EXTENSION OF REMARKS

Mr. CHANDLER. Mr. Speaker, I desire to extend my own remarks in the RECORD and include a letter written to the New York Times by Mr. Cloyd Laporte, an eminent New York lawyer and student of international law, dealing with certain of the legal questions involved in the neutrality legislation now pending. As Mr. Laporte takes issue with Professors Jessup and Hyde, whose views have been inserted in the CONGRESSIONAL RECORD heretofore, I think that Mr. Laporte's letter will be of material interest and benefit to Members of Congress.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute at this time.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an editorial.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker and Members of the House, I address you today for the purpose of directing your attention to an article which appeared in today's edition of the New York Times. This article was written by Mr. Arthur Krock, its Washington correspondent, and is entitled "National Safety and Economy Forced Cash-Carry Revisions."

In my opinion, this article should be read by every Member of the House and the Senate, because it presents in a clear and concise fashion important facts concerning a most controversial subject. It also demonstrates that clear-cut issues may be made most confusing by heated and faulty reasoning.

I wish to congratulate Mr. Krock upon this splendid article and to recommend it to the earnest and thoughtful consideration of the entire membership of the Congress.

WASHINGTON, October 19.—When it is recalled that the original cash-and-carry section of the Pittman bill would have shut off from this country supplies essential to its economy and to national defense, required transoceanic air pilots to violate all passenger safety rules and collided with the administration's own Maritime Commission policy, the amendments agreed on by the Senate committee today can be classified as wholly in the national interest. When it is further noted that the administration had to apply common sense to this section in order to hold votes for the arms-embargo repeal, its political compulsions are also plain.

These things are well known in Washington. And it is also well known that risks to our shipping are negligible in the Pacific and the Southern Hemisphere in comparison with the need for bringing essential cargoes thence. India is a part of the British Empire; so are the Straits Settlements and South Africa. French Guinea is tributary to Paris; and the Allies control Indochina, two of the South American Guianas, British Honduras, and the islands of Bermuda, Trinidad, Martinique, etc. The Pittman bill, before it was revised, prevented American ships from going in cargo—or probably going at all—to these areas from which jute, rubber, tin, manganese, tungsten, and other vital supplies are brought to these shores. It also required an air pilot, whatever the weather might be, to make a nonstop flight from the Azores to American soil.

REVISIONS WERE NECESSARY

These blind, rigid, and economically perilous restrictions were pointed out several times in this space. It was also noted that, since the bill gave the President power to designate new "combat areas" whenever he chose, the element of danger in the Pacific and the Southern Hemisphere was made slight indeed. These arguments and these points were subsequently addressed to Congress by shippers and supported by the administration's own Maritime Commission. Senator BAILEY made an investigation, and the statistics he produced were conclusive that the baby was being thrown out with the bath.

It might have been expected that the amendments could be agreed on without unkind or invidious attributions. But this does not seem to be the temper of the times. When Senator PITTMAN announced today the revisions in the bill that bears his name, he said of the shipping interests: "The thing that provoked us was they seemed more interested in cargoes than in lives. The American people are interested in lives." And in My Day this week Mrs. Roosevelt remarked of the Pittman bill revisions:

"It is a curious thing how much we desire to be kept out of war and yet, as soon as staying out entails a loss in some financial line, we immediately have to make concessions because whatever else happens some people are always sure to feel that their pockets must be saved."

The word "curious" bears repetition, and so does Mr. PITTMAN'S contrasting comment about "cargoes" and "lives."

It is a curious thing that the legitimate facts should be wholly ignored in such comment and emphasis be laid on what was incidental and—so far as the analyses of the Pittman bill in this space are concerned—not even considered. And it is a curious thing that pride of authorship (and self-admiration for a strategy which needlessly imperiled American economy and security by a political device to isolate the isolationists) should produce talk about cargoes versus lives when this was not the issue at all.

THE CASE OF THE REVISIONISTS

The points on the side of the critics of the cash-and-carry section are these:

1. They agreed with the authors of the bill that our traditional insistence on freedom of the seas should be abandoned in an effort to prevent incidents which might involve the United States in war.

2. They granted that certain European waters are perilous for American ships and should be barred by statute; also that further precaution be taken by giving the President the right to add "combat zones" in his discretion.

3. They accepted cash and carry, transfer of cargo title to the foreign purchaser, and foreign transport for the very reason that they are more interested in lives than in cargoes.

4. They contended, however, without serious dispute that the Pacific and the Southern Hemisphere are not danger areas for American shipping, can be restricted by the President when he deems it necessary, and should not be barred, since vital commodities are produced in these areas for the supply of which we cannot safely depend on a foreign merchant marine.

5. They contended further that it was murderous nonsense to require an air pilot to make nonstop flights from and to the Azores on the ground that Bermuda was a "belligerent" port; and unnecessary to lay up the Pan American Airways by forbidding stops in Trinidad and British Guiana.

This was the case of the critics, and it carried. It had nothing to do with disregard of "lives" in the interest of cash and cargoes.

EXTENSION OF REMARKS

Mr. PIERCE of Oregon. Mr. Speaker, I ask unanimous consent that in the extension of remarks, permission for which was granted me earlier in the day, I may include excerpts from Portland and other Oregon papers.

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

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a memorandum from the War Department describing the policy of the War Department relative to the establishment of permanent American cemeteries in Europe.

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

There was no objection.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, October 23, 1939, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. HARE introduced a resolution (H. Res. 317) authorizing an investigation of the farm-machinery business, which was referred to the Committee on Rules.

SENATE

SATURDAY, OCTOBER 21, 1939

(Legislative day of Wednesday, October 4, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Spirit of the living God, Thou Spirit of Might, that foldest up the heavens as a curtain and shakest terribly the earth: Come, rule in our hearts this day, that we may be effectually restrained from sin and enabled to do our duty, for if Thou

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

be with us we cannot be moved, if Thou be for us nought can prevail against us. Grant that those who are overborne with care, sorrow, sickness, or affliction, may find in Thee surcease from their anguish and comfort in their time of trouble; and do Thou breathe upon the hearts of men the spirit of restraint in all their dealings with each other, and may Thy holy influence safeguard their devotion to the right.

And from these days of honest striving to quit ourselves like men, may peace result, which, like a river, even the River of Life, shall bear us on its tranquil bosom to that ocean of divine consciousness where the love of God shall welcome in the rapture of immortality all who have learned to anticipate with holy longing the perfection of eternal life in the fellowship of the Triune glory. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, October 20, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Clark, Mo.	Hill	Radcliffe
Andrews	Connally	Holt	Reed
Austin	Danaher	Johnson, Calif.	Reynolds
Bailey	Davis	Johnson, Colo.	Russell
Bankhead	Donahey	King	Schwartz
Barkley	Downey	La Follette	Schwellenbach
Bilbo	Ellendar	Lucas	Sheppard
Borah	Frazier	Lundeen	Shipstead
Bridges	George	McCarran	Slattery
Brown	Gerry	McKellar	Stewart
Bulow	Gillette	McNary	Thomas, Okla.
Burke	Green	Miller	Thomas, Utah
Byrd	Guffey	Minton	Tydings
Byrnes	Gurney	Murray	Vandenberg
Capper	Hale	Norris	Van Nuys
Caraway	Harrison	Nye	Wheeler
Chandler	Hatch	O'Mahoney	White
Chavez	Hayden	Pepper	Wiley
Clark, Idaho	Herring	Pittman	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Connecticut [Mr. MALONEY], the junior Senator from New York [Mr. MEAD], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. OVERTON], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], the senior Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. TOBEY] is necessarily absent.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

NEUTRALITY AND PEACE OF THE UNITED STATES—AMENDMENT

Mr. DOWNEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, which was ordered to lie on the table, and to be printed.

ADDRESS BY SENATOR GUFFEY AT CORNERSTONE LAYING OF AGRICULTURAL RESEARCH LABORATORY, WYNDMOOR, PA.

[Mr. STEWART asked and obtained leave to have printed in the RECORD an address delivered by Senator GUFFEY at the cornerstone laying of the Agricultural Research Laboratory, Wyndmoor, Pa., on October 20, 1939, which appears in the Appendix.]

DISCUSSION ON NEUTRALITY ON AMERICAN FORUM OF THE AIR

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a discussion on American neutrality, conducted over the American Forum of the Air on October 8, 1939, by Senators OVERTON, SCHWELLENBACH, HOLT, MINTON, and PEPPER, and Representative VAN ZANDT, which appears in the Appendix.]

ADDRESS BY HON. PAUL V. M'NUTT AT TESTIMONIAL DINNER TO FRANCIS P. MATTHEWS

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered on October 17 at Omaha, Nebr., by Hon. Paul V. McNutt on the occasion of a testimonial dinner to Francis P. Matthews, which appears in the Appendix.]

ADDRESS BY PROF. EDWIN BORCHARD ON AMERICAN FOREIGN POLICY

[Mr. BORAH asked and obtained leave to have printed in the RECORD an address delivered by Prof. Edwin Borchard on October 14, 1939, at Philadelphia, Pa., on American Foreign Policy, which appears in the Appendix.]

COMMENT ON COLONEL LINDBERGH'S RADIO ADDRESS

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article from the Louisville Courier-Journal of October 18, 1939, by Herbert Agar, discussing Colonel Lindbergh's second radio address, which appears in the Appendix.]

ARTICLE BY JAMES MORGAN ON NEUTRALITY

[Mr. SLATTERY asked and obtained leave to have printed in the RECORD an article by James Morgan, published in the Boston Sunday Globe of October 15, 1939, entitled "One Sure Way to Keep Us Out of War," which appears in the Appendix.]

ADDRESS BY COL. E. S. GORRELL AT DEDICATION OF NORTH BEACH AIRPORT, NEW YORK

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an address delivered by Col. Edgar S. Gorrell, president of the Air Transport Association of America, at the dedication of the North Beach Airport, in New York City, N. Y., October 15, 1939, which appears in the Appendix.]

NEUTRALITY AND PEACE OF THE UNITED STATES

The Senate resumed the consideration of the joint resolution (H. J. Res. 306), Neutrality Act of 1939.

Mr. ANDREWS obtained the floor.

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

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. ANDREWS I yield.

Mr. BARKLEY. I wish to make a very brief statement with reference to the matter of procedure. The debate on the pending measure has been in progress now for 3 weeks, and I think it has been of a high order. It has been, for the most part, entirely pertinent to the question before the Senate. There has been no effort on the part of anyone to deny to any Senator unlimited time with respect to his desire to express his views on the joint resolution, but I think an overwhelming majority of the Members of the Senate, regardless of their attitude on this question, feel that the time has come when there ought to be an effort to bring this matter to a conclusion. There has been no vote on any amendment, and, of course, amendments will of themselves involve considerable discussion.

I wish simply to advise the Senate that before the day is over I intend to submit a unanimous-consent request for a limitation of debate, beginning on Monday next. I ask Senators who are interested in the matter to be here and other Senators to be available in order that if they are needed for a quorum at any time during this afternoon's session, they may be able to come and help constitute a quorum of the Senate. I am not now submitting the request for unanimous consent, for I want all Senators who are interested to have a chance to be present when the request is made.

Mr. NYE. Mr. President, may the Senate understand that there will be a quorum call before the request is made?

Mr. BARKLEY. Yes; that is why I have asked Senators to remain available.

Mr. CHAVEZ. Mr. President, I desire to ask the Senator from Kentucky a question. The Senator from Kentucky knows that the Senator from New Mexico has not taken

very much of the time of the Senate; and I should like to make a few further remarks on the pending question.

Mr. BARKLEY. Any request I may make for a limitation of time will not, I think, be so unreasonable as not to allow the Senator from New Mexico or any other Senator opportunity to express his views on the joint resolution within a reasonable limitation.

Mr. CHAVEZ. I assure the Senator from Kentucky that it is not the desire of the Senator from New Mexico in any way to delay the measure.

Mr. BARKLEY. I am conscious of that fact. I do not think the Senator from New Mexico will have any reason to object to the request I shall make at the time I make it.

Mr. CHAVEZ. I thank the Senator.

Mr. GILLETTE. Mr. Presidentt, will the Senator from Florida yield?

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

Mr. GILLETTE. On behalf of the Senator from Nebraska [Mr. BURKE] and myself, I send to the desk two proposed amendments which I ask to have printed in the RECORD and lie on the table.

The VICE PRESIDENT. Without objection, the amendments will be printed and lie on the table, and will also be printed in the RECORD.

The amendments are as follows:

Amendment intended to be proposed by Mr. GILLETTE to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, viz:

On page 16, line 19, beginning with the word "there", strike out through the word "to" in line 20, and insert in lieu thereof the following: "he has complied with the requirements of this subsection with respect to transfer of right, title, and interest in such articles or materials, and that he will."

Amendment intended to be proposed by Mr. GILLETTE and Mr. BURKE to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, viz:

On page 18, line 4, before the period, insert a comma and the following: "or to any transportation on or over lands, lakes, rivers, or inland waters bordering on the United States of any articles or materials if the consignee thereof is a citizen of the United States who was engaged in business on October 15, 1939, in the state to which such articles or materials are so transported, and if such articles and materials are to be used in connection with the type of business in which such consignee was engaged on such date."

Mr. VANDENBERG. Mr. President, I ask the Senator from Iowa whether the amendments he has submitted relate to a relaxation of trade restrictions with respect to certain of the problems we have been discussing together. I ask the question because I am very much interested in some of the problems he was attempting to meet, and I should like to know whether he thinks he has textually met them.

Mr. GILLETTE. Mr. President, with the permission of the Senator from Florida, I will say to the Senator from Michigan, that I think the problem he has in mind is met by the amendments which have been sent to the desk by the Senator from Nebraska [Mr. BURKE] and myself. The problem has been that of divesting title on the part of a shipper in the United States to a belligerent country, especially as it concerns the necessity for transferring title to a foreign agency, corporation, or individual on the part of certain institutions and enterprises of the United States which are doing business in Canada under license, so that the shipment is from a United States citizen in this country to another United States citizen in Canada, and therefore the title could not well be divested and transferred to a foreigner. It was to meet that situation, to enable such shippers still to transact business with their licensed concerns across the Canadian border, that the amendments have been prepared.

Mr. VANDENBERG. I thank the Senator. I hope his amendments will be printed in the RECORD.

The VICE PRESIDENT. They have been ordered printed in the RECORD.

Mr. BURKE. Mr. President, will the Senator from Iowa, in a word, state the extent of the purchases made by a typical company, say the Quaker Oats Co., of farm products devoted to the purpose the continuance of which this amendment seeks to make possible?

Mr. GILLETTE. I am informed that within the past 3 years one American institution, the Quaker Oats Co., has purchased in this country and shipped to its own mills which are operating as licensed concerns in Canada over eight and one-half million bushels of oats, over 700,000 bushels of corn, over 500,000 bushels of wheat, over 2,000,000 pounds of cottonseed meal, over 4,000,000 pounds of soybean meal, 17 carloads of glassware, 900,000 pounds of waxed paper, and various items of machinery. That one company has purchased that material in this country and shipped it to its own mills in Canada, and it could not continue to do so if these amendments should not be adopted. It would either have to go out of business or purchase elsewhere that material for processing.

Mr. ANDREWS. Mr. President, it had been my purpose, after listening to the many very able arguments presented to this body by a number of distinguished Senators, not to have anything to say. But it so happens that I am a member of the Naval Affairs Committee. In the early part of last year our committee had before it a bill for an appropriation of over a billion dollars to provide for and to secure a comprehensive naval building program, which would place America in the forefront of civilized nations, and thus able to defend ourselves against any power or combination of powers if the time should come that war should be forced upon us.

Ten years ago such a program would have been unthinkable because of the Washington Conference, which provided in plain terms for the reduction of armaments. A few years later we learned that a solemn agreement between certain dictator nations and the rest of the civilized world amounted to even less than a scrap of paper. Finding that reliance could not be placed upon the solemn agreements and treaties of such nations, it became apparent that we should, in time of peace, prepare for any eventuality.

In addition to being a member of the Naval Affairs Committee, which had much to do with laying out the comprehensive plan of defense on the sea, under the sea, and in the air, I happen to live in the portion of the United States in the vicinity of which, if the Monroe Doctrine is ever attacked or tested out by European or other foreign aggressions, the battle of Armageddon between democracy and autocracy will, as many feel, perhaps be fought out; namely, in the Caribbean or the Florida Straits. Indeed, one of the highest authorities in this Government recently told me that the chances are 5 to 1 that my beloved State of Florida would necessarily be in the front-line trenches of a test of our ability to defend our Nation and our institutions.

Florida for 200 years was the cockpit of the Western Hemisphere. Indeed, Florida has existed under five different flags—the Spanish, the French, the English, the Confederate, and the Stars and Stripes. For the past 100 years we have been practically immune from war, with the exception of the Spanish-American War of 1898. It shall be my purpose to show that the present joint resolution, with the adoption of some of the amendments proposed, is our safeguard and hope. History has repeated itself over the centuries time and time again—that embargo is a dangerous policy, particularly to the neutral that undertakes to enforce it.

Correspondence coming to my office daily shows conclusively that many of our people are laboring under a misapprehension, in that they seem to believe that the Senate is trying to repeal a Neutrality Act and get us into war, and substitute therefor a less neutral act without analyzing the question of how they have operated by actual experience.

It is clear that the paramount question being debated in the Senate is whether the repeal or the retention of the embargo on arms and ammunition is more likely to lead the United States into war.

It is also self-evident that at this time it is impossible for the advocates of either repeal or nonrepeal of embargo to prove their case conclusively. For a very apparent reason we cannot foresee the conditions which tomorrow, next month, next year, or the years to come may bring forth in either case.

The best Congress can hope to do now is to adopt that policy which a cool estimate of past experience would seem the least likely to put us into the more dangerous position. Three weeks of debate on the Senate floor seems to show

conclusively that there is no serious disagreement among us as to the advisability of enacting the title-and-carry or cash-and-carry policy on other than contrabands.

After weighing all the facts, many of us have reached the conclusion, I take it, that the repeal of the embargo will have a greater tendency to keep the United States out of war. That is the real question being debated and the one in which the American people are most interested.

It is evident that the shorter the war, the less likely the United States to become involved. Likewise, the war will more likely be prolonged if the Allies cannot buy arms and munitions and the materials from which they are made from neutral nations like the United States. Without repeal the Allies will have to remain on the defensive until they can build up new and greater arsenals, airplane factories, and manufacturing plants for the creation of war material and instruments of war.

We can also reasonably assume that if the Allies cannot get arms and munitions from the United States, they may be more inclined to make peace with Germany and Russia, and such a situation might ultimately lead to an attack on the United States. That is logical from past experience. Russia and Germany can now trade with each other without passing through any neutral or buffer nation. Russia has an abundant supply of raw material of nearly every kind, while Germany has recently acquired additional territory with additional arsenals and munitions manufacturing plants. Everyone who has studied the question realizes that to continue the arms embargo might cause the defeat of the Allies and ultimately deprive the United States of those two great democracies which are now our buffer states against fascism and communism, and thereby later leave the United States and other American republics to face the Nazi-Soviet bloc on this side of the Atlantic. Indeed, the opinion prevails that the dictators of both nations, if victorious in Europe, would not be satisfied until they forced the United States to war in self defense and in defense of the Monroe Doctrine.

We should have the courage to adopt whatever policy we determine in the light of history and experience will protect our people and our institutions not only now, but tomorrow and in the years to come. We should not leave this job unfinished for our children.

The argument that the repeal of the arms embargo would cause the Germans and Russians to sabotage or attempt reprisals against the United States or United States shipping, and thereby draw us ultimately into the war, is not well founded and a humiliating admission. It is undoubtedly true that the Nazists have been and always will be unfriendly with the United States whenever it suits them, regardless of whether we repeal the embargo and adopt the title-and-carry system or not. They are just as likely to make reprisals against the United States in spite of the arms embargo. Indeed, from a military standpoint it is as damaging to warring nations to shut off food and other necessities of life as arms and war material. A great general once said that "an army moves forward on its stomach," thus wheat, sugar, and meat become just as important in time of war, and perhaps more important, than guns and powder. We must also remember that to deny these necessities of life to the innocent women and children in the warring nation would be inhuman.

The opposition has stressed the point that if the United States should sell arms to the Allies on a title-and-carry basis, as a result we would thereby become dependent on war trade; and thus business would depend upon it for profits, labor for jobs and possibly lenders for the security of their loans; and that eventually the United States would have to go to war to save its customers.

Whether we have embargo or no embargo, the United States is more than likely to have a large war trade if the war continues for a long time, for the Allies will naturally need food, clothing, and other materials. It must be remembered that in the last war only 10 to 15 percent of the Allies' purchases in the United States were of arms. If the Allies cannot get arms already manufactured, they will naturally require more material for making arms, and they can buy such materials, because, without even borrowing, Great Britain and France have nearly $4,000,000,000 in gold, plus $3,000,000,000 in United States securities with which to pay their bills.

It is true that the products of our fields, mines, fisheries, and factories are now and always will be for sale, and the particular interest of belligerent nations is no concern of ours. Most of us will continue to insist upon the preservation of freedom of action within the law. We had nothing to do with starting the war. Public opinion positively favors American armaments inferior to none. Many well-meaning American citizens favor the protection of our citizens, property, and national rights under international law, and there is nothing in international law to prevent the sale of products of any description, if sold and title delivered here in America.

We do not wish for war, and past experience has shown conclusively that the surest way to become involved, particularly with Germany, will be to show any sign of weakness. Certainly foreign opinion to the effect that this country will not resent abuse should be contradicted. We have heard argument on the floor of the Senate in the past few days that would indicate that Americans should be willing to sacrifice some of our most cherished and inherent rights in order to appease German feeling.

We do not wish to fight, but we do not propose to be kicked around, and any great nation that does submit to it will soon lose respect for itself, and dissolution will follow; and if we lose our self-respect as a Nation there will be little left worth having.

With negligible exceptions, all of our people passionately desire to remain at peace. To this end, two brands of neutrality present themselves to us:

First, traditional neutrality under rules of international law which have been gradually developed through the experience of centuries, and consistently adhered to by the United States Government until the more recent Embargo Act was passed.

The traditional type of neutrality provides that neutrals shall enjoy freedom of trade, including trade in munitions and implements of war, with belligerents in time of war. It also provides that belligerents shall enjoy similar freedom of trade with neutrals, subject only to such restrictions as one belligerent may, under international law, place upon another by blockade and seizure. The records show that under this type of neutrality many nations have in many wars successfully maintained their neutral status and continued their peaceful pursuits.

The most striking example of this fact was that of Norway, Sweden, Denmark, Holland, and Switzerland. Although these small nations lay in the midst of the World War area, neither was provoked to the point of making it necessary to enter to defend her national honor nor her territory. They had no permanent system of embargo. It was more or less a cash-and-carry plan. It furnishes an example from which we can profit at this time.

This international type of neutrality has also been consistently commended by all of our past and present Secretaries of State, both Republican and Democratic. Those officials are specifically charged with conducting the foreign affairs of our Government and are thus experienced in handling international relations. Their recorded opinions show that they believe the title-and-carry type of neutrality alone can keep us out of the present European struggle, and that an embargo will ultimately cause us to become involved.

The embargo type of neutrality is new and therefore experimental, and was invoked by the President for the first time a few days ago. Under this new theoretical type the President is by law required, when he finds that a state of war exists, to issue his proclamation stopping the sale of arms, munitions, and implements of war to any belligerent. Under that law we stood by, furnishing war materials to Japan, and saw China ruined. The same thing happened in the case of Spain. This new type of neutrality thus represents an attempt to legislate in advance when no neutrality status is necessary or required, by invoking, in time of peace, hard and fast rules governing our relations with nations at war when neutrality does become an important status.

At this point it is important to note that this legislation was passed despite the earnest warning of our present Secretary of State, who, at the time, stated that it represented a hazardous departure from established principles of international law.

It also drew from the President the further warning that its wholly inflexible provisions might, under unforeseen situations, "have exactly the opposite effect from that which was intended. In other words, the inflexible provisions might drag us into war instead of keeping us out."

