiations were transferred to his bedside, and still he continued the battle for what he believed to be the cause of humanity.

While Wilson was making this fight in Paris, Mr. LODGE wired a meeting of Italian-Americans in Boston, declaring Fiume should be given to Italy—

Not only for her own protection but as an eventual barrier against any future attempts of Germany to attack the rest of the world as she did in the recent war.

That telegram was published in Europe as additional evidence that the President was unsupported at home.

What were the facts about Fiume? Before Italy entered the war she made a treaty with England and France called the treaty of London, and in that treaty had promised that the port of Fiume should belong to the interior country. Wilson simply demanded the promise be kept. Clemenceau declared:

The Fiume question has been agonizing. Italy promised Fiume to the Yugoslavs, but went back on her promise. France, England, and the United States have sought a solution.

This is only an illustration of the methods used to discredit and weaken the power of the President. The feeling such methods created in Europe is indicated from the fact that a newspaper in Paris openly declared: Why should Wilson "be allowed to impose his political conceptions upon us," when within a year his political opponents will be in the White House and in all probability will "denounce all his conceptions"?

Whenever in the peace negotiations Wilson stood against the selfish demands of any foreign country, allied or enemy, that fact was made the basis for appeal to the nationals of that country in the United States to oppose the President of our country. Political ends were better served by espousing foreign demands than sustaining the just stand of the President.

Many enemies of England and France in America used every means in their power to discredit Wilson at the peace table. He was bitterly denounced from one end of this country to the other because, it was claimed, he yielded too much to England, he yielded too much to France. In the bitterness and rashness of national hatreds they forgot that at best a victory of many allied countries could not end in a peace dictated by one. They forgot what was unquestionably the fact, that the more they weakened the arm of our President the more power they gave to England and France in writing the treaty. Those in this country who complain of England's power and France's power exerted at the peace table, to the extent that they weakened the arm of Wilson in those negotiations, are complaining at the results of their own work.

#### WILSON'S PROGRAM CONTRASTED WITH OPPONENTS.

Opposition to the peace treaty by those outstanding men who have been conscientiously opposed to entangling alliances must be regarded as commendable, but the opposition based on no conscientious principle of government, but shifting from day to day as political convenience dictated, is neither worthy of respect nor admiration.



The opponents of Woodrow Wilson to-day boast of their responsibility for his failure. Unquestionably they are entitled to that credit, whatever it may be. We can now contrast the postwar program Wilson proposed with the performance of those who boast of having destroyed that program. What was the postwar program of Wilson? What is that failure of which we hear boastings?

Within four weeks after the armistice President Wilson took up the negotiation of peace. In less than 90 days a tentative treaty had been drawn. That treaty involved the greatest complications of any treaty in the history of the human race. Within five months it was ready to present to Germany. Within seven months it was presented to the Senate of the United States, by whom it was finally rejected eight months later. In the meantime it was ratified by over 40 nations, including every belligerent country except our own. To-day it has been accepted by 48 nations, having more than 1,000,000,000 people and being three-fourths of the population of the whole earth. It has been more universally accepted than any other document of government ever written by human hands. Mankind will yet delay before they pronounce the authorship of that document a failure.

#### FEDERAL TAX PROGRAM.

More than two and a half years have elapsed since the armistice and yet the country is inflicted with war taxes devised during war time to meet war conditions. A part of the postwar program of President Wilson was to relieve the country of these inequitable and excessive taxes.

On the 20th day of May, 1919, more than two years ago, before Wilson returned to the United States from Europe, he transmitted a message to Congress in which he said:

I hope that the Congress will find it possible to undertake an early reconsideration of Federal taxes, in order to make our system of taxation more simple and easy of administration and the taxes themselves as little burdensome as they can be made and yet suffice to support the Government and meet all its obligations.

Further advising Congress as to the principles of taxation which should govern our postwar system of taxation, he declared:

We have found the main sources from which it must be drawn. I take it for granted that its mainstays will henceforth be the income tax, the excess-profits tax, and the estate tax.

Speaking further in reference to the reduction of taxes, President Wilson said:

Changes can be made to advantage both in the rates of tax and in the method of its collection. The excess-profits tax need not long be maintained at the rates which were necessary while the enormous expenses of the war had to be borne, but it should be made the basis for a permanent system which will reach undue profits without discouraging the enterprise and activity of our business men \* \* \*

Referring further to the "minor taxes" provided in the war-revenue measure "made necessary by the pressing necessities of the war," and which can not "find sufficient justification under the easier circumstances of peace and can now happily be got rid of," the President continued:

Among these, I hope you will agree, are the excises upon various manufactures and the taxes upon retail sales. They are unequal in the incidence on different industries and on different individuals. Their collection is difficult and expensive.

An adverse Congress was heedless of these practical recommendations for the relief and betterment of business following the war. Those inequitable and excessive taxes are still with us. So the Wilson plan in this respect failed and his political opponents are justly entitled to the credit of that defeat, whatever that may be.

#### ANTI-PROFITEERING PROGRAM.

At the time the United States entered the war, we were practically without any Federal laws to punish or prevent profiteering. At the conclusion of the war and the passing of food control, the evils of profiteering became more manifest. Two years ago the President appeared before Congress and urged legislation to suppress profiteering. He called attention to the unconscionable profiteering inflicted upon the consuming public and its injustice and the inevitable underconsumption and injury to producers and consumers alike that would follow if effective restraints were not provided. An adverse Congress was heedless of the recommendations. Profiteering was permitted to continue. Prices soared until there was an underconsumption by the public, leading to the buyers' strike, which added to the instability of the world and further contributed to our present financial depression.

So the Wilson program as to anti-profiteering failed. His political enemies are entitled to the credit of its defeat, whatever it may be.

#### DISARMAMENT.

The treaty provided a means of arranging world disarmament. That program failed, and we are forced to continue

maintaining military organization at the rate of over \$700,000,000 per year.

#### SAVE OURSELVES BY SAVING EUROPE.

In August, 1919, nearly two years ago, our country in common with the rest of the world was prosperous. The world had not then lost confidence in the effort that was being made to restore and stabilize Europe. President Wilson then appeared before Congress and urged that if for no other reason than our own benefit we should cooperate in restoring and stabilizing Europe. He urged that if we did not participate in avoiding world disaster it would inevitably be communicated to the United States.

We must face the fact that unless we help Europe to get back to her normal life and production a chaos will ensue there which will inevitably be communicated to this country. We, and we almost alone, now hold the world steady. Upon our steadfastness and self-possession depend the affairs of nations everywhere.

Further referring to the part our country had taken in the war President Wilson said:

She saved Europe by her action in arms; she must now save it by her action in peace. In saving Europe she will save herself, as she did upon the battle fields of the war. The calmness and capacity with which she deals with the matters of the problems of peace will be the final test and proof of her place among the peoples of the world.

And, if only in our own interest, we must help the people overseas. Europe is our best customer. We must keep her going or thousands of our shops and scores of our mines must close. There is no such thing as letting her go to ruin without ourselves sharing in the disaster.

Looking back with a certainty of retrospection, we now see that for failure to participate in the restoration of Europe we have contributed to the misery and suffering of allied and enemy countries alike and have contributed to the demoralization of the business world in which our own financial and economic fabric is involved with the curtailment of our foreign market and the business depression of our country. Our banks have been in good financial condition. Our producing capacity is the greatest of our history, and yet our farmers are unable to sell their products for the cost of production.

Our ships are disappearing from the sea. Investments are stagnated, factories are closed, business failures have exceeded all previous records, and our unemployment is without parallel. An eventual decrease in prices and a slackening of business was an inevitable aftermath of the war. But the building construction and production needs of the world following the war were such that by strong, united leadership we would have been secure against immoderate depression for many years to come.

In 1919, the year following the war, we had an export trade of \$7,920,000,000 and a balance in trade of over \$4,000,000,000, the greatest in our history. Together we have seen the accumulating confusion and distress of the world and our diminishing trade and markets.

The constructive mind of President Wilson foresaw this impending disaster and in advance tried to rescue our country and the world. His program failed. His political enemies are entitled to the credit, whatever it may be.

#### THE EFFORT TO ESTABLISH WORLD PEACE.

President Wilson believed that our part in this war should not terminate until the great purpose of peace had been achieved. He strove that the warring nations together might make peace and that the Allies by solidarity and united action should restore Europe and enable her people to return to their peaceful pursuits in security.

More than that, the President knew history. He knew the awful blood, sacrifice, sorrow, and destruction that the trail of war has left in the world. He conceived that war is a cruel and barbaric way of settling the disputes of nations, for which peaceful methods should be substituted. He sought to write into the treaty a means for conference and agreement among nations. Provisions were made for arbitration, an international court of justice, and arrangements for disarmament.

The treaty as finally written included the most concrete effort ever made in the history of the human race to banish wars from the world. No one at the peace table ever expected that such a plan of world and permanent peace could be successful without the participation of the United States. America was regarded as the keystone in the arch of world peace. Without her the structure is incomplete and insecure.

President Harding at New York recently in the presence of thousands of flag-draped caskets of our soldier dead uttered this noble sentiment: "It must not be again." Wilson at the peace table and in America fought and gave his last ounce of strength and finally surrendered the future of his life attempting to write into the laws of mankind "It shall not be again." Such words and deeds may be futile, but America honors the words of the one; she will not condemn the deeds of the other.

One thing is certain. If there is a way to permanent world peace, it is not the old way to which we seem to be returning. The desire for permanent peace and security is as old as human

aspirations. As long as those aspirations have existed the old way has failed. Those who would seek to gain world security must depart from the old way. However effective any plan of world peace may be it must meet the opposition and condemnation of those who instinctively rebel at the new.

The peace of the world, if ever attained, must be accomplished by those who have the imagination, the courage, and the will to depart from the beaten paths of history, misery, and woe.

We entered the war with the full might of America. In the hour of distress we stood with our associates when the fate of the world hung in the balance. Our soldiers marched with the Allies behind the same flags. They lay wounded on the battle fields together and pressed to each other's lips the last drop of water, and for each other sent home the last message. Their blood mingled together on the same sod and together they were buried in the fields of France. In the final hour of triumph we rejoiced together. In that hour our country was the most beloved by foreign peoples of any country in the annals of history. Since that hour of great achievement we have lost much. We have sacrificed the moral leadership of the world. Let us no longer delay the hour of recoupment. Let us return to the path we abandoned. Let us renew the hope of the world by playing our part, a manly part. Let us together join in the restoration of peace, security, and prosperity to our own country and the world.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from Pennsylvania [Mr. TEMPLE]. [Applause.]

Mr. TEMPLE. Mr. Speaker and gentlemen of the House, it is now more than a year ago since the House passed a resolution having precisely the same effect as the resolution that is now pending. It was not then and it is not now intended to be a treaty or an agreement between the United States and any other power. It has been said that it is a unilateral act. That is true. It is not intended to be anything but an act of the Government of the United States. It is not intended that it shall have any effect except within the jurisdiction of the American Government. A unilateral act; yes. All that is left of the war is a unilateral war. [Applause.] Germany is not at war with us. Germany has already made peace with all the world. The armistice of November 11, 1918, was the actual end of the war in everything but bare legal form, and the treaty ending Germany's war with all nations became the law of Germany and went into force there when it was ratified by that Government and three of the principal allied and associated powers.

When the armistice was signed, it was accepted on both sides as the actual end of the war. There was nothing temporary in the suspension of hostilities. We brought our armies home and demobilized them. That Germany also recognized the so-called armistice as the actual end of the war needs no proof, but let us refresh our recollection of the provisions of that agreement which left Germany unable to resume the fighting.

Article 4 of the terms of the armistice provides that Germany surrender 5,000 pieces of heavy and light artillery, 30,000 machine guns, and 2,000 airplanes. Articles 22 and 23 provide that she surrender 160 German submarines, 10 battleships, 6 battle cruisers, 8 light cruisers, and that Germany completely disarm all other surface warships and all vessels of the auxiliary fleet. Article 10 provides that Germany shall immediately repatriate all prisoners of war. Article 19 provides that Germany make financial reparation of damage done.

There was full justification for President Wilson's statement to Congress at the conclusion of his reading of the terms of the armistice at the joint session of the two Houses, when he said:

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

That this was in fact no true armistice but actually a complete surrender and abandonment of the war by Germany may be more fully realized if we consider the distinction between an armistice and a peace as set forth by Woolsey.

But while an armistice is an interval in war and supposes a return to it, a peace is a return to a state of amity and intercourse, implying no intention to recommence hostilities. An armistice again leaves the questions of the war unsettled, but a peace implies in its terms that redress of wrongs has been obtained, or that the intention is renounced of seeking to obtain it. (Intro. to Int. Law, sec. 50.)

The so-called armistice does not present either of the characteristics thus described as essential to a real armistice, and it does possess both characteristics by which Dr. Woolsey distinguishes a peace from an armistice. It does not suppose a return to war, and it does imply in its terms a reparation for wrongs done. Rather it does not merely imply such redress; in article 19 it specifically provides for it. In signing these terms Germany made a complete surrender. It was univer-

sally recognized as the end of the war and was so characterized by President Wilson not only in his address to Congress, which I have just quoted, but also in his announcement to the country, in which he said:

My fellow countrymen: The armistice was signed this morning; everything for which America fought has been accomplished.

Yet in spite of the actual ending of the war there remained, and so far as the United States is concerned there still remains, a "technical continuance" of a legal state of war. That phrase, a "technical continuance" of a state of war, was used by Mr. Seward in 1868 to describe a condition that had arisen when hostilities ceased between Spain and the allied Republics on the west coast of South America. It is interesting to note that the condition lasted through many years. In fact Chile did not resume friendly relations with Spain until 1884, nor did Ecuador until 1886, 20 years after hostilities had ceased. In some respects our relations with Germany have made greater progress. We have had an informal diplomatic mission in Berlin for several months and trade has been resumed to a very considerable extent. Our exports to Germany for the current fiscal year are somewhat in excess of those for 1913, which amounted to \$351,000,000. We are not in any real sense at war with Germany and Germany is not at war with us.

Germany fought the United States savagely while we were at war, and she exercised the powers of a belligerent in seizing property of American owners which was within German jurisdiction. Germany has been returning such property to the American owners, however, and if it be true that she did not declare war against us there was no German enactment which it was necessary either to repeal or to supersede in order that German courts might give full recognition to the peace status.

The treaty itself fixes the time when the war shall end for Germany. The last sentence of the preliminary provisions of the treaty, immediately following the list of Representatives at the peace conference, reads as follows:

From the coming into force of the present treaty the state of war will terminate. From that moment and subject to the provisions of this treaty official relations with Germany and with any of the German States will be resumed by the allied associated powers.

The war terminates when the treaty comes into force. When does that treaty come into force?

Article 440 of the treaty provides that a first procès-verbal of the deposit of ratifications shall be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers, on the other hand. Then comes a sentence which does not affect the United States, because we have not ratified the treaty:

From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it.

That sentence does not affect us, I repeat, because we did not ratify the treaty. It does affect Germany, however, and all ratifying powers. The next sentence affects Germany's legal attitude toward the United States and all other powers that were at war, whether they ratified the treaty or not. It reads as follows:

For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

For the determination of all periods of time; the period of the war, the period of the peace following the war, and the determination of all other periods of time provided for in the treaty.

In all other respects the treaty will enter into force for each power at the date of the deposit of its ratification.

It is only "in all other respects" that the treaty enters into force for each power at the date of its ratification. In this one respect, namely, the determination of all periods of time, including the termination of Germany's war with all her enemies, the treaty has already gone into force. Germany is not at war.

We are not at war with Germany in Germany. We are not at war with Germany on the high seas. There is only one place where we are at war with Germany; that is on our own statute books. The passage of this resolution will end the war there and bring our laws into harmony with the facts.