Within the next few weeks Congress must decide which of these two brands of neutrality is most likely to serve the cause of peace. It is my belief, after a study of the joint resolution from every angle, that the issue is not whether America shall enter the war, as was indicated by some of our able colleagues recently on the Senate floor and over radio. We are not in position to doubt, nor can we seriously doubt, the sincerity and wisdom of our Democratic and Republican Presidents and Secretaries of State, whose solemn duty it is to know, and who have spoken and solemnly recorded their beliefs that neutrality under international law is our best guaranty of peace, any more than one can doubt the sincerity of distinguished Senators in their preference for the new experimental neutrality provided by embargo. The real issue is not one of peace or war, but, which is the safest path to peace?

Mr. President, in passing upon this issue today, Congress and the American people must consider what the situations were when the Embargo Act was passed in 1935 and 1937. Since that time there has arisen in Germany a dictator who has destroyed the civil and religious liberties of his own people, and thereafter extended his liberty-destroying powers over Austria, Czechoslovakia, and Poland. That he now seeks to dominate Europe, if not the world, no one can seriously doubt. He proposes to do so by highly specialized man-destroying machinery and highly successful technique in military aggression. Recently he has been joined in his efforts by Russia, which has for two decades lived under a dictatorship more severe and destructive to the rights of freedom-loving people than even that of Germany. Nazis and Bolshevists, who in their own countries have been able to destroy personal freedom of men as we revere and know it, may join in the attempted subjugation of our own people later if the scales of battle turn definitely in favor of the apostles of brute force.

We in America cannot hope to escape serious danger once the dictators are established triumphant in Europe.

The swift transportation on sea, under sea, and in air, likewise communication by transatlantic telephone and radio, places the nations now at war infinitely closer, and makes them far more intimately bound up in our affairs today than were the nations of South America when the Monroe Doctrine was promulgated, or when the first President of the United States, in his Farewell Address, admonished us to avoid all foreign entanglements. The oceans are no longer great barriers separating the New World from the Old. They are broad, four-way highways bringing the Old World swiftly to our very doors. Should the European democracies be destroyed or divided and the dictators gain control of the sea, our dream of peaceful isolation would be over. It has been conclusively demonstrated recently that the war lords of Europe are out for spoils, and they know there is rich loot in the Americas. It is also clear that if the hideous system called totalitarianism cannot be destroyed in the lands where it sprang into power and spread to nearly half the world, it follows that if it should grow infinitely larger, we would ultimately have to fight it on our own soil.

The organized human totalitarianism termites, now at work boring into our governmental foundation from within, with the avowed purpose of destroying our own Government, will, of course, lend every aid to that end. They are all in favor of the embargo, for they see in it the hope of their dream; they see in it the obliteration of the Bill of Rights, and the destruction of the Ten Commandments and the Sermon on the Mount. There can be no question about that.

To strengthen Hitler—and now Stalin—by weakening those who have been compelled as a last resort to take up arms against Germany, by retaining the Embargo Act, would be gross betrayal of all freedom-loving people, including our own, to say nothing of the interests of humanity at large. If the Embargo Act is not repealed it will undoubtedly aid in accomplishing that very fact. An American blockade of the democracies of Europe, by our American Fleet, could not be more effective in bringing about their destruction.

If it were a fixed principle of international law that neutral countries shall not sell arms and munitions to belligerents, opinion might be divided as to whether, under such circumstances, we would be justified in abandoning it to the extent of enacting title-and-carry legislation.

But when it has long been a fixed principle of international law that neutral markets shall remain open to belligerents, a failure to repeal our present embargo legislation will remain as a perpetual breach of international law. It would not only be persisting in an unneutral act, but would be contradictory to sound international policy. It is likewise not only opposed to our national interest, but calculated to increase the chances of our becoming directly involved in the present struggle.

The present Embargo Act is not only a flagrant breach of long-established international law, but it is one of those peculiar laws known as unilateral laws, in that it is self-imposed, and binds no other government on earth but our own. It is a self-inflicted strait jacket, enacted with the thought and hope that it would be a means of preventing our entry into any war anywhere. The most serious effect of the embargo is that it places the burden solely upon the American people to enforce it. That is a dangerous feature of the Embargo Act. It would require an army of inspectors with police power to watch every harbor, cove, and shore to prevent the various transportation facilities, foreign and domestic, from carrying goods across the sea, or under the sea, as was done in the World War, or through the air, to belligerent nations. It is impossible to enforce this law, and yet the burden is upon our Government to enforce it.

Perhaps some of us have forgotten that during the World War a submarine came out of Germany and sailed up Chesapeake Bay to Baltimore, where it unloaded its cargo and took on a cargo, and returned safely to Germany.

Under the title-and-carry system, the burden would be entirely shifted to warring nations—those which undertake to come and get what we have to sell. The responsibility would be on them. There is neither moral nor legal justification for one nation to alter by unilateral law what has long been a well-recognized principle of international law, which may or may not aid those who are not bound by it—regardless of the form of government that nation might have. The fact that we have an embargo act and may get away with it to the injury of peace-loving democracies like our own, does not clothe the law with any moral or legal sanction.

So long as the Embargo Act remains in effect to hazard two great democracies now involved in the European war in an effort to check the conquest of Europe by two dictators, we remain in the position of being guilty of an unneutral act, and the act is nonetheless unneutral because the legislation was passed prior to the outbreak of the present war in the hope that it would discourage aggressions in Europe, Ethiopia, and China. It failed and has thus become obsolete.

If a nation enacts legislation in peacetime, the effect of which amounts to a breach of international law when its purpose fails, its responsibility is not complete until the act is repealed. Under the present Embargo Act there is nothing to prevent our selling, in time of peace, every kind of war material to aggressor nations then preparing to make aggressions on other smaller and peace-loving nations; and as soon as the aggressor nation is armed to the teeth with every possible instrument for dealing death to smaller peaceful nations which were unable to become sufficiently armed, we immediately, under the Embargo Act, must refuse to sell the helpless nations being attacked even arms to use in self-defense.

What a pitiful and deplorable situation we have placed ourselves in. It is the most unjust, unthinkable situation that we, the people of the United States, could be placed in.

The argument that repeal of the embargo will be an unneutral act because America has expressed herself as being

opposed to the aggressions of Hitler and because repeal will remove a handicap now placed on Britain and France, is altogether fallacious. Neutrality does not consist in depriving one set of belligerents of advantages they enjoy for geographical, military, or other reasons, in order to place the contest on a more nearly equal basis. America is not undertaking to referee a prize fight between two other nations or any group of nations. Free markets, open to both sides involved in a war, have long been recognized as one of the essential elements of neutrality. To repeal our present embargo and return to a standard neutrality status with title-and-carry safeguards can by no stretch of the imagination be called an unneutral act.

There can hardly be any question that it is in the interest of world peace and world progress that nations should not be compelled to maintain at all times a crushing burden of armaments. If neutral armaments remain open to all nations in time of war, peace-loving nations may defer most of their arming until forced to meet some subsequent aggressions or emergency thrust upon them. No one can deny that this has been demonstrated in Europe, not once, but three times recently by the League of Nations. But if neutrals are to close their markets to peaceful countries when war comes, militaristic nations like Germany and Russia will continue to engage in aggressions against peaceful neighbors. Such a policy would require all nations to keep armed to the teeth at all times, or ultimately perish from the earth, as it would place upon their unfortunate people, in time of peace, the awful costs of constantly replacing outmoded armaments and remaining always on a war footing. The smaller nations cannot do that.

As warned by our President when he reluctantly signed the present Embargo Act, it now brings about a situation utterly opposed to our own national interest and even our national instinct. Our past history clearly shows that our sympathies are naturally with the democracies which have governments and instincts of freedom similar to ours. The Bill of Rights in our American Constitution and the English Bill of Rights have for centuries constituted the safeguard of every individual citizen against oppression, even from our own Government. The Bill of Rights does not exist in the German form of government, the Russian form of government, or the Italian form of government. England, France, and the United States have likewise, through the centuries, adhered to and emulated the doctrine laid down in the Ten Commandments and the Sermon on the Mount. We are a peace-loving people because we have been brought up through the years to respect the rights not only of other people but of other nations. It is the unquestionable right of the American people to continue to uphold and safeguard our institutions guaranteeing these principles in whatever method or manner seems the safest for all.

The question is, Shall we put ourselves in a more perilous position by undertaking to perpetuate a mistake made in 1935, after having been again warned by those officials who are best qualified to know?

Hitler and Stalin stand for the governmental and social conditions which we most abhor, while England and France stand for the things we hold dearer than life itself, and know to be essential to the peace and liberty of man. If the repeal of the present embargo would place us in an unneutral position, then I am in favor of being unneutral in favor of and not against those nations whose thoughts, creeds, and governmental practices are more in keeping with the things we all hold dear.

After it was demonstrated to the world by Germany that a treaty or obligation between her and other nations is a mere scrap of paper, and when Herr Hitler promised to the world, after he forcibly took over Austria, that he would not make any further aggressions, and proceeded thereafter to invade and take over Czechoslovakia, and violated his pledge again and forcibly took over Poland, and is trying now to take over still others, we have gradually been compelled again to consider what our duty is in regard to increasing our armaments for self-defense and for the protection of the Western Hemisphere. The Embargo Act has undoubtedly helped to bring this unhappy condition upon us.

In the latter part of 1938 the Institute of Public Opinion propounded certain questions, with the results I shall indicate. We are always interested in public opinion, because this Government is of, by, and for the people.

The following questions were asked:

Should the United States build a larger Navy? Should it enlarge the strength of its Army? Should it enlarge its air force?

The answers were: "Larger Navy," 86 percent; "larger Army," 82 percent; "larger air force," 90 percent.

Early in 1939 the question was propounded:

Do you believe there will be a war between any of the big European countries this year?

Answer: "Yes," 40 percent; "No," 56 percent.

We can see how mistaken the answers were.

The question was asked:

If there is such a war, which country do you think will be responsible for starting it?

Answer: "Germany alone," 62 percent; "Italy alone," 12 percent; "Germany and Italy," 20 percent. "Total, Germany, Italy, or both," 94 percent.

No one said anything about France or England starting it.

In March of this year the question was put:

In case war breaks out, should we sell Britain and France food supplies?

Answer: "Yes," 76 percent; "No," 24 percent.

Should we sell them airplanes and other war materials?

Answer: "Yes," 52 percent; "No," 48 percent.

In April the following question was asked:

In case war breaks out, should we sell Britain and France food supplies?

Answer: "Yes," 82 percent.

It would not surprise me, if the poll were taken in the next few weeks, to see that percentage increased to 100.

The question was asked:

Should we sell them airplanes and other war materials?

Answer: "Yes," 66 percent.

The percentage increased in a short month from 52 percent to 66 percent.

Our present so-called neutrality law prevents this country from selling war materials to any country fighting in a declared war. The question was put:

Do you think the law should be changed so that we could sell war materials to England and France in case of war?
Answer: "Yes," 57 percent; "No," 43 percent.

It must be remembered that the above polls were taken before Poland was invaded by Germany and Russia, and before England and France declared war on the two dictator nations.

The recent poll has shown how the increase of sentiment in this country has made it quite clear that we should not retain on our statute books laws that discriminate against a democracy which is now fighting the battle that must ultimately be ours if it should be defeated.

The very able Senator from the State of Washington [Mr. SCHWELLENBACH] put the issue very clearly in his address to the Senate on this subject on Thursday, October 5, when he stated:

The fact that, almost without exception, the great students of this subject since 1758 have agreed that a nation was safer so far as being involved in the wars of other countries was concerned without an arms embargo than if it had an arms embargo, and we have some responsibility to take that fact into consideration. It seems such a simple matter. We will merely refuse to ship arms, ammunition, and implements of war to any warring nation and then we cannot get into their war. That was a magic wand that could be waved, and we accepted it in the face of the rich experience of the neutral nations for the last 200 years.

* * * * * * *

International law recognizes the responsibility upon the belligerent itself to protect itself against the shipment to its enemy of contraband, including arms, ammunition, and the implements of war. International law recognizes no responsibility upon the neutral government to stop its citizens from shipping contraband. It is for the benefit of the belligerent, and therefore the neutral does not

have any responsibility to stop it. But when the neutral assumes the responsibility to stop it, when it passes an embargo, a domestic law governing its own citizens, then that neutral has a responsibility. The burden shifts from the belligerent to protect itself over to the neutral to protect the belligerent.

That is precisely what we did when we adopted the arms embargo in 1935 and 1937. It is the responsibility of the United States Government today to protect the belligerent nations of Europe against our citizens shipping arms, ammunition, and implements of war to those nations. Without an arms embargo, it would be their responsibility. If we fail in our responsibility, we are subject to the antagonism of and criticism by the belligerent, and if we continue in our failure, that continuation of failure in itself constitutes an unfriendly act which would justify the belligerent in declaring war against us.

I wish to read an extract from an author who, I think all Senators will agree, is an authority upon this question—John Bassett Moore. In discussing the question of neutrality he says:

The fundamental principles are simply these: From the point of view of neutrality the question of unlawfulness is presented in two aspects: (1) that of international law, and (2) that of municipal law. Acts unlawful by international law are divided into two classes, (a) acts which the state is bound to prevent, and (b) acts which the state is not bound to prevent. The dealing in contraband is unlawful by international law, as is shown by the fact that the noxious articles may be seized on the high seas and confiscated; but (b) is not an act which it is the duty of the neutral state to prevent, and therefore is not usually prohibited by municipal law.

Judge Moore continues:

Why is the neutral state not bound to prevent it? Simply because, from obvious considerations of convenience, it has been deemed just to confine within reasonable bounds the duty of the neutral state to interfere with the commerce of its citizens, even for the purpose of repressing unneutral acts. The principal interest to be subserved being that of the belligerents, it is left to them, in respect of many acts in their nature unneutral, to adopt measures of self-protection; and neutral states are deemed to have discharged their full duty when they submit to the belligerent enforcement of such measures against their citizens and their commerce.

I quote further from Judge Moore:

If the sale of munitions of war is to be held a breach of neutrality, "instantly upon the declaration of war between two belligerents, not only the traffic by sea of all the rest of the neutral powers of the world would be exposed to the inconveniences of which they are already impatient, but the whole inland trade of every nation of the earth, which has hitherto been free, would be cast into the fetters. * * * It would give to the belligerent the right of interference in every act of neutral domestic commerce, till at last the burden would be so enormous that neutrality itself would become more intolerable than war, and the result of this assumed reform, professing to be founded on 'the principles of eternal justice,' would be nothing less than universal and interminable hostilities" (Sir W. Harcourt, Historicus, 134). For, not only the vendor of the iron would have to be prevented from selling to the vendor of the gun, but the miner and machinist would have to be prevented from working for the vendor of the iron.

A neutral sovereign, therefore, would have either to stop all machinery by which munitions of war could be produced for belligerent use, or expose himself to a call for whatever damages his failure so to do might have caused either belligerent. Under such circumstances it would be far more economical and polite to plunge into a war as a belligerent than to keep out of it as a neutral.

Some weeks ago I was deeply impressed by the statements made by the distinguished Senator from Nebraska [Mr. BURKE] in an address over the Nation-wide Columbia network. The following statements especially appealed to me:

We have demonstrated that an arms embargo is undesirable and productive of no good results. A complete embargo is unwise and its consequence devastating. There is an alternative. Simple. Sensible. Sound. It is set forth in the pending substitute. It attempts no meaningless distinction between classes of goods. It recognizes the futility of discriminating between the raw material, the partly fabricated article, and the completed product. It says to all the world that what we have for sale is ready for any purchaser without the slightest discrimination on our part. As far as we are concerned all will be treated exactly alike.

More than that, this proposal goes to the very root of the evil we are trying to correct—the evil of involvement in war. Since certain countries unfortunately are engaged in a titanic struggle which is not of our making and in which we do not propose to permit ourselves to become involved, we will not let our ships make deliveries to any of the belligerents. We will say to them, one and all alike, if you want that which we have for sale come and get it in your own ships. Title must pass to you here and it will not pass until payment has been made. When you leave our territorial waters with the goods you have bought and paid for—wheat, oil, cotton, airplanes, or whatever they may be—we have no further responsibility. You take all the chance of a safe passage.

Mr. President, I now desire to announce my concurrence with the statements made on this floor by several Senators that it would be impossible for our Government to enforce the embargo, although under the present law the sole responsibility is upon us to do so. In support of that contention, the following facts may be cited:

On September 13, 1939, our Department of State was informed by the British Ambassador that a proclamation had been issued in London specifying the articles to be treated as conditional contraband of war by His Majesty's Government, and that among them were enumerated "all kinds of food, foodstuffs, feed, forage, and clothing, and articles and materials used in their production."

Five days later, on September 19, 1939, Mr. Alexander Kirk, the American Chargé d'Affaires in Berlin, reported to our State Department that two amendments had been issued to the Prize Law Code, which increased the articles and materials to be considered as absolute and conditional contraband by the German Government, and among them the following:

Foodstuffs (including live animals), beverages, and tobacco and the like, fodder and clothing, articles and materials used for their preparation or manufacture.

It will be noted that the list embraces practically the whole scope of the necessities of life.

When, under the Embargo Act, we assume the responsibility of saying to our citizens, "You are prohibited from shipping certain articles," then we also have the grave responsibility of seeing that our list is the correct one and conforms to the list issued by the nations at war. That is an impossibility and will continue to be so. We cannot make a mistake about the contraband list without arousing the antagonism of either or both the belligerents. Then the situation is still further complicated by the so-called Neutrality Acts of 1935 and 1937, subsection (d) of section 1 of which provides:

The President shall, from time to time, by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation No. 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.

The President is prohibited from proclaiming the articles referred to be to contraband, although England and Germany have already so proclaimed them. That is an impracticable situation. In other words, under our present act we have given to the President not only the responsibility but the discretion of saying what shall be included under subsection (d) of section 1.

Let us suppose that he attempts to comply with the contraband lists of the 2 nations which have already issued them, England and Germany. Let us suppose, first, he includes only the 4 classifications of the English contraband list. He will immediately get into controversy with the German Government. Let us suppose he includes the 12 articles in the German list. He will immediately get into controversy with the English Government. Let us suppose he gets up a list of his own, as the present law provides that he shall. Then he probably will get into controversy with both governments, and having assumed the responsibility of preventing the export of these articles, as I stated before, we shall have the complete responsibility of carrying through. We shall perhaps have a worse job if we continue this policy than if we ourselves had entered the war.

It is because of that fact that the overwhelming number of the group of men who, during the period of over 150 years, have studied this subject for the sole purpose of endeavoring to work out systems whereby neutrals in the same position in which we are today can stay out of a war, have come to the conclusion that there is no method which is more likely to get a nation into a war than the adoption of an arms embargo. We all know that it got us into trouble in 1812. Every nation that has ever had it has gotten into trouble.

Many great Americans whose opinions have been, and forever will be, highly regarded by all thinking people, have continually warned the American people against the dangers of embargo.

In Theodore Roosevelt's book entitled "Fear God and Take Your Own Part," he said:

The Americans who are now striving to prevent the sale of munitions of war * * * are committing the gravest possible offense against the cause of international right and of the interest of humanity.

* * * * * * *

Of course, if sales of munitions are improper in time of war, they are precisely as improper in time of peace, for in time of peace they are made only with a view to possible war. To prohibit them is to put a premium upon aggressive nations manufacturing their own ammunition, for it is the nonaggressive nations that do not conduct great manufactories for munitions of war.

Quoting further from Theodore Roosevelt's book:

The warlike and aggressive nation chooses the moment of attack and is fully equipped in advance.

That is the case in Europe today.

If the nation assailed cannot replenish her supplies from outside, she must always maintain them in time of peace at the highest point or else expose herself to ruin.

* * * * * * *

From the standpoint of international law, as I have shown above, we have the absolute right to make such shipments. Washington and Lincoln—in fact, all our Presidents and Secretaries—have preemptorily refused to allow this right to be questioned. The right has been insisted upon by Germany in her own interest, more strongly than by any other nation, up to the beginning of the present war.

This article was written by Theodore Roosevelt during the last war. He must have known something about the situation then existing.

Continuing Theodore Roosevelt's statement:

From the standpoint of morality the justification is even more clear.

The British minister was asking our rather feeble Government, during the beginnings of our governmental history, to refuse to ship arms and ammunition to his country's adversaries. Jefferson's letter was written on May 15, 1793. In it he said:

Our citizens have been always free to make, vend, and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, does not require from them such an internal disarrangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation—that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned, and, that even private contraventions may work no inequality between the parties at war, the benefit of them will be left equally free and open to all.

Alexander Hamilton also had the question under consideration. On August 4, 1793, he said:

The purchasing within, and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally war-like instruments and military stores, is free to all the parties at war, and is not to be interfered with.

Mr. Pickering, who was Secretary of State in 1796, had a controversy with the French Government about this question, and he answered the French Government in this way:

It was contended on the part of the French Nation in 1796, that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell, at home, to a belligerent purchaser, or carry themselves, to the belligerent powers, contraband articles subject to the right of seizure in transitu.

Henry Clay, when he was Secretary of State, got into a controversy, and wrote a letter to the Minister from Mexico on April 6, 1827, in which he said:

The Government of the United States cannot undertake to punish its own citizens for disposing in another country of contraband articles in violation of the laws of such country. Neither * * * our own laws, nor, as is believed, those of any foreign country, make provision for the enforcement of the penal laws of another country, the general rule being that the laws of every nation are competent to vindicate their own authority.

Mr. Olney, Secretary of State, writing to Mr. Dupuy de Lome, July 15, 1896, said:

The citizens of the United States have a right to sell arms and munitions of war to all comers—neither the sale nor the transportation of such merchandise, except in connection with and in furtherance of a military expedition prosecuted from our shores, are a breach of international duty or give Spain any ground of complaint—and the denunciation of such acts as evidencing criminal conspiracy, or as showing United States territory to have become a base of operations against Spain, is greatly to be depreciated as without sufficient warrant in law or in fact, and as therefore ill calculated to promote the harmonious relations of the two countries.

Mr. Justice Story, who had the reputation of probably being the outstanding authority of our Supreme Court upon international affairs, used the following language:

There is nothing in our laws or in the law of nations that forbids our citizens from sending armed vessels as well as munitions of war to foreign ports of sale. It is a commercial adventure which no nation is bound to prohibit and which only exposes the persons engaged in it to the penalty of confiscation.

The matter was discussed in the House Committee on Foreign Affairs on January 8, 1936, by Mr. Hackworth, counsel for the State Department. Apparently, the same question was raised at that time with reference to the Ethiopian situation. Mr. Hackworth said:

So long as we apply our policy equally, I do not think either belligerent would have any just ground for complaint. We know that belligerents change their contraband lists from time to time as a war progresses. * * * If belligerents can change their position during the progress of the war, why cannot neutrals? This, of course, is subject to the condition that the neutrals must make their policy or their law apply equally to all the belligerents. It cannot be said, on the basis of law or reason, that a neutral must determine upon its whole attitude or policy and course of action as regards a given war at the outbreak of that war. * * * This would in effect amount to placing the neutral in a strait jacket, so to speak.

The second argument against repeal is that it is immoral to sell arms, ammunition, and implements of war. In the first place, I think, in passing upon that question, we should recall the positions of the long list of American statesmen to whom I have adverted who had the specific question before them. Certainly no one can question the high moral standing of those gentlemen. The question of morality must always embrace the consideration of the total result. If, as these authorities have pointed out, the net result, so far as world peace over a period of time is concerned, is an increased number of wars, particularly wars in which aggressor prepared nations are attacking nonaggressor unprepared nations, then, much as we should hate the idea of questioning the possible immorality of selling arms and ammunition, we must take that situation into consideration.

Other nations are in no position to criticize or object to our doing those things which those countries now practice and always have practiced.

By this time we should learn that it is not the duty of America to try to bring about the moral reformation of the world, particularly when we find that nearly half the civilized world resents it.

Mr. Douglas Johnson, in his very able article, said:

The argument that repeal of the arms embargo will insure our entry into the war is emotionally plausible but highly unrealistic. It assumes that the Government, with full knowledge of long-established rules of international law, and fully conscious of the fact that our present embargo is an unneutral provision highly favorable to Germany, would regard our return to standard neutrality as an unfriendly act. It assumes, further, that such unjustified attitude on the part of the German Government would inspire it to commit acts of aggression against us which would bring us into the conflict. In other words, Hitler would take advantage of a specious excuse in order to bring the full armed might of America against him. Hitler may commit acts of aggression against America, as did a former German Government. But such acts will be based, in the future as in the past, on consideration of what the German Government at that time believes to be its own immediate interest. For such acts Hitler will find ready at hand a hundred excuses quite as serviceable as repeal of the embargo—among them the fact that we are now shipping and will continue to ship to Britain and France vast quantities of cotton, oil, and countless other supplies for manufacture and operation of all the engines of war.

The argument that a feast of war profits, consequent upon repeal of the arms embargo, will drag us into war is equally unrealistic. It ignores the fact that our country has never been engaged in any serious conflict with another power solely because our people sold arms and munitions to belligerents. It ignores the fact, fully established by the record, that our entry into the last war resulted not from any feast of profits, but from the German Government's callous and persistent destruction of American lives in defiance of the rules of international law, the dictates of humanity, and our oft-reiterated protests.

It ignores the fact that the present neutrality law, by its absurdly illogical provisions, now makes possible a feast of profits from the sale of cotton for explosives, fuel for airplanes and motorized transport, steel and copper for cannon and shells, and countless other materials for the conduct of war. It ignores the fact that Congress has full power to prevent any extraordinary profit from war sales if it so desires. It ignores the fact that the real danger of our becoming involved in war arises from attacks on American ships and American citizens in danger zones, and from the sinking on the high seas of American vessels carrying goods not banned by the arms embargo; and that this danger has already been, or can quickly be, eliminated by appropriate congressional action.

Such, then, are the two types of neutrality offered to the American people. One, the traditional neutrality under established principles of international law, tested for centuries and found adequate for nations desiring to remain at peace, and now recommended to us by past and present Presidents and Secretaries of State of both political parties. The other, a new and untried neutrality, contrary to established principles of international law and alien to our own experience. It so happens, due to circumstances for which we have no responsibility, that the traditional neutrality will operate to the advantage of two peace-loving nations forced into war against their will, and at the same time safeguard our own vital interests; whereas the new and untried neutrality inevitably aids one of the most brutal and conscienceless militaristic governments ever inflicted on humanity, and tends to perpetuate principles and practices we wish to see destroyed.

Between these two courses of action the American people acting through Congress must quickly choose. The choice may well be momentous, for the history of the world and the future of our country depend on it.

Mr. REYNOLDS obtained the floor.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The clerk will call the roll.

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

Adams	Clark, Mo.	Hill	Radcliffe
Andrews	Connally	Holt	Reed
Austin	Danaher	Johnson, Calif.	Reynolds
Bailey	Davis	Johnson, Colo.	Russell
Bankhead	Donahey	King	Schwartz
Barkley	Downey	La Follette	Schwellenbach
Bilbo	Ellender	Lucas	Sheppard
Borah	Frazier	Lundeen	Shipstead
Bridges	George	McCarran	Slattery
Brown	Gerry	McKellar	Stewart
Bulow	Gillette	McNary	Thomas, Okla.
Burke	Green	Miller	Thomas, Utah
Byrd	Guffey	Minton	Tydings
Byrnes	Gurney	Murray	Vandenberg
Capper	Hale	Norris	Van Nuys
Caraway	Harrison	Nye	Wheeler
Chandler	Hatch	O'Mahoney	White
Chavez	Hayden	Pepper	Wiley
Clark, Idaho	Herring	Pittman	

The PRESIDING OFFICER. Seventy-five Senators having answered to the roll call, a quorum is present.

Mr. FRAZIER. Mr. President——

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

Mr. REYNOLDS. I yield.

Mr. FRAZIER. On October 18, when the junior Senator from West Virginia [Mr. HOLT] was speaking, the Senator from North Carolina read into the RECORD an article describing an interview which William Griffin, editor of the New York Enquirer, of New York City, had with Winston Churchill, and quoting a statement made to him by Winston Churchill. I stated at that time that, according to what I had seen in the newspapers, Mr. Churchill denied the statement. I thought that denial was made since the present war started. I was mistaken in that respect. It was before the war started that he made the statement.

Mr. President, I stated once before on the floor of the Senate that I had met Mr. Griffin, and that I had very high regard for him, that I believed he was a responsible newspaper man, and I have no doubt whatever that Mr. Churchill made the statement Mr. Griffin attributes to him.

I have a sworn affidavit by William Griffin of the conversation between him and Winston Churchill, and the statement made by Winston Churchill to him back in 1936. At that time he was discussing the question of the war with Mr. Churchill, and Mr. Churchill made the statement that it had been better if the United States had not gotten into the World War. Then they talked about the probability of another war.

I wish to read a paragraph from Mr. Griffin's sworn statement:

Mr. Churchill talked about other topics dealing with the war, and I interposed the statement: "I think the United States has learned its lesson and when the next war starts in Europe we will stay at home and mind our own business." Mr. Churchill continued talking and stated: "Well, the situation will be different when the next war starts in Europe. You may want to stay out of it, but the long arm of world events will reach right around the American continent, and the United States will be dragged in and you will find yourselves fighting shoulder to shoulder with us in defense of our common democratic institutions."

That is what Mr. Griffin said Mr. Churchill told him. I think that is the way they feel over there. I talked with a number of Englishmen in August of this year who expressed themselves in the same way.

Mr. President, I ask unanimous consent that Mr. Griffin's sworn statement be placed in the RECORD.

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

The statement is as follows:

[Supreme Court of the State of New York, county of New York. William Griffin, plaintiff, against Winston S. Churchill, defendant]

State of New York,
County of New York, ss:

William Griffin, being duly sworn, deposes and says: I am the plaintiff in the above entitled action and a resident of this State, residing at 1148 Fifth Avenue, New York City.

1. I am the editor and publisher of the newspaper, the New York Enquirer, located at 47 Walker Street, New York City, which has a wide circulation in the city of New York and is also circulated elsewhere throughout this country.

2. The defendant, Winston S. Churchill, is a nonresident, is now First Lord of the British Admiralty, and resides in London, England. I know he resides in London, England, because I visited him there.

3. A cause of action exists in my favor against the defendant for the recovery of a sum of money only as damages for slanderous statements made of and concerning me by the defendant, whereby I have been injured, and that said cause of action arose from and is based upon the following facts:

4. On or about August 11, 1936, the defendant, Winston Churchill, now First Lord of the British Admiralty, invited me to call on him at his home in London, England. The invitation was in the form of a telegram which reached me at the Savoy Hotel in London, where I was staying at the time. I accepted the invitation and called on him at the time set in his telegram to me.

5. During my visit the following conversation took place:

I asked him if he did not agree with me that since America had helped England win the World War, she should pay her war debt, amounting to approximately $5,000,000,000, to the United States. Mr. Churchill made this reply: "I agree with you that England should at once pay every penny the United States claims she owes, but England should be allowed, before a final settlement is made, to deduct 50 percent of the cost of all the shot and shell she fired at the Germans from the time America declared war in the spring of 1917 until she actually put troops in the front lines a year later." I asked Mr. Churchill how much he estimated that deduction would amount to and he said: "About $4,900,000,000." I answered by saying: "If the war debt were settled on that basis the United States would almost owe England money." Churchill replied that the United States did owe England money, because if the debt settlement was a fair one then England should be allowed to deduct from the war debt interest from the time she expended the money until there was a final settlement. I expressed my astonishment to the defendant, Winston Churchill, at his attitude, because, I said: "In my opinion such a settlement would not be very fair to the United States in view of the fact that if we hadn't entered the war England would have lost the war, the British Empire would have been broken up and today (meaning at that time) England would probably be ruled from Berlin." Mr. Churchill did not agree with me. He said that he was very enthusiaastic about our declaration

of war in 1917, that there was no one in England happier over our decision to enter the war on the side of England than he was, but he could see now it was all a mistake for us to enter the World War, because, he said: "If you hadn't entered the World War we would have made peace with Germany early in 1917. Had we made peace then there would have been no collapse in Russia followed by communism, no break-down in Italy followed by fascism, and Germany would not have signed the Versailles Treaty, which has enthroned nazi-ism in Germany. In other words," Mr. Churchill said, "If America had stayed out of the war all of these 'isms' wouldn't today be sweeping the Continent of Europe and breaking down parliamentary government, and if England had made peace early in 1917, it would have saved over 1,000,000 British, French, American, and other lives." The defendant, Winston Churchill, said that he could understand it if Woodrow Wilson had put us in the war in 1915, at the time the Lusitania was sunk, but that when Wilson failed to put us in in 1915, when, in his (Churchill's) opinion, we had such a good excuse for going in, he could never understand why he put us in in 1917.

6. Mr. Churchill talked about other topics dealing with the war, and I interposed the statement: "I think the United States has learned its lesson and when the next war starts in Europe we will stay at home and mind our own business." Mr. Churchill continued talking and stated: "Well, the situation will be different when the next war starts in Europe. You may want to stay out of it, but the long arm of world events will reach right around the American Continent and the United States will be dragged in and you will find yourselves fighting shoulder to shoulder with us in defense of our common democratic institutions."

7. Before I left Mr. Churchill he asked me if I thought that his views on American participation in the World War and on war debts and whether we would go into the next war and various other questions would be interesting to the American people. I told him I felt sure that they would. He told me he would be glad to write a signed article for the New York Enquirer containing all of the above statements he had made to me that day during our conference for $500, but he would want me to buy the article as 1 of a series of 10, and said his price would be $500 an article. I told him that I couldn't see my way clear to buy 10 articles, but I would be glad to buy that 1 article from him. Mr. Churchill was not willing to agree to sell 1 article.

8. After that I left him. In all, I had been with Mr. Churchill at least 1 hour in his apartment in London.

9. Within an hour or two after leaving Mr. Churchill I was interviewed by representatives of American news services in London and they asked me about my talk with Mr. Churchill. I went into details and told them substantially everything Mr. Churchill had told me.

10. On August 12, 1936, the New York Journal-American published a story reporting that I had had a conference with the defendant, Winston Churchill, at his London home. Subsequent thereto the subject of my interview, and the fact that I had a conference with Mr. Churchill in his London home, was published in a large number of newspapers in the State of New York and in the United States. Subsequent thereto I was subpenaed by the United States Senate and testified in Washington, D. C., before the Naval Affairs Committee of that body, and the testimony I gave included the subject matter of the conference with the defendant, Winston Churchill, all of which is a matter of record. On that committee was United States Senator DAVID I. WALSH, who was chairman. Among the United States Senators present were Senator DAVID I. WALSH, Senator GILLETTE, Senator BONE, and Senator HOLT. After the meeting of the Naval Affairs Committee of the United States Senate, excerpts from my testimony before that committee dealing with my conference with Mr. Churchill were published in the leading newspapers of the United States, including the New York Journal-American and the New York Sun.

11. In the fall of 1938, Mr. Churchill talked over the radio to the people of the United States on a Nation-wide hook-up and pleaded with the United States to join forces with England to save democracy in Europe. The subject matter of my conference with Mr. Churchill, in which he stated that it was a mistake for the United States to have entered the World War at the time the United States did enter the war, were again published in newspapers throughout the United States.

12. In spite of the fact that numerous articles had been printed in the press of the United States and, I believe, in the English press since August 1936, no denial was ever made by Mr. Churchill of the statements that I ascribed to him or the fact that I had such a conference with him.

13. I am advised and verily believe that on or about the 26th of August 1939 the defendant made a statement to a representative of the Evening Bulletin, a newspaper published in the city of Philadelphia, which statement was republished in the New York Times of August 27, 1939, referring to me and to the aforesaid conference had with me, as follows: "It is an absolute untruth. It is a vicious lie. You have my authorization to deny it in the strongest terms. I never heard of Mr. Griffin."

14. Mr. Churchill has now seen fit to endeavor to destroy my reputation for truth and veracity because at the time he made the above statements to me he was trying to justify England's failure to pay its immense war debt to the United States. He wished to spill the blood of millions of Americans on the battlefields of Europe and to sacrifice not only millions of American lives in defense of the British Empire, but to have America finance the then threatened war. Peace-loving people throughout the world, during the past few years, have recognized that if another war started in Europe, two men, Adolf Hitler, the brutal dictator of the Third Reich, and Winston Churchill, who has been crying for war, would be the men best satisfied by such a happening.

15. The statement made by the defendant that he "never heard of Mr. Griffin" was made deliberately and for the purpose of injuring me. Mr. Churchill is one of the leading members of the Conservative Party of England which has opposed England's living up to the Balfour declaration, under which Palestine was to be made a Jewish homeland, a project which I have long and vigorously championed.

16. Mr. Churchill has been zealous in his denunciation of nazi-ism in Germany insofar as it applies to Hitler's acquiring more territory for Germany. I cannot recall his ever having denounced the denial of civil and religious liberty in Germany.

17. When I had my conference with Mr. Churchill, he knew that I was not only the editor and publisher of the New York Enquirer, but also the American member of the United States-Polish Arbitration Commission, to which high office I was appointed by my friend, Hon. Franklin D. Roosevelt, President of the United States, to succeed the late George W. Wickersham, former Attorney General of the United States, and which post I still hold.

18. This defendant, Winston Churchill, as well as representatives of all other European governments, including those of Germany and France and every other nation indebted to the United States, knows full well that there is a joint resolution before the Congress of the United States proposing that I be named as a special ambassador to go to Europe and collect the war debts due the United States from European powers. I believe the purpose of the defendant, Winston Churchill, in denying his acquaintance with me, was to clear the way for the Government of Great Britain to solicit the aid of the United States, either financially or otherwise, in the then threatening war, a war which has since broken out.

19. That I am entitled to recover the amount claimed in my complaint over and above all counterclaims known to me.

20. That the above-entitled action is about to be commenced for the above stated cause and the annexed summons and complaint herein have been issued and a warrant of attachment is sought to accompany the same.

21. That the property of the defendant available for attachment in this State, I am advised and verily believe, does not exceed $20,000.

22. No previous application for a warrant of attachment of the defendant's property herein has been made to this or any other court or judge.

Wherefore, I respectfully submit that a warrant of attachment issue requiring the sheriff of New York County to attach property of the defendant not to exceed $20,000 in value.

WILLIAM GRIFFIN.

Sworn to before me this 8th day of September 1939.

ROBERT A. SIEBERT,
Notary Public, Bronx County.

Commission expires March 30, 1940.

Mr. FRAZIER. I also have a photostatic copy of the telegram Mr. Griffin received from Winston Churchill, dated August 4, 1936, addressed to "William Griffin, Savoy Hotel." That was while he was in London. The telegram says:

Could you come to see me at 5 ock. at 11 Morpeth Mansions Westminster on Wednesday.

WINSTON CHURCHILL.

I ask that the telegram be printed in the RECORD.

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

WILLIAM GRIFFIN,
Savoy Hotel, WC 2:

Could you come to see me at 5 ock. at 11 Morpeth Mansions Westminster on Wednesday.

WINSTON CHURCHILL.

Mr. FRAZIER. Mr. President, I also submit for the RECORD excerpts from an article by Carl W. McArdle, published in the Philadelphia Evening Bulletin of August 26, 1939, in which he quotes Mr. Churchill. I wish to read a paragraph or two from Mr. McArdle's article.

Churchill decried "lies" that are coming out of Germany, and made this vigorous assertion, reminiscent of his familiar fighting spirit:

"Germany is putting out a lot of lies, but they're going to get more than lies before we're through with them this time."

That quotation is from Mr. McArdle's article published in the Philadelphia Evening Bulletin just before the war started.

When McArdle asked Mr. Churchill about Griffin's statement, this is what Churchill said with respect to the alleged interview.

Churchill's denial was as sharp as it was complete:

"It is an absolute untruth, it is a vicious lie—you have my authorization to deny it in the strongest terms.

"I don't remember ever talking with a Mr. Griffin. I don't know him. In fact, I never heard of Mr. Griffin.

"Attributing such an assertion to me is preposterous, ridiculous."

I have asked to have printed in the RECORD a photostatic copy of the telegram from Mr. Churchill to Mr. Griffin. I conclude that it is just another case of one of these great men forgetting an interview he gave out, and repudiating it afterward. As I said before, I have every confidence in Mr. Griffin.

I ask to have the excerpts from Mr. McArdle's article printed in the RECORD at this point.

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

[From the Philadelphia Evening Bulletin of August 26, 1939]

(Article by Carl W. McArdle)

CHURCHILL DECRIES "LIES"

Churchill decried "lies" that are coming out of Germany, and made this vigorous assertion, reminiscent of his familiar fighting spirit:

"Germany is putting out a lot of lies, but they're going to get more than lies before we're through with them this time."

It has been reported that Churchill would be taken into the Cabinet if England goes to war. He was asked about this.

"How do I know?" he asked with a knowing inflection to his voice.

Churchill said that he hoped "America would come along on that neutrality legislation" in the event the crisis becomes worse.

At one point, the telephonic connection was broken, but in a short time Churchill was back on the line.

The question was then repeated about possible appeasement, and he said: "Unless there's something that I don't know about, the situation, as I have said, is very grave."

CLOSE TO GOVERNMENT

Churchill is regarded by many as the outstanding member of the House of Commons not in a government position. It is thought he would be close to affairs in Whitehall, especially in view of the possibility of his entering the Cabinet.

Churchill was Minister of Munitions in 1917, and was Chancellor of the Exchequer from 1924 to 1929.

He was informed of a broadcast to the United States by short wave from Germany last night for which a purported interview with him formed part of the basis.

This interview was supposed to have been between Churchill and William Griffin, publisher of the New York Enquirer.

The broadcast said that Churchill had told Griffin that it was "a horrible mistake" for America to come into the World War, that America should have stayed home and minded its own business, and that if America hadn't participated in the war England could have made peace with Germany in 1917, saving over a million British and French lives.

DENIES INTERVIEW

Churchill's denial was as sharp as it was complete.

"It is an absolute untruth; it is a vicious lie; you have my authorization to deny it in the strongest terms.

"I don't remember ever talking with a Mr. Griffin. I don't know him. In fact, I never heard of Mr. Griffin.

"Attributing such an assertion to me is preposterous, ridiculous."

Mr. FRAZIER. Mr. Griffin has brought suit against Mr. Churchill for slander, as I understand, in the courts of New York State.

Mr. REYNOLDS. Mr. President, in connection with the remarks of the able Senator from North Dakota, I desire to state that last spring I spoke upon the subject of war debts owed us by Great Britain and France and other European powers and long past due. Prior to that time I had talked at considerable length with Mr. Griffin. He is the editor and publisher of the New York Enquirer. I have known Mr. Griffin for a number of years, and I assure the Members of this body that they can depend implicitly upon any statement he might make. According to my recollection, the statements I made on the floor of the Senate as having been made by Mr. Griffin, were previously made by Mr. Griffin before one of our congressional committees.

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

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. There has been a great deal of intimate attention paid to those sections of the pending measure dealing with shipping and their repercussions upon the shipping industry of the country, but there has been practically no discussion of the repercussions upon the fiscal system of the country. Before the debate concludes I respectfully submit that there is this other question involved, to which those who are responsible for the legislation should constructively turn their attention. I am thinking of the fact that if we put our trade with belligerents upon a cash-and-carry basis we immediately invite two dangerous repercussions upon our own financial system. First, the dumping of vast quantities of foreign-owned securities for the purpose of creating the cash with which to buy the commodities that are to be carried, and, secondly, and still more important, the ultimate influx into the United States of all the remaining gold in the world, for the same purpose of creating the cash and the credit from which the commodities may be purchased under cash and carry.

I respectfully submit that if we invite a further inflow of gold to an extent that we finally wholly monopolize the world's gold, as we already dangerously come close to doing, we shall have then created the situation wherein there is little or no ultimate hope of remonetizing gold for the purpose of international exchange, and we may find ourselves possessing sixteen, seventeen, eighteen, nineteen, or twenty billion dollars worth of gold, ultimately buried in Kentucky, which is so ably represented by the Senator who now occupies the chair. I suggest that this creates a situation which requires just as earnest and intimate and constructive study by way of creating essential controls as does the shipping problem.

Under date of October 17 I addressed a letter to the Secretary of the Treasury upon the subject. The Secretary has not as yet responded. I shall read my letter to the Secretary into the RECORD, because I wish to express the earnest hope that he may find it possible to reply before this debate is concluded. I wrote the Secretary, as follows:

MY DEAR MR. SECRETARY: I should like to inquire—if I am entitled to the information—whether the stabilization fund is now being used in connection with the stabilization of the British pound and the French franc; and whether there is any stabilization agreement under which we continue to operate in conjunction with England and France or any other foreign countries?

That, however, is incidental to the main inquiry, which is presented as follows. I now continue to read from my letter to the Secretary:

I should also appreciate your viewpoint on another phase of this problem. I assume that you are continuing to purchase at $35 an ounce all foreign gold that is offered. In view of depreciated foreign currencies, is not this equivalent to paying considerably more than $35 an ounce so far as the foreign seller is concerned? If we put our foreign trade with belligerents on a strict cash-and-carry basis, will it not be likely to substantially increase this inflow of foreign gold—perhaps to so dangerous an extent that we finally shall practically monopolize the world's gold supply? Would this not seriously threaten the world's subsequent return to the use of monetary gold—and thus relatively threaten the ultimate value of our own enormous gold hoard? Should not the purchase of foreign gold be curtailed and repriced, at least for the period of the war?

Mr. President, I am raising the general question whether or not, in connection with the cash-and-carry provision, it may be advisable to attempt to create certain collateral fiscal controls, perhaps by way of a formal exchange control; and whether or not it may ultimately become necessary—perhaps it is necessary even now—by way of precaution to deal with the question of the further purchase of foreign gold.

I thank the Senator from North Carolina [Mr. REYNOLDS] for yielding.

Mr. REYNOLDS. Mr. President, initially I desire to thank the able Senator from Michigan, because he has very properly brought to the attention of the Members of this body a most important subject.

My recollection is that today the United States is the possessor of about seven-tenths of all the gold in the world. I know that the able junior Senator from Kentucky [Mr. CHANDLER], who at this moment occupies the chair, does not object to the fact that all of the gold belonging to the United States of America is buried down in his State; and so long as that gold is buried in the State of the able junior Senator from Kentucky I shall have no fear of its being lost.

However, I think we should give very deep and serious consideration to the purchase of any more gold from any quarter of the world as long as the present war lasts. I think some consideration should be given to the price to be paid for that gold, for if the present war in Europe continues we may awaken some morning to find ourselves the possessors of all the gold in the world. If that were to come about, the real

value of gold, insofar as its use as a medium of exchange is concerned, would be considerably lessened.

Mr. President, I desire to begin my remarks at this time by repeating a war prayer:

A WAR PRAYER

O Lord our God, help us to tear their soldiers to bloody shreds with our shells; help us to cover their smiling fields with the pale forms of their patriot dead; help us to drown the thunder of the guns with the cries of the wounded, writhing in pain; help us to lay waste their humble homes with hurricane of fire; help us to wring the hearts of their unoffending widows with unavailing grief; help us to turn them out roofless, with their little children to wander unfriended through wastes of their desolated lands in rags and hunger and thirst, sport of the sun flames of summer and the icy winds of winter, broken in spirit, worn with travail, imploring Thee for the refuge of the grave and denied it—for our sakes, who adore Thee, Lord, blast their hopes, blight their lives, protract their bitter pilgrimage, make heavy their steps, water their way with their tears, stain the white snow with blood of their wounded feet! We ask of One who is the spirit of love and who is the ever-faithful refuge and friend of all that are sore beset and seek His aid with humble and contrite hearts. Grant our prayer, O Lord, and Thine shall be the praise and honor and glory now and ever. Amen.

Mr. President, the prayer I have just repeated was written by Mark Twain, who said of it:

I have told the whole truth in that, and only dead men can tell the whole truth in this world. It can be published after I am dead.

And it was.