But I have dwelt too long on this phase of the subject. Let me spend the remainder of the limited time at my disposal on a point which, for the purposes of this discussion, is of greater importance.

Most of the criticism of this resolution has been directed at the second section of it, in which it undertakes to safeguard the interests of the United States, especially the clause in which we expressly reserve all the rights stipulated for us in the treaty of Versailles. It has been said time after time during



this debate that no rights can be stipulated for any nation that is not a party to the treaty; that we could claim no rights under the treaty which we did not ratify. I wish to show that this particular treaty does stipulate rights for several nations that did not even sign it, that took no part in negotiating it, but which were, nevertheless, intended by the high contracting parties to be entitled to certain rights under its provisions.

In stipulating rights for various classes of beneficiaries the treaty makes use of several different phrases to designate them. In the first place, rights are stipulated for "the high contracting powers." That phrase refers, of course, to those powers only which signed and ratified the treaty, and thus became parties to the contract. Choosing one out of many examples that might be mentioned, I refer to section 1 of the annex to article 298 of the treaty. I read from this section:

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed.

In like manner section 2 of the same annex protects the rights not of the high contracting parties but of the "allied and associated powers."

No claim or action shall be made or brought against any allied or associated power or against any persons acting on behalf of or under the direction of any legal authority or department of the Government of such a power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights, or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect to any act or omission under or in accordance with the exceptional war measures, laws, or regulations of any allied or associated power.

"Any person!" Why there were several persons who did not sign the treaty. The world is full of them, and their rights are protected by that section of the treaty.

This section, you have observed, protects the rights of "any allied or associated power." The allied and associated powers are named in the preamble to the treaty—a list of 27 of them. Now, if in one section of this part of the treaty rights of the high contracting parties are protected, and if in the next section the rights of the allied and associated powers are protected, it is obvious that the two clauses mean two things. If the makers of the treaty had meant the same thing, they would have used the same phrase. They used different phrases, and those phrases mean different things.

Still another phrase is used in the treaty to distinguish a third group of powers from the two groups which I have already mentioned, and to secure for them certain rights which are not granted to all the allied and associated powers. Article 119 of the treaty reads as follows:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

The very first sentence of the treaty defines that phrase:

The United States of America, the British Empire, France, Italy, and Japan, these powers being described in the present treaty as the principal allied and associated powers.

It is to these powers, mentioned by name as constituting this group, and not to those of them who by ratifying the treaty became high contracting parties, that Germany renounces her overseas possessions. One of the rights "stipulated for us" in this article of the treaty, while not of the greatest importance, has been brought to public notice in a way that has attracted the attention of even those who ordinarily are not interested in our foreign affairs. One of Germany's overseas possessions, thus renounced, was the island of Yap. When four of the principal allied and associated powers disposed of a possession which Germany had renounced to five of them, the United States asserted a right to a voice in the disposition of the island.

Other examples of rights stipulated for the five principal allied and associated powers will be found in article 249 of the treaty, which provides that Germany shall pay the total cost of maintaining the armies of the allied and associated powers in occupied German territory, and in articles 297 and 298 which provide that private property of nationals of allied and associated powers seized by Germany shall be returned to the owners.

Other rights are guaranteed to Denmark in article 110. Rights are guaranteed also to Russia in articles 116 and 117. Russia and Denmark did not sign the treaty. Denmark was not even at war and is not one of the allied and associated powers, but entirely a third party. I wish to call your attention still to another fact. In article 336 the treaty provides:

Vessels of all nations, and their cargoes, shall have the same rights and privileges as those which are granted to vessels belonging to the Rhine navigation, and to their cargoes.

If the treaty provides, and if Germany is bound by treaty obligation entered into with England, France, Italy, and other ratifying nations to grant to the vessels of all nations the same rights on the Rhine that certain specified vessels have, what becomes of the contention that no power that is not a party to the treaty can have any rights under the treaty?

The treaty specifically provides that the vessels of all nations shall have certain rights, and nobody will claim that all nations are parties to the treaty. The treaty, of course, takes care of the rights of the contracting parties which, by ratifying the treaty, have assumed the obligations of the contract. It also stipulates rights for the five principal allied and associated powers, by implication, whether they have ratified the treaty or not; it stipulates rights for the whole group of 27 allied and associated powers, and it stipulates rights for the vessels of all nations. The United States is certainly one of the "all nations" to whose ships these rights are stipulated. It is certainly one of the principal allied and associated powers, for it is mentioned by name in the clause of the treaty which defines that phrase. What does the phrase mean? Allied and associated in making the treaty? By no means. Allied and associated in making the war. Nobody will deny we had something to do with making the war. We were not one of the allied nations; we were an associate nation. We chose the policy of not making an alliance. Why? The only alliance that existed was an agreement that none of those powers would make a separate peace with Germany. What did that mean? Men have tried to say we are making a separate peace with Germany. The phrase "separate peace" has a well-understood significance in international usage. When nations are at war against the common enemy the only way one of them can make a separate peace is by leaving the war first and abandoning the others to fight alone. [Applause.]

That is the reprehensible thing. No nation did that in this war except Russia. Russia was the nation that made a separate peace and abandoned the Allies to finish the war without Russian help. We saw it through. Of course we did. And to say now that we can make a separate peace is absolute nonsense. It is an attempt to use a phrase that carries some obloquy. We had made no alliance or agreement not to make a separate peace. We could have made our own peace without violating any treaty, but we did not abandon our associates. We stayed with them and gave the claims of the Allies all our weight and influence until Germany agreed to the treaty the Allies demanded. We have not abandoned them, and do not intend to do so.

Mr. REAVIS. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. REAVIS. What power other than the United States was an associate power in this war?

Mr. TEMPLE. None of the principals. There were some of the smaller ones that I do not recall now.

Mr. REAVIS. When it uses the term "associated power," is it any stronger in granting rights to this country than if the term "United States" was used in the treaty?

Mr. TEMPLE. The term "United States" is used in defining that phrase.

Mr. REAVIS. When "associated power" is used, it must refer to the United States.

Mr. TEMPLE. Yes; but we do not need to reach that conclusion by inference. We have the direct definition of the treaty to that effect, that the United States is one of the principal allied and associated powers, and wherever that phrase is used in the treaty it can not be used without including the United States. Whatever is stipulated, therefore, for "the principal allied and associated powers" is stipulated for us as one of them. Whatever is stipulated for the whole group of 27 "allied and associated powers" is stipulated for the United States as one of them—allied and associated in the war, and having certain rights as victors in the war, not as partners in the treaty. We were not allied with them in making the treaty; we are not associated with them in the ratification of the treaty. Certainly we were associated in the fighting of the war. And the nations that were on the winning side with us will not attempt to deprive us of our rights.

Now, the question arises, Will any treaty hereafter be necessary? Why, of course, a treaty will be necessary; not a treaty to end the war, but a treaty to determine the relations that will exist in the future between the United States and Germany.

What about reparations that we claim, that we expressly reserve—reparations, indemnities, and the like? We shall, of course, have to come to an understanding with the other powers that were fighting against Germany. We can not settle those questions with Germany.

Germany has turned everything she has over to the reparations commission. We can not do business with a bankrupt

concern that has gone into the hands of a receiver except by doing business with the receiver. We shall have to have an understanding not only with Germany, but with the other powers that were associated with us in the war; and I still believe, as the President said when he stood before us here on the 12th of April last, that the easiest way through, the wisest course, would be to "engage under the present treaty," with whatever safeguards may be necessary.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The time of the gentleman will expire in half a minute.

Mr. TEMPLE. May I have two minutes more?

Mr. PORTER. I yield to the gentleman two minutes more.

The SPEAKER pro tempore. The gentleman is recognized for two and one-half minutes.

Mr. TEMPLE. One other point I wish to turn my attention to for a moment. A great deal has been said throughout the country about "an irreconcilable quarrel" between the Senate and the House which has delayed this resolution.

I have been rather familiar with the situation, and I do not know of any "irreconcilable quarrel" between the House and the Senate on this subject. A year ago we passed a resolution in this form, merely declaring the war at an end. The Senate amended it so that it repealed the resolution of April 6, 1917, by which we declared war. The same difference exactly arose then that has arisen again between the House and the Senate. This time the resolution started at the other end of the Capitol. The Senate passed their form of resolution first. We have now substituted the form which we prefer, and I have a decided preference for it. I do not believe there is any more "irreconcilable difference" between the House and Senate now than there was a year ago. The two Houses agreed then, and we shall agree now. I believe, in fact, that there is a prospect of getting something that is a good deal more like our own resolution than the one passed at that time. There is no quarrel between the House and Senate. There is no delay on that account but a delay for very good reasons, which have been sufficiently indicated by other gentlemen and which I may take the liberty of discussing at another time. [Applause on the Republican side.]

The SPEAKER pro tempore. The gentleman from Pennsylvania yields back one minute.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

The SPEAKER pro tempore. The gentleman from Mississippi is recognized.

Mr. HUMPHREYS. Mr. Speaker, I am very much in favor of this resolution and regret that I could not get the time to state fully the reasons which have led me to that conclusion. Under the permission just granted, however, I will say this: As a rule, I believe that the burden is on the proponents of any bill or resolution to give the reasons why it should be adopted; but in this instance I think the reverse is true.

Hostilities ceased on the 11th of November, 1918, about two and a half years ago, and I believe that the burden now is upon those who oppose this resolution to show why the technical state of war which still exists should not be formally ended.

In the first place, I think that the restoration of a status of peace would accomplish much good. I am sure it would materially help the German people, because I can not avoid the conclusion that they could much more easily finance their industrial, agricultural, and commercial enterprises if they were at peace with the United States than they can under present conditions. It is true that there are no restrictions now being placed by the President upon our trade with Germany, but it is also true that no citizen of Germany could go into the courts of our country nor could our citizens go into the courts of Germany to enforce any contract entered into between citizens of the two countries.

The fact that it would help to rehabilitate Germany would of itself be a sufficient reason for me to vote for it unless I believed that it would work harm to our own people.

I have no hatred in my heart for the German people. I voted for the war and for the draft and for the other measures which we adopted for the prosecution of the war. I believed and still believe that the German Government sinned grievously and wickedly in the manner in which she conducted her submarine operations, and I believe also that she has grievously answered it. The mighty military machine with which she threatened to overrun the world was defeated on the battle field and she was forced to sign an armistice upon such terms as we in cooperation with our allies dictated.

Her military masters were humbled; the Hohenzollern dynasty, which broke the peace of the world, was overthrown, and the Kaiser himself is now a fugitive in a strange land. There is no reason that I know of to fear further trouble from

that source, and, speaking for my single self, I hope there will arise out of the ashes of the old imperial monarchy a new Germany inspired by better ideals, the ideals of peace and righteousness, and in this I wish for them prosperity and happiness, the fruits of peace and liberty.

I believe, however, that the establishment of a status of peace by reviving the industrial activities of Germany will most surely be reflected in enlarged trade and commerce between the two peoples, and in that way our people, most of all possibly the cotton producers of the South, will be benefited.

Gentlemen have quoted figures to show that our trade with Germany has already been revived and that we are selling them now more of American products than we sold them before the war. However true this may be, it is not a fact that our cotton trade has been restored. Before the war we sold Germany in round figures 3,000,000 bales of cotton. Last year we sold her less than three-quarters of a million bales.

The opponents of this resolution insist that we should make peace with Germany in the orderly way prescribed by the Constitution, and I agree to that fully, but we have not done it. The responsibility for that failure, however, does not rest upon this House. The President and the Senate jointly are charged with the duty of making treaties, but the President was unable to negotiate a treaty to which the Senate would give consent, and the Senate was unable to amend the treaty in a way which the President would accept, and the result is that although the battle has ended we are still technically at war. This, however, is the first opportunity which I have had to vote for a resolution which I thought would, in a way not forbidden by the Constitution, establish peace, and I do not feel that I can justify a failure on my part to act now by citing the failure of the President or the Senate, or both, to act when the matter was with them.

We are told that it would be dishonorable to make a separate peace with Germany. If that be true, then our situation is hopeless. We speak of it as "the World War" because practically all the nations of the earth were engaged in it, but every one of them has long since made peace with our recent enemies and we alone remain at war. This being true, we must either make a separate peace with Germany or remain forever at war.

I understand, of course, that when we said we would not make a separate peace with Germany we meant we would not make a separate peace during the progress of the war, as Russia did at Brest-Litovsk, and thus abandon our allies while the fight was on. All of our allies were equally emphatic in their declaration that they would not make separate peace and I think they kept the faith, although as a matter of fact after the war ended they all did make a peace to which we were not a party. It is urged again, and that with much show of feeling, that we should not end the war before a treaty is negotiated with Germany, because it is claimed that we would thereby surrender a great advantage. "When the President sits down at the table with the representatives of the German Government to write a treaty," they urge, "we want him to enter into the negotiations as victor and the German representatives as vanquished."

I fail to see any merit whatever in this contention. I do not believe the President or his representatives at that conference would have the slightest advantage by reason of the fact that a technical state of war still existed. What could he do then that he could not do if this resolution had already been enacted? Suppose that Germany would not agree to such a treaty as the President was willing to adopt. Is it the wish or the belief of the opponents of this resolution that the President should then undertake to force Germany into submission by renewing hostilities and summon us again to the bloody arbitrament of the sword?

Some gentleman has said the fact that we are still at war technically would be a club in the President's hand. Suppose it is. Would we have him use that club and thereby plunge this country into another war because Germany would not agree that we might subject \$400,000,000 now in the hands of our Alien Property Custodian to the satisfaction of the \$221,000,000 in claims which our citizens have filed against Germany as the result of her unlawful submarine warfare? If we are to resort to war for that or for any other reason, I believe that before we take that awful step the Representatives whom the people have elected to Congress should first give their assent to it.

I have great respect for the President of the United States. I have faith in his patriotism, confidence in his high purpose, and I have no fear or thought that he would plunge us again into war; but during the past two or three days I have heard gentlemen, Members of this House whom I hold in very high esteem and whose patriotism I would not question, declare that



if Germany would not submit to whatever terms we dictated that they would be in favor of resuming hostilities.

If this resolution is not passed before the President undertakes to negotiate a treaty of peace with Germany, he alone would be charged with the duty and the responsibility of determining whether to order our military forces to renew the bloody business which the armistice ended if Germany failed to agree to the terms which he proposed.

If this resolution should pass before he undertook that treaty, before he could summon our boys to arms again Congress would have to make a declaration of war. This, to my mind, is infinitely preferable and is sufficient reason to justify my vote for the resolution.

One gentleman has declared, and his statement met with evident approval by others, that before we agree to a status of peace and the restoration of amicable relations with Germany that she must be further humiliated by acknowledging her blood guilt in provoking the war.

There was a time, Mr. Speaker, when such a spirit prevailed in this House and when legislation in consonance therewith was written upon our statute books under the leadership of those whose shibboleth was "treason must be made odious." I do not believe, however, that the laws passed in the years immediately succeeding our great Civil War have or will hereafter sound in history to the credit of those who wrote them.

When the President takes up with the officials of the present Republic of Germany a negotiation of a treaty of peace, amity, and commerce, I believe he will be inspired only by a desire to do justice and to write a peace of righteousness, and to do this I do not believe that he needs any bludgeon.

I shall vote for this resolution because I have in my heart the same desire which one of our great military captains expressed when he said, in other and sadder days, "Let us have peace."

The SPEAKER pro tempore. The gentleman has that privilege under the general privilege that has been granted. The gentleman from Virginia [Mr. Flood] has 31 minutes remaining.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 10 minutes.

Mr. KELLEY of Michigan. Mr. Speaker, I am opposed to this resolution, as it has been presented here on former occasions, or in its present form, or any form. I am opposed to it because I have not been able during all of this consideration by the House to bring myself to believe that the supreme struggle of the ages to save free institutions and free governments should be ended on behalf of the United States by a simple expedient resolution merely declaring the existence of a state of peace. [Applause.]