This prayer of Mark Twain was brought to the attention of the American public recently, on October 11, 1939, by Mr. Louis F. Dilger, who made that contribution to the columns of the Washington Star, published on October 16, 1939. Mr. Dilger wrote to the editor of the Star as follows:

Your correspondent, Mr. Edmund K. Goldsborough, is to be praised on recalling at this critical time Mark Twain's Concept of War as being applicable today. It is certain that Mark Twain was a type of American that we hold affectionately in our hearts. No one with any intelligence would be bold enough to ignore what this great American philosopher had to say about this war business. His War Prayer is no less a great contribution in the cause of truth, and for your information I submit herewith the text in full.

He concluded his statement to the editor of the Star by saying—a statement that many will verify—

During the last great war such prayers could be heard from almost any pulpit in Europe.

Christian people upon the face of this earth praying for the destruction of innocent women, defenseless children, and decrepit old men, noncombatants all. Such is war.

Mr. President, 1 month ago today this extraordinary session of Congress convened for the purpose of considering a subject which to my mind is more vital and far-reaching in its proposals, and more serious to me, to my constituents, and to the American people, than any other subject I have ever been called upon to consider and finally to cast a vote upon. I recognize that the mother of every American son from 18 years of age upward is today looking to the Members of the Congress of the United States to enact such laws as will keep the United States out of war.

For a solid month I have listened day after day to the brilliant arguments made on both sides of this controversial issue; and when at times it has been impossible for me to be on the floor of the Senate and to hear some of the arguments that I should like to have heard, my evenings have been consumed in reading the printed remarks of Senators whom I did not hear. I have been absorbed in this most momentous issue because I recognize that our acts may or may not lead us into another world conflict which would perhaps take the lives of millions of American sons, and place upon the shoulders of our already overburdened taxpayers additional billions of dollars of debt. I realize that if we become involved in another World War we shall be called upon to pay, and pay, and pay, this payment to be made with the blood of our sons, the tears of our mothers, and the dollars of our taxpayers.

I recognize that it is our duty, as I shall hereinafter state with emphasis, to endeavor to enact such laws as will strengthen the position of the United States. By that I mean, insofar as I personally am concerned as a representative in the United States Senate, I am desirous only of that sort of neutrality which will be of benefit to the people of the United States, regardless where the chips may fall, and regardless whom it may hurt or whom it may help. I want only to bring about the enactment of a law or laws that will be of benefit only and primarily, firstly and lastly, to our own beloved America. I am interested only in the safety of the United States.

After listening for hours, as I have stated, and after having given every argument full and complete consideration, I have finally arrived at a conclusion in my own heart as to where I stand upon these issues, and I pray to God, the Almighty above, that my conclusions, which are dictated by my conscience, may prove to be right insofar as it is my desire to aid in keeping the United States of America out of war.

Mr. President, during recent weeks millions of words have poured forth on the pros and cons of our neutrality legislation. Will more words serve any useful purpose? My justification for infringing now on the time of the Senate is that it is of vital importance to stop and take inventory of the real meaning of contradictory statements before we pass final judgment.

With equal vigor, it has been asserted that the proposed legislation is and is not the road to war; that it does and does not violate international law; that it is neutral and unneutral; that our own interest require that we send and do not send munitions to certain belligerents. The effects of our actions on our own democracy, on world democracy, on civilization itself, on our economic welfare, on our foreign trade, on our merchant marine, and on our very liberties have been presented by equally eminent authorities whose views are diametrically opposed.

Mr. President, I have frankly been milling around in my mind to determine just what feature of this all-important subject I should discuss. I have been endeavoring to ascertain for myself the angle from which I should approach it. It has been extremely difficult for the reason that other Senators have discussed fully practically every single phase of the proposition to be decided upon. Fortunately for me, however, last night, about 9 o'clock, I secured a copy of today's Times-Herald newspaper, and therein I read one editorial and one article, both of which have provided me with the ideas and suggestions which I sought for my own mind. The editorial to which I have referred is entitled "What Are Allies' War Aims?"

The other is an article pertaining to an affidavit filed yesterday and appearing for the first time in this morning's newspaper, pertaining to the sinking of the *Athenia*.

In the course of my address I shall be pleased to bring in full to the attention of the Members of this body the editorial and the article both of which, in my opinion, bear very importantly upon certain phases of the subject we have before us. I may add that I am indebted to the publishers of the Herald-Times for having brought to my attention the editorial and article; and immediately after reading them I set about to prepare the statement which I am privileged to make here today in which I trust I may be able to outline very definitely where I stand upon this all-important question.

Mr. President, John Smith—the average citizen—must by this time be in a perfect fog. If he does not soon receive some clarification in language he can understand, I am afraid he will soon be on his way to the insane asylum from a mental breakdown caused by frantic attempts to discover the real truth from the raging flood of conflicting statements. The propaganda, censorship, half-truths, rumors, and gratuitous assumptions which have hampered accurate reporting of world events, have made the fog almost impenetrable.

I, myself, am just another John Smith, with no claim to any special knowledge of the subject before the Senate. But, as I have said, I have listened to and read carefully most of the debates and have attempted to make, for my own use, a resulting summary of the facts and truths. Possibly this summary made by one John Smith may be useful to millions of other John Smiths who are also seeking the light at this hour

on the eve of our casting our votes on amendments to the pending joint resolution and on the joint resolution itself.

I have approached the consideration of this question not pro anything, except pro-America—which is not only the right but the obligation of every Member of this body. I have made a sincere and conscientious attempt to ascertain wherein lies the true interest of these United States of ours. I do not intend to indulge in any "pussyfooting," of which we have already probably had too much. My remarks are not intended in any way to reflect on the knowledge, integrity, or motives of any of my distinguished colleagues. The sole purpose of each one of us is to present the truth, as we see it, in the best interests of this great Nation which we are all supposed to represent first, last, and always. We know that this is the Congress of the United States—not the congress of the world or of any foreign group in the world—and therefore, our solemn obligation is to act in the interest of these United States, whether or not our actions help or hurt any foreign country on the face of the earth. We are to act solely in the interest of the people of the United States of America. If our action, designed primarily, to help these United States secondarily helps nations that we would like to help, so much the better. But if in order to help others we have to hurt ourselves, I say America first, last, and always, if I may be pardoned the repetition.

In accordance with the general understanding that has controlled these debates, I respectfully ask that there be no interruptions while I deliver my remarks prepared last night and this morning, as I said a moment ago. This is particularly necessary since my statement—at least I hope so—is in the nature of a consecutive summary. I have no objection to being asked any and all questions afterward, and shall attempt to answer them to the best of my limited ability.

Mr. President, Congress at this moment is in special session, or, as some are pleased to call it, extraordinary session, solely because a war broke out in Europe. The call for the special session was hastened, in fact, as a result of the sinking of the British steamer *Athenia*, with loss of American lives.

I stated a moment ago that I decided to mention this matter because the sinking of the *Athenia* has been recalled to my mind by an article which appeared in the Washington Times-Herald of today, October 21, 1939. It is headed: "Nazis Cite United States 'Proof' British Sank *Athenia*."

SURVIVOR IS QUOTED SAYING ENGLISH SUB FIRED TORPEDO

I should like to have the article published in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, it is so ordered.

The article is as follows:

NAZIS CITE UNITED STATES "PROOF" BRITISH SANK "ATHENIA"—SURVIVOR IS QUOTED SAYING ENGLISH SUB FIRED TORPEDO

(By Dana Schmidt)

BERLIN, Saturday, October 21.—An official Nazi account published by newspapers today under headlines "*Athenia* crime proved!" said that an American survivor, Gustav A. Anderson, had established that the British liner was sunk on September 3 at "the command" of Winston Churchill, First Lord of the British Admiralty.

The Germans stubbornly have denied the British charge that a Nazi submarine torpedoed and sank the *Athenia* on the first day of the war and have said that Britain ordered the vessel destroyed in order to arouse American anger against Germany, because many American refugees from the European war zones were aboard.

SAID LINER CARRIED GUNS

Anderson, a travel-bureau operator of Evanston, Ill., who was on the *Athenia*, was revealed last Tuesday to have filed an affidavit with the State Department in Washington stating that the liner carried guns, although none actually was mounted.

(Anderson quoted officers of the *Athenia* as telling him that the guns were to be used for coastal defenses at Halifax and Quebec.)

On the basis of its interpretation of Anderson's statements, the official German news agency D. N. B. said that "responsibility for the sinking of the steamer and the deaths of hundreds of people rests solely with Winston Churchill."

Mr. REYNOLDS. Mr. President, I think the sinking of the *Athenia* has a very important bearing upon the whole situation now existing in continental Europe. I think it likewise has an important bearing upon a part and portion of Asia, and may eventually affect Asia Minor; and that statement I shall attempt to prove.

Mr. President, if Americans are to adopt wise policies, they must eternally safeguard themselves against jumping to conclusions based on unsubstantiated reports or rumors, such as the article which I have just inserted in the RECORD. They might remember the proven adage that the first casualty in war is truth. War facts frequently are not learned until long after the event; but in the meanwhile rumors, if repeated often enough, may be accepted in lieu of facts, as you know, Mr. President.

The case of the *Athenia*, which obviously had something to do with convoking this special session, may throw light on this particular point. It is a fact that the *Athenia* was sunk. The British Government immediately claimed, and most Americans accepted the claim, that it was sunk by a German submarine; and most of the American people now believe that. The German Government promptly denied that they had anything to do at all with sinking the *Athenia*, and intimated that it was sunk by either a British mine or a British submarine. As American lives were lost, as you will recall, our Government has been investigating for a month and a half to find out who was responsible for the sinking. So far as we yet know, our Government, after checking numerous affidavits, has not yet reached any definite conclusion as to who was responsible.

The article I have just referred to mentions one of the affidavits which I assume were filed yesterday with the State Department. In spite of the fact that our own Government, with unusual facilities, has not yet been able to reach any conclusion—and it has not—a large percentage of our citizens probably accept as a certainty the theory that a German submarine was responsible.

In a mystery like this, a competent investigator naturally looks to see who would have a motive and who would profit by the sinking of a ship like the *Athenia*. Our people as a whole have considered only two possibilities—Great Britain or Germany—because they are the ones that are now having some difficulties over there. Most people have promptly rejected the first as too fantastic for consideration, and therefore have adopted the second. Competent observers—and I may classify in that category representatives of our State Department who are now daily investigating the matter—feel that Germany had neither a good motive nor any prospects of profit but rather prospects of some very serious damage caused by sinking this ship with Americans aboard. At the best, it could only further inflame the world, and particularly America, against Germany, with no appreciable profits from the sinking. Many intelligent observers feel that it would be the height of stupidity for the German Government deliberately to sink that vessel under the surrounding circumstances. A few say that the German Government was exactly that stupid, and doubtless did so. More are inclined to think the sinking was the result of the stupid or hasty action of an individual submarine commander. Everybody agrees that it hurt, rather than helped, Germany.

And now for Great Britain: Great Britain possibly could have had a motive and immense profit from the sinking of this vessel, the principal profit being to infuriate the American people to the point where they would give direct or indirect assistance to Great Britain and France against Germany, probably through immediate revision of our neutrality laws to favor the Allies. Most observers agree that the sinking of the *Athenia* was highly profitable to Great Britain. As a matter of fact, we all know that the sinking of the *Athenia* was highly profitable to Great Britain so far as it aided in infuriating and inflaming the American people, and concentrating the hatred of the American people upon Hitler and Germany.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. REYNOLDS. If the Senator will pardon me, I should not like to yield just now. If the Senator will be good enough to bear with me until I finish, I shall then be very happy to yield to him. If the Senator from Missouri or any other Senator will kindly make notes concerning anything I may say and question me later, I shall be more than happy to respond to the best of my limited ability.

Mr. CLARK of Missouri. Certainly.

Mr. REYNOLDS. On the other hand, few persons would even suspect that the British Government would be guilty of such a dastardly act, in spite of the profit that might accrue to them, and I am one of them. I cannot believe that the British would be so dastardly, so unscrupulous, so without heart as to bring about the loss not only of American lives but of the lives of persons of other nationalities. It is practically unthinkable that the British were responsible for sinking that vessel. But it is difficult to believe that the Germans sank it when it would cause such great damage to the German nation. The casual thinker lets the matter drop there, completely discarding the British and accepting the other alternative in spite of its difficulties.

More careful thinkers, including some responsible officials, have not been content to let the matter drop there. They have been looking around for other and more plausible possibilities and, fantastic as it may seem, the finger of guilt points to Soviet Russia more clearly than to any other nation. But one's immediate reaction to this might be, "Completely absurd. How could, and why should, Soviet Russia do this?"

Fantastic though it may seem, it is certainly less fantastic than some of the other startling surprises of the past several months which are already proved beyond any question. While at this moment most Americans believe that Germany sank the *Athenia*, there has not been published a shred of concrete evidence to prove it. As a matter of fact, there is yet no concrete evidence to prove that any particular nation was responsible. But, in the absence of concrete evidence, if we try this case on the evidence before us, there is a much stronger circumstantial case against Russia than against any other nation.

Any man who has engaged in the practice of criminal law will unhesitatingly state that in many instances circumstantial evidence is a thousand times stronger than the evidence which falls from the lips of witnesses, because circumstances do not lie: witnesses sometimes, and frequently, do.

Mr. President, I would not mention this matter except that a number of competent authorities in Washington and elsewhere are giving it serious consideration at this time. From the angle of motive and profit, which usually controls such cases, the circumstantial evidence against Russia is strong, extremely strong. Let us examine the record of circumstantial evidence for a moment.

War, like politics, makes strange bedfellows. Your friend of today is your enemy of tomorrow. Your enemy of yesterday is your friend of today. A greater truth was never uttered. War makes strange bedfellows, as well as politics does.

Several months ago everyone admitted that Germany and Russia were natural enemies. We all knew it. This was a cardinal premise of both Hitler and Stalin, because it was said of Germany, as it was said of Italy, that the Soviets were stopped. The German people, interested in the preservation of their government, rose and created a strong form of government for the purpose of stopping the Communists, as happened in Italy, where, as will be recalled, prior to the march of Mussolini from the north to the south in October of 1922, the blood of innocent Italians ran like streams upon the streets of Florence, Turin, Rome, and half a dozen other cities, when people were murdered by the Communists in Italy as they were murdered by the Communists in Germany when the Germans were endeavoring to save themselves, and when the Italians were endeavoring to beat off bolshevism or communism. The temporary urgencies of war, however, threw Hitler and Stalin together, not unlike the way in which temporary emergencies sometimes throw former enemies and friends together in political situations. While the enmity between Stalin and Hitler is still existent, it is thinly veiled.

Ultimate Russian interests conflict as much now with German interests as they did before this strange alliance. Another traditional enemy of Russia for a long time has been Great Britain—this enmity has never ceased to exist. The basic thesis of Moscow has not changed during the past 20 years, although at times it has been temporarily covered up—the goal is class war, and class war has its golden opportunity when capitalist nations indulge in a life-and-death struggle with each other.

Let us remember that the two principal enemies of Russia are Germany and Great Britain. What could be sweeter than to help shove them into a life-and-death struggle from which Russia could pick up the profits with little or no cost to herself?

The Soviets have stated repeatedly that any agreements or alliances they have made with any of the so-called bourgeois nations are mere scraps of paper as far as they are concerned.

I state without question that Russia would not hesitate a second to tear up alliances or treaties whenever she found it to her interest to do so. She would not hesitate any more than would Hitler himself, who cannot be trusted, and whom the world would not believe on oath.

Russia could not afford to risk a war with Germany alone or with Great Britain alone or with a combination of them. Some of us may think that the "great brown bear" lumbering along is great only in strength, in sinew, and muscle. The "great brown bear" may look like a real bear—may seem as large as the great brown bear of our Kodiak Islands of the great Alaskan Territory. But that "great brown bear" which looks like a bear will be found, if one makes a close examination and analyzes him carefully, to be the slyest, slickest, most treacherous fox in the world.

It would be very costly for Russia to grab what she wants from either Germany or Great Britain, if they were not simultaneously engaged in war with some other big nation. The ideal combination for Russia was to have Great Britain and Germany fighting one another. By remaining neutral she could not only play one against the other, but also render both of them powerless to impede Russia from carrying out certain of her designs inimical to either or both. For Russia to get half of Poland and substantial control over Estonia, Lithuania, and Latvia, it was essential that Germany be busily occupied with a major opponent in the West. To enable her to creep down toward Persia, now Iran, and, through Afghanistan eastward to India, it was essential that the British be completely occupied in Europe. That is the way Russia works.

According to my recollection, shortly after the World War, when the entire world was upset and weakened, and in a chaotic condition, there was a country then known as Armenia, and my recollection is that Russia walked in and, without any difficulty, absorbed Armenia. We all know that Russia for many years has had her eyes on a portion of northern India, and practically the only practicable way which she can get it is through a portion of Turkey, more reasonably through Beyrouth, the capital of Syria, and across the desert, which is only a day's ride in an automobile, to old Baghdad, and from there to the capital of Persia, which is only 2 days by automobile, to Kabul, in Afghanistan, 3 days from there by automobile to the border of India, just north of Karachi, one of India's greatest ports.

Mr. President, the British must be encouraged, Russia said, to wage a relentless fight against Germany. If they became too cautious and were prone to reach some sort of a compromise and thus end the war, it was necessary to stiffen their backbone by encouraging America to come in on the British side. I hope I have made myself plain.

The sinking of the *Athenia* was of the greatest advantage to the Russians to achieve their ultimate purposes. If they sank the *Athenia*, they must have chuckled with glee when they figured the entire world would blame it on their German ally and not on the Russians.

Up to date how have the developments worked out for Russia? The sinking of the *Athenia* unquestionably stiffened the British determination to fight Hitler to the end. It created considerable American opinion toward helping Britain and hurting Germany. While warfare on land has not actually started as yet on a major scale, the sinking of the *Athenia* has lessened considerably the chances for a

compromise between Britain and Germany, and has increased the chances that America will help Britain, as we have learned if we have listened to the debates which have occurred since the 21st of September, when the extraordinary session of Congress convened. Already Soviet Russia has picked off the profits with practically no cost; she has assumed control of half of Poland without fighting; she has assumed protectorates over Estonia, Lithuania, and Latvia without fighting, and without even the British and French admitting that Russia today has been anything except a complete neutral. Is that not odd? The Soviets are creeping down on Persia and India. Hitler is now in the tightest spot in his entire existence, and, no matter what may happen, it is doubtful if he can effectively deprive Russia of any of her recent ill-gotten gains.

Mr. President, I repeat that Hitler is in the tightest spot that he has ever been in or will ever be in, because this is the end of Hitler. When he stepped into the automobile for that ride on that dark night with Stalin, the arch conspirator of the world, many wondered who would get out, or if both would. I felt that when Hitler was invited to take that ride with the gunman and gangster, Stalin, and the gunman and gangster who would never step out of the car was Hitler himself, and events have proved that to be a fact. Why? Because when the Bolsheviks, the Communists of the Soviets, closed in on Poland, and drew that line from north to south, and placed themselves in a position to get back the land which they once owned in Rumania, that stopped forever the progress of Hitler farther eastward. Then there is that iron ring, which he welded around his own neck in the form of the Siegfried line, which is augmented by the Maginot line constructed by the French.

So we in America need have no fear of Hitler or any of his ilk approaching the shores of America, cherishing the spirit of conquest, because Hitler is in prison. Hitler, in all probability, will never emerge from the territory surrounding him. He there is just as safely and securely confined as was that "Hitler" who met his defeat on June 18, 1815, at Waterloo; I refer to Napoleon Bonaparte, who was the Hitler of that century, who was incarcerated upon the Island of St. Helena, 1,200 miles from the shores of Africa. According to the opinion of many who know more about the situation than I do, and upon whose judgment we may depend, since they are authorities, we need have no fear that Hitler will not stay in prison.

Mr. President, who profited from the sinking of the *Athenia?* There seems to be an obvious answer—Soviet Russia. Until it is proved by concrete evidence that Germany sank the vessel, the circumstantial evidence points to Russia and not to Germany.

Furthermore, careful note should be given the exact wording of the recent German warning to the United States about the intended sinking of the *Iroquois*. It should be noted, also, that the warning did not specify any country, but indicated that an attempt would be made to sink the *Iroquois* under the same circumstances that accompanied the sinking of the *Athenia*. The Senate will recall that incident. I remember it very well. I happened to hear on the radio the annoucement from Presidential headquarters to the effect that the *Iroquois* was going to be sunk. That information had been furnished the Government of the United States by the German Admiralty. Through Germany's secret police, no doubt, she had learned that an attempt would be made to sink the *Iroquois*, and wanted to be sure that the sinking of the *Iroquois* and the destruction of American lives would not be laid to Germany. Therefore, the Germans revealed to the American Government that a deep-laid plot to sink the *Iroquois* had been made, and we evidently believed what the Germans said; otherwise vessels of the American Navy would not have convoyed that steamship to the shores of the United States, as we read in the newspapers a few days ago was done.

It should also be noted that Germany did not specify any country, as I have stated, but indicated only that an attempt would be made to sink the Iroquois. It is indeed by no means outside the realm of probability that Germany meant Russia, but obviously could not say so because presumably Russia is now an ally of Germany. But what an ally. An ally that would stick a grandmother in the back with a knife without batting an eye. The mutual trust between the two is about on a par with that which existed between Dillinger and the United States Government.

Do my previous remarks sound completely fantastic to Senators? I suggest they think them over a bit and perhaps they will not look so fantastic. I assure the Senate that these ideas have been given careful consideration by responsible officials. I pointed them out primarily for the purpose of illustrating how dangerous it is to jump to conclusions when concrete evidence is lacking. Who sank the *Athenia*? Frankly, I do not know, and admit that I do not know. But I think it is unwise for other persons to jump to the conclusion that Germany sank it when such evidence as exists points more clearly to Soviet Russia than to Germany. Certainly no one can assume beyond peradventure that Germany was the culprit.

This morning I dictated some notations for my prepared remarks from the article I inserted in the RECORD a moment ago in regard to the sinking of the *Athenia*, on the question whether or not the ship was armed. However, I have eliminated those portions, as they do not really affect the point I am endeavoring to make.

Mr. President, I should not have taken so much time on the sinking of the *Athenia*, except that it is obvious that the sinking of that ship had much to do with calling this extraordinary session and the urge for quick revision of our neutrality law. Much of our thinking in connection with the revision of the neutrality act has been based on the assumption that the war aims of the belligerents are definite and clear. As a matter of fact, no one at this moment can definitely say what the war aims of either side are, or what either side intends to do when and if it wins the conflict.

Is that true? Let us see. Let me repeat that statement, because, in my humble opinion, it has a bearing on the matter we are considering.

Much of our thinking in connection with the revision of the neutrality act has been based upon the assumption that the war aims of the belligerents are definite and clear. As a matter of fact, no one at this moment can definitely say what the war aims of either side are, or what either side intends to do when and if it wins the conflict.

Thanks again to the Times-Herald for bringing to my attention an editorial and an article on this subject. They gave me an idea what to talk about, since every other phase of the question has been very eloquently and very intelligently discussed. An editorial from the Washington (D. C.) Times-Herald of today says:

WHAT ARE ALLIES' WAR AIMS?

A United Press report from London, which passed the British censor, says England and the exiled Polish Government will not ask Russia to restore the Polish territory it grabbed. So the question becomes even more cogent: What are the Allies' war aims? What are they fighting for?

That is what everybody wants to know.

Do they intend to "destroy Hitlerism" but to sanction and bolster Stalinism? How can they be against Hitler and in favor of his pal, Stalin? And if the Allies aren't against both Hitler and Stalin, what are they fighting for? Merely to see who is the best fighter in Europe?

It is all very puzzling. The only clear thought we can get out of it is that both sides could win a better peace by negotiation now than either side can win after 2 or 3 years' fighting.

In that connection I refer to a gentleman about whom we have all heard. His name is Hugh Gibson. He was in New York on October 18. He may now be in Washington. According to the New York Times of October 18, 1939, Hugh Gibson made a statement on this subject in New York. The article from the New York Times is headed:

Hugh Gibson here, sees war a riddle. Returns after 15 months tour in Europe puzzled over underlying facts. "Guesses" Allies will win.

That is the guess I made a moment ago.

Nazi-Soviet pact held "jolt" to Germans—Britain found grimly facing "hard time."

Mr. President, I shall not read all of this article. I shall read only the opening paragraph, laying emphasis upon the closing line thereof:

The European situation is "mostly a series of question marks for which nobody seems to know the answers," Hugh Gibson, former Ambassador to Belgium, said yesterday after his return from Europe on the *Samaria*. "There never was a war in which there was so much uncertainty as to where, and how, and when."

That is what we all want to know. We all want to know where, how, and when. Mr. Gibson was formerly our Ambassador to Belgium for a number of years. We are all indebted to him. He says:

There never was a war in which there was so much uncertainty as to where, and how, and when.

None of us knows. We do not know any more about what secret treaties have been made and filed away than we did before we blundered into the last war and found secret treaties everywhere.

I see that I am honored by the presence of my distinguished and beloved friend, the junior Senator from Utah [Mr. THOMAS], who spent a number of years in China. As a result of his fundamental education, I suspect he knows more about the Asiatic situation of yesterday and today than any other Member of this body. Few men in the United States will ever know as much.

I believe a secret treaty was found under which the Allies made a secret agreement to give to Japan, which was one of their allies, a part of China, which was also one of their allies. What about that? That is something, is it not?

Pursuing the question of the Allies' war aims, referred to in the editorial from which I have read, an influential section of the British public has been repeatedly demanding for the past several weeks that the British Government give a clear statement of exactly what their war aims are. The British public as yet has received no such statement. Outside of saying, in rather broad generalizations, that they are determined to crush Hitlerism, the British Government as yet has refused to give any definite statement. The same thing is true of the French Government. However, we might expect that. We did not expect any statement from the French Government, because all the French are supposed to do is to give 1,000,000 of their sons in battle to save the British Empire. The French will do the fighting and the dying, and the British will do the diplomatic work. That work is really much stronger in many instances than waging physical battle.

Speaking of comparisons of strength and destruction as between diplomacy and battle, it has been said that there is no comparison in strength between propaganda and arms. The pen of a propagandist is keener and more deadly than the bite of a reptile. As one great general said, the pens of propagandists have destroyed more, and have wielded more strength, than all the arms ever devised.

The only thing that is clear about Germany is that she seems to be extremely anxious to call off the whole thing. Why should she not be? She cannot go eastward. She cannot go westward. She cannot emerge northward. She cannot budge southward. She is hemmed in by an iron ring. She wants to quit.

It is not even yet clear whether or not a major war actually is under way. I observe through the columns of the press that the soldiers of the opposing forces are playing baseball and football together. Certainly, the land operations up to date on the western front are more properly spoken of as a series of skirmishes back and forth, with no real major engagements. As a matter of fact, the German Government has repeatedly stated that it has no war with France, and that such fighting as Germany has done against the French was primarily designed to repel French invasion of German territory.

I am something like the lamented Will Rogers, in that, "All I know is what I read in the papers," and what I gather from books, a considerable amount of the material of which is taken from the columns of the press. I read in the newspapers the other day that the Germans had pushed the French back 4 miles. Four miles to where? Four miles to the French frontier. The French had gained about 4 miles in "no man's land," and the Germans walked over and pushed the Frenchmen back to their own line, and they would not go another step farther. That is evidence and proof to my mind that the Germans really meant what they said when they declared they had no quarrel with France.

The Germans recognize that Great Britain is sending a million sons of French mothers to death for the purpose of providing continued superiority for the British Empire; in other words, a million young Frenchmen perhaps—I hope not—will go to their deaths to preserve and keep intact the British Empire. That is what is being said in Europe. I heard people say, "The French are the poor 'suckers'; they are going to their death to save the British Empire." To me, that is pathetic.

The war between Germany and Poland was a separate fight and largely of a localized character. The only thing approaching major warfare between the British, French, and Germans has been on the seas. In certain respects this might be considered a series of reprisals somewhat similar to the limited warfare that the United States had with France for several years at the end of the eighteenth century. My recollection is that that was about 1797. I now mention it because, happily, I chanced, the other day at the Navy Department, to glance through one of the five volumes having to do with that incident.

Mr. President, some of our people are not only prone to hasty conclusions from unverified premises but also to overexaggeration. As a Nation, we like bigger and better things, and some of us like sensational things. A motion picture, to be successful, has to vary from the truth, and the spectator must draw greatly upon his imagination, and that imagination must be extremely elastic.

I repeat, we American people like bigger things, greater things, more exciting things. I may add that while we hear about the French people being excitable and about the Italians being excitable and about the Greeks being excitable, let me say that we are the most excitable people upon the face of the earth.

Do you know, Mr. President, that we in the United States of America today are more concerned and more excited about what is going on in Europe than are the people in the European countries themselves? If you do not believe that, take a trip over there for a week and motor over any part of France or England or Italy, where actual war is not going on, and you will find that to be so. We are more concerned with the war than they are, though it is none of our business. We cannot pick up a newspaper without noting that half the printed matter pertains to the war in Europe.

Americans today consider the European war as another world war. Is not that odd, Mr. President? I ask you, Is it true that the vast majority of nations today have declared or are practicing neutrality in this war—not in this world war, for there is no world war going on, if indeed, any war at all? Until the present moment only three nations are belligerents, the British Empire, France, and Germany; and even within the British Empire the Irish Free State is still neutral. There is no world war.

Senators, I point out these things in order to give another illustration of the danger of jumping to hasty conclusions on unverified statements. Secondly, and much more important, it would be most dangerous for us to formulate definite policies or premises which are either very indefinite or unsupported by facts. We should deal with facts. Is there now a world war because of which we are supposed to be legislating? Obviously no, although it is possible that it might develop into one, and it will so develop if we should be so foolish as to get into it.

As a matter of fact, I ask, Is there any major war at all, in the real sense of the word, going on at this time? Contrary to the general belief of most Americans, competent observers feel that a major war has not yet really started, although they see the probability of such a development in the near future. The point is that this is merely a probability, and it is at least possible that the reverse will happen.

Should we predicate definite and urgent legislation on the unverified assumption that a world war on a major scale is actually in progress when, obviously, there is no world war at present, and there is even doubt whether there is a major was between a limited group of belligerents? Should we enact legislation on the assumption that it is designed to conform to certain objectives, such as war aims and ultimate peace plans of certain belligerents, when nobody in this country today really knows what are the objectives, the aims, and the probable peace plans of the belligerents?

I ask, Is this a war "to save democracy?" Many competent students have grave doubt of it. If the war is "to save democracy," and it should continue sufficiently long, would it or would it not destroy the little democracy remaining in the world? The fact is that about the only real democracy remaining in the world is right here in the United States, for today France and Great Britain are under dictatorships as a result of war emergencies, and if we should become involved in it, of course we would immediately have a dictatorship form of government. Some competent observers are afraid that our entry into it would destroy the democracy that is left in the world and particularly the democracy of America.

Is this a war, I ask, to save civilization? Those who favor the British and French side assert that unquestionably it is a war to save civilization and democracy. Others say that contention is sheer tommyrot.

I ask: Is it necessary to wage a costly war to destroy Hitlerism? Some say it is and others say it is entirely unnecessary, as Hitlerism is doomed, as I said a moment ago, both for internal reasons and because of the Russian menace.

Will it be necessary, I ask, to wage a major war, as some of us are led to believe, in order to prevent bolshevism from sweeping over the world? Some say that even now the Bolsheviks are a menace and a great danger, and they are in this country. Why were they not a menace, I ask, when the British and French tried to make an alliance with them a few months ago? You will remember that, Mr. President. The British and French tried their best to make an alliance with the Russian Bolsheviks. Last month when I was in Europe I heard people saying, "Ha! ha! ha! The Soviet made an alliance with Hitler; that is the first time in the history of diplomacy of the world that Great Britain was ever double-crossed before she could double-cross somebody else." Do the Bolsheviks become a menace solely because they are not on the British side or does the menace of bolshevism exist no matter which side the Russians join?

Mr. President, I ask, Is Russia a belligerent or a neutral? I do not know. Do you? It has been frequently stated on the floor that Russia is really a belligerent. Then, I ask how is it that the British and French governments keep on insisting that Russia is not a belligerent but a neutral, and the British Government a few days ago entered into a deal with the Bolshevists to furnish potential war supplies to the British? You will remember that, Mr. President.

I wish to repeat that statement because I desire to make a reference that parallels it. The British Government a few days ago entered into a deal with the Bolsheviks, who, they say, are menacing the world, to furnish potential war supplies to Britain. That reminds me that the British would not be calling for aid from all parts of the world in the particular form of arms, ammunition, and munitions of war, if it had not been for the fact that the war lords of Great Britain, Vickers and others, multimillionaires, have been enriching themselves and filling their pockets by doing what? By selling the war supplies of Great Britain to Germany to aid her in rearming in violation of treaty stipulations. That is an open secret with all Britishers not only in the British Isles but in the provinces.

If Great Britain had prohibited her war lords and munitions manufacturers from shipping that stuff to Germany to help her rearm in violation of treaties, Great Britain would not now be calling upon the United States Government to become unneutral.

Mr. President, you will note that I have stated these things in part as questions. You may wonder what the answers are. So do I, and so do thousands of other Americans. The only thing I am insisting upon, however, is, Why should we attempt to pass legislation based on supposedly definite conclusions when the conclusions in themselves are highly indefinite?

I again call to your attention, from memory, the editorial I read a moment ago, and the statement of Mr. Hugh Gibson.

Obviously, many of the advocates of repeal of the arms embargo frankly take this course because they want to help the British and the French.

The question is, Help them do what? That is what I want to know—help them do what? The British have never stated what they are going to do, or what they expect to do. I doubt whether any of us can answer with any reasonable degree of certainty what they intend to do, because they themselves have not made clear what they intend to do; so how should we know? How should any of our colleagues know?

What lies back of the vague aim of "destroying Hitlerism"? Is the logical sequence of this, as some competent observers believe, that the intention is to smash up Germany—listen to this, Mr. President—and separate and distribute the pieces, as was done in the case of the Austro-Hungarian Empire 20 years ago?

It was stated in the headlines in the morning paper today that Germany, although she is crying for peace, is prepared to fight to the death. Great Britain stated that, and the others did, too. Some competent observers say that Great Britain will not settle this controversy because she wants to crush Germany, and divide her up into a number of little states, so that Great Britain may continue supreme throughout the entire world.

I do not know the answer to the question I have just propounded, and neither do you. In case of a successful war on the part of the Allies, would they act as they did at Versailles? That is the question. I do not know, and neither do you gentlemen, although there is at least a chance that they have some similar plan in mind. Would you want to back them definitely while having only the vaguest idea as to what their plans really are? Has the Senate forgotten, I wonder, that we entered the World War in 1917 with high hopes and noble motives, including "making the world safe for democracy," "ending all wars," "sparing Christianity," "peace without victory," "victory without spoils," and so forth, and only after we got into the war did we find a whole batch of secret treaties providing for a general reallocation of the world's territories, population, and resources, including, as I mentioned a moment ago, a treaty giving a part of the territory of one ally, China, to another ally, Japan?

Think of it! The great Woodrow Wilson was so ashamed of these secret treaties that he did not want the American people ever to hear of them. We had already taken the fatal step. It was entirely too late to draw back. The exposure of these treaties might have seriously hampered the conduct of the war, entered into by the American people with totally different idealistic purposes, which, of course, were never achieved, in spite of our tremendous sacrifices.

Mr. President, in passing I desire to say again, as I have said innumerable times upon the floor of the Senate—frankly, I do not believe I could say it too frequently—that we were led into the war on April 6, 1917, under the belief and with the conscientious conviction that we were going into it to save democracy, to spare Christianity, to stop all wars for all time. We were hoodwinked. We were fooled. Our mothers gave their sons in death that the world might be saved. Greater assaults have been made upon democracies as such since that time than ever before in all the history of the world. Talk about sparing Christianity and Christians. Thousands upon thousands of temples of the Lord were razed to the ground, and millions of Christians murdered in Russia, and hundreds of thousands of Christians murdered in Spain.

Let us see whether the World War stopped all wars. There have been many wars since the ending of the World War on November 11, 1918, and millions of people have been killed since that time. Let us see. I am not going to count the 4,000,000 people who were murdered by starvation in the

Ukraine of Russia, nor at Odessa, on the Black Sea. I am going to skip that.

But there was a war in South America between two of the high-peaked so-called republics, but which in reality are dictatorships, in which the war of necessity had to stop on account of the fact that the manpower of the combatants had been exhausted by way of elimination. They had to stop those wars over the oil territory because there were no more men left to fight.

In Spain there was a civil war. My recollection is that a million people were killed in Spain in the years of the revolution. I believe the revolution began in July 1936. A million were killed—innocent children, frail old men, unprotected women, together with some combatants.

Today the Japanese are fighting the Chinese. The records reveal that since that war began—that is to say, since its very beginning in 1931, when the Japanese marched toward Manchukuo—more than 2,000,000 Chinese have died as a result of the war. That is 3,000,000.

I was about to forget Abyssinia, or Ethiopia. That war began somewhere along about 1932, perhaps 1933. It reached its climax in 1935. I remember that in 1935 I was in the Mediterranean. I had come up from India, and I saw in the Mediterranean more tons of naval armament than I had ever before seen in all my life; and I was told by naval observers that more tons of naval armament were anchored in the Mediterranean, near Alexandria, than ever before in the recollection of those with whom I conversed. That was when the Ethiopian conflict was going on; and, by the way, that was about the time Mr. Anthony Eden was insisting that the United States of America join Great Britain in the enforcement of the oil embargo against Italy, and at the same time Great Britain was selling Italy all the oil she wanted. The reason why Great Britain wanted the embargo enforced then was because the oil she had to sell had already been sold, and she did not have any more to sell; so then she wanted to enforce the embargo. It was just like the time when Great Britain asked Greece to aid her in the enforcement of the embargo. Greece said, "Why, certainly, certainly; we are with you. All we have to put the embargo on is donkeys, jackasses, but we need all of them that we have. We will help you embargo everything else." So it was all the way around; and so it is in the history of diplomacy as it particularly relates, as we know, to some countries.

Mr. President, the Great War did not stop all wars, as is evidenced by the history of the past 20 years. The Great War did not spare Christianity, as I have shown. It did not prevent assault upon the democracies of the world.

Is there anyone here so gullible as to believe that secret diplomacy has disappeared during the past 20 years and so naive as to be convinced that it is impossible that the belligerents may not have more secret agreements and treaties of the kind to which America is not prepared to subscribe? Have we any business making important decisions in reference to this war—particularly in reference to neutrality legislation—by jumping to hasty conclusions on premises of which we obviously have little knowledge and even less proof?

The only sane basis on which the American Congress has not only a right but an obligation to pass on any of the proposed legislation is whether or not it helps or hurts America, and not whether it helps or hurts foreign nations whose actions and programs are not yet clear to us.

I wish now to make a statement with the view of making myself clear, in order that in the years to come I may not be misunderstood, because in future political battles I will gladly stand upon my record and statement now in reference to neutrality. There is only one kind of neutrality in which I am interested, and that is a neutrality which will benefit the United States of America, and I do not care whether or not it benefits or helps any other nation of the world. My duty is to the American people, and not to another soul upon the face of the earth.

My remarks up to date have been for the purpose of clarifying in the mind of the average John Smith, of whom I spoke earlier, the dangers involved in reaching hasty conclusions about complicated foreign developments of which we have little definite knowledge, and then jumping from those conclusions to specific legislation based on such uncertain premises. My ignorance in these matters is no more than that of countless other Americans, including such trained diplomats as Hugh Gibson. Unlike some of my fellow citizens, I am frank enough to admit my ignorance, and refuse to take action on matters I do not understand. I believe that the only safe ground on which Americans can stand in these matters, in view of the circumstances, is American ground. What should we do regardless of the aims, actions, and plans of far distant nations? We should stand solely upon the soil of the United States of America, upon which reside today 130,000,000 people, whom we are supposed to represent in the American Congress, and not in a congress of the world, or a congress of Europe.

Assuming, therefore, that the primary purpose of our legislation should be to help America and not primarily to help any foreign belligerent, it is essential that our average John Smith have clarified for him the basic things, which are either badly misunderstood, or even misrepresented, even though the misrepresentation be unintentional.

The very first thing which every American should understand clearly is, why do we have any neutrality laws at all; what are the general purposes of such laws? It is obvious that the existing or proposed legislation should stand or fall according to the extent to which it helps or hurts these general purposes. Unfortunately, at this point there seems to have been considerable misrepresentation, although we may assume that this misrepresentation was not intentional. I challenge anyone to prove the statements which have been made on this floor and on the air to the effect that the true purpose of our neutrality legislation is to prevent wars abroad, and that the existing laws have failed because war abroad has occurred in spite of such legislation.

We are legislating with a view to keeping the United States out of any wars abroad. Much has been said, to which I shall refer in a few moments, to the effect that we ought to repeal the embargo because it has not prevented wars in Europe. I was curious to ascertain whether or not anything was said about our preventing wars in Europe when we were considering the neutrality laws of 1935, 1936, and 1937. I heard the statement made on the floor of the Senate that the law was a miserable failure because it did not prevent war in Europe. It almost seemed as if we were spending the money of the people of the United States as their representatives here arguing how to keep people from having a war in Europe, when it was our duty only to consider how to prevent war breaking out here.

I looked through many of the debates, though I admit I did not read all of them, and I did not find a single speech by any Senator upon that subject during the consideration of the neutrality measures in 1935, 1936, and 1937, anything about it being the intention then to stop war from breaking out in Europe. I may be wrong, but even if something was said about it then, what business is it of ours whether or not there are wars over there? It is not up to us, as representing the American people, to try to stop wars in Europe or to try to keep them from breaking out. It is up to us to keep out of them. That is my opinion about the matter, although I admit I may be wrong.

The extensive debates which led up to the enactment of our neutrality legislation in 1935, 1936, and again in 1937, show no convincing evidence that the purpose was to prevent wars abroad. As a matter of fact, the debates show that everyone expected a general war in the very near future, and the legislation was passed to help keep us out of it when and if it did break. Make no mistake about it, the basic purpose of our neutrality legislation has not been to prevent wars abroad, but rather to help keep us out of foreign wars. Wars abroad occur with such dismaying regularity that it is almost correct to say that they are normal; no matter what we pass or do not pass, it is clearly impossible for us by legislation to prevent wars abroad. Our sole job is to assure, so far as possible, that we ourselves keep out of such wars when they occur. American legislation should be just that—American.

It should be designed to preserve, so far as possible, the peace of America, in spite of our regret at the breaking of the peace abroad.

As one of the witnesses before the Foreign Relations Committee well stated:

> There is no proper place in such legislation for futile and dangerous attempts to insure the peace of the world, to punish far-distant aggressors, or to equalize existing inequities between nations. Picking the foreign aggressor is a most difficult, most dangerous, and thankless task.

I repeat, the first thing all Americans should understand is that the true and proper purpose involved in our neutrality legislation is to help keep the United States out of foreign wars which are not a direct or vital concern of ours. No one can say truthfully that any neutrality legislation is a failure until and if it helps to get us into foreign wars which are no vital concern of ours. War in any part of the world naturally concerns us and damages us, but the real question is, Does it concern us to such a vital extent as to warrant indirect, if not direct, involvement therein?

The fact that we deeply regret the existence of wars abroad, or that our sympathies may be overwhelmingly in favor of one side, has nothing whatsoever to do with the effectiveness or the ineffectiveness of our neutrality legislation as such. Its effectiveness should be gaged solely by the extent to which it helps achieve its true purpose—and, I repeat, the only true purpose of a fundamental and primary character is to help keep us out of foreign wars which do not directly and vitally concern us. Legislation should be retained if it promotes this fundamental purpose, and it should be dropped or revised only when and if it is clear that it endangers this purpose and not some other purpose which is not a basic reason for neutrality legislation.

If any foreign war, including the present one, does vitally concern us to the extent that it warrants the colossal cost of our becoming a belligerent, neutrality legislation does not hinder us in the least from so doing. Neutrality legislation or no neutrality legislation, Congress has the constitutional power to declare war; and at any time it may commit America to one side or the other, and change its position as frequently as it likes, regardless of any legislation on the books.

Our neutrality legislation should be designed solely to keep our citizens and officials neutral so long—and only so long—as the Nation itself wishes to be neutral. It should keep the question of neutrality in the hands of the Nation, instead of letting it be determined or influenced by the actions or interests of private citizens, small groups, or even of officials. Contrary to general belief, the neutrality law is not a strait jacket against the Nation; it is a strait jacket against individual citizens, and it may well be a strait jacket against executive officials until and if the only constitutional body in this country that can pass on the question of war—the Congress—has decided to go to war.

I have gone into these matters in some detail because it is perfectly obvious that if, as is sometimes urged, we forget the sound purpose of neutrality legislation, we may, in ignorance, pass legislation which defeats our fundamental purpose. In recent weeks it has been frequently asserted that much of the debate has been on entirely false issues; that the real issue is whether or not we should deliberately help one side in the current European conflict. If this be true—and there is some evidence to support that view—we should not delude ourselves into thinking that our choice is between two different methods of insuring our neutrality. The real issue then would be between whether we should be neutral at all or deliberately become a belligerent, either in halfway fashion or in whole fashion.

If this is the real issue, camouflage should be dropped, and the issue brought into the open, because our decision on such an issue would be vital to the very lives and liberties of 130,000,000 American citizens. Certainly, no decision should be made on any such question without complete knowledge of what we are debating and why. No legislation should be enacted under the soothing label of neutrality and peace when its real purpose might be intervention and war, whether by little steps or by big ones. When and if the American people, in full possession of all the facts, determine that the war in Europe is our war and that we should go into it, I would be ready to go along with them, not by camouflage and half steps, but openly and with full steps. I especially would not want to accept part of the responsibility of helping to edge the American people by little steps into war by telling them that the steps were designed solely to take them in the other direction, away from war.

Mr. President, I never did believe in pussyfooting, camouflage, and evasion. I have the utmost respect for those Americans who have frankly stated that their major purpose in advocating the lifting of the arms embargo is not primarily to help keep us out of war but rather primarily to help one side in the conflict and hurt the other, on the thesis that one side is already our side. Whether or not these gentlemen realize it, they are not talking about neutrality but rather a modified form of belligerency. A deliberate attempt to help one side and hurt the other obviously could not be called neutrality by any stretch of the imagination. I cannot approve of attempts that have been made to achieve this important result by indirect steps under the misleading label of strengthening neutrality.

Since a number of our colleagues apparently believe that we are so vitally concerned in the present conflict, if not actually a part of it, that it behooves us in our own interest deliberately to help one side and hurt the other, why has not the debate on this matter been brought into the open and been more frank? Can the answer be that, while the sympathies of the American people are overwhelmingly on one side, as they are, simultaneously they are almost unanimous in their determination not to become involved in the war? Is the only way to gain their participation through indirection and camouflage, with careful abstention from stressing publicly the prime purpose or possible trend of the veiled steps?

If our prime purpose is to help one side—which obviously is the opposite of ordinary neutrality legislation—why not say so frankly? Why not analyze carefully any and all proposed steps with this objective in view and calculate openly and fully the extent to which these steps might lead to war and their possible ultimate cost? Why prove the wise saying that "Words were invented to hide thoughts"? Why waste time in discussing false premises?

There has been much confusion as to the bearing of international law on the matter, the relations to our national defense, the real or alleged menace to us if one side wins in Europe, how the Monroe Doctrine is involved and not involved, whether we should have an arms embargo or the cash and carry, or both.

As an ordinary John Smith seeking the light, not only for himself but for the use of other ordinary John Smiths, I believe that the debates have developed certain fairly reasonable conclusions which can be reached after balancing back and forth the pros and cons and weighing objectively the conflicting statements.

And now, a very few words as to the international law situation. For those who frankly or covertly advocate that we take sides, deliberately helping one belligerent and deliberately hurting another belligerent, there seems little reason to waste time in discussion of the international law of neutrality. Their program calls for an indirect or modified form of cobelligerency which has little to do with the international law of neutrality.

For those who believe in strict neutrality, the accepted principles and practices of international law in reference to neutrality naturally have an important bearing.