I do not believe that such a titanic struggle, with all of its cross-currents of interests, involving such momentous issues, can be or should be ended after the manner of a friendly wrestling match—by the mere clasp of the hand. [Applause.]

It is said in behalf of this resolution that it merely announces the fact of peace. I wish with all my heart that it partook only of this innocent and harmless character. I wish with all my heart that it merely announced the fact of peace, the terms of which were fixed and in accord with the high purposes of America when we entered the war.

But this resolution not only announces the fact of peace, but it is the agency, the very instrumentality, by which peace is to be effected. Disguise it as we may by saying that further action will be taken later by the Executive, apologize for it, as I believe we will forever do if we pass it, this resolution is the method by which Congress proposes to end the greatest struggle of all the ages; and end it how? End it without a condition, save that we shall not lose any rights that we acquired through the armistice; end it without exacting a pledge, a promise, or a guaranty for the future [applause]; end it without a requirement that the offending nation shall make good any part of that which it has so wantonly and cruelly destroyed [applause]; end it without even an apology, and without evidence whatsoever of repentance; and, worst of all, and to me almost unthinkable, as it came here from the other end of the Capitol, it sought to end the war from its very beginning [applause] by repealing the declaration of war; by going back behind the years of the war, years sanctified and glorified by heroic sacrifice at home and abroad, and it by going back through the hospitals and wards of sickness and pain, back across the fields of death and glory; end it by going back beyond the white crosses that mark the resting places of our dead in alien lands they died to save; back to the 6th day of April, 1917, in order to end the war from the beginning—as though it had never been; by

repealing the resolution enacted in this Hall on that memorable day when we put the genius, the wealth, the flower of our young manhood, and the might of America on the side of the defenders of human liberty, exhausted and bleeding, but gallantly holding the citadels of civilization until we could arrive. [Applause.] We can repeal the declaration of war if we want to, but, thank God, the record of American valor performed under that declaration will remain forever, for it is written across the very skies in the blood of our sons and is beyond the power of legislatures to repeal or destroy. [Applause.]

No man is more anxious for the return of normal conditions of peace than I. I do not cherish in my soul hatred or animosity toward any people. I am anxious for peace, but I am not so anxious for it that I am willing either to repeal our declaration of war or substitute a clasp of the hand for just and honorable terms and conditions of settlement. [Applause.]

We can not be too particular about the terms of this settlement, because the conditions imposed upon the responsible aggressor must be such as will forever remain a wholesome restraint upon ambitious rulers of future days. Monarchs of coming days will, no doubt, dream again the old dreams of world dominion and will be fired again with the old zeal for world control. But if we do our duty now and weary not, they will hesitate long and ponder well the fate of him who in 1914, as the responsible head of a great nation, thought himself to be the chosen instrument of God to impose his personal will upon all mankind.

But it is argued that diplomatic and trade relations should be resumed. But what matters a vacant embassy on Massachusetts Avenue for a while longer or even a few weeks more of inconvenient trade, as compared with righteous and honorable terms and conditions of settlement of all the issues involved in this great struggle.

But it is said that Great Britain and France and Italy and Belgium are at peace, and why not the United States? But did these great nations make peace simply by saying that the war is over? Did they end the war without terms or conditions or pledges or promises or guaranties for the future? Oh, no!

Lovers of liberty of all times to come will rejoice that Great Britain and France and Italy and Belgium required the offending nation to admit its wrongdoing and accept full responsibility for the war; that the offending nation was forced to give up its mighty fleet, disarm its people, and make reparation for what it had destroyed up to the very limit of its ability. Such are some of the conditions and terms imposed by our associates in the war as a condition precedent to the establishment of peace. [Applause.]

But what of America? What do we here propose to do? To me the almost unthinkable thing of establishing peace without terms or conditions or pledges or promises or guaranties for the future, and then, with the innocence of little children, hope that the damage we do here may somehow be repaired hereafter by diplomacy. [Applause.] America's influence in the world should not be thus put in jeopardy. [Applause.]

When statesmen of future days shall review these times and study this world settlement I know they will turn expectantly to America to ascertain the conditions under which this great Republic of justice and honor was willing that the greatest of all international offenders in the history of the world should take its place again in the family of nations. God grant that they may not be obliged to measure America's conception of international duty or to judge America's standard of international morality by what they find in this weak and pusillanimous document known as the Knox resolution.

If this resolution is the best that Congress can do when it strays outside of its own jurisdiction and ventures into the realm of international affairs, we have this further proof of the wisdom of the fathers in placing the control of our foreign relations in another branch of the Government.

It is as clear to me as the sun at high noon that we should leave the initiation of foreign policies to the President and his great Secretary of State. Secretary Hughes has already shown such wisdom and courage and learning and vision as characterized only the very greatest of his illustrious predecessors.

Congress should not attempt to interfere in the settlement of this, the most difficult, the most dangerous, the most complex, and the most kaleidoscopic situation that has ever confronted an American President.

Let us keep to our own normal, constitutional functions and leave the President to his. He has been in office now but a few weeks, but the country has already come to trust him and believe in him implicitly. More and more he feels, and must feel, the heavy responsibilities of these troubled days. More and more he has come to realize how large a part his decisions must play in shaping the course of events, not only in America

but throughout the world. He is keenly alive to his responsibilities and appreciates his human limitations as no other President since Lincoln. Yet as he guides the ship through the storm and the fog and the night he is confident and unafraid. For he has come to know, as all men come to know when charged with mighty destinies, that after all there is, there must be, an overruling Providence guiding human affairs and shaping the course of human events, and that men, after all, are but the agents chosen to carry out the larger divine purpose and that nations that place their trust in Him and follow His leadings will come safely through the storm and the night.

We must not forget in this hour of world peril under our forms of law that the President is our pilot on the sea of international affairs. Within the unquestioned scope of his constitutional authority we can safely trust him with the fortunes of the Republic. Let us not distract him by constantly clamoring at his side or by attempting to take the wheel. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I shall not discuss the question of whether, under our Constitution, we can by an act of Congress enter into contractual relations with another Government. I merely desire to say that I do not believe Congress has such power. I think it is an invasion of the treaty-making power, which is a constitutional prerogative of the President, by and with the advice and consent of the Senate. I believe this power carries with it a duty which should be performed by the Executive in negotiating such contractual relations, and that he should not undertake to pass it up to Congress.

I think both the Knox and the Porter resolutions are objectionable on this ground, and I should therefore vote against this resolution if I had no other objection to it.

Nor will I discuss at any length the moral question involved in the desertion by this country of the nations with which we were associated in the World War by the negotiation of a separate peace, either by congressional action or by the Executive, with the powers against which we were together at war.

The war had set a great task for our statesmanship. The best thought of the world demanded that a serious attempt be made by the leaders of the allied and associated Governments to formulate a treaty of peace which would prevent the recurrence of war. Every rightful impulse of the human heart was in accord with that purpose. For the first time in the turbulent annals of the human race such a project had become possible. At that critical juncture Republican leadership completely failed, and the Republican Party put duty to party above duty to country or humanity and defeated that wish of our people and of the world. [Applause on Democratic side.]

The purpose of the Republican Party is the same to-day that it has been since it carried the election in 1918—only this purpose is stronger since the election of 1920.

It was declared that all of Wilson's policies would be repudiated and that there would be established a separate peace with Germany as soon as a Republican Congress could pass the law and a Republican President could sign it.

Such is the purpose of this resolution, and all I desire to say about it is that a separate peace with Germany is inconsistent with American honor and will be a severe blow to American prestige and statesmanship. [Applause on Democratic side.]

The action of the Republican Party has thrown international relations into chaos and impaired the processes of national life until there has been an accumulation of domestic problems which the Republican Party is unable to adjust, and which can not be satisfactorily dealt with until our relationship to the rest of the world is determined. This the Republican Party seems incapable of understanding or doing.

I do not care to discuss the League of Nations or the other parts of the treaty of Versailles other than to refer to the statement frequently made in this debate that the League of Nations came before the people and they decided against it by 7,000,000 majority, and to contrast this statement with that of 31 of President Harding's strongest supporters, who stated that the question was not a league or no league, but the question was whether we should join the league under an agreement containing the exact provisions negotiated by President Wilson at Paris or under an agreement omitting or modifying some of these provisions. And the conclusion drawn by thousands of voters from the statement made by these gentlemen was that the surest way to get the league was by the election of President Harding.

Among the signers were two members of President Harding's Cabinet. I do not know whether these gentlemen were fooled by President Harding or whether they fooled the American public. But I think they owe an explanation to thousands of people who favored the league and who were induced by this statement to vote for Mr. Harding for President. [Applause on the Democratic side.]

On last Saturday I said to the gentleman from Pennsylvania that the Republicans had voted twice in this House for the resolution which repealed the declaration of war and which he has denounced as a provision to apologize to Germany. He took issue with me, but later on he admitted that they had done that. Under the leadership of these gentlemen on the Committee on Foreign Affairs you were led last year to vote for what they now say is a repudiation of the war, and what they tell you now is an apology to Germany. [Applause on the Democratic side.]

But aside from all this, I think the resolution has no value. It is contended that it will establish a technical state of peace with the enemy country, and that that will increase our trade with Germany, especially our export trade, and will enable our people to sell more cotton, tobacco, wheat, meat, and manufactured products to the German people. As has been clearly pointed out in this debate, such will not be the case. We are trading as freely with Germany to-day as we are with any nation in Europe, and we have the largest export trade we have ever had with her.

It was stated by the gentleman from Alabama [Mr. HUDDLESTON] that this trade is decreasing. It is a fact that it did fall off \$4,000,000 in April, but for the fiscal year 1921 it will be very much larger than it was in the fiscal year 1920 or any other year in the history of our trade relations with that country.

Our financial institutions in this country are giving the German people all the credit the conditions of that country will justify, and we are selling to Germany everything that her financial condition and credit will permit her to buy.

President Harding's speech in the Senate on May 15, 1920, strongly sustains this position. He did not advocate the resolution for the practical purpose of promoting trade, nor did he advocate it, as some of the gentlemen have done upon this floor, for the altruistic purpose of establishing peace. He advocated it simply for the purpose of showing the then President of the United States that one man could not run the country. If President Harding desires this resolution to protect the country against his own usurpation of power and to show him that he can not run the country, I do not think it will be necessary, because that fact will be fully demonstrated to him in a very few days when he finds out that he and the Republican leaders of this House will not be able to defeat the Borah resolution looking to disarmament. He will learn then that the wishes of one man will not be able to thwart the wishes of the American people in their desire for the reduction of governmental expenses and to secure peace by bringing about international disarmament. [Applause on the Democratic side.]

Mr. HARDY of Texas. Will the gentleman yield?

Mr. FLOOD. I will yield to the gentleman for a question.

Mr. HARDY of Texas. The gentleman from Massachusetts [Mr. ROGERS] says it will give them 105 consular appointees and other officials.

Mr. FLOOD. That will appeal to Republicans, because with the world in a state of almost complete collapse, with our farmers getting nothing for their products, with 4,000,000 men out of work, the Republican administration has sat here three months and done nothing except appoint Republicans to office. [Laughter.]

But this resolution not only has no value, but it will be a serious menace to tremendous property interests in this country.

If we restore the status of peace before our differences with the enemy countries are settled, particularly with Germany, we surrender the advantage of position which we hold as a belligerent and which all of the allied powers had when they negotiated and forced their terms of peace upon Germany. Instead of dealing with her as a victor with a vanquished foe, we would have to deal with her with perfect equality, and take what she chose to give us by way of reparation for the wrongs and injuries she has done to us and our nationals.

The losses to this country and its nationals would be billions of dollars.

1. The treaty and arrangements ancillary thereto dealt in a precise and definite way with enemy shipping. Without these provisions, great uncertainty prevails as to the title to and right to the use of German ships. The title of the United States to German ships which it seized during the war is very doubtful, as the ships have never been put through a prize court, and these ships now come under the jurisdiction of the reparation commission. Until title is confirmed in the United States, uncertainty with attendant danger to American interests must remain.

2. The funds in the hands of the Alien Property Custodian, amounting to nearly \$500,000,000, can not be dealt with other than by restoration to their owners unless German consent to the application of these funds to other purposes is obtained



through a treaty. This resolution does not pretend to accomplish this result. International law does not permit the confiscation of private property unless the enemy Government consents to the use of such property for the satisfaction of claims against it, or like purposes. The Versailles treaty contains Germany's assent to the use of Alien Property Custodian funds to pay claims of the United States and its nationals against Germany and debts of Germany to America. In the interest of justice, as well as of business, these claims should be paid. We would have a great deal of trouble getting Germany's assent to the use of these funds for that purpose after the status of peace is restored.

3. The United States has an immediate interest in the proceedings of the reparation commission, which is in no way taken care of by this resolution. This commission has control over the payment by Germany of the cost of the armies of occupation, including our own. They owe us now between \$240,000,000 and \$250,000,000. The passage of this resolution may cost America this fund.

4. By the passage of this resolution we invite representatives of German commercial houses to overrun our country and sell the products of their country, with its cheap labor, in competition with ours, and with no such rights to the representatives of American business, and they will not have such right until an agreement is negotiated with Germany.

The one-sided operation of the resolution is illustrated by the condition in which an American is admitted into Germany at present. He secures a passport to some neighboring friendly country and then applies to a German consul to visit it. This is given or withheld according to the whim of the consul. That condition would obtain if this resolution passed, because Germany on her part would not have made peace with us, while Germans would be permitted to come to this country as freely as any other friendly alien. A distinguished Senator has said that this resolution should be entitled, "A measure for the relief of the German people."

5. The passage of this resolution to bring about a status of peace in the absence of a treaty would revive the commercial and most of the treaties existing between this country and Germany which were suspended during belligerency. It would restore our treaty status with that country as it was just prior to the war.

I do not know whether this resolution will ever become a law. The gentleman from Pennsylvania [Mr. TEMPLE] says there is no wide difference of opinion between the Senate and the House. I do not see how the Republicans of the Senate, unless they have lost all self-respect, after their resolution has been denounced upon the floor of this House and in the report of the majority of the Committee on Foreign Affairs as a repudiation of the war and as an apology to Germany, as a blotting out of Chateau Thierry and Belleau Wood and the Argonne, can agree to yield their judgment as to what they thought was proper for the American Senate to do. I do not see how gentlemen over here, unless they have lost all their self-respect, after what they have said about the Senate resolution, can vote for it if it is brought back here as a substitute or an amendment for the House resolution. So it seems to me, Mr. Speaker, that there is about as much difference of opinion between the House and Senate Republicans upon this proposition as there is upon the proposition of disarmament. [Applause.]

Germany has tariffs of two kinds, one the autonomous and the other the conventional tariff, the conventional tariff being much lower than the autonomous tariff. The conventional tariff applies to countries that have particular treaty arrangements with Germany. At the beginning of the war we had no such treaty agreements. The passage of this resolution would subject our people to the discriminatory autonomous duties of Germany, while most other nations would be relieved from this through their participation in the peace treaty, which the United States has rejected. This would amount to an embargo on much of our commerce.

From whatever angle this resolution is viewed it presents itself as a proposition not only ineffective in achieving its proclaimed purpose but as a sure method of confusing our foreign relations, injecting new and complicated questions into an already difficult situation, and involving a surrender of American rights and an impairment of American prestige and honor. [Applause on the Democratic side.]

The full power of action rests with the Republican majority. Less than eight months ago that party achieved the greatest political victory in the history of this country. Republicans feel proud of that victory; they have a right to feel proud of it. But speaking as a member of the minority party I want to say to them that whatever else may be said of the campaign of 1920, this always must be said. The Democratic

Party did not dip the flag. It fought the good fight; it kept the faith, and in the light of events it faces the future with undimmed courage, proud of its achievements and confident of the verdict of history. [Applause on the Democratic side.]

I am opposed to this resolution because I do not think it comports with the simplest dictates of common honesty for a great country like ours to undertake by this legislation to retain all the benefits and advantages of the treaties that were made with our enemies, and refuse to assume any of the obligations contained in those treaties.

I am proud to be an American citizen. I am proud to be an American Representative in this House from the great State of Virginia, a State which has always stood by its convictions and maintained its honor at any cost. I am proud of the power of my country and the way in which up to this time she has exercised this great power, and I will not cast a vote that I think will weaken that power, lessen its prestige, and leave a stain upon the good faith and fair name of this country. [Applause on the Democratic side.]

This resolution seems to be the corner stone of the administration's foreign policy, and yet it will not do a thing to restore peace to the stricken world; not a thing to increase American foreign trade or to relieve distressed conditions in this country.

Our European export trade is decreasing. Only with Germany and a few other European countries is it increasing, and as a result business conditions are growing worse instead of better. With 4,000,000 men out of employment, with all agricultural products depressed, with business stagnant, the administration and the majority have let three months elapse and done nothing to relieve this situation.

For the last two and a half years the Republican Party has played politics with the European situation. The European situation now is playing havoc with American prosperity.

To calm the rising storm of indignation in the country this resolution is brought in. Its avowed purpose is commercial, yet every intelligent man knows that it will not put an idle man to work, will not open a single closed factory, will not make a market for a single barrel of wheat, a single pound of tobacco, beef, or cotton. As President Harding clearly demonstrated, it will do nothing to bring relief to the depressed industrial conditions in America. Its proponents know it has but two purposes—to keep an unwise campaign pledge and to fool the people.

Germany destroyed our prosperity. She murdered our citizens; she denied us access to the seas; she violated her solemn treaties and the law of nations; she made war upon civilization. For these things we went to war, and not as Ambassador Harvey said, because we were afraid not to fight. We sent 2,000,000 men 3,000 miles across U-boat infested seas to France and we had over 2,000,000 men under arms in this country just as heroic and just as ready to go. We spent billions of dollars of treasure. Some 80,000 of these boys lost their lives on the battle fields of France and Flanders. Thousands of them are maimed for life. We whipped Germany and her allies to their knees, and would have dictated peace in Potsdam Palace but for the armistice. [Applause on the Democratic side.]

Every nation that was associated with us in the war has dictated terms of peace to the enemy nations. Shall we tarnish the luster of this Nation by accepting and not dictating terms of settlement to our brutal and vanquished foe? I trust the Nation has not fallen so low as to say to our enemies, "Take what you wish, only give us an increased trade with Germany." [Applause on Democratic side.]

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent that the vote be postponed until 5 o'clock, and that the additional time be equally divided between the two sides of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time for taking the vote be extended to 5 o'clock. Is there objection?

Mr. CARTER. Mr. Speaker, I object.

Mr. PORTER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. COCKRAN].

Mr. CARTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair does not think that the time ought to be consumed in answering parliamentary inquiries.

Mr. CARTER. Mr. Speaker, I want in good faith to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARTER. That is as to whether or not permission has been given to extend remarks to all persons or to only those who speak.

The SPEAKER. Only those who speak.

Mr. CARTER. Then, Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The Chair does not think he ought to recognize gentlemen for that purpose until after 4.30 o'clock.

Mr. COCKRAN. Mr. Speaker, my object in taking the floor is to explain, so far as I can in the very brief time remaining for debate, why it is that notwithstanding my very strong objections to the reservations or conditions embraced in this resolution, I am nevertheless constrained by a sense of duty to my country and to humanity to vote for it and urge its adoption by the House.

The question we are considering is simply whether the Congress which declared the war that has been waged to success, the most decisive in history, shall now formally declare the peace which that success has established. If I understand the opposition to this resolution, it is based on two grounds. Some gentlemen deny that Congress has power to declare peace. Although they (and everyone else) concede that peace actually exists, they nevertheless insist that a state of peace can not be declared except through a treaty negotiated by the President and ratified by the Senate. Other gentlemen oppose this proceeding because, even conceding that it is within the constitutional power of Congress, they insist that power should not be exercised at this time and in this way, but that negotiation of a peace should be left wholly and exclusively to the President.

Mr. Speaker, both these objections, I submit, are extravagant; arising, I venture to say, from a certain confusion of thought concerning treaties, their scope, significance, and value, into which some gentlemen seem to have fallen. I believe, sir, that it is as clearly within the power of Congress to declare peace as to declare war; one being the necessary complement of the other. I believe also that it is the duty—the pressing, imperative duty—of Congress to exercise this power at once.

The main argument offered against passage of this measure is that through a treaty alone can seizure by this Government of certain property belonging to Germans be validated. Here we find that confusion of thought, which I have mentioned, betraying its victims into contending that the greatest war in history is to be ended by attorneyship rather than by statesmanship. The gentleman from Michigan [Mr. KELLEY] in referring to this resolution as an *ex parte* proceeding, has illustrated strikingly this tendency to deal with an international question in a spirit of attorneyship. The degree to which that tendency has embarrassed us in reaching sensible conclusions the gentleman from New York [Mr. FAIRCHILD] has very effectively pointed out. It is due probably to the superabundance of legal talent upon this floor. [Laughter.]

The function of attorneyship is to invoke the law of the land on behalf of one party to a dispute arising within its limits. Law has been defined as a command laid upon an inferior by a superior, who, if the command be resisted, can enforce it by pains and penalties. The sovereign—that is to say, the State—whose intervention is invoked for the settlement of a dispute has full power to enforce its decision, and in every civilized country this power is always exercised.

Disputes between nations and questions affecting their relations to each other are on a footing radically different. Every State, being itself a sovereign, can not be compelled to submit a dispute with another State to any tribunal whatever and still retain its sovereignty. How to adjust differences, to compose quarrels, or end a war between independent sovereignties belongs not to the domain of attorneyship but to the domain of statesmanship. If the House will approach this question in the light of statesmanship—as I hope and believe it will—it must realize that according to what has been said, even by gentlemen opposing this resolution—according to what is conceded with absolute unanimity everywhere—we are now actually in a state of peace; and being in a state of peace, it would, in my judgment, be little short of treason to our highest interests if we hesitate to declare it. [Applause.]

I do not think it necessary to occupy much time in discussing the constitutional power of Congress to pass this resolution, because the way in which that objection has been discussed indicates that even those who raised it in perfunctory fashion have little faith in the soundness of their contention. And, indeed, its utter unsoundness is self-evident. If, with the power to declare war imposed on us so distinctly and unreservedly that we could not divest ourselves of it if we would, we are without power to declare peace, then this Government is organized for confusion and disaster, not for order and efficiency. Conceive for a moment the consequences that must follow if Congress, which has the undoubted right to declare war, should be denied the right to declare peace. In that event war having been once declared could be ended only by the President. Any agreement of his with a foreign Government must, of course, be ratified

by the Senate before it could acquire the force of a treaty. But no one can force the President to open negotiations for a treaty. He can allow the declaration of war to stand indefinitely, and while it remains in force he has all the power which a state of war confers upon the Chief Executive.

At this moment I do not believe there is a single human being in the country who would not be shocked if warlike operations were resumed against Germany or Austria. Yet the President of the United States might send 100,000 armed men to-morrow into Germany. He might undertake to annex the Ruhr Valley; to seize the whole of Brandenburg, including Berlin. And if he proceeded to do this, he would be acting strictly within his constitutional rights. When I suggested this possibility in the course of private discussion with some friends who are opposed to the pending measure, it was at once stated that if the President did such a thing he would be impeached. Consider the significance of that attitude. The President of the United States would be impeached by Congress for doing the very thing which Congress had enjoined upon him! Could extravagance of conception go further?

The power of Congress is limited to declaring war. Making war is exclusively with the President. How he may make it, when he may make it, where he may make it, is his alone to decide. If then we are at war now it is his business to make war. Having commanded him to make war and equipped him with the power to wage it, we could not question his act should he exercise that power in any direction that to him seems proper. Surely, then, it is the supreme duty of Congress to recall that command to make war, which many here would impeach the President for obeying.

Not merely for constitutional reasons but for reasons of convenience and efficiency this resolution should be promptly passed.

The gentleman from New York [Mr. FISH] has pointed out with great force the advisability of withdrawing our troops from Germany. I do not think there is a gentleman on this side who disagrees with him or doubts that it is urgently demanded by consideration for our own welfare. But those gentlemen who, while holding this view, oppose the pending resolution, tell us that the President could withdraw these troops now under the law as it stands. I answer he has not done it. I say passage of this resolution by Congress will make him do it. And if it be of the highest interest to the American people that this be done, and Congress has power to compel it, then let the Congress without hesitation perform its constitutional duty. [Applause.]

Mr. Speaker, some gentlemen have worked themselves up to great excitement over what they seem to think will happen if we pass this resolution. I can not make out, however, from their speeches just what it is that they apprehend. The gentleman from Michigan [Mr. KELLEY] seems to deplore with special vehemence the fact that we are ready, as he says, "to shake hands with Germany." But what would he have us do? Does the gentleman want us to make faces at her? [Laughter and applause.] Does he want us to execute a war dance around her? Just what else could we do to her? We can not take anything from her. Everything she has or is likely to have for many generations is already taken by the Allies whom we have made victors over her. She is not allowed to keep a single thing of any value except what in the judgment of her conquerors is essential to her industrial efficiency, and therefore to her capacity to supply the enormous continuing contributions of money and materials they have imposed on her. Germany is beaten; utterly, irretrievably beaten. She is prostrate. But as she lies helpless on the ground, America, who reduced her to this helplessness, is too chivalrous and, thank God, too strong to kick a prostrate enemy. [Applause.]

The passage of this resolution will not be of any benefit to Germany except in a remote degree. It will merely afford her freer access to the larger sources of credit which she needs for reinforcement of her productive energies. It is for ourselves that it is of pressing importance to declare the war at an end. This resolution, if adopted, will reestablish constitutional government in America. It will stop our officials from making war upon ourselves. It will reimpose upon our Government those restrictions and limitations through which it has been since its foundation the surest rampart of freedom and the most effective agency for the enforcement of justice ever established on this earth. [Applause.]

The gentleman from Texas [Mr. CONNALLY], answering the argument that passage of this resolution would at once abrogate all the laws restraining freedom of speech and of action placed on the statute books under the stress of war, said with great emphasis that most of these war laws have already been repealed and there remain in operation now only those repeal of



which was prevented by action of the gentlemen on the other side. Well, I want all those that have been retained to follow those that have been repealed; and they will go with the passage of this resolution. Without this action on our part they will remain in operation indefinitely. This country, therefore, will not be secure in its own freedom until this state of war be ended by solemn declaration of Congress.

It may be considered a fanciful idea of mine that the President of the United States, while the declaration of war remains in force, could send troops into a country with which we are not in actual conflict. Mr. Speaker, that is not a fanciful idea. It is a statement founded entirely on unquestioned facts of history, and of very recent history. It was in precisely such a way that Bismarck, after making authority of the Hohenzollern family absolute in Prussia, succeeded in extending it over the whole of Germany.

It will be remembered that the old Prussian constitution forbade any increase in the army without the consent of Parliament, and that Wilhelm, afterwards first Emperor of Germany, when he acceded to the throne through the mental incapacity of his brother, believing a large army essential to the dignity and, indeed, to the security of Prussia, made an increase of the military establishment the main feature of his policy.

The Parliament having refused to sanction the increase he desired, the old King was on the point of abdicating when he appointed Bismarck his chancellor, who at once dismissed Parliament, created an army of the size which the King wanted, and then made war with the deliberate purpose of obtaining ratification of these constitutional violations through the approval which successful military movements were certain to evoke. And never was policy more abundantly vindicated by results. The war with Denmark and afterwards with Austria reconciled the Prussian people to the measures which they believed had led to such dazzling military successes.

So it is well within the bounds of possibility that a President of the United States—at variance, perhaps, with Congress—might take advantage of conditions precisely the same as those now actually existing to seize territory under some plausible pretext or other, relying upon the popular approval which is never refused to successful military operations for full vindication of his conduct. There would, however, be this difference between such a course and that pursued by Bismarck: The action of the American President would not need ratification. It would be entirely constitutional—taken not in violation, but in obedience, to his oath of office. Yet such action, far from redounding to the glory of the American people, would, we all agree, work deep injury to their welfare and cast a dark cloud on their fame. It is not for Germany, but for the United States, not for the people of any foreign country, but for ourselves; for the restoration of our constitutional system in its full integrity; for the security of our own freedom and the maintenance of our own national credit that I appeal to the whole membership of the House for enactment of this measure.

But gentlemen have said that the object of the war has not been accomplished. I deny that statement most emphatically and unreservedly. Never was object so glorious achieved so completely by success in battle so decisive.

The gentleman from Texas [Mr. CONNALLY] declared with rare eloquence that our purpose in entering the war was not to show our prowess with fists or sword, and I agree with him. No one could dispute a statement so true, conveyed in words so moving. But surely I can say with equal truth, though in plainer terms, that neither did we go into the war merely to pick up two dollars and a half or two millions and a half or two hundred millions and a half after the war was over, either in the way of reparations or of profit.

The gentleman contends that the property of Germans now held by the Alien Property Custodian can not be applied to satisfaction of claims for damages suffered by American citizens during the war except by a treaty "validating" the seizure. Here, the gentleman from Texas shows that same strange misapprehension of a treaty—its significance and its functions—which I mentioned in the beginning. Whatever title we have to that property was established when we seized it. No provisions of a treaty could add anything to the "rights" we now enjoy in this respect. It is for this reason that I regret inclusion in the pending resolution of any provisions respecting alleged rights acquired during the war. No right can be acquired or established by war except the right of seizure. Though seizure of property in war were ratified by a hundred treaties the party from whom it was taken would not hesitate to recapture it if he had sufficient force to do it. France in the treaty of Frankfurt conceded Alsace-Lorraine to Germany. But the French people never ceased to assert, after the treaty was signed—and up to the time the last war began—their determination to regain these Provinces whenever they felt strong enough to attempt it.

If we contemplated returning this property to its owners on any terms whatever, then a treaty would be necessary to define these conditions. But such a treaty, if it be desirable, would more properly follow a declaration of peace than accompany it. The gentleman from Texas would hardly propose now to begin war afresh for the purpose of recovering this \$250,000,000, or whatever the amount may be that is due to our nationals. And if we are not intent on war, if, on the contrary, we would abhor the suggestion of it, then in God's name let us have peace. Let us proclaim the peace that is actual—the peace we have conquered; the peace from which we ourselves will benefit decisively and the whole human family will be blessed abundantly.

The gentleman from Texas [Mr. CONNALLY] asks, If we do not by a treaty provide for retaining this property to satisfy claims of our nationals for injuries inflicted by the enemy, what is it that we went to war for? I will tell him. We went to war because the German Empire, established on the conquest and dismemberment of France in 1870, built avowedly on blood and iron with a "war lord" for its chief, embodying the civilization of the camp, was found to imperil that civilization of the workshop of which this country is the most valuable fruit and the crowning glory.

For nearly 50 years the world had proceeded under the belief that these two civilizations might exist peaceably side by side, each pursuing the pathway of progress and prosperity according to its own opinions of right and justice without invading the rights or threatening the existence of the other. But the progress of the war, provoked by the war lord, soon convinced us that existence of a war lord is as incompatible with the peace of an industrial world as a mad dog is incompatible with the peace and order of an industrial community. And then this country—for its own safety, indeed, but also for the safety of the civilization which it embodies—rose and drove that mad dog from the face of the world which he had so grievously disturbed and chained him up in isolation, where he is impotent. That is why we went into the war. We went into it to overthrow that system of militarism and imperialism which threatened the safety of Christian civilization. And now that the system of blood and terror against which we took up arms has been overthrown, destroyed finally and irretrievably; now that its ruins will no longer be suffered to encumber the earth which it had oppressed, why should we not proclaim gladly, proudly, reverently, gratefully, that the greatest crusade in all history has been crowned with complete success by American valor on the battle field and by American wisdom in the council chamber; that the justice which Abraham Lincoln made supreme in America has been made through the statesmanship of Woodrow Wilson and the leadership of the American Nation supreme throughout the whole world. [Prolonged applause.]