What is the true international law of the matter as shown by the practices and treaties of the United States Government itself and the majority of American authorities on such matters? They can be found in considerable detail in an 800-page volume published only a month ago. I refer to the volume that was recently mentioned on this floor as an outstanding authority and from which quotations were given by one of our eminent colleagues who himself is a distinguished authority on international law. For some reason—doubtless lack of time—our distinguished colleague did not give the

name of the volume nor did he cite some interesting passages in this book from which he took other verbatim quotations.

I shall bring them to the attention of the Senate because it is only fair that we have the other side. Of course, when two lawyers argue a case both will probably be sufficiently well prepared and skilled so as to be able to make a paragraph of any statute apply to their own objectives in the case, and if they could not do that they probably would not have cases in court. Lest my colleagues have the same difficulty I had in locating this work I now identify it as the Draft Convention With Comments, on the Rights and Duties of Neutral States in Naval and Aerial War, prepared by the Research in International Law by the Harvard Law School, and published as section II of the American Journal of International Law under the date of July 1939. My understanding is that there is not a large distribution of copies of this book at the present time.

This work, which is the only complete, up-to-date, and scientific work on the subject in English, was prepared by a most distinguished authority, Prof. Philip C. Jessup, of Columbia University, with a group of some 20 distinguished advisers, including the present legal adviser of the State Department, a former legal adviser of the State Department, the former professor of international law at the Naval War College, and a host of other experts.

Two companion volumes giving the exact text of the neutrality laws, regulations, and treaties of many countries are now on the press, although advance copies are in the hands of several of our colleagues.

From this volume, Mr. President, which was so properly lauded on this floor as the outstanding work, we gather that the generally accepted international law in these matters may be briefly summarized as follows, contrary to what has been repeatedly stated on the floor:

A belligerent has no right to purchase any war materials from a neutral. A neutral has a right, but no obligation, either to permit or forbid export of such materials to belligerents. The only restriction on the neutral is that if it does permit exports to one, it must permit exports to all belligerents. If it forbids exports to one, under international law, it must, of necessity, forbid exports to the others.

No responsible authority in international law has ever claimed that if a neutral imposes embargoes it must insure equal effects on the belligerents, or that a neutral is prohibited from imposing embargoes which act to the detriment of one side. The sole obligation of a neutral is to give equal treatment, regardless of whether or not the effects are equal. As a matter of fact, a neutral is committing a hostile act when it deliberately tries to equalize the effects by giving different treatment to the opposing belligerents.

The authorities generally agree that these matters are controlled solely by the discretion of the neutral itself, regardless of the effect on any of the belligerents. A neutral is compelled to give equal treatment, regardless of unequal effects, with emphasis upon the words "unequal effects."

A neutral is entirely free to impose or not impose embargoes of any sort. We shall examine a little later the question of whether or not, having imposed an embargo before a war, a neutral may lift the embargo after the war starts and still remain a neutral. That is the same question which has been discussed very fully, deeply, and intelligently on the floor of the Senate.

Assuming that neutrals have complete discretion under international law in these matters—which they have—how have they used this discretion? An attempt has been made to spread the theory that embargoes, particularly arms embargoes, are rare, if not entirely new; and it has often been implied in some quarters that America is the only nation to resort to embargoes, and that their use is a recent departure from fixed practice.

According to all the information I have been able to gather—and I admit I have not been able to gather very much—an examination of the practice of nations, including the United States, does not substantiate any such theory. Using their unquestioned discretion in the matter, neutrals in the past have frequently placed such embargoes, including arms embargoes. Many examples can be found from the history of the past 400 years. I have only a few. There must be many more.

Arms embargoes were in effect in the Crimean War, the Franco-Prussian War, the Spanish-American War, the World War, the Chaco War, the Italian-Ethiopian War, and the Spanish Civil War. During the World War arms embargoes were put into effect by Denmark, The Netherlands, Norway, Spain, Sweden, and Switzerland; and, incidentally, all these nations in the immediate zone of war retained their neutrality throughout the entire war. According to the information I have been able to gather, the Scandinavian countries had an embargo on arms during the World War. Some 25 European nations, as well as the United States, had arms embargoes in the recent Spanish Civil War.

Responsible authorities have questioned neither the practice nor the right. In the current conflict, several European nations have already prohibited the exportation of certain products from their territories. We gather that fact through the columns of the press from day to day.

Assuming that a neutral has the unquestioned right to place such embargoes, may it lift them after war starts and still remain neutral? That question was under discussion the other day. The matter has been brought to a head by the fact that when the current European war started, our arms embargo was automatically put into effect in accordance with preexisting law, and it is now proposed that we lift the embargo after the war has started.

In a few words, Mr. President, the situation seems to be as follows:

In 1915 our Government refused to place an arms embargo on munitions at the request of Germany, on the ground that any change in our neutrality law during the progress of the war which would unequally affect the belligerents would be contrary to the indisputable doctrines of accepted international law, and a departure from neutrality. Previously, in 1914, we had agreed with the protests of the British Government against placing an arms embargo. The British Government claimed that it would be unneutral to change the rules while the war was in progress.

In passing, I mention the fact that while the British Government was protesting in 1914 against our placing an arms embargo, on the ground that it would be unneutral, at the same time it was forcing European nations to place embargoes, on the ground that it would be unneutral for them not to place embargoes. Is this consistency? If it is, the British Government ought to join the Inconsistency Club which was organized by our beloved colleague the senior Senator from Arizona [Mr. ASHURST]. I remark in passing that we miss him very much today. I hope he will soon return. We miss his face every day.

Mr. President, in that connection, in running through many papers which I had saved from day to day in my office, thinking I might want to use them at some time in a speech, I find a copy of a letter sent by William Jennings Bryan, then Secretary of State, to the German Ambassador, Von Bernstorff, dated Washington, D. C., April 12, 1915, in which that great statesman, William Jennings Bryan, said, in part, that—

> Any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality.

At this point in my remarks, Mr. President, I ask that this letter be printed in the RECORD, together with a clipping from a newspaper which was mailed to me, entitled "Change in Neutrality Act Seen Violation of International Law. Syracuse Attorney Cites British Protest Made During World War." These two statements are in substantiation of the statement I have just made.

The PRESIDING OFFICER (Mr. HATCH in the chair). Is there objection to the request of the Senator from North Carolina? The Chair hears none, and the matters referred to may be printed in the RECORD.

The matters referred to are as follows:

[From Foreign Relations of the United States, 1915, Supplement]

File No. 763.72111/1930

THE SECRETARY OF STATE TO THE GERMAN AMBASSADOR (BERNSTORFF)

No. 1379]

WASHINGTON, *April 21, 1915.*

EXCELLENCY: * * * In the third place, I note with sincere regret that, in discussing the sale and exportation of arms by citizens of the United States to the enemies of Germany, Your Excellency seems to be under the impression that it was within the choice of the Government of the United States, notwithstanding its professed neutrality and its diligent efforts to maintain it in other particulars, to inhibit this trade, and that its failure to do so manifested an unfair attitude toward Germany. This Government holds, as I believe Your Excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances urged in Your Excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to Your Excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course.

I hope that Your Excellency will realize the spirit in which I am drafting this reply. The friendship between the people of the United States and the people of Germany is so warm and of such long standing, the ties which bind them to one another in amity are so many and so strong, that this Government feels under a special compulsion to speak with perfect frankness when any occasion arises which seems likely to create any misunderstanding, however slight or temporary, between those who represent the Governments of the two countries. It will be a matter of gratification to me if I have removed from Your Excellency's mind any misapprehension you may have been under regarding either the policy or the spirit and purposes of the Government of the United States. Its neutrality is founded upon the firm basis of conscience and good will.

Accept [etc.]

W. J. BRYAN.

CHANGE IN NEUTRALITY ACT SEEN VIOLATION OF INTERNATIONAL LAW—SYRACUSE ATTORNEY CITES BRITISH PROTEST MADE DURING WORLD WAR

SYRACUSE, N. Y., September 21.—An authority on international law asserted today repeal of the arms embargo by the United States would be a "direct violation" of international law.

Henry S. Fraser, technical adviser to the late George W. Wickersham on the League of Nations Committee for the Codification of International Law in 1926 and 1927, said in an interview if the embargo is repealed "Germany will instantly have the right under international law to take steps of reprisal and retaliation against American ships."

Such reprisals might be taken against ships even in coastwise trade, and even if they were not carrying contraband, he said in a statement and added:

"There is an established principle of international law that a neutral may not, after the outbreak of war, change its legislation for the purpose of assisting one of the belligerents."

Mr. Fraser, a Syracuse attorney, cited a case in 1914 when an embargo bill was introduced in Congress and Great Britain indicated it would consider such an embargo on arms an unneutral act. President Wilson and Secretary of State Lansing, Mr. Fraser said, agreed with the British view.

The attorney asserted the German Government urged adoption of such an embargo and the United States in a note to the German Ambassador in 1915 replied:

"Any change in its own (United States) laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality * * *."

Mr. REYNOLDS. Leading officials of our Government today urge the repeal of the arms embargo on the ground that its retention violates neutrality, and that its removal would be in accordance with neutrality. So we see, Mr. President, what appears to be a difference in the position of the United States Government between 1914 and 1939. This inconsistency may be more apparent than real, provided certain other things are true.

The authorities clearly show that a neutral may lawfully change its policy of neutrality during the progress of a war; but—and a very big "but," Mr. President—such action must not be at the behest of or in the interest of one of the belligerents, but must be primarily in the interest of the neutral itself.

I digress at this point to ask this question: How would the change of our Neutrality Act by lifting the embargo now be of benefit to the people of the United States? It is obvious that the claim that retention of our arms embargo is unneutral is completely contrary to the views of practically all leading authorities.

We can retain the embargo on arms and still be completely neutral. On the other hand, we can lift the embargo and still be completely neutral, provided certain essentials are met. Primary among those essentials is that the change may not be made at the behest or in the interest of one of the belligerents, but it must be made primarily in our own interest, if such interest can be shown—and I do not believe it can be. The fact that what we do in our own behalf secondarily helps or hurts certain belligerents is not a controlling factor so far as accepted international practice and law is concerned.

Secretary of State Hull, in his official statement of September 21, 1939, was indeed entirely correct in saying:

A neutral nation has a right during a war to change its national policies whenever experience shows the necessity for such change for the protection of its interests and safety.

Secretary Hull was correct; that is the accurate statement of international law. Note that he expresses the necessity for such change for the protection of the neutral's interest and safety. Mr. Hull went still further when he said:

I do not mean to be understood as saying that such action may be taken at the behest or in the interest of one of the contending belligerents.

I thank Mr. Hull.

Mr. President, one of our distinguished colleagues quoted at some length from the comment of the Draft Convention on the Rights and Duties of Neutrals previously mentioned. His quotations were obviously designed to prove that lifting our arms embargo would not be a violation of our neutrality in any fashion.

For some reason—possibly lack of time—our eminent colleague failed to quote the following items of the same comment that he used otherwise. On page 316 of the volume he used, and which I have before me, we find this statement:

The task confronting the neutral state which takes action under this article is to make certain to itself and clear to other states that the motive inducing the adoption of a new rule or regulation, during the course of a war, is the product of its concern to act strictly in accordance with the laws of neutrality and not the result of a desire to aid one or the other belligerent.

On page 317 we find:

It would be improper for the neutral state to consider whether the new rule would work more to the advantage of one than of the other belligerent.

On page 318 we find:

The neutral state which takes action under this article may be required to bear the burden of showing that the change in its rules was induced by its own neutral necessities and not by the desire to aid one or the other belligerent.

So it is obvious that the very authority our distinguished colleague quoted as being most outstanding definitely states, contrary to the view of our colleague, that if the arms embargo should be lifted for the purpose of aiding one belligerent, it would be a violation of international law and definitely an unneutral act. As a matter of fact, the very authority which our colleague quoted, although he did not cite the name of the man who prepared this report—Professor Jessup—has repeatedly stated in print within the last several weeks that the evidence shows that the real purpose of lifting the arms embargo is definitely to help one of the belligerents and therefore a complete violation of international law and unneutral. The fact that within the past several days some of the senatorial advocates of repealing the arms embargo have stated definitely their purpose is to help one belligerent, lends considerable justification to this view of Professor Jessup. Naturally, if we quote a book or person as an outstanding authority, it is not considered

scientific to quote merely parts to fit a particular thesis and omit other parts which tend to rebut our thesis.

The authorities show that while neutrals can change their laws after war breaks out it is a direct violation of international law and definitely unneutral to make any changes except for the primary purpose of promoting the interest and safety of the neutral, regardless of how the legislation affects one or another of the belligerents. To act otherwise is definitely a hostile act. Senators, this is not merely a technical question of international law, it is a fundamental practical question because foreign nations will govern their actions in accordance with the extent which we follow this accepted practice. Those nations that may consider it a violation of standard practice and deprivation of one of their fundamental rights may construe it at least as a modified form of belligerency which eventually might lead to a serious result.

In view of these facts, not only the John Smiths but each one of us must be prepared to answer these questions: Is the proposed repeal of the arms embargo primarily necessary for our own interest and safety, independent of the effect on belligerents? Is the real motive for the proposed lifting of the embargo to help one belligerent and hurt the other? Is the prime purpose of repeal to help Germany's opponents? Many of the advocates of repeal have frankly stated that this is their real purpose, and most of the public discussion of the matter indicates that the prime purpose of repeal, as well as its prime effect, would be to help one side and hurt the other. If the prime purpose is to help the Allies, then, according to Mr. Hull's own specifications, there should be no repeal. If the prime purpose—with an incidental effect on the belligerents—is for our own vital interest and safety, then repeal is a legitimate thing regardless of the effects on the belligerents.

Mr. President, let me repeat that the kind of neutrality in which I am interested is the kind that international law contemplates as under the correct interpretation of international law; and if a change is made in a neutrality act it must be for the benefit of the neutral itself. The only neutrality I honor is neutrality which is of benefit to the people of the United States, regardless of whether it helps or hurts any other nation.

If a number of our Senatorial colleagues are logical about this matter they will have to admit that the repeal with the purposes they have in mind is a violation of international law and definitely an unneutral act. If they wish to be logical they should cease talking about neutrality and direct their remarks to a modified form of belligerency. As an ordinary John Smith examining the debates and public discussion I am compelled to reach the conclusion that a majority of the advocates of repeal properly belong in this category.

But others of my colleagues insist that their purpose is not primarily to help one of the belligerents, but rather to help the United States. Thereupon it becomes necessary to weigh the reasons which they advance in support of their contentions. Frankly, I have been dismayed at the very vague and indefinite statements, lacking details and with little supporting evidence, which have characterized the presentation of their case.

Some have very cautiously indicated that expanding our trade in war munitions may be necessary to help solve our unemployment problem. We have heard that statement. Many feel that this is not only an inefficient but a most dangerous way of solving the unemployment problem, and, if we are compelled to do so, we can find a better solution. Public sentiment against blood profits is so overwhelming that few have dared to press or define this argument.

Mr. President, I have referred to the problem of unemployment and to the fact that some have suggested that the repeal of the arms embargo would help relieve unemployment. I wish to say, incidentally, that before even the remotest or slightest thought is devoted to the idea of helping any belligerent, before we ever think about mobilization for war, I believe that in this country we should mobilize against unemployment, poverty, and crime. The only time that the word "mobilization" ever reaches my ears to please them is when it is used to indicate a mobilization of forces to combat unemployment, poverty, and crime in this country.

Others of our colleagues have said that we need an expanded munitions industry for our own national defense, and that the quickest and cheapest way to get it is to sell munitions to the European belligerents. Here again, statements have been very vague and few details have been offered as evidence. I agree with many of my colleagues that for our own national defense we need more munitions and better facilities for producing them. To those of us who are members of the Military Affairs Committee it is obvious that we can profitably expand our orders and even our factories to meet our own munition needs without the necessity of selling 5 cents' worth to any foreign country. We are sadly deficient in equipment for our Army and Navy. So far as I have been able to learn from my experiences on the Military Affairs Committee I should say the situation is as follows: Do we need to expand production of munitions? Unquestionably yes. But to get this expansion, I ask, do we need to rely on munitions trade with the European belligerents? In my opinion we certainly do not.

The solution of our own munitions problem is to expand our orders for equipment for production of munitions for our own armed forces. Congress should appropriate whatever sums of money and provide such authorizations as may be necessary for these purposes. If the Congress would do that we could develop a completely adequate munitions industry for our own purposes without selling 5 cents' worth to any foreign country. As a matter of fact, we can keep our own factories busy for a long time in caring for our own needs. Do you realize, Mr. President, that our own Army is still using "doctored" powder which is a heritage of the World War of some 20 years ago? Do you realize that much of our equipment is only in sample form, and that we could legitimately increase production to assure that our forces would be properly equipped?

I am in favor of doing anything and everything necessary to assure a proper supply of munitions for the American armed forces; I am not in favor of establishing facilities primarily for the use of the armed forces of other countries. I am not convinced that in order to meet our own needs it is necessary to supply the needs of others.

One of the vaguest of all the arguments for repealing the arms embargo is the assumption, with insufficient supporting detail to convince a person of the average intelligence, that if Germany should win the war in Europe the Western Hemisphere would be promptly menaced, and, therefore, for our own national defense we should take certain steps, most of which are undefined, except repeal of the arms embargo.

In the first place, there is no proof that Germany will win; qualified experts are more inclined to think that the Allies will win in the long run, although they may suffer temporary reverses. Secondly, if Germany should win she would be exhausted for many years to come. Even if victorious, her task would be colossal to hold down the British and French Empires over any length of time. If anyone wants to gage how easy it would be for a victorious Germany to hold down the British and French Empires, let him remember how difficult it was for the British and French to hold down a completely disarmed Germany. The present war is the direct result of the inability of Britain and France to hold down the Germans for more than a few years in spite of the colossal resources that the opponents of Germany had at their disposal. Even assuming that Germany should be victorious in Europe and could without too much difficulty hold down her victims, the possibility of her coming across 3,000 miles of ocean to meet a fresh nation, especially one with huge resources, a first-class navy, and the means of raising a huge army, is something which I defy any competent military expert to explain in a convincing fashion. Of course theoretically it is possible, as Orson Welles' famous Invasion From Mars was also a theoretical possibility. Intelligent governments, however, do not embark on costly programs on such remote possibilities. The present head of the British Navy, Winston Churchill, could undoubtedly tell from his personal

experiences how easy it is to land substantial forces in a hostile country even with the best navy in the world and the invaded country very weak. I refer to the colossal losses of the British during the World War when they attempted to land troops in Turkey—the Gallipoli campaign. If any Senator does not appreciate the difficulties, I suggest that he go back and check the records of that campaign.

We might also remember that Adolf is not the first of the Hitlers that have menaced Europe.

There was a French Hitler in 1812—Napoleon Bonaparte. Did we find it necessary to join the "stop-Napoleon" bloc to secure our safety and our own interests? On the contrary, we joined the Napoleon bloc, because our War of 1812 found us fighting on the same side as Napoleon against Great Britain. And when the British successfully liquidated Napoleon, what happened to us? Britain's ally, Spain—because Spain was her ally then—had to appeal to her victorious friend to help prevent the United States from gaining control of Florida, which was then Spanish territory. We all know about how we got Florida. And what did the victorious mistress of the seas answer to her ally? This is what the British Foreign Minister, Castlereagh, answered on November 11, 1817:

> The avowed and true policy of Great Britain in the existing state of the world is to appease—

Shades of Chamberlain!

> controversies, and to secure, if possible, for all states a long interval of repose.

Away back in 1815 we find the British Empire then appeasing, as we find them now.

The British Foreign Minister then clearly indicated that Spain must be prepared to purchase peace by the cession of Florida to the United States, and to endeavor to secure the best possible concessions from the United States when turning Florida over to her. The British were so exhausted after the war that they were in no position to give any effective aid to their own ally, whose own territory in America was at stake.

I am still waiting for some competent military authority to furnish the details to build up a respectable case on the theory that this hemisphere will be dangerously menaced if Hitler achieves the improbable and wins the war in Europe. All evidence now available indicates that this thesis is pure moonshine, lacking even the kick that our southern moonshine of Tennessee and North Carolina produces on occasions. [Laughter.]

But assume that we prepare on the side of extreme caution, and that there is some possibility that European nations could menace the Western Hemisphere; is the only solution the one that is now being advocated, that it is necessary for us in advance to insure the defeat of a potential enemy by unneutrally helping his opponents even at this moment? Unquestionably there is some risk that such an indirect form of unneutrality or modified belligerency might lead to costly and dangerous consequences. Is there no safer and cheaper alternative?

At this moment the American people are practically unanimous in their determination to have whatever national defense is necessary to protect us against any and all comers. If the menace is as real as some allege, why not meet it in a real American way, and expand our national defense to such an extent that no nation or group of nations in the world will even dare infringe on our territory or vital rights?

Calvin Coolidge estimated that our fruitless participation in the World War eventually will cost us $100,000,000,000. If, by expending one-tenth that amount now for national defense, we can keep out of another one, it seems to me to be wise economy. Would it not be much better for us to expend this sum in our own country, for our own national defense, than to waste it in foreign fields? Simultaneously, it would take care of the unemployment problem much better than would the proposed artificial expansion of our munitions trade with Europe. As a matter of fact, it might cost us considerably less in the long run than permitting a so-called cash-and-carry trade in arms, which might easily develop into the same thing that happened the last time, namely, not business but monkey business, because we actually gave away over $10,000,000,000 worth of goods to the European belligerents.

In connection with Mr. Coolidge's mention of the cost of the World War, let me say that I have in my file a speech which I heard delivered over the radio by Capt. Eddie Rickenbacker, the World War ace, in which he referred to the cost of the war. I ask leave to insert in my remarks at this point a quotation which I have entitled in pencil, "Cost of War—Extracts From Radio Speech Recently Delivered by Capt. Eddie Rickenbacker, World War Ace," showing the tremendous cost of the war.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> The cost of the World War approximated $250,000,000,000. With this staggering sum we could have built homes costing $2,500 each on 5-acre plots of ground costing $100 an acre.
>
> We could have equipped each of those homes with a thousand dollars worth of furniture, and given such a home to every family in Russia, Italy, France, Belgium, Germany, Wales, Scotland, Ireland, England, Australia, Holland, and the United States of America.
>
> We could have given to every community in those lands—of 40,000 people or more—a $2,000,000 library, a $3,000,000 hospital, and a $10,000,000 university.
>
> And if we could have invested the balance that would have been left in a way that would have brought a rate of 5 percent annually, there would have been sufficient to pay an annual salary of $1,000 each to 125,000 school teachers and 125,000 nurses.
>
> The cost to these United States—including direct and continued up to date—has totaled approximately $47,000,000,000.
>
> If we placed this staggering sum into peacetime circulation—we would not now have millions of unemployed, plus the direct loss of 50,000 men, and approximately 250,000 casualties.
>
> Well could we rid ourselves, with this vast sum, of the slums of our great cities—the misery and poverty that go with them.
>
> Well could we multiply our opportunities of education and culture, through better and larger institutions of learning.
>
> Well could we afford, not one, but several airports in every large city.
>
> Well could we rid ourselves of the inadequate highways, narrow streets, and the constant congestion in every city—large or small.
>
> Well could we multiply our airways, expediting the transportation of mail, people, and merchandise to and from every hamlet in this country.
>
> Well may we remember the forgotten statistics of the World War. Seventy-four million men mobilized—ten million killed, three million maimed, nineteen million wounded, ten million disabled or incapacitated for the balance of their lives, 9,000,000 orphans, and 5,000,000 widows.

Mr. REYNOLDS. Mr. President, with the approach of December 15 I hope no one has forgotten that our ex-allies will owe us by that date close to $14,000,000,000 on defaulted debts. But you may ask, "Why bring up the war debt? That issue is practically dead and closed." I think it is dead. I do not think we shall ever get a dollar of the amount due us.