The SPEAKER. By the rule the previous question is ordered.

Mr. GRIFFIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRIFFIN. On Saturday the gentleman from New York [Mr. LONDON], my colleague, made an application to the Speaker, who was then in the chair, for leave to address the House for 15 minutes outside of the set time. The colloquy will be found on page 2460 of the Record.

The SPEAKER. The Chair remembers the incident. It is not necessary to read it.

Mr. GRIFFIN. I desire to ask the Speaker if the request of the gentleman from Virginia [Mr. FLOOD] that the time be extended to 4.45 o'clock p. m. did not act as a reservation upon the request of the gentleman from New York, and thereby automatically postpone the time of voting until 4.45?

The SPEAKER. The Chair thinks it did not.

Mr. GRIFFIN. I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. GRIFFIN. My contribution to this discussion will be to call attention to the almost unanimous failure of the disputants to agree on what this resolution should be called or what will be its effect. The general impression seems to have prevailed up to this very minute that it is a resolution declaring peace, or a resolution making peace. The orators on both sides seem to have held it to be either one or the other.

Let me say, Mr. Speaker, that it is neither one nor the other. If it were in either category, I would find great difficulty in justifying it. The speakers on both sides have failed—I say it with all due modesty—to note the distinction between—

1. Making peace;
2. Declaring peace; and
3. Stating that peace exists.

Making peace implies making a treaty. This resolution does not do that.

Declaring peace is peculiarly and solely the function and the explicit right of the President under the Constitution.

Stating that peace exists is the action that Congress is now called upon to perform. When that announcement is made the President, with that as his sanction, will, no doubt, issue a proclamation officially fixing the termination of the war.

It can not be justly claimed that the act of Congress called for in this resolution constitutes an invasion of the President's prerogatives, and still less an invasion of the prerogatives of the Senate, which is a part of the treaty-making power. This resolution originated in the Senate, and the fact that the Senate sends it over here for our consideration shows that that body waives exclusive jurisdiction over the subject matter.

The existence of peace is a question of fact. It may be brought about by treaty, but it may also be reached in other ways.

Writers of international law agree that a state of war may be ended in three ways—namely, by cessation of hostilities, by treaty, and by subjugation.

Two of these conditions exist in respect to the World War—warfare has ceased and our adversaries have been conquered. The making of the treaty alone remains unfinished, and that, according to the highest authority, is not indispensable to the establishment of peace.

Surely, then, no one can justly say that a declaration by Congress that the war is at an end can possibly trespass upon the President's authority. It is merely a declaration of an indisputable fact. I presume the President could declare peace without this resolution, but the passage of the resolution will put the question as to the existence of war beyond the shadow of doubt. Peace exists. Why not say so?

When our Constitution was in process of formation in the Constitutional Convention it was suggested by Mr. Butler, of South Carolina, that the power of declaring peace be accorded to the National Congress. This proposition was voted down, and, I think, properly so.

It was then evidently recognized that peace can not be made by a mere declaration. The resolution before us does not declare peace, because peace already prevails by the existence of the two essential factors—cessation of hostilities and conquest of our adversaries.

This resolution merely puts into form and gives official recognition to an existing fact.

In order to grasp the distinction, let us assume that while war was in progress—that is, while hostilities were still going on and the conflict was in doubt—a resolution was offered declaring peace with our adversary. That would be inimical to our Constitution, because that would be making peace, which only the President and the Senate can do. But when peace actually comes in due course by the cessation of hostilities and the conquest of our adversaries, Congress can not violate our Constitution or trespass on presidential prerogatives by making a formal acknowledgment of the fact that the war is at an end.

Objection is made that the reservation of our rights in the treaty of Versailles is unnecessary. At first I was inclined to agree to this proposition, and reasoned that if we have any rights in the treaty we would come into them as a matter of course upon the signing of the treaty. But the trouble is that there is a possibility that the treaty will never be signed. In that eventuality, what is to become of the rights conserved to us? Surely, if we do not give some indication that we are anxious to maintain those rights, it is manifest that the allied powers might very reasonably infer that we intended to abandon or waive them. This would be a very serious misfortune. The reservations that are objected to therefore assume a supreme importance. I doubt whether I would vote for the resolution unless those reservations were preserved.

The rights conceded to us under the treaty are firmly embedded in it. Germany has recognized them by solemn compact entered into with all of the allied Governments; and the United States, as an associate nation, named in that treaty, have an inchoate title to those rights—the only missing link in the chain of title being that we have not taken possession of them by signing the treaty.

We are entitled to claim those rights; and it is perfectly proper for us, in order to avoid all misunderstandings, to assert that we reserve them, meaning thereby that we will ultimately claim them. In the meantime the method of claiming them will be left to the Executive, in whose hands the treaty-making power is vested.

There would be danger in simply declaring that the war was at an end without reference to the rights which were conserved for us by the allied powers in the provisions of the treaty. If

we omitted that reservation the world would say that we deserted our allies and waived the rights they secured for us in the treaty of Versailles and propose to make a separate peace, utterly disregarding the treaty already made.

I do not fear in the slightest that our passage of this resolution will be deemed an invasion of the President's treaty-making power. In the first place, as I understand it, he invites this action, and we ought to welcome the invitation.

The treaty-making power has remained in the hands of the President and the Senate only through the survival of ancient prejudice. It is a relic of times when sovereigns claimed the sole right to declare war and make peace. Even monarchies have abandoned that custom, and in England, France, and Italy, treaties are ratified to-day by both chambers of their Parliament conjointly. The Versailles treaty was so ratified. A few days ago the French Chamber of Deputies ratified the treaty with Hungary.

It is time for the United States to come up abreast of the times and give the lower House an equal say in the making of treaties.

In passing, let me say that both in the last and in the present session of Congress I introduced a constitutional amendment to that effect, and I am glad of the opportunity afforded by this discussion to invite your attention to the proposal, which I trust in calm deliberation will merit your approbation.

Two years and seven months have elapsed since armistice day passed into history. The original combatants have ceased the gigantic struggle, but nations are still torn with strife and dissension. Fear, hate, jealousy, and greed still rule, and the millennium, which a weary world reaches out to grasp in joyous expectation, is now enshrouded in clouds and darkness beyond the distant horizon.

While our own country has been fortunately vouchsafed freedom from internal dissension, nevertheless our commerce and industries remain in confusion. We have had thrust upon our shoulders, as our share of the Great War, a debt unprecedented in the world's history, and our people are enduring serious distress.

Unemployment has increased and profiteering still goes on as though we were in the midst of war. Economic questions confront us and the intellect of the country is struggling to attain the solution of the problems before us.

Realizing fully this situation, the paramount question of the hour is how we shall return to prewar conditions. Manifestly, the first step which wisdom dictates is to make an official pronouncement that, so far as we are concerned, the war is at an end.

The reasons for this are many. In the first place, followed, as it will be, by the President's proclamation officially fixing the termination of the war, this resolution will mean the immediate cessation of the operation of war-time laws, upon whose existence so many injustices are predicated. It will remove the last shred and patch of them. But, better than all else, it will accustom us to think in terms of peace.

We will be able to appoint diplomatic and consular officers to represent us in the countries with which we have been at war, instead of intrusting our commercial relations to the consular representatives of rival nations. And with that will come a return to normal trade relations. We will be able to obtain the return of the property of our citizens seized during the war under laws similar to our alien property act, and will be able to arrive at a prompt settlement of the claims of our citizens for the damage inflicted upon them by our late enemies.

At the present time our position is anomalous. While apparently at peace, we are technically at war, and a thousand and one matters which depend upon the official conclusion of the war remain unsettled and undetermined.

For those reasons I am in favor of this resolution.

It would not be patriotic on the part of the minority, in my opinion, to oppose a return to prewar conditions simply because the proposition is fostered by our political antagonists or because it is in a form which we may not like. If they think they can close the war with such a resolution, and we believe they can not, nevertheless, vote with them, and I might add, "God speed them."

Mr. CARTER. Mr. Speaker, I think all gentlemen who did not have the opportunity to speak ought to have leave to extend their remarks, if they desire to do so, rather than those favored few only who had the privilege of speaking. Therefore I ask unanimous consent that all gentlemen have five legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that all gentlemen have five legislative days in which to extend their remarks on this bill. Is there objection? [After a pause.] The Chair hears none.



Under the rule, the previous question is ordered; and the vote first comes on the amendment offered by the Committee on Foreign Affairs to substitute their resolution for the Senate resolution.

Mr. FLOOD. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. At the proper time the Chair will recognize the gentleman.

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

The SPEAKER. The question is on the third reading of the amended resolution.

The amended resolution was read the third time.

Mr. FLOOD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Virginia offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. FLOOD moves to recommit the joint resolution to the Committee on Foreign Affairs, with instructions to that committee to forthwith report the joint resolution back to the House with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and he is hereby, requested and authorized to enter into negotiations with the Government of Germany and her allies and with the powers associated with the United States in the European War with a view to concluding a settlement of all controversies between the United States and Germany and her allies, and to conclude, by and with the advice and consent of the Senate, any and all international acts or agreements necessary to reach a definite adjustment with all of the powers engaged in the European War in respect to any questions or controversies relating to the conflict.

Mr. ROGERS. Mr. Speaker, I make a point of order on the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. ROGERS. The point of order is that this is a motion to recommit offered to a resolution declaring the end of a state of war. The motion to recommit is not germane, because it proposes to enter upon negotiations between the United States and the Central Powers. It bears no relation whatever, as I caught the motion as it was being read, to the theory on which both the Knox resolution, so called, and the Porter resolution are based. It also either authorizes or instructs the President to negotiate a treaty, which, of course, is entirely outside of the four corners of either the Senate or the House form of this Senate resolution.

The SPEAKER. Does the gentleman from Virginia desire to be heard?

Mr. FLOOD. Mr. Speaker, the purpose of the resolution is to bring about peace, and the amendment to it is a proposition requesting the President to proceed to negotiate that peace.

Mr. STAFFORD. If the Chair will hear me, the motion to recommit has no relevancy whatever to the matter before the House.

Mr. FLOOD. Mr. Speaker, that is all I care to say. I think it is germane.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Does the gentleman contend that the House can pass a resolution instructing the President to negotiate a treaty with any power?

Mr. FLOOD. Oh, the House has done things similar to that dozens of times.

Mr. STAFFORD. Can the gentleman state one instance where the House has ever done that?

Mr. FLOOD. Oh, but the House has passed resolution after resolution authorizing and requesting the President to appoint commissions to negotiate treaties.

Mr. WALSH. But they did not direct him, as this resolution does.

Mr. FLOOD. This is a proposition similar to those, absolutely. This is simply a proposition requesting the President to appoint negotiators to negotiate the terms of peace, and the House has passed such resolutions; Congress has passed those resolutions. The fact is that Congress has passed a law prohibiting the President from appointing those commissioners without the authority of Congress.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Does this resolution employ the word "instruct"?

Mr. FLOOD. No; "to authorize"—in the very language of the statute. The statute provides that the President shall be authorized to do it by act of Congress. The only question I thought was raised about this is its germaneness, and it seems to me it is germane.

Mr. ROGERS. Mr. Speaker, may I add a word to what I said before?

The SPEAKER. The Chair will hear the gentleman.

Mr. ROGERS. I want to call the attention of the Speaker to the fact that this motion requests and authorizes the President to enter into negotiations with Germany. That is entirely outside of and irrelevant to the resolution offered by the gentleman from Pennsylvania [Mr. PORTER]. Then the motion to recommit authorizes the President to enter into negotiations not only with Germany but also with her allies. Germany had various allies. The only ally contemplated in the Porter resolution or in the Knox resolution is Austria-Hungary; so that the language here, which necessarily includes Turkey and Bulgaria, is well beyond anything that has been proposed either in the Senate or in the House.

In the next place, the motion to recommit proposes to authorize the President to enter into negotiations with the powers associated with the United States in the war—a suggestion entirely undreamed of in the resolution either in its Senate form or in its House form.

Again, it proposes that there shall be made in these negotiations a settlement of all controversies between Germany and the allied and associated powers. Obviously this is far broader than the House resolution, and in every way inconsistent with its provisions.

The Speaker should bear in mind that the substance of this resolution now before the House is contained in three lines, "That the state of war is hereby declared to be at an end," and so forth. The second paragraph or section simply reserves our rights and preserves the status quo.

Mr. FLOOD. Does the gentleman contend that my amendment is broader in its scope than the Senate resolution?

Mr. ROGERS. Oh, it is infinitely broader. I tried to point out some of the respects in which it is broader.

Mr. FLOOD. I thought you said the Senate resolution.

Mr. ROGERS. The gentleman's motion goes far beyond both the Senate and the House resolution in the respects to which I have alluded.

Mr. FLOOD. I can amend that in respect to Austria-Hungary.

Mr. ROGERS. Oh, that is not the only trouble. From the first line to the last this suggestion of the gentleman from Virginia is not germane to the resolution which is pending before the House.

Mr. WINGO. Mr. Speaker, will the Chair hear me a moment?

The SPEAKER. Yes. The Chair will hear the gentleman.

Mr. WINGO. I think the Speaker will recognize the fact that the proponents of the pending resolution seek to bring about a technical as well as a peace in fact between the United States and the German Government, and that the resolution, judged both by its terms, especially the concluding part of it, and the arguments of gentlemen in support of it, seeks to save every right, and, of course, they argue that that will leave the final adjustment and recognition of those rights to the usual and proper method by which a state of war may be finished, that is, by a treaty made by the President by and with the advice and consent of the Senate.

The gentleman from Virginia [Mr. FLOOD] offers to recommit, and the fact that he undertakes to adjust by treaty certain rights and "all those matters in controversy" does not broaden what the gentlemen say their resolution covers. It specifically seeks to reserve all rights. The only thing, it occurs to me, that the Speaker has to consider is this: A resolution is offered and considered to end the war by congressional resolution. The minority contend that Congress has not the power, but that the treaty-making power is vested in the President alone acting by and with the advice and consent of the Senate. The proponents of the resolution admit that war can and is usually ended by treaty, but that Congress has jurisdiction and power also. Now, as I started to say, the only question that the Speaker has to decide is this, and frankly I am not clear about it in my own mind, but I want to offer it as a suggestion to the Speaker: Is it germane to the resolution that proposes to exercise the alleged legislative power of the House to offer as a substitute by way of the motion to recommit a resolution to request and authorize the President to conclude peace and end the war by a treaty? The proponents of the resolution admit the technical state of war may be ended by either method. Is the one proposal to end war germane to the other?

Now, it occurs to me that that is the only question. Upon that I offer this suggestion to the Speaker, that we are considering the question of peace. The major proposition is not the particular agency or method by which we will bring about an immediate peace, but it is to bring about peace. It is contended by this side that the proper, constitutional way to do it is along the beaten path of negotiation by the President of a treaty by and with the advice and consent of the Senate. It

is contended by the proponents of the proposition that it is not only lawful under the Constitution but that it is practicable and advisable to bring about peace by congressional action. That is the issue between the majority and minority. I remind the Speaker that the object of the motion to recommit is to enable the minority to have their position presented and voted upon. But, Mr. Speaker, if you accept the narrow interpretation, as you are urged to do, then you will defeat that right. The issue is clear: How to bring about peace. Two methods are proposed, but the subject matter is peace, and both methods are germane to the substantial result sought—that is, peace. They say, "Why quibble about the matter?" If that is true, the proponents of the Flood method of bringing about peace have a right to go on record in favor of that, whether you agree to it or not; and I submit that under the philosophy of the rule providing for a motion to recommit the amendment is not only germane, but that it is the only way by which the minority can exercise the right preserved to them by the rule to have its view presented and voted on. [Applause.]

Mr. STAFFORD. Mr. Speaker, if the Chair is prepared to rule, I do not wish to take up any time.

The SPEAKER. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. In the consideration of the question of germaneness the one subject for the Chair always to consider is, What is the subject matter of the resolution before the House for consideration? The subject matter in the resolution under consideration is to declare by congressional act that the state of war is at an end. It is not to direct the President by any means to negotiate terms of peace. That is foreign to the subject matter of the resolution, and every precedent that is related to this question upholds the position that such a substitute resolution as is contained in the motion to recommit is foreign, and is not sufficiently related to bring it within the scope of being germane to the subject matter under consideration.

It is not surprising that in this discussion gentlemen on the other side have not advanced any authority whatever or attempted to advance any authorities, because they would find that all the authorities are against them.

In subsection 781 of the manual the general subject, of which is, "Subjects not necessarily germane because related," we find the following:

To a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality was held not to be germane. True, the two propositions were related, but they were not related to the subject matter under consideration in the bill. They had reference, of course, to Cuba, but they had no relationship sufficiently direct and akin to make the proposition germane to the resolution under consideration.

Let me read the next clause.

To a proposition for the appointment of a select committee to investigate a certain subject an amendment proposing an inquiry of the Executive on that subject was held not germane.

Why, Mr. Speaker, that might well be held to be germane if the Speaker is going to hold that this proposed motion to recommit is germane, because there was a more or less direct relationship to it, but it did not have that relevancy to the subject matter under consideration to entitle it to consideration under the rule of germaneness. Let me quote further.

To a bill granting a right of way to a railroad an amendment to provide for the purchase of the railroad by the Government was held not germane. The subject matter there was the grant of a right of way, not the railroad, or the disposition of the railroad, else it would have been held germane.

So, Mr. Speaker, this brings up for consideration a new subject matter entirely, one that has not been considered by the House, and if the resolution had been considered under the general rules and it had been offered as an amendment, any Member might have made the point of order that it was not germane. The one thing attempted in the Senate resolution, and which is attempted by the House substitute, is to put an end to the war by congressional action. The motion to recommit is to postpone that by directing or authorizing the President to negotiate peace which he has the authority to do. It must be apparent, if the Speaker will consider, that the President has the very power which is attempted by this proposal of the other side. Nothing would be gained; it would be subversive of the very end sought to be attained by the resolution if we adopt that proposal. Certainly the House should not be deprived of the fundamental right to vote on the question at issue, the termination of the war by congressional enactment, by substituting a proposal offered by the minority which would postpone the very matter at issue. That proposal is entirely foreign to the

subject matter of the resolution before the House. That is to end the war by legislative action, not by delegated authorization such as a commission, or by any other means such as the President has under the Constitution.

Mr. UPSHAW. Mr. Speaker, the germaneness of the motion to recommit I think can be established by this one affirmative answer to a question put to every man in this House. Ask him what the House has been doing for the last two days, and the answer is that we have been discussing a resolution to end a technical state of war with Germany. Is not that true? As they say in old-time parlance, "I pause for a reply."

Mr. TEMPLE. Mr. Speaker, I should like to reply to the gentleman. It is not a resolution to end the war, it is a resolution to declare that the war was ended long ago.

Mr. UPSHAW. Which means the same thing, if words mean anything at all. There is one question before this House, and that is the end of the war with Germany, or a declaration that it is at an end.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. UPSHAW. I will yield most anything to my genial friend from Vermont.

Mr. GREENE of Vermont. I would wish that the gentleman would yield the point. [Laughter and applause.] I would like to ask the gentleman if there is not this difference between the two forms of resolution—the Porter resolution undertakes to give a legal sanction to an existing fact and makes that fact legal. There is no doubt or misapprehension about it; it is to declare a fact. The motion to recommit is to provide the means for finding out whether you can arrive at such a fact or not.

Mr. UPSHAW. May I reply to the gentleman from Vermont, stating my purpose beforehand—a statement that should give weight, I think, to my argument—that I expect to vote for this resolution with some mental reservations? [Applause.] I am not satisfied with all that it contains and I count it comparatively useless, but I do believe that the minority has a right to a vote concerning the method of procedure, and gentlemen on the other side must agree that the burden of the argument which has run for two days has been this—we have been dealing with two things, the fact and the method. This resolution of the gentleman from Virginia deals with the fact and the method concerning the ending of the war with Germany, and if this House denies the minority the right to express itself as to fact and to method, then we are trampling on the fundamental rights of the minority. Governmental fairness and parliamentary fairness demand that we shall give them the right to express themselves as to the fact that the war is at an end and the method by which we shall arrive at that declaration. Mr. Speaker, there is no other question before this House, and of course the motion of the gentleman from Virginia, dealing with fact and method, is logically and inevitably germane. [Cries of "Rule!" "Rule!"]

Mr. BARKLEY. Mr. Speaker, I hope the Chair will indulge me for a few moments while I call attention to one or two things which I think the Chair should and will consider in determining the point of order. The ground for the point of order, or the points of order, is that in the first place the motion to recommit is not germane to the resolution either as it was submitted by the Senate or as amended by the House, and also that it undertakes to direct or authorize the President to do something that he already has the power to do.

I desire to suggest to the Chair that this motion to recommit is germane not only to the first section of the resolution but it is also germane to the second section. Section 1 of the resolution undertakes to declare that the war growing out of the resolution passed by Congress on the 6th of April, 1917, is ended, and that a state of peace exists. The motion of the gentleman from Virginia provides that the President shall be authorized to bring about negotiations that will result in the legal end of that particular war. Section 1 and the resolution of the gentleman from Virginia all revolve around one consideration, and that is the end of the war which was brought about by the resolution of April 6, 1917. Not only that, but it has been urged by gentlemen on the other side that the amendment of the gentleman from Virginia goes further than the resolution under consideration because it takes in the allied nations. In the first place, the amendment of the gentleman from Virginia does not direct that any new treaty shall be negotiated. All it does is to authorize and request in the language of the law the President to institute negotiations with Germany, her allies, and with the allied nations, all of whom were a party to the treaty of Versailles, and the armistice, to which section 2 of this resolution refers.

Therefore, it is germane to section 2, in addition to being germane to section 1, because in section 2 we undertake to



reserve our rights in the treaty and in the armistice, to which all of the allied nations are a party, being the same allied nations referred to in the motion to recommit by the gentleman from Virginia. Therefore, it seems to me that the question as to whether we have the power to authorize the President to do this is unnecessary. That does not determine the parliamentary situation. Congress very frequently does things it has no legal power to do, and numerous decisions of the Supreme Court have attested to that fact. The question for the Chair to determine is whether the motion to recommit, authorizing and requesting the President to enter into negotiations with nations that are already parties to a treaty which is mentioned in the resolution under consideration, is germane to the resolution now under consideration, and I submit to the Chair that on both grounds the motion of the gentleman from Virginia is germane to both sections of the resolution.

The SPEAKER. The Chair will not consider the suggestions that this motion refers to the Allies of the United States and the allies of the other nations, because, as the gentleman from Virginia suggested, he could withdraw his motion to recommit and amend it and remedy that defect. The Chair will base his ruling upon the main question, and the Chair will state frankly that he would prefer to hold that it is germane, because, as he understands, those have been the two contentions, one that peace must be secured by a treaty and the other that it can be secured by declaration, and the Chair would be glad to allow both sides of that issue to be settled by a vote, and appreciates the force of the suggestion of the gentleman from Arkansas [Mr. WINGO] that a motion to recommit is intended to allow the minority to express its views. But the Chair thinks he ought not to depart from parliamentary precedent even to accomplish what the general intent of the rules of the House may have been, and it seems clear to the Chair that a resolution declaring that a war is at an end can not, if the point of order be made, be amended by the recommendation that a treaty shall be entered into. The very issue that has been made is that the House has no right to declare peace; that that is an entirely different proposition from making a treaty of peace, so different that the House has no right to do it; and that the only way to secure peace is by a treaty. Therefore the Chair feels constrained to rule that the motion to recommit is not in order.

There is another ground on which the Chair perhaps could easily base his decision, and that is the well-established rule that where the House itself has adopted an amendment, as it has in this case, then that amendment can not be stricken out by a motion to recommit, as is attempted by this motion; but the Chair prefers to base his ruling on the general proposition of germaneness. The Chair therefore sustains the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, on that last point, if I may be heard for a moment, I would not like the Chair's language to indicate that it may be taken as a precedent in respect to the last point, for the reason that I would not want to see it raised at any time in the future as a precedent. When we were preparing this motion to recommit, that question was considered by myself, and my view, and I think the views of the minority accorded with mine, was that by reason of the peculiar language of the rule itself, which does provide for the vote on this amendment, any germane motion to recommit would be in order.

The SPEAKER. The Chair does not base his decision upon that.

Mr. GARRETT of Tennessee. I so understood.

Mr. FLOOD. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. FLOOD moves to recommit the joint resolution to the Committee on Foreign Affairs, with instructions to that committee to forthwith report the joint resolution back to the House with the following amendment. Insert at the end of the second section the following:

"And among said advantages and rights so reserved, special reservation is made of the right stipulated for under said treaty of Versailles to enter into agreement with Germany and her allies, and the powers associated with the United States in the war, providing for joint disarmament."

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 254, not voting 65, as follows:

Almon	Blanton	Byrnes, S. C.	Collins
Aswell	Bowling	Byrnes, Tenn.	Connally, Tex.
Bankhead	Box	Cantrill	Crisp
Barkley	Briggs	Carew	Cullen
Bell	Brinson	Carter	Davis, Tenn.
Black	Buchanan	Cockran	Dominick
Bland, Va.	Bulwinkle	Collier	Doughton

Drane	Johnson, Miss.	Mead	Sanders, Tex.
Driver	Jones, Tex.	Montague	Sandlin
Dupré	Kincheloe	O'Brien	Smithwick
Favrot	Kindred	O'Connor	Stedman
Fisher	Kunz	Oldfield	Stevenson
Flood	Lanham	Oliver	Sullivan
Fulmer	Lankford	Overstreet	Summers, Tex.
Garner	Larsen, Ga.	Padgett	Swank
Garrett, Tenn.	Lazaro	Park, Ga.	Tague
Garrett, Tex.	Lee, Calif.	Parks, Ark.	Taylor, Ark.
Gilbert	Lee, Ga.	Farrish	Ten Eyck
Griffin	Linthicum	Pou	Thomas
Hammer	Logan	Quin	Tillman
Hardy, Tex.	London	Rainey, Ala.	Tyson
Harrison	Lowrey	Rainey, Ill.	Upshaw
Hawes	Lyon	Raker	Vinson
Hayden	McClintic	Rankin	Ward, N. C.
Huddleston	McDuffie	Rayburn	Weaver
Humphreys	McSwain	Riordan	Wilson
Jacaway	Mansfield	Rouse	Wingo
Johnson, Ky.	Martin	Rucker	Wright

#### NAYS—254.

Ackerman	Elston	Larson, Minn.	Ricketts
Anderson	Fairchild	Lawrence	Riddick
Andrews	Faust	Layton	Roach
Ansorge	Fish	Leatherwood	Robertson
Anthony	Fitzgerald	Lee, N. Y.	Robison
Arentz	Focht	Leibach	Rosenberg
Atkeson	Fordney	Lineberger	Rogers
Bacharach	Foster	Little	Rose
Barbour	Free	Longworth	Ryan
Beck	Freeman	Luce	Sanders, Ind.
Beedy	French	Luhning	Sanders, N. Y.
Begg	Frothingham	McArthur	Schall
Benham	Fuller	McCormick	Scott, Mich.
Bird	Funk	McFadden	Scott, Tenn.
Bixler	Gahn	McKenzie	Shaw
Blakeney	Gensman	McLaughlin, Mich.	Shaw
Bland, Ind.	Gerner	McLaughlin, Neb.	Sinclair
Boles	Glynn	McLaughlin, Pa.	Sinnot
Bowers	Goodykoontz	McPherson	Sleep
Brennan	Gorman	MacGregor	Smith
Britten	Gould	Madden	Snell
Brooks, Ill.	Green, Iowa	Magee	Speaks
Brooks, Pa.	Greene, Mass.	Maloney	Sproul
Brown, Tenn.	Greene, Vt.	Mapes	Stafford
Burke	Griest	Michener	Steenerson
Burroughs	Hadley	Mills	Stephens
Burness	Hardy, Colo.	Millsbaugh	Strong, Kans.
Burton	Haugen	Mondell	Summers, Wash.
Butler	Hawley	Montoya	Sweet
Cable	Hays	Moore, Ill.	Swing
Campbell, Kans.	Herrick	Moore, Ohio	Taylor, N. J.
Cannon	Hersey	Moore, Ind.	Taylor, Tenn.
Chalmers	Hickey	Morgan	Temple
Chandler, Okla.	Hicks	Morin	Thompson
Chidblom	Hill	Mott	Tilson
Christopherson	Hoch	Mudd	Timberlake
Clague	Hogan	Murphy	Tincher
Clarke, N. Y.	Houghton	Nelson, A. P.	Tinkham
Classon	Hukriede	Nelson, J. M.	Towner
Clouse	Hull	Newton, Minn.	Treadway
Codd	Hutchinson	Newton, Mo.	Underhill
Cole	James, Mich.	Nolan	Vare
Colton	Jeffers	Norton	Vestal
Connell	Johnson, Wash.	Olpp	Voigt
Connolly, Pa.	Kahn	Osborne	Volstead
Cooper, Ohio	Kearns	Parker, N. J.	Walsh
Cooper, Wis.	Keller	Parker, N. Y.	Wason
Coughlin	Kelley, Mich.	Patterson, Mo.	Watson
Cramton	Kelly, Pa.	Patterson, N. J.	Webster
Crowther	Kendall	Perkins	Wheeler
Curry	Kennedy	Petersen	White, Kans.
Dale	Ketcham	Porter	White, Me.
Dallinger	King	Pringle	Williams
Darrow	Kirkaid	Purnell	Williamson
Davis, Minn.	Kirkpatrick	Radcliffe	Winslow
Dempsey	Kissel	Ramseyer	Wood, Ind.
Denison	Kleczka	Ransley	Woodward
Dickinson	Kline, Pa.	Reavis	Wurzbach
Dowell	Knutson	Reber	Wyant
Dunn	Kopp	Reece	Yates
Dyer	Kraus	Reed, N. Y.	Young
Echols	Lampert	Reed, W. Va.	Zihlman
Ellis	Langley	Rhodes	

#### NOT VOTING—65.

Appleby	Fields	Kreider	Sisson
Bond	Gallivan	Luffin	Snyder
Brand	Goldsborough	Mann	Steagall
Brown, Wis.	Good	Mason	Stines
Burdick	Graham, Ill.	Merritt	Stoll
Campbell, Pa.	Graham, Pa.	Michaelson	Strong, Pa.
Chandler, N. Y.	Himes	Moore, Va.	Taylor, Colo.
Clark, Fla.	Hudspeth	Ogden	Valle
Copley	Husted	Paige	Volk
Deal	Ireland	Perlman	Walters
Dewry	James, Va.	Peters	Ward, N. Y.
Dunbar	Johnson, S. Dak.	Rosenbloom	Wise
Edmonds	Jones, Pa.	Rossdale	Woodruff
Evans	Kiss	Sabath	Woods, Va.
Fairfield	Kitchin	Sears	
Fenn	Kline, N. Y.	Shelton	
Fess	Knight	Siegel	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. STOLL (for) with Mr. GALLIVAN (against).