But is it closed? Do you realize that during the present year tax collectors of the United States Government are collecting close to $500,000,000 from American taxpayers to pay, not these debts, but only the defaulted interest on them? Do not forget that these bonds are still included in our huge national debt, and do not forget that the United States Government—namely, the United States taxpayers, meaning the John Smith of whom I have spoken and all other John Smiths in this country of ours—are forced by the sweat of their brows to pay the interest which is due the holders of the bonds. Without wasting time on detailed proof as to the rate of interest on these bonds, it is not difficult to show that the average is about 4 percent. When some of us are intrigued with the idea that the Allies have huge cash reserves in this country which would pay for a large war trade on a cash basis, we may well wonder why the American taxpayers at this moment are being assessed huge sums to pay the defaulted debts of the same nations incurred in a similar war only 20 years ago.

But it may be said that my suggestion that we spend, if necessary, $10,000,000,000 more for adequate national defense is a foolish one, in view of the fact we are already in the hole up to our neck with debts. Well, we can spend $10,000,000,000 more much easier than we can finance our participation in a conflict which might cost a hundred billion dollars.

If necessary, we can finance this expansion by a peace defense loan, as we financed the war the last time by so-called Liberty Loans.

My point is that if this menace against us and the Western Hemisphere is so real and so proximate, the cheapest and the quickest way for the American people to meet it is not by supplying foreign armies, but by supplying our own. I doubt that it would take anywhere near $10,000,000,000 to do the job. We could probably do it for far less. But the point is that if it is necessary to spend $10,000,000,000 to insure beyond question the safety of the United States, then let us spend $10,000,000,000 here, and not over there. It would be far cheaper and sounder in the long run. Will anyone sitting here today challenge the statement that by a sufficient expansion of our own national defense any real menace of foreign invasion could be dissipated beyond any doubt?

Mr. President, aside from mentioning the sinking of the *Athenia*, and its effects upon the entire European and Asiatic situation, and aside from mentioning the war aims of Europe, in turning over in my mind last night what I should talk about today I thought about the Monroe Doctrine. Since it has not been mentioned in detail here, I wish to bring to the attention of the Members of this body some very interesting things pertaining to the Monroe Doctrine in connection with Great Britain. Let us see what that doctrine is.

We have heard a great deal in very vague and indefinite terms about the Monroe Doctrine, and the menace to Latin America in case Hitler wins. I seriously doubt that any such menace exists; but, if it should exist, the proposed expansion of our national defense would meet the menace. While we are on this subject, however, would it not be better first to remove some of the existing threats to the Monroe Doctrine, which we are always bragging about?

Mr. Monroe was the fifth President of the United States, and I was interested in looking into the furnishings of his little law office in Fredericksburg, Va.

Let us consider this matter for a moment. Do my colleagues realize that since the Monroe Doctrine was promulgated, over 100 years ago, only two pieces of American territory have passed into the hands of European nations, and that both of those pieces are in the hands of Great Britain, whom we are now called upon to help? Both of the Latin American republics which lost in the deals at this moment insist that the property is theirs and should be returned to them. I refer to British Honduras and to the Falkland Islands. Great Britain is saying to us, "You had better help us, because if Hitler wins, the Monroe Doctrine will be splintered into a thousand pieces." Yet history teaches that the only violations of that doctrine, a doctrine which we are called upon to protect and strengthen, were by Great Britain itself.

Some months ago I had occasion on this floor to bring to the attention of the Senate the White Book of the Guatamalan Government, released in English this year. In this book, which is well documented, the Guatamalan Government insists that Great Britain is unlawfully holding territory which belongs to Guatamala, and without having complied with her treaty obligations. The following quotation from page 15 of this volume might interest my colleagues:

> Great Britain, defender of the rights of weak nations, implacable judge of aggressive states, has refused and refuses to comply with the obligations which she solemnly contracted in the Convention of 1859, and has declared all discussion closed. In face of this inconceivable attitude, the only recourse of the Republic is to appeal to the universal conscience of civilized nations, and protest against the procedure of Great Britain against a nation which is small and weak because of its territory and population.

That feeble little nation, Guatemala, is now pleading with uplifted hands to the civilized nations of the world, to their conscience, to come to their rescue, and to save them from the aggressions of Great Britain.

The book shows that the Guatemalan Government has requested Great Britain to arbitrate this matter with Guatemala, and has urged that Great Britain accept Franklin D. Roosevelt as arbitrator. In view of the very warm friendship existing between President Roosevelt and the British Government, it is rather curious to note that the British Government has refused absolutely to accept our distinguished President as arbitrator. Great Britain commits aggression, taking property unlawfully of another nation right out from under our nose. Yet we hear talk about strengthening the Monroe Doctrine. We had better cure some of its defects. So the matter stands, and so we, who are supposed to be the defenders of the Monroe Doctrine, apparently are doing nothing in this matter. Before we barge forth against mythical enemies of the Monroe Doctrine who are vaguely accused of having designs on Latin-American territory, would it not be much more logical to adjust first a case of this sort which is actually existing and in which one of our sister republics has appealed to us for aid?

With equal insistence the Argentine Government maintains that the British have unlawfully deprived her of the Falkland Islands which rightfully belong to Argentina. Would it not be proper for us, as the great defender of the Monroe Doctrine, to suggest to our British friends that it would be proper to adjust this matter on a friendly basis, inasmuch as they are seeking our aid, presumably on the theory that if we do not aid them the Monroe Doctrine may be threatened by others in Latin America? If any of my colleagues feel that the Argentine Government has forgotten all about the Falkland Islands, I remind them that at the conference of Panama, held several weeks ago, attended by Undersecretary of State Sumner Welles, whom I saw and heard make a speech in the movies, the Argentine Government reaffirmed her claim, by implication, by putting a reservation into the Panama agreement, which reservation unfortunately is being little noticed in the American press.

Mr. President, in September 1939 the Argentine Government again served notice that she does not admit that the Falkland Islands are British territory. Several years ago the Argentine Congress authorized publication of a volume which shows that Argentina still insists that Great Britain is depriving her of her territory.

Possibly the claims of Guatemala and Argentina may not be as good as they allege. But I cannot understand why the United States, the great protector of the Monroe Doctrine, has not taken a hand to insure the fair arbitration of these matters, so that everyone can determine as to the validity of these claims. I say again that before we venture forth on a crusade designed to prevent mythical future aggressions against Latin America, why would it not be most logical first to liquidate the two claimed violations of the Monroe Doctrine resulting in the transfer of Latin American territory to Great Britain?

The resolution I submitted to the Senate last spring requested information from our State Department as to what, if anything, was being done about this matter. Unfortunately, like so many others of my suggestions, I understand the resolution is buried beneath a pile of dust in our Foreign Relations Committee. Would not this be a good time to trot out that resolution and at least find out what, if anything, is being done? Would it not also be a proper time to trot out another resolution presented by me, providing for the naming of Hon. William Griffin, editor, of New York, as debt collector of the United States, to rap daily upon the doors of the British and the French and remind them that they owe us money? It is always said that if one wants to make an enemy out of someone, all he has to do is to lend him money.

In reference to the repeal of the arms embargo, I wish to ask, is it necessary to repeal the arms embargo to insure that we keep out of war, and remain neutral? In all the debates I have seen no convincing evidence to prove any such proposition. I fail to see how not selling death-dealing instruments can involve us in war, unless we assume that this war is already ours, and even if it is already ours, I say that by building up our own national defense we can more quickly and more cheaply meet these needs. If lifting the arms embargo is based on the purpose so many have expressed, namely, to help Great Britain and France, it would be a violation of international law, an unneutral act, and a modified form of war.

Retention of the arms embargo is certainly not the road to war. As to lifting the arms embargo, the evidence seems conflicting; it might or it might not be the road to war. But in cases like this, why should we gamble when there is no necessity that we should gamble? Why take a chance with the lives of millions of sons of American mothers? The saner solution of the question would be to do nothing about the arms embargo, and let it stay as it is. In keeping an arms embargo we would not in any sense of the word be violating international law, we would not be unneutral, we would not be preserving a unique practice, because many other nations in the past have had such embargoes, and they have been successful in remaining neutral, and it is their right to have such embargoes.

In spite of similarities for war purposes between primary munitions and other materials, there are important practical and psychological differences which warrant a different treatment, as is provided in the existing law. In the last war, Germany drew this distinction and centered most of her protests against our being a major source of supply of primary munitions to her enemies. Germany apparently made little effort to question our right to ship other materials used in the war.

I am afraid that many of us have forgotten what might happen in case we act as an arsenal for the Allies. The last time Germany resorted to sabotage in the United States and other drastic measures, which contributed greatly to our ultimate involvement in the war. President Wilson's war message of April 1917 gave this as one of the main causes for declaring war. The sabotage was directed primarily against munitions and not against oil wells, cotton fields, or iron mines. It is only several months ago that the United States Government won a claim of $50,000,000 against Germany for munitions sabotaged in New Jersey prior to our entry in the World War. I refer to the famous Black Tom case and the blowing up of the arsenal at Kingsland, N. J. Lifting the embargo on arms and munitions and placing them on a cash-and-carry basis would not remove the danger of sabotage any more than it did in 1914 to 1917. We already have had many rumors of sabotage and planned sabotage in our own factories manufacturing potential war materials.

Mr. President, the other day I heard the Senator from Idaho [Mr. BORAH] express very forcefully the opinion that, if we lifted the arms embargo, the thing for the Germans to do in that instance—when they were our enemies—would be to sabotage ammunition plants, the transportation system over which the munitions would roll, and the docks at the seaports. We are never prepared, we never get ready until it is too late.

Would there be sabotage in case of war? There is not a manufacturer or industrialist in this country, there is not an operator of a great transportation system in this country who does not know that if we should lift the arms embargo our industrial property would be dynamited and sabotaged. Are they afraid of sabotage? I know of one great transportation system in eastern America, just one company, which within 30 days has been forced to employ 2,000 additional watchmen and patrolmen to keep their bridges, their power plants, their buildings, their railway property from being destroyed. Think of it! I say it is an outrage that an American company must employ an additional 2,000 men to guard its own property in America against alien enemies.

Mr. Edgar Hoover has recently employed hundreds of young men in the Bureau of Investigation in the Department of Justice, the G-men, to run down alien enemies. The Attorney General of the United States, Mr. Frank Murphy, issued a statement to the effect that the United States was honeycombed with spies. The Government cannot find them. Why? Because it does not know where they are. Why does this deplorable condition exist? It is the fault of the American people. Why are they at fault? Because they have not seen to it that the Congress enacted into law my proposed legislation, for which I have been fighting for years—legislation to do what? Legislation the purpose of which is to register and to fingerprint every alien in the United States, so we would know whether he came in legally or illegally, and if legally, whether he is remaining here illegally, whence he came, why he came, and when he came, where he is, and what he is doing.

If this country were to become involved in war we would have between three and seven million potential enemies within our own borders, and we would not know where any of them were. Think of it, between three and seven million aliens, who are potential enemies. We have that number of noncitizens, persons who have never made an attempt to become citizens. We do not know how many of them there are. Why? Because we have never had the foresight to enact a fingerprinting law or a law to register aliens. We never do anything until it is too late. The situation in which we find ourselves is our own fault. Therefore the number of G-men has been increased. That is why the Attorney General of the United States says the country is honeycombed with spies. That is why the great transportation company of which I spoke has been obliged to employ 2,000 additional guards. The mere fact that arms, munitions, and death-dealing implements of war would be carried from our shores by belligerent ships would not serve as a guaranty that American munitions plants would not be destroyed by alien enemies.

Everyone realizes that one of the greatest possible dangers against our neutrality is an artificial war boom. An artificial war boom is not so important in well-established peace industries, because they are normally subject to contraction and expansion in accordance with the law of supply and demand. They are not solely and exclusively dependent on war trade as such. They can contract and expand without necessarily upsetting the entire apple cart. But in the case of primary munitions factories, we might well be establishing a new and artificial industry, possibly leading to a boom—it probably would—and when the cash ran out there would be great pressure to save this artificial industry, which could survive only through further war sales, and we might have an exact repetition of 1914 to 1917.

One reason why a general embargo on war articles is not usually advocated is because of the impossibility of checking and enforcing such an embargo. In the case of primary munitions, their manufacture, sale, and transport can be much more easily checked than in the case of other products. As a matter of fact, we have been checking munitions for the past 4 years, and are doing so even at this moment with considerable success.

Mr. President, in reference to the distinction between the expansion due to increase in war business and the expansion in business due to ordinary trade, I ask to have inserted in the Appendix of the RECORD an article from the pen of John T. Flynn, written in Miami, October 3, 1939, and published in the Washington, D. C., News of the same date, concerning the war-boom effects. To those who do me the honor to read my speech, I refer to that article which will appear in the Appendix of the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection the article will be printed in the RECORD. The Chair hears none and it is so ordered.

Mr. REYNOLDS. Mr. President, if the Congress is finally to lift the arms embargo on the sales of munitions and put them on a so-called cash-and-carry basis, caution must be exercised to insure avoidance of a possible danger. Under international law and practice, while a neutral government has no obligation to prevent its citizens from selling munitions and lending money, the same international law and practice completely forbids any government or any of its agencies from selling arms or extending credits. If a neutral government does so, it is obviously a hostile act and a form of belligerency. I have been somewhat disturbed by items that have appeared in our press in the last several months which imply that if the arms embargo were lifted the United States Government, through certain of its agencies—such as the Reconstruction Finance Corporation—might consider it both feasible and advisable to lend money for construction of plants and plant extensions.

In other words, if the embargo on arms is lifted, and an attempt is made to get blood money from across the sea,

the munitions business will grow overnight as a mushroom. It will need money, and the first place to which it will go for money is the Reconstruction Finance Corporation, because the Reconstruction Finance Corporation has, I understand, a surplus of over $1,200,000,000 in unused credit facilities. While technically and theoretically loans of our Government for plant construction and plant expansion would not be a direct participation in the sale and finance of the munitions trade, in actuality any such advance by the Reconstruction Finance Corporation or any other branch of the Government would amount to practically the same thing.

If Congress sees fit to repeal the arms embargo, I feel that there should be an amendment safeguarding us against any extension of credits, directly or indirectly, by the United States Government in connection with the munitions trade. There is plenty of need for Reconstruction Finance Corporation credit in this country without diverting it into such a violation of international law as helping to finance munitions sales to European belligerents. Outside of press reports, I have no concrete evidence that the Reconstruction Finance Corporation is contemplating such action; but, in my judgment, the mere possibility that it might be warrants an amendment completely preventing any such possibility.

Mr. President, in conclusion, as an ordinary John Smith who has listened to the debates and who has made an honest effort to find out where the real interest of the United States lies, I have come to the conclusion that it is my obligation to vote for 90 percent of the pending measure, but not for the 10 percent covering the proposed repeal of the arms embargo. I mention the 10 percent covering the proposed repeal of the arms embargo because I believe statistics reveal that during the last war only 10 percent of all the money we received from selling all sorts of commodities and products to Europe came from the sale of munitions.

For the safety and interest of the United States, I believe the arms embargo should be retained. Simultaneously, I think all other products should be put on a real cash-and-carry basis, with reasonable modifications to permit United States shipping to operate in localities where there is no real danger to it. At the moment I am 90 percent with our great President and only 10 percent against him, because I have not been convinced that our first line of defense is in France or any other part of Europe. It is in the good old U. S. A., protected as it is by an ocean 3,000 miles wide. As to the 10 percent, where we part company, it is not because I have changed my opinion, for my views on this matter are now the same as they were when the arms embargo was originally passed. At that time our distinguished President himself was one of the greatest advocates of the arms embargo. He convinced me then of its wisdom to such an extent that the more recent arguments have not justified any change in my position. I believe that 90 percent of the pending measure is wise, and in many respects greatly strengthens our ability to stay out of war, as compared with what is contained in the present law. The other 10 percent—the arms-embargo repeal—which is a departure from the existing law, in my estimation is an unwise and dangerous departure. Therefore, I am compelled to follow what I conceive to be my obligation as a Senator of the United States—not of Europe or of the world—and vote against such repeal.

Mr. President, I shall stay with the administration all the way down the line, through the cotton fields of North Carolina, where we have cotton to sell; through the tobacco plantations of North Carolina, where we have tobacco to sell; through the lovely hills of western North Carolina, where we mine mica to sell; and through the eastern part of North Carolina, where we have peanuts and sweet and Irish potatoes to sell. I shall go through the western wheat fields, the great Corn Belt, and the mines of our country hand in hand with the administration. I am 100 percent for the cash-and-carry provision. I want to sell to the world all we can sell for the backs and the stomachs of the unfortunate of the earth. But, Mr. President, as I stroll across the great lands of America, from the east to the west, from the lovely blue waters of the Atlantic to the turbulent waves of the Pacific, when I arrive there and see a sign set atop a great munitions plant where instruments of death are manufactured and powder and dynamite are stored, I stop.

I walk hand in hand with the administration along the highway of peace and happiness, through the cotton fields, the tobacco plantations, the great lands of the East where peanuts and potatoes are grown, the great Corn Belt, the Wheat Belt, and through innumerable textile plants and manufacturing enterprises of every description. But when I see before me a great plant engaged in the manufacture of instruments of death and damnation, I stop. There is a path leading to the right, and there is one leading straight forward. I have decided to take the path to the right. I shall not disregard that sign of danger. I have trod so far in safety, and I shall go to the right instead of venturing into that plant.

So, Mr. President, I shall vote against lifting the arms embargo. Because of the little common horse sense that I possess, I know, by way of illustration, that if two men are fighting, and I am favorable to one, and I pull out of my breeches' pocket a loaded revolver and hand it to him, and he kills his adversary, as the result of my participation and assistance, I am just as guilty of his murder as though I had pulled the trigger. I know that my soul will experience the same punishment in the future as will the soul of the man who actually did the slaying.

Mr. President and Senators, we all love money, and we want to sell all we can. I am 100 percent for that desire. I will never cast my vote to place instruments of death in the hands of any people to slay their fellow men, be they enemies or friends, black or white, from any part of the whole world. That is my position.

Mr. President, unfortunately the people of America do not understand the question before us. Millions of Americans think they will not be able to sell their cotton, their wheat, their tobacco, their corn, their barley, or any of their manufactured products, and receive cash for them, unless we lift the arms embargo. They think that in order to sell their products, farm or manufactured, we must lift the arms embargo. I am sorry that false impression prevails among the American people, because, knowing the American people as I do, I can never bring myself to believe that there is a mother or father in America, or a single living, breathing person among the 130,000,000 people of America, who would participate and become an accessory before or after the fact in a murder merely for the purpose of selling a bushel of wheat. I do not believe it, and I never can be brought to believe it.

Mr. President, I have given this question much study. At this fading hour of the afternoon I wish to say that I have been told by many of my closest friends that 90 percent of the people of my State of North Carolina favor lifting the arms embargo. They have called me time and again, night after night, and said: "If you value your political hide you had better abide by the opinion of your constituents, because 90 percent of them favor lifting the embargo." The great majority of the letters I have received favor lifting the embargo, as against the theory of retaining it.

Mr. President, I have utterly disregarded such statements. I feel that if there ever was a time in all the years I have been a Member of the Senate when I should vote my honest-to-God conscientious convictions, as every other Member of this body will do, that time is now. I have not been conscientiously able to bring myself to any other conclusion than that which I have chosen. I say to the people of my State, to whom I must look for any political future, that in casting my vote I shall cast a vote dictated by the heartthrobs of my conscience; and no one can be blamed for doing that.

I wish to direct my remarks to North Carolina, and to say that I want my friends down there to sell their cotton for cash on the barrel head. I want them to sell their mica, their corn, their tobacco, their peanuts, their potatoes, and their textiles. They want to do it, too. However, I stop

there. I will not vote to sell instruments of death to be used to kill human beings. I do not believe the possessors in North Carolina of the products I have mentioned would ever be willing to be accessories before or after the fact in bringing about the death of their fellow men.

Mr. President, I thank the Senators who have done me the honor to listen to me this afternoon, and who have been most patient with me. I desire to say that, regardless of my vote and regardless of the vote of any other Member of this body, I, like you, shall pray that whatever action we may take will not lead us into war, because, after all, the sole objective we all have in view is that of keeping America out of war, and keeping our sons nestled close to the hearts and the bosoms of their mothers, North, East, South, and West.

Mr. BARKLEY. Mr. President, I ask unanimous consent that beginning on Monday when the Senate assembles, no Senator shall speak more than once or longer than 1 hour on the joint resolution, nor more than once or longer than 30 minutes on any amendment thereto.

Mr. McNARY. Mr. President, I regret that I cannot agree to the proposal made by our able leader. I have very carefully canvassed the sentiment among various Members of the Senate, and I find some opposition to the proposed agreement. I think I can hold out to the able Senator the hope that probably on Monday some such arrangement can be made—I do not know whether or not in the precise form suggested—but I shall be glad to confer with the Senator from Kentucky and see if some arrangement cannot be made placing a limitation on debate, probably commencing with Tuesday.

In behalf of myself and other Members of the Senate, I desire to express our very deep feeling of gratitude to the Senator from Kentucky for the manner in which he has conducted the proceedings during the consideration of the unfinished business. No one can complain of his patience, his generosity, or his good will. At this time, however, I am unable to conform to the proposal made; and therefore I must object.

Mr. BARKLEY. Mr. President, I regret that the Senator from Oregon feels compelled to object. I appreciate the efforts he has made to cooperate in working out a plan by which this measure may be brought speedily to a conclusion. Of course, however, I accept his objection in the spirit in which he tenders it. I sincerely trust, and I have no right to doubt, that he will attempt further to cooperate with me in working out a plan by which we may limit debate during the remainder of the consideration of the joint resolution.

Mr. McKELLAR. Mr. President, on yesterday something was said about the history of former embargoes issued by our Government. Some time ago I requested Mr. Ruskin McArdle, the Librarian of the Senate, to compile the history of each act pertaining to embargoes. He has just handed to me such a compilation, which had already been compiled by the legislative reference service of the Library of Congress, and I ask unanimous consent to place it in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

EMBARGO ACTS OF CONGRESS (1794–1937)

Act of June 4, 1794 (1 Stat. 372, ch. 41)

The President was authorized, until the next session of Congress, whenever in his opinion the public safety required it, to lay an embargo on all United States and foreign vessels, such embargo to expire 15 days after the commencement of the next session (i. e., on December 22, 1795).

Joint resolution of March 26, 1794 (1 Stat. 400, II)

An embargo laid for 30 days on all vessels in United States ports, bound for any foreign port; no clearances to be furnished to any vessel bound for any foreign port "except ships or vessels, under the immediate directions of the President of the United States."

Joint resolution of April 2, 1794 (1 Stat. 400, III)

All registered vessels departing from United States ports required, during the continuance of the embargo of March 26, 1794, above, to give bond, equal to double the value of the vessel and cargo, that the cargo would be relanded in another United States port.

No clearance to be granted to any foreign vessel, during continuance of the embargo; but "all armed vessels possessing public commissions from any foreign power (letters of marque excepted)" were not subject to the embargo.

Joint resolution of April 18, 1794 (1 Stat. 401, IV)

Embargo of March 26, 1794, above, continued until May 25, 1794.

Joint resolution of May 7, 1794 (1 Stat. 401, V)

The President was authorized to direct clearances of United States vessels bound for any port beyond the Cape of Good Hope, notwithstanding "the embargo," provided the owners gave security not to unlade cargo before arrival at Cape of Good Hope.

Act of June 13, 1798 (1 Stat. 565–566, ch. 53)

Section 1. Vessels owned, etc., by residents of the United States prohibited from departing for or trading with France, the West Indies, or any French territory, under penalty of forfeiture of vessel and cargo.

Section 2. All such vessels clearing from United States ports for foreign voyages required to give bond, in sum equal to value of vessel and cargo, not to trade with or go to any port of France, the West Indies, or any French territory, "unless by stress of weather, want of provisions, or by actual force and violence, to be fully proved and manifested before the acquittance of such bond."

Section 4. This act to continue in force until the end of the next session of Congress (i. e., until March 2, 1799).

Section 5. If, before the next session of Congress France should discontinue hostilities, etc., the President was authorized to discontinue these prohibitions, etc.

Act of February 9, 1799 (1 Stat. 613–616, ch. 2)

Act to be effective from March 3, 1799, to March 3, 1800.

Sections 1 and 2 are similar to sections 1 and 2 of the act of June 13, 1798, above, except that the bond is to be in sum equal to value of vessel and one third of the value of the cargo.