Mr. KITCHIN (for) with Mr. JOHNSON of South Dakota (against).

Mr. GOLDSBOROUGH (for) with Mr. SNYDER (against).  
Mr. JAMES of Virginia (for) with Mr. EDMONDS (against).  
Mr. DEAL (for) with Mr. FESS (against).  
Mr. WOODS of Virginia (for) with Mr. SHELTON (against).

Until further notice:

Mr. GRAHAM of Illinois with Mr. SEARS.  
Mr. PERLMAN with Mr. SABATH.  
Mr. KIESS with Mr. TAYLOR of Colorado.  
Mr. BROWNE of Wisconsin with Mr. FIELDS.  
Mr. WALTERS with Mr. Sisson.  
Mr. GRAHAM of Pennsylvania with Mr. STEAGALL.  
Mr. VOLK with Mr. WISE.  
Mr. LUFKIN with Mr. MOORE of Virginia.  
Mr. SIEGEL with Mr. DREWRY.  
Mr. WOODRUFF with Mr. CLARK of Florida.  
Mr. MERRITT with Mr. BRAND.  
Mr. PAIGE with Mr. CAMPBELL of Pennsylvania.  
Mr. KNIGHT with Mr. HUDSPETH.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill—

Mr. MONDELL. Mr. Speaker, may I submit a unanimous-consent request?

The SPEAKER. The gentleman from Wyoming asks unanimous consent to submit a unanimous-consent request, which the gentleman will state.

Mr. MONDELL. I ask unanimous consent that when the House adjourns this evening it adjourn to meet on Wednesday—over Flag Day.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn to meet on Wednesday. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is it the thought of the gentleman to proceed with Calendar Wednesday business on Wednesday, or has he any request to submit?

Mr. MONDELL. The Committee on the Merchant Marine and Fisheries expect to bring up some business on Calendar Wednesday under the Calendar Wednesday rule.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I ask further that on Thursday the business that would have been in order on Friday last—pension business—shall be in order.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that on Thursday the business that would have been in order on Friday last be in order. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the passage of the bill.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. PORTER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Obviously a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 304, nays 61, answered "present" 1, not voting 65, as follows:

#### YEAS—304.

Ackerman	Carter	Elliott	Hersey
Almon	Chalmers	Ellis	Hickey
Anderson	Chandler, Okla.	Elston	Hicks
Andrews	Chindblom	Fairchild	Hill
Ansorge	Christopherson	Faust	Hoch
Anthony	Clague	Favrot	Hogan
Arentz	Clarke, N. Y.	Fish	Houghton
Aswell	Classon	Fitzgerald	Huddleston
Atkeson	Clouse	Focht	Hukriede
Bacharach	Codd	Fordney	Hull
Barbour	Cole	Foster	Humphreys
Beck	Collins	Frear	Hutchinson
Beedy	Colton	Freeman	James, Mich.
Begg	Connell	French	Jeffers
Bennham	Connolly, Pa.	Frothingham	Johnson, Wash.
Bird	Cooper, Ohio	Fuller	Jones, Tex.
Bixler	Cooper, Wis.	Fulmer	Kahn
Black	Coughlin	Funk	Kearns
Blakeney	Cramton	Gahn	Keller
Bland, Ind.	Crisp	Gensman	Kelly, Pa.
Blanton	Crowther	Gerner	Kendall
Bolles	Cullen	Glynn	Kennedy
Bowers	Curry	Goodykoontz	Ketcham
Brennan	Dale	Gorman	Kindred
Britten	Dallinger	Gould	King
Brooks, Ill.	Darrow	Greene, Iowa	Kinkaid
Brooks, Pa.	Davis, Minn.	Greene, Mass.	Kirkpatrick
Brown, Tenn.	Dempsey	Greene, Vt.	Kissel
Burke	Denison	Griest	Klecza
Burrroughs	Dickinson	Griffin	Kline, Pa.
Burtness	Domnick	Hadley	Knutson
Burton	Dowell	Hardy, Colo.	Kopp
Butler	Driver	Haugen	Kraus
Cable	Dunn	Hawes	Kunz
Campbell, Kans.	Dupré	Hawley	Lampert
Cannon	Dyer	Hays	Langley
Carew	Echols	Herrick	Lankford

Larsen, Ga.	Montoya	Reece	Tague
Larson, Minn.	Moore, Ill.	Reed, N. Y.	Taylor, Ark.
Lawrence	Moore, Ohio	Reed, W. Va.	Taylor, N. J.
Layton	Moore, Ind.	Rhodes	Taylor, Tenn.
Lazarro	Morgan	Ricketts	Temple
Leatherwood	Morin	Riddick	Ten Eyck
Lee, N. Y.	Mott	Roach	Thompson
Leibach	Mudd	Robertson	Tilson
Lineberger	Murphy	Robison	Timberlake
Little	Nelson, A. P.	Rodenberg	Tincher
Logan	Nelson, J. M.	Rogers	Tinkham
London	Newton, Minn.	Rose	Towner
Longworth	Newton, Mo.	Rosenbloom	Treadway
Lowrey	Nolan	Ryan	Tyson
Luce	Norton	Sanders, Ind.	Underhill
Lufkin	O'Brien	Sanders, N. Y.	Upshaw
Luhling	O'Connor	Sandlin	Vare
McArthur	Olpp	Schall	Vestal
McClintic	Osborne	Scott, Mich.	Vinson
McCormick	Overstreet	Scott, Tenn.	Volgt
McFadden	Park, Ga.	Shaw	Volstead
McKenzie	Parker, N. J.	Shreve	Walsh
McLaughlin, Mich.	Parker, N. Y.	Sinclair	Wason
McLaughlin, Nebr.	Parks, Ark.	Sinnot	Watson
McLaughlin, Pa.	Patterson, Mo.	Slemp	Webster
McPherson	Patterson, N. J.	Smith	Wheeler
MacGregor	Perkins	Smithwick	White, Kans.
Madden	Petersen	Snell	White, Me.
Magee	Porter	Speaks	Williams
Maloney	Pringey	Sprout	Williamson
Mansfield	Purnell	Stafford	Wilson
Mapes	Quin	Steenerson	Winslow
Martin	Radcliffe	Stephens	Wood, Ind.
Mead	Rainey, Ill.	Strong, Kans.	Woodyard
Michener	Ramseyer	Sullivan	Wurzback
Miller	Rankin	Summers, Wash.	Wyant
Mills	Ransley	Swank	Yates
Millsbaugh	Reavis	Sweet	Young
Mondell	Reber	Swing	Zihlman

#### NAYS—61.

Bankhead	Doughton	Kincheloe	Riordan
Barkley	Drane	Lanham	Rouse
Bell	Fisher	Lea, Calif.	Rucker
Bland, Va.	Flood	Lee, Ga.	Sanders, Tex.
Bowling	Garner	Linthicum	Stedman
Box	Garrett, Tenn.	Lyon	Stevenson
Briggs	Garrett, Tex.	McDuffie	Summers, Tex.
Brinson	Gilbert	McSwain	Thomas
Buchanan	Hammer	Oldfield	Tillman
Bulwinkle	Hardy, Tex.	Oliver	Ward, N. C.
Byrnes, S. C.	Harrison	Padgett	Weaver
Byrns, Tenn.	Hayden	Parrish	Wingo
Cantrill	Jacoway	Pou	Wright
Collier	Johnson, Ky.	Rainey, Ala.	
Connally, Tex.	Johnson, Miss.	Raker	
Davis, Tenn.	Kelley, Mich.	Rayburn	

#### ANSWERED "PRESENT"—1.

#### Montague

#### NOT VOTING—65.

Appleby	Fess	Kline, N. Y.	Sisson
Bond	Fields	Knight	Snyder
Brand	Free	Kreider	Steagall
Browne, Wis.	Gallivan	Mann	Stiness
Burdick	Goldsborough	Mason	Stoll
Campbell, Pa.	Good	Merritt	Strong, Pa.
Chandler, N. Y.	Graham, Ill.	Michaelson	Taylor, Colo.
Clark, Fla.	Graham, Pa.	Moore, Va.	Vale
Cockran	Himes	Ogden	Volk
Copley	Hudspeth	Paige	Walters
Deal	Husted	Perlman	Ward, N. Y.
Drewry	Ireland	Peters	Wise
Dunbar	James, Va.	Rosendale	Woodruff
Edmonds	Johnson, S. Dak.	Sabath	Woods, Va.
Evans	Jones, Pa.	Sears	
Fairfield	Kieess	Shelton	
Fenn	Kitchin	Siegel	

So the resolution as amended was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. GALLIVAN (for) with Mr. STOLL (against).

Mr. JOHNSON of South Dakota (for) with Mr. KITCHIN (against).

Mr. SNYDER (for) with Mr. GOLDSBOROUGH (against).

Mr. EDMONDS (for) with Mr. JAMES of Virginia (against).

Mr. BRAND (for) with Mr. FIELDS (against).

Mr. FESS (for) with Mr. DEAL (against).

Mr. STEAGALL (for) with Mr. DREWRY (against).

Mr. SHELTON (for) with Mr. WOODS of Virginia (against).

Mr. COCKRAN (for) with Mr. MONTAGUE (against).

Until further notice:

Mr. GRAHAM of Illinois with Mr. SEARS.

Mr. PERLMAN with Mr. SABATH.

Mr. KIESS with Mr. TAYLOR of Colorado.

Mr. WALTERS with Mr. Sisson.

Mr. VOLK with Mr. WISE.

Mr. WOODRUFF with Mr. CLARK of Florida.

Mr. PAIGE with Mr. CAMPBELL of Pennsylvania.

Mr. KNIGHT with Mr. HUDSPETH.

Mr. GRAHAM of Pennsylvania with Mr. MOORE of Virginia.

Mr. MONTAGUE. Mr. Speaker, I voted "no." I am paired with Mr. COCKRAN. I desire to withdraw my vote and answer "present."



The SPEAKER. The Clerk will call the gentleman's name.  
The Clerk called the name of Mr. MONTAGUE, and he answered "Present."

Mr. KENNEDY. Mr. Speaker, my colleague from Rhode Island, Mr. BURDICK, is unavoidably absent. He directed me to state that if he were present, he would vote for this bill.

The result of the vote was announced as above recorded.

On motion of Mr. PORTER, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

The SPEAKER. Without objection, the title will be amended so as to read: "Joint resolution terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America."

There was no objection.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COCKRAN, until June 22.

#### ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House adjourned, under the order previously made, until Wednesday, June 15, 1921, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

164. A letter from the Secretary of War, transmitting protest against the \$200,000 appropriation for hydroelectric power at Great Falls, Va., being placed on the Army appropriation bill; to the Committee on Appropriations.

165. A letter from the Chairman of Federal Trade Commission, transmitting report on the profits of country and terminal grain elevators; to the Committee on Interstate and Foreign Commerce.

166. A letter from the Secretary of Commerce, transmitting request that the bill H. R. 2394, Union Calendar No. 68, regulating the salmon fishing in Alaska, be passed at once; to the Committee on the Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. JOHNSON of Washington, from the Committee on the Territories, to which was referred the bill (H. R. 6208) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the island of Hawaii, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 168), which said bill and report were referred to the House Calendar.

He also, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (H. J. Res. 153) permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes, reported the same with amendments, accompanied by a report (No. 169), which said joint resolution and report were referred to the House Calendar.

Mr. STRONG of Kansas, from the Committee on the Territories, to which was referred the bill (H. R. 6211) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, island of Oahu,' enacted by the Legislature of the Republic of Hawaii, July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu," reported the same without amendment, accompanied by a report (No. 170), which said bill and report were referred to the House Calendar.

Mr. KAHN, 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 the same with amendments, accompanied by a report (No. 171), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, the bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a 5-year lease on the zone at Camp Funston, Kans., and for other purposes, was reported from the Committee on Military Affairs and referred to the Committee on War Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CARTER: A bill (H. R. 7092) for the purchase of a site and erection thereon of a public building at Madill, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7093) for the purchase of a site and erection thereon of a public building at Marietta, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7094) for the purchase of a site and the erection thereon of a public building at Idabel, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7095) for the purchase of a site and the erection thereon of a public building at Antlers, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7096) for the purchase of a site and erection thereon of a public building at Wilburton, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7097) for the purchase of a site and the erection thereon of a public building at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7098) for the purchase of a site and the erection thereon of a public building at Poteau, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. DARROW: A bill (H. R. 7099) to provide for celebrating the one hundred and fiftieth anniversary of the signing of the Declaration of Independence by holding an international exhibition of arts, industries, manufactures, and products of the soil, mine, and sea in the city of Philadelphia, in the State of Pennsylvania; to the Committee on Industrial Arts and Expositions.

By Mr. SANDERS of Indiana: A bill (H. R. 7100) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: A bill (H. R. 7101) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment for parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

By Mr. VESTAL: A bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 7103) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. MORGAN: A bill (H. R. 7104) providing for the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 7105) to correct the status of certain enlisted men of the Navy and Naval Reserve Force, and for other purposes; to the Committee on Naval Affairs.

By Mr. LINTHICUM: A bill (H. R. 7106) to aid in stabilizing the coal industry; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 7107) authorizing the Commissioners of the District of Columbia to grade Varnum Street NW. between Fourteenth and Sixteenth Streets NW.; to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 7108) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States; to the Committee on Indian Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 7109) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within Hot Springs National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 7110) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1921; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 7111) authorizing the Secretary of War, the Attorney General, and the Secretary of the Navy,

jointly, to make settlement of damages and compensation due by the United States for infringement of radio patents connected with the prosecution of the war, and for other purposes; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 7112) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate and foreign commerce; and for other purposes; to the Committee on Agriculture.

By Mr. LONDON: Joint resolution (H. J. Res. 157) declaring the state of war between the United States and Germany and the state of war between the United States and the Imperial and Royal Austro-Hungarian Government to be at an end, and providing for the calling of an international and interparliamentary conference for the working out of a basis of world peace; to the Committee on Foreign Affairs.

By Mr. KINDRED: Resolution (H. Res. 114) for the appointment of a committee from the House of Representatives to investigate certain insurance companies; to the Committee on Rules.

By Mr. JOHNSON of Washington: Resolution (H. Res. 115) for the immediate consideration of House joint resolution 153; to the Committee on Rules.

By Mr. TINKHAM: Resolution (H. Res. 116) directing the Committee on the Census to make inquiry respecting the extent to which the right to vote is denied or abridged to certain citizens of the United States; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of California relative to the protection of American-grown hops; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Illinois regarding the relations between the State of Illinois and the United States and regarding the League of Nations, bonus for soldiers, militarism, and Federal taxes; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of California relative to the memorializing and petitioning the President of the United States and Congress to establish by proper legislation a bureau or department of publicity; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of California relative to the construction by the United States Reclamation Service or other public agency in Long Valley, Lassen County, Calif., of a unit of the Truckee-Carson project under construction by the United States Reclamation Service in Nevada; to the Committee on Irrigation of Arid Lands.

By Mr. BARBOUR: Memorial of the Legislature of the State of California relative to the protection of American-grown hops; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California relative to the establishment by the Government of a bureau of publicity; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California relative to the extension of the franking privilege; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California relative to the rank of lieutenant general; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of California, relative to the construction by the United States Reclamation Service at Long Valley, Lassen County, Calif., of a unit of the Truckee-Carson project; to the Committee on Irrigation of Arid Lands.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BECK: A bill (H. R. 7113) granting a pension to M. C. Cronk; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 7114) to remove the charge of desertion from the name of George W. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 7115) granting an increase of pension to Ellie A. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7116) granting a pension to Mary E. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7117) granting an increase of pension to Rosie Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7118) authorizing the Secretary of War to donate to the city of Wilson, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7119) authorizing the Secretary of War to donate to the city of Hugo, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7120) authorizing the Secretary of War to donate to the city of Durant, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7121) authorizing the Secretary of War to donate to the city of Caddo, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7122) authorizing the Secretary of War to donate to the city of Marietta, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7123) authorizing the Secretary of War to donate to the city of Madill, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7124) authorizing the Secretary of War to donate to the city of Talihina, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7125) authorizing the Secretary of War to donate to the city of Fort Towson, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7126) authorizing the Secretary of War to donate to the city of McAlester, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7127) authorizing the Secretary of War to donate to the city of Wilburton, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7128) authorizing the Secretary of War to donate to the city of Idabel, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7129) authorizing the Secretary of War to donate to the city of Antlers, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7130) authorizing the Secretary of War to donate to the city of Poteau, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7131) authorizing the Secretary of War to donate to the city of Ardmore, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7132) authorizing the Secretary of War to donate to the city of Healdton, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. COUGHLIN (by request): A bill (H. R. 7133) for the relief of George Weiss; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 7134) granting a pension to Eliza P. Pike; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 7135) granting an increase of pension to Mary E. Holt; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 7136) granting a pension to Louisa A. Penneck; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 7137) to correct the military record of Edwin F. Chamberlin; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 7138) granting a pension to Nancy J. Whittington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7139) granting a pension to Seaborn A. Frost; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 7140) granting a pension to Catherine Rodgers; to the Committee on Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 7141) for the relief of the heirs of Henry H. Johnson; to the Committee on War Claims.

By Mr. PATTERSON of New Jersey: A bill (H. R. 7142) granting an increase of pension to Josephine C. Browning; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 7143) granting a pension to Lydia A. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7144) authorizing the Secretary of War to donate to the borough of Washington, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ROACH: A bill (H. R. 7145) for the relief of Joseph R. Lawson; to the Committee on Military Affairs.

By Mr. SINCLAIR: A bill (H. R. 7146) for the relief of J. O. Daglum; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 7147) for the relief of Henry A. Shepard; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7148) granting a pension to Kitty B. Reynolds; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 7149) authorizing the Secretary of War to donate to the town of Lineville, Iowa, one German cannon or fieldpiece; to the Committee on Military Affairs.



By Mr. VESTAL: A bill (H. R. 7150) granting a pension to Margaret V. Reckard; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 7151) granting a pension to Mary F. Green; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 7152) to amend the military record of William M. Cheuvront; 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:

1268. By the SPEAKER (by request): Petition of 3,000 citizens of the State of Iowa, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

1269. By Mr. BARBOUR: Resolution from the members of the First Congregational Church of Porterville; the members of the Church of the Brethren of Empire; the Methodist Episcopal Church of Turlock; and the California State Church Federation of Los Angeles, all in the State of California, urging a conference on the reduction of armament; to the Committee on Foreign Affairs.

1270. By Mr. BUTLER: Petition of the Washington meeting of the religious Society of Friends urging disarmament; to the Committee on Foreign Affairs.

1271. By Mr. CAREW: Petition of New York Piano Manufacturers' Association regarding daylight saving; to the Committee on Interstate and Foreign Commerce.

1272. Also, petition of Brewers' Union, No. 1, 243 East Eighty-fourth Street, New York City, urging the passage of the Mills bill (H. R. 5351); to the Committee on Labor.

1273. By Mr. COOPER of Wisconsin: Petition from the Civic Forum of Citizens of Beloit, Wis., urging the President to call an international conference for reduction in armaments; to the Committee on Foreign Affairs.

1274. By Mr. DALLINGER: Petition of the Sunday School, Hillside Union Congregational Church, Medford, Mass., favoring the calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1275. By Mr. FENN: Resolution of the General Assembly of the State of Connecticut, favoring the amendment of Senator GEORGE P. McLEAN to House bill 4803, concerning increase in Navy appropriation; to the Committee on Appropriations.

1276. Also, petition of the vestry of St. John's Parish, of Hartford; the Congregational Church of Farmington; and the Church of Christ, Congregational, of Suffield, all in the State of Connecticut, seeking disarmament; to the Committee on Foreign Affairs.

1277. By Mr. FULLER: Petition of theaters of Rockford, Ill., opposing proposed tariff on film stock; to the Committee on Ways and Means.

1278. Also, petition of Local Union No. 82, International Hod Carriers, Building, and Common Laborers Union of America, Streator, Ill., opposing the passage of House bill 3716; to the Committee on the Merchant Marine and Fisheries.

1279. Also, petition of the military policy committee of the American Legion, indorsing the recommendation of the Secretary of War as to the strength at which the Army should be maintained and opposing recall of troops from Germany; to the Committee on Military Affairs.

1280. Also, petition of the congregation of the Third Presbyterian Church of Rockford, Ill., favoring the calling of a conference of the leading nations for the limitation of armaments; to the Committee on Foreign Affairs.

1281. Also, petition of Freedom Unit, La Salle County (Ill.) Home Bureau, favoring the passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

1282. By Mr. FUNK: Petition by Rev. R. L. Steed and congregation of Methodist Episcopal Church of Saybrook, Ill., urging the calling of a conference of the principal nations of the world for consideration of a proposition for limitation of armaments by agreement; to the Committee on Foreign Affairs.

1283. By Mr. GALLIVAN: Petition of Second Congregational Church, Codman Square, Dorchester, Mass., Rev. Vaughan Dabney, pastor, requesting world disarmament by international agreement; to the Committee on Foreign Affairs.

1284. By Mr. GOODYKOONTZ: Resolution of the Ohio-West Virginia Grow-up Council, Service Star Legion, memorializing Congress with respect to legislation in behalf of ex-service men who are disabled; to the Committee on Interstate and Foreign Commerce.

1285. Also, petition of the Women's Club of Huntington, W. Va., urging the passage of the Smith-Towner bill; to the Committee on Education.

1286. Also, petition of the First Baptist Church of Parkersburg, W. Va., urging that the President call a conference of the nations to consider the question of limitation of armament; to the Committee on Foreign Affairs.

1287. Also, resolution of the Church of the Good Shepherd, at Parkersburg, W. Va., urging that President Harding call a meeting of the nations for the purpose of considering the limitation of armament; to the Committee on Foreign Affairs.

1288. Also, resolution of the Business Men's Association of Fairmont, W. Va., relating to rates on second-class mail; to the Committee on the Post Office and Post Roads.

1289. Also, evidence in support of House bill 6724, to correct the military record of James Niece; to the Committee on Military Affairs.

1290. Also, petition of students of West Liberty State Normal School, West Liberty, W. Va., urging the passage of House bill 7; to the Committee on Education.

1291. Also, memorial of Berkeley County (W. Va.) Farm Bureau, urging the passage of the cooperative marketing bill; to the Committee on Agriculture.

1292. Also, memorial of Berkeley County (W. Va.) Farm Bureau, urging the passage of the Dowell road bill (H. R. 5693); to the Committee on Roads.

1293. Also, memorial of Berkeley County (W. Va.) Farm Bureau, urging the passage of the truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

1294. By Mr. JOHNSON of Washington: Petition of First Methodist Episcopal Church of Aberdeen, Wash., favoring an amendment to the Constitution to effect the abolition of polygamy; to the Committee on the Judiciary.

1295. By Mr. KISSEL: Petition of 135 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1296. By Mr. KNUTSON: Petitions of James Brophy, Soldiers Home, Calif.; Robert Hicks, Portland, Oreg.; John Haley, Hot Springs, S. Dak.; and George S. Raper, Two Harbors, Minn., favoring the passage of House bill 5; to the Committee on Pensions.

1297. Also, petitions of Mary B. Westledge Auxillary, No. 10, Department of Michigan, United Spanish War Veterans; Corporal Harold W. Roberts Unit, No. 6, United Veterans of the Republic, San Francisco, Calif.; Edward S. Matthias Camp, No. 46, United Spanish War Veterans; John H. Martin, New Haven, Conn.; Auxillary of the United Spanish War Veterans, Department of Washington and Alaska; Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, Pittsburgh, Pa.; United Spanish War Veterans, Department of New York; and Edwin B. Beckwith, New Haven, Conn., favoring the passage of House bill 4; to the Committee on Pensions.

1298. By Mr. MORIN: Petition of the Street Car Employees, Denison, No. 85; Tile Marble Helpers, Local No. 20; Stone Masons' Local, all of Pittsburgh, Pa., urging the call of a conference of nations for consideration of reduction of armaments; to the Committee on Foreign Affairs.

1299. Also, petition of the Hazlewood Christian Church; the Congregation of Christ, Protestant Episcopal; and the Social Workers' Club, all of Pittsburgh, Pa., urging the call of a conference of nations for consideration of reduction of armaments; to the Committee on Foreign Affairs.

1300. Also, petitions of the First Baptist Church of Swissvale and Christian (Disciples) Church of Homestead, both in the State of Pennsylvania, urging the call of a conference of nations for consideration of reduction of armaments; to the Committee on Foreign Affairs.

1301. By Mr. RAKER: Statement by the Chicago Air Mail Pilots, relative to the Maywood Field; to the Committee on the Post Office and Post Roads. Also, petition of Max G. Cohen, counselor at law, New York City, relative to the compensation of United States district court clerks; to the Committee on Appropriations.

1302. By Mr. ROUSE: Petition of Kentucky Press Association, signed by J. C. Alcock, secretary, protesting against the repeal of the present law on postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

1303. By Mr. RYAN: Petition of Herman William Dulberger and 17 others of New York, asking recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1304. By Mr. SANDERS of New York: Petitions of the congregations of St. Luke's Church, of Attica; Trinity Church, of Warsaw; and St. Paul's Church, of Darien Center, all in the State of New York, urging the calling of an international conference for the purpose of securing an agreement for the immediate reduction of armaments; to the Committee on Foreign Affairs.

1305. By Mr. SINCLAIR: Petition of mass meeting of citizens at Devils Lake, N. Dak., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1306. By Mr. THOMPSON: Petition of congregation of the First Lutheran Church of Leipsic, Ohio, urging proper reduction of armaments by the nations of the world; to the Committee on Foreign Affairs.

1307. Also, petition of congregation of St. John's Lutheran Church of Leipsic, Ohio, urging proper reduction of armaments by the nations of the world; to the Committee on Foreign Affairs.

1308. By Mr. TOWNER: Petition of G. S. Buchtell and numerous citizens of Coin, Iowa, asking for correction of unjust practices employed in the Internal Revenue Service; to the Committee on Ways and Means.

1309. By Mr. TREADWAY: Resolution of St. John's Church of Williamstown, Mass., indorsing the plan of calling an international conference for consideration of disarmament; to the Committee on Foreign Affairs.

1310. Also, petition of Second Baptist Church of Holyoke, Mass., in support of movement for international disarmament; to the Committee on Foreign Affairs.

1311. By Mr. WOODYARD: Petition of West Virginia Farm Bureau Federation, relative to good-roads legislation; to the Committee on Roads.

## SENATE.

TUESDAY, June 14, 1921.

(Legislative day of Monday, June 13, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The unfinished business will be proceeded with.

### THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute reported by the Committee on Agriculture and Forestry.

Mr. NORRIS. Mr. President, in talking with quite a number of Senators, I find that there seems to be a desire that I should see if an agreement can not be reached for a final vote on the bill.

Mr. LODGE. There should be a quorum call.

Mr. NORRIS. I thought probably those Senators who are here had better be consulted first, because we shall have to get a quorum anyway for the purpose of considering the unanimous-consent request.

Mr. SMOOT. I think we had better have a quorum and then let the request be presented. A number of Senators may desire to be heard on it.

Mr. NORRIS. The rule provides that the roll must be called after a unanimous-consent request is presented.

Mr. SMOOT. If the Senator desires to proceed in that way, I have no objection. It will not take very long to call the roll. Why not have a quorum call now?

Mr. NORRIS. With the view of seeing if an agreement can be reached for a final vote and in order to get Senators here for that purpose, I suggest the absence of a quorum.

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

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

Ashurst	Gerry	McCormick	Sheppard
Ball	Gooding	McCumber	Simmons
Borah	Hale	McKellar	Smith
Brandeggee	Harreld	McKinley	Smoot
Broussard	Harris	McNary	Sterling
Bursum	Harrison	Myers	Sutherland
Calder	Heflin	Nelson	Swanson
Cameron	Hitchcock	New	Trammell
Capper	Johnson	Newberry	Underwood
Caraway	Jones, N. Mex.	Nicholson	Wadsworth
Culberson	Jones, Wash.	Norris	Walsh, Mont.
Cummins	Kendrick	Oddie	Warren
Curtis	Kenyon	Overman	Watson, Ga.
Dial	Keyes	Owen	Williams
Dillingham	Ladd	Penrose	Wolcott
Ernst	La Follette	Phipps	
Fernald	Lenroot	Pittman	
Fletcher	Lodge	Polindexter	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum is present.

### CIRCULATION PRIVILEGE OF BONDS.

Mr. WATSON of Georgia. Mr. President, I ask unanimous consent to call up the bill (S. 1914) to amend an act approved April 4, 1917, being an act to authorize an issue of bonds. The bill has been on the table for some days at the request of the Senator from Connecticut [Mr. BRANDEGEE] to await the return of the chairman of the Committee on Banking and Currency. Having returned, he tells me he will not object to the bill being referred to the Committee on Agriculture and Forestry. I ask unanimous consent to call up the bill for the purpose of moving that it be referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. I will say to the Senator from Georgia that if the chairman of the Committee on Banking and Currency has no objection I shall have none, but if there ever was a bill that should go to the Committee on Banking and Currency or the Committee on Finance it is this measure.

The PRESIDENT pro tempore. The Senator from Georgia moves that the bill be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

### PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution of sundry citizens of Sheridan County, Wyo., favoring the enactment of legislation creating an agricultural foreign trade financing corporation, with a capital stock of \$50,000,000, to be advanced by the United States, which was referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented resolutions of the Board of Commissioners of Roads and Revenue of Bacon County; Commissioners of Roads and Revenue of Liberty County; Commissioners of Roads and Revenue of Polk County; Road Commissioners of Polk County; and the board of governors of the Tifton Board of Trade of Tifton, all in the State of Georgia, favoring the enactment of legislation to aid the States in the construction of rural post roads, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution of the pastor and congregation of the First Methodist Episcopal Church of Galena, Kans., favoring the calling of an international conference for the purpose of discussing the question of disarmament, which was referred to the Committee on Foreign Relations.

He also presented five resolutions of sundry citizens of Kansas City, Kans., favoring the recognition of the Irish republic by the United States Government, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Golden West Lodge, No. 1216, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Salina, Kans., protesting against the enactment of a sales or turnover tax law, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition of the State public utilities commission of Topeka, Kans., praying for the enactment of legislation imposing a protective tariff on oil, which was referred to the Committee on Finance.

Mr. MCLEAN presented a resolution of sundry citizens of Hartford, Conn., favoring the recognition of the republic of Ireland by the United States Government, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the congregation of the First Church of Christ of Suffield; the congregation of the Congregational Church of Farmington; the pastor and congregation of St. James Church, of Hartford; the congregation of St. Johns Parish, of Hartford; the pastor and congregation of the Greenfield Hill Congregational Church, of Fairfield; sundry members of the Immanuel Congregational Church, of Hartford; and a resolution adopted at the annual meeting of the Hartford Council of Churches, at Hartford, on June 3, 1921, all in the State of Connecticut, favoring the calling of an international conference for the purpose of discussing the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Harry W. Congdon Post, No. 11, Department of Connecticut, American Legion, of Bridgeport, Conn., favoring the enactment of legislation for publishing in the press of the United States the names and addresses of all persons who claimed and received exemption from military service during the World War on the ground that they were aliens and subjects of foreign powers and denying such persons the right of American citizenship, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry members of the Woman's Board of Missions of New Haven; the pastor and congregation of Dwight Place Church, of New Haven; and the Eastern Con-