Section 4 authorized the President at any time to discontinue the prohibitions under this act.

Section 5 authorized the President to instruct "commanders of the public armed ships of the United States" to stop and examine any United States vessel on the high seas, which there was reason to suspect was engaged in prohibited commerce, and if it appeared to be bound for French territory, etc., to seize same and send it to the nearest United States port.

Section 6 provided for trial of cases of seizure of United States vessels.

Act of February 27, 1800 (2 Stat. 7–11, ch. 10)

Provisions similar to those of February 9, 1799, above, for the period from March 2, 1800, to March 3, 1801, but for the purposes of this act the island of Hispaniola was to be considered a dependency of France.

Act of February 28, 1806 (Stat. 351, ch. 9)

Commercial intercourse prohibited for 1 year between residents of the United States and any part of the island of Santo Domingo not under French jurisdiction, under penalty of seizure and condemnation of vessel and cargo.

Owners of vessels, etc., clearing for foreign voyages required to give bond, in a sum equal to the value of the vessel and cargo, not to go to prohibited parts of Santo Domingo or sell goods to residents there.

Provisions for collection of penalties, etc.

The President was authorized to discontinue prohibitions under this act at any time.

Act of December 22, 1807 (2 Stat. 451–453, ch. 5)

Embargo laid on all vessels in United States ports bound for foreign ports; no clearance to be furnished to any vessel bound for a foreign port except "vessels under the immediate direction of the President"; President given authority to enforce embargo.

All registered or sea letter vessels departing from United States ports required to give bond in sum double the value of vessel and cargo, that cargo would be relanded in some United States port. "Armed vessels possessing public commissions from any foreign power" are not subject to this embargo. (Repealed by act of Mar. 1, 1809, below, effective June 28, 1809.)

Act of January 9, 1808 (2 Stat. 453–454, ch. 8)

Section 1. During the continuance of the Embargo Act of December 22, 1807, above, vessels licensed for coasting trade were required to give bond, in a sum double the value of the vessel and cargo that the vessel would not go to any foreign port and that the cargo would be relanded in some United States port.

Section 2. Owners of licensed fishing vessels or whaling vessels were not to carry any cargo except sea stores, etc.; bond was required, in four times the value of the vessel and cargo, not to go to any foreign port, and to return to some United States port, except that in case of licensed vessels whose activities were confined to United States rivers, bays, or sounds, a bond of $300 for each ton of vessel was sufficient.

Section 3. The penalty for shipping goods in violation of the Embargo Act of December 22, 1807, or of this act was prescribed as:

(1) forfeiture of vessel and cargo, or, if vessel not seized, payment of double the value of ship and cargo.

(2) owner, etc., to be thereafter not allowed credit for duties on any importations.

(3) master or commander and persons knowingly concerned in voyage each to pay penalty of from $1,000 to $20,000 for each offense whether the vessel was seized or not, and

(4) oath of master or commander knowingly offending to be inadmissible, thereafter, before any collector of customs.

Section 4. Exception in favor of armed vessels in act of December 22, 1807, to apply only to public armed vessels and not to privateers, vessels having letters of marque or other private armed vessels, which were to be subject to law governing departure of other private foreign vessels.

Section 5. Foreign vessels were not to carry any cargo except sea stores necessary for the voyage, under penalty of forfeiture and condemnation of vessel and cargo and payment of from $1,000 to $10,000 for each offense.

Section 6. Regulations for collections of penalties, etc.

Section 7. Duration of Embargo Act of December 22, 1807, above, not to be part of 12 months during which imported goods must be exported in order to be entitled to draw-back.

Act of March 12, 1808 (2 Stat. 473–475, ch. 33)

Section 1. During the continuance of the Embargo Act of December 22, 1807, above, ships owned by United States citizens were prohibited from leaving a United States port or receiving clearance, without giving bond for double the value of vessel and cargo not to go to foreign port and to reland cargo in United States port, except in case of American vessels whose trade was uniformly confined to United States rivers, bays, sounds, and lakes, where bond of $200 for each ton of vessel was sufficient. Foreign vessels required to give bond, for four times the value of vessel and cargo before leaving United States ports or receiving clearance with cargo destined for another United States port, not to go to a foreign port and to reland cargo in the United States.

Section 2. Boats without masts or decks and whose trade was confined to United States rivers, bays, and sounds not adjacent to foreign nations, were to be either exempt from bond or required to give bond in sum of $30 for each ton of vessel, not to engage in foreign trade.

Section 3. Certificate of relanding to be produced by party to bond within 4 months after clearance of vessels.

Section 4. Exportation of goods by land or water prohibited under penalty of up to $10,000 for each offense. But power of President under Embargo Act of December 22, 1807, above, and rights of fishing vessels under supplementary act of January 9, 1808, not affected.

Section 5. Masters and mates of fishing vessels required to take oath as to whether fishing fare had been sold during voyage, under penalty of $100, but oath not required of small vessels fishing on our own coasts.

Section 6. Regulations as to collection of penalties, etc.

Section 7. President authorized to permit United States citizens to send vessels to bring back their property in foreign ports provided they comply with certain bond requirements. (Repealed by act of January 9, 1809, below, effective June 28, 1809.)

Act of January 9, 1809 (2 Stat. 506–507, ch. 5)

Placing of goods on board ship or other carrier for exportation in violation of embargo laws made a "high misdemeanor," penalized by fine equal to four times the value of goods in addition to forfeiture of carrier and goods; informers entitled to one-half the fine.

Permit required for loading goods on vessels, loading to be subject to inspection and bond required in sum of six times the value of the vessel and cargo, not to go to foreign port or deliver goods to any other vessel, and to re-land cargo in United States port. Collectors of customs authorized to refuse permit when in their opinion there was intention to violate embargo, or by direction of the President.

Permits required of vessels trading on United States bays, sounds, rivers, or lakes, with bond of $300 for each ton of the vessel, not to depart without clearance or engage in foreign trade, etc., under penalty of forfeiture of vessel and payment of sum equal to value of vessel and cargo by owner, etc.

Owners of vessels held liable for violation of embargo laws in addition to other parties liable. Additional bond of $300 required when new register or license granted or on sale of ship, against use of vessel in violation of embargo laws.

Certificate of relanding of cargo within 2 months required.

Bond required for registered or sea letter vessels similar to that required for coasting trade.

Collectors authorized to seize goods on vessels, etc., if there was reason to believe these were intended for exportation; also to require bonds for relanding of goods in United States ports.

Collectors to obey rules and regulations of the President in exercising powers under embargo laws. Provision for suits against collectors to recover property seized.

President authorized to use land or naval forces to enforce embargo laws.

Provision for collection of penalties, etc.

President authorized to hire for not more than 1 year 30 United States vessels not exceeding 130 tons each for enforcing embargo laws.

Powers of the President under section 7 of act of March 12, 1808, above, to cease. (Repealed by act of Mar. 1, 1809, below, effective June 28, 1809.)

Act of March 1, 1809 (2 Stat. 530–533, ch. 24, secs. 11–19)

11–19).

Section 11. President authorized, in case either France or Great Britain should cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which trade of the United States suspended by this act and the embargo acts might be removed.

Section 12. Embargo acts repealed, except so far as they related to Great Britain and France and their possessions.

Section 13. Bond required of any vessels bound for a foreign port, in a sum double the value of vessel and cargo in case of United States vessels, or four times the value of foreign vessels, that the vessel would not leave without clearance or go to a port of France or Great Britain or their possessions, or directly or indirectly trade with them, and that the provisions of section 2 of Embargo Act of January 9, 1808, above, would be complied with. Certificate of landing of cargo required.

Section 14. Repeal, as of March 15, 1809, of certain restrictions on coasting trade vessels, under the embargo laws.

Section 15. A permit required for coasting trade vessels, also a bond, in a sum double the value of the vessel and cargo, that the vessel would not proceed to a foreign port and would re-land in some United States port; but vessels engaged in trade on rivers, bays, and sounds were required to give similar bond in an amount of $150 only.

Section 16. Vessels departing from United States ports, without clearance or permit or having given bond, to be forfeited; the owner, master, etc., were each required to pay a sum equal to value of vessel and cargo.

Section 18. Regulations for recovering of penalties, etc.

Section 19. Act to remain in force until June 28, 1809, and all embargo laws to be repealed as of June 28, 1809.

Act of June 28, 1809 (2 Stat. 550–551, ch. 9)

Sections 11 and 18 or act of March 1, 1809, above, continued until May 1, 1810.

No vessel "except such as may be chartered or employed for the public by the President" to depart for Great Britain, France, or their dependencies. A bond in the sum of double the value of vessel and cargo, that vessel would not go to or trade with the prohibited countries, required of all vessels bound for foreign ports, under penalty of forfeiture of vessel and cargo and payment of a sum equal to value of ship and cargo by owner, master, etc., "severally."

Provisions for recovery of penalties, etc.

Act of May 1, 1810 (2 Stat. 605–606, ch. 39)

No British or French armed vessel to be permitted to enter waters under the jurisdiction of the United States.

All "pacific" intercourse with British or French armed vessels forbidden; persons offending to be "liable to be bound to their good behaviour" and to pay fine of $2,000.

Provision for discontinuance of restrictions under this act in case either Great Britain or France should cease to violate the neutral commerce of the United States. (Repealed Mar. 3, 1815; 3 Stat. 226.)

Act of April 4, 1812 (2 Stat. 700–701, ch. 49)

Embargo laid for 90 days on all vessels in United States bound for foreign ports; no clearance to be furnished to any ship except vessels in ballast, with the consent of the President.

No registered or sea letter vessel to depart from United States port until master, owner, etc., had each given bond, in a sum double the value of the vessel and cargo, to reland cargo in United States port.

Penalty for violations of this act:

(1) Forfeiture of vessel and cargo; or

(2) If vessel was not seized, owner, etc., to pay for each offense a sum equal to double the value of the vessel and cargo and never be allowed credit for duties on goods imported into the United States.

(3) Master or commander of vessel and all persons "who shall knowingly be concerned," each respectively to pay not exceeding $20,000 or less than $1,000 for each offense, whether the vessel be seized or not, and the oath of master or commander to be thereafter inadmissable before any collector of customs.

Provisions for enforcement of penalties, etc.

Act of April 14, 1812 (2 Stat. 707–708, ch. 56)

Exportation by land or sea of goods, wares, etc., prohibited during continuance of Embargo Act of April 4, 1812, above, under penalty of forfeiture of carrier and goods and payment of not exceeding $10,000 by owner and "every other person knowingly concerned" in such exportation.

The President was authorized to employ land and naval forces or militia for preventing illegal departure of vessels in violation of said Embargo Act or illegal exportation contrary to this act, etc.

Provisions for recovery of penalties.

Act of December 17, 1813 (3 Stat. 88–93, ch. 1)

An embargo to be effective until January 1, 1815, or until cessation of hostilities, was laid on all vessels in United States ports and no clearance was to be furnished to any vessel during that period. But "public armed vessels possessing public commissions from any foreign power" were not subject to the embargo.

Section 2. If any person loaded a carrier with goods for exportation in violation of this act, he would forfeit carrier and goods, be guilty of a "high misdemeanor" and be fined four times the value of the goods.

Section 4. Vessels whose trade was confined to United States bays, sounds, rivers, or lakes could get permits to carry goods under bond of $300 for each ton of vessel, and conditioned on obtaining clearance, delivering manifest, not engaging in foreign trade, and delivery of goods at place mentioned in clearance, etc.

Section 5. Penalty for failure to get permit or give bond as required in section 4, was forfeiture of goods and cargo and payment of a sum equal to value of vessel and cargo, by owner, master, etc., severally.

Section 6. Provision for holding registered, licensed, etc., owner liable for penalties and that bond be required for registration, license, or sale of vessel during continuance of this act.

Section 7. Owners of vessels "licensed for fisheries" or bound on a whaling voyage to give bond, in four times the value of vessel and cargo, not to go to foreign port and to return with their fishing fare to the United States.

Section 8. Penalty for departing without clearance or permit or engaging in foreign trade, etc., in violation of this act was forfeiture of vessel and cargo, owner to pay double the value of vessel and cargo for each offense if vessel was not seized and never to be allowed credit for duties on imports, and master or commander, etc., each to pay not exceeding $20,000 for each offense whether vessel was seized or not, imprisoned for from 6 months to a year, and oath of master or commander to be thereafter inadmissible before collector of customs.

Section 9. Foreign vessels were subject to penalty of forfeiture of vessel and cargo and fine of not exceeding $20,000 for taking on board goods other than provisions and sea stores.

Section 10. Collectors were authorized to take in custody goods found on vessels apparently destined for foreign nations and to require bond for landing of same in United States port.

Section 11. Discretionary powers of collectors under this act were to be exercised under instructions from the President. Provision for suits against collectors for goods seized.

Section 12. President was authorized to employ land or naval forces or militia in enforcing the provisions of this act.

Section 13. "Public and private armed vessels of the United States" authorized to capture vessels violating provisions of this act and send same to port for adjudication.

Section 14. Provision for recovery of penalties, etc.

Section 15. Period during which this act was in force not be part of 12 months during which imported goods must be exported in order to be entitled to draw-back.

Sections 16–19. "Any private armed vessel duly commissioned by any foreign power in amity with the United States" and United States vessels commissioned under the act of June 26, 1812, authorizing issuance of letters of marque and reprisal, were not subject to the provisions of this act, but were subject to seizure by collector of customs if trading with the enemy, etc.

Section 20. The President was authorized to terminate embargo on termination of hostilities, etc.

NOTE.—This act was repealed by act of April 14, 1814 (3 Stat. 123, ch. 56).

Espionage Act of June 15, 1917

Title V (40 Stat. 221–223; U. S. Code 18: 25, 27, 31–38).

Section 1 (Code sec. 31). Clearance may be withheld from any vessel in time of war in which the United States is neutral, when there is reason to believe it is about to carry arms, etc., to a belligerent war vessel contrary to international law or treaty obligations.

Section 2 (Code sec. 32). Armed vessels or vessels manifestly adapted to warlike uses may, in time of war in which the United States is neutral, be detained until the President is satisfied that they will not be used to commit hostilities against a friendly state or people, nor be delivered to a belligerent nation.

Section 3 (Code sec. 33). It is unlawful, during a war in which the United States is neutral, to send out of United States jurisdiction any war vessel with intent to deliver it to a belligerent nation or for use by such nation.

Section 4 (Code sec. 34). Masters of vessels must, during a war in which the United States is neutral, make sworn statements as to any portion of the cargo that is to be transshipped in port or on the high seas.

Section 5 (Code sec. 35). Collectors of customs must refuse clearance of vessels if there is reason to believe the statements under section 4 are false, or that the vessel is not entitled to clearance; it is then unlawful for such vessel to depart, subject to review of the collector's decision by the Secretary of Commerce.

Section 6 (Code sec. 36). Violation of this title is punishable by fine up to $10,000 and/or imprisonment up to 5 years, and forfeiture of the vessel, cargo, etc.

Section 7 (Code sec. 37). Penalty up to $1,000 and/or one year's imprisonment for breach or attempted breach of regulations governing interned members of a belligerent land or naval force.

Section 8 (see sec. 13 of Criminal Code, above).

Section 9 (Code sec. 38). The President may use the land or naval forces to enforce this title.

Section 10 (see sec. 15 of Criminal Code, above).

Title VI (40 Stat. 223–225; U. S. Code 22: 238–245).

Whenever an attempt is made to export arms or munitions of war, etc., in violation of law, or there is cause to believe that such arms, etc., are being or are intended to be exported in violation of law, they may be seized and detained, with the vessel containing them. Procedure is provided for trial of such cases, and forfeiture of property seized if law is violated. President authorized to employ land or naval forces of the United States necessary to carry out purposes of this act.

Title VII (40 Stat. 225–226): President was authorized during the World War to prohibit, by proclamation, the exportation of specified goods to countries named in his proclamation.

Any person exporting goods, etc., in violation of this title was subject to a $10,000 fine and imprisonment for not more than 2 years, or both; each officer, director, or agent of a corporation who participated in any such violation was liable to like fine or imprisonment, or both.

Collector of customs was authorized to refuse clearance or forbid departure of vessel when there was cause to believe that they were about to carry prohibited exports. Taking or attempting to take such vessels out of port was punishable by $10,000 fine or imprisonment for not more than 2 years, or both, and forfeiture of vessel and cargo.

Neutrality Act of August 31, 1935, as amended May 1, 1937 (50 Stat. 121–123, ch. 146, secs. 1, 2; U. S. Code Supp. 22: 245a, 245a½)

Section 1 (Code sec. 245a) (a). When the President finds that there exists a state of war between two or more foreign states he "shall proclaim such fact"; "it shall thereafter be unlawful" to export arms, ammunition, or implements of war, either directly or indirectly through a neutral state, to any belligerent state named in such proclamation.

(b) Embargo is to be extended to other states when they become involved in the war.

(c) When the President finds that a state of civil strife exists in a foreign state and that export of arms, ammunition, or implements of war to such state might endanger the peace of the United States, he "shall proclaim the fact"; "it shall thereafter be unlawful" to export arms either directly or indirectly through a neutral state to such foreign state.

(d) The President "shall from time to time by proclamation definitely enumerate the arms * * * the export of which is prohibited."

(e) Fine of not over $10,000 or imprisonment of not more than 5 years, or both, and property and vessel subject to seizure and forfeiture, for exportation in violation of this section.

Section 2 (Code sec. 245a½) Cash-and-carry provision for exportation of supplies other than arms, etc., to belligerent (no longer in force).

EMBARGO AND NONINTERCOURSE ACTS UNDER WASHINGTON, JEFFERSON, MADISON

The confiscation of American vessels entering French ports was at its height when the news reached Paris of the act of May 1. Napoleon, without any intention of lifting the offensive decrees, but with the hope of further embroiling England and America, then announced his intention to permit a certain number of our vessels to enter French ports, provided they came with certain goods and accepted others in return. He thus hoped to alleviate some of the distress of which his own merchants complained. An assurance was given that the Berlin and Milan decrees would be revoked on the 1st of November.

Acting on these advices, Madison issued a proclamation on November 2 in which he served notice on Britain that her decrees must be revoked within 3 months or the old nonintercourse law would be put into effect against her. The dead line, February 2, approached with no word of revocation from England. Congress delayed as long as possible and then took up a bill to revive the nonintercourse laws.

There followed a debate which is described by historians as equal in violence to any which ever took place in the American Congress. Certain persons challenged the sincerity of France, saying she did not intend to repeal the decrees as promised, and offered evidence to support it. Madison, believing the French to be sincere, stoutly maintained that the decrees had been revoked and sent certain documents to the House, which swung the tide in his favor. Immediate proposals to revive the nonintercourse measures against Britain followed and there came an even more tempestuous session, which resulted in a challenge to duel directed to Randolph by John W. Eppes.

On March 2, 1811, there was approved an act of Congress whereby the provisions of the Nonintercourse Act were to become effective in regard to commerce with Britain unless prior to the date of enactment she should have modified the edicts which had placed such a burden on American commerce and had violated the rights of a neutral nation.

March 9, 1812, saw these beliefs dispelled when the captain of the American brig *The Thames*, made affidavit that in the previous January he had been stopped by the French ships of war and informed the squadron had been sent to sea early in January with orders to seize American shipping. Napoleon had promised such seizures would stop on November 2, 1811. It was only too apparent that the decrees were still in effect.

Since American ships were being seized by both French and British warships, it was decided to lay down an embargo. A secret message from Madison arrived at the House April 1, 1812. The House passed it at 9 o'clock that night. The Senate acted almost immediately, and the bill became law April 4, 1812. The measure was for only a 90-day period.

An act declaring war on England was approved June 18, and a proclamation followed the next day.

The period immediately preceding the declaration of war was one of utmost confusion. Conflicting economic and political interests divided the country. The opening weeks of the Congress which was to declare war showed plainly the existence of a militant war party; yet in April the war spirit had died to the point where the Congress nearly adjourned until June. It was on the 1st day of June that Madison's war message was received.

As was to be expected, the British upon the opening of hostilities sent vessels to blockade American ports. Since it was impossible to trade safely with any nation so long as English vessels were lurking outside the harbors, some of the people decided the only thing to do was to trade with the British. It became apparent that this trade which was supplying the British forces in this hemisphere was being enjoyed primarily by the New England States which were hostile to the war; other ports, such as Baltimore and Philadelphia, were subjected to such a rigorous blockade that any trade was impossible.

The situation led to the introduction of a bill to lay an embargo upon all commerce. The bill passed both Houses after some debate and was signed by Madison, December 17, 1813. A similar bill had been introduced in the House during the preceding session, but had failed of passage in the Senate. A discussion of the earlier bill and of the bill which became law during the second session will be found in the Annals, Thirteenth Congress, First and Second Sessions, 1813–14.

This was the last of the embargo acts. Probably had the bill not been enacted when it was, there would have been no embargo laid. Since the act in no way inflicted a hardship upon Britain so far as her commerce was concerned and since it met with almost immediate demands for repeal by our citizens, the act was short-lived, being repealed in April of the following year. Then, too, the news of Napoleon's defeat reached the United States about 3 weeks following the passage of the act; this news simply meant that all of Europe was open to Britain's commerce and the act would be of little benefit to us while at the time bolstering the British blockade of our ports.

The history of the various embargo acts is very complex if one is to consider the conditions which promoted their adoption and repeal. Probably as good a picture of the period as any is contained in the work by McMaster entitled "History of the People of the United States." While the work consists of six volumes, volume 3 and volume 4 are concerned with this period.

Mr. CLARK of Missouri. Mr. President, I also have had prepared a little summary of the history of embargoes. I ask unanimous consent that I may be permitted to insert it in the RECORD at a later date.

Mr. McKELLAR. That is entirely satisfactory. Two histories of embargoes will be better than one, of course.

Mr. CLARK of Missouri. I am certain that that is true, because I think mine will be more correct. [Laughter.]

Mr. McKELLAR. The Librarian of the Senate is a very accurate and painstaking gentleman. I have great confidence in what he has furnished me, and if it is wrong, the fact can be easily ascertained.

The PRESIDING OFFICER. Without objection, the request of the Senator from Missouri is granted.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until Monday, October 23, 1939, at 11 o'clock a. m.

SENATE

MONDAY, OCTOBER 23, 1939

(Legislative day of Wednesday, October 4, 1939)

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

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Gracious Father, who art worthy of a love greater than we can either give or understand, pour into our hearts such love toward Thee that we may find in Thee, our refuge and our strength, a very present help in time of trouble. Shed upon our spirits the freshness of the dawn, touch our lips with something of the prophet's fiery splendor as we speak truth with awed lips and feel a confidence of which we had not dreamed. Teach us that it is not sufficient that we do brave deeds and steel our hearts against corrupting fear, but do Thou strengthen us to bear the burdens of the world and to share alike the agonies and consolations that embitter and allay the sorrows of this present hour; and though we be so sorely tasked, yet do Thou keep our lives pure, free from all dust and soil, and without the shadow of a stain. And as we labor on through changing light from midday unto moonrise, may the meaning of the cross be ever clearer—God revealing Himself, not in splendor but in thorn-crowned pain, for in all our afflictions He was and is afflicted. We ask it in the Saviour's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, October 21, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Danaher	Johnson, Colo.	Reynolds
Andrews	Davis	King	Russell
Austin	Donahey	La Follette	Schwartz
Bailey	Downey	Lee	Schwellenbach
Bankhead	Ellender	Lucas	Sheppard
Barbour	Frazier	Lundeen	Shipstead
Barkley	George	McCarran	Slattery
Bilbo	Gerry	McKellar	Smith
Borah	Gibson	McNary	Stewart
Bridges	Gillette	Maloney	Taft
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Tobey
Byrd	Hale	Murray	Townsend
Byrnes	Harrison	Neely	Tydings
Capper	Hatch	Norris	Vandenberg
Caraway	Hayden	Nye	Van Nuys
Chandler	Herring	O'Mahoney	Wagner
Chavez	Hill	Overton	Walsh
Clark, Idaho	Holt	Pepper	White
Clark, Mo.	Hughes	Pittman	Wiley
Connally	Johnson, Calif.	Radcliffe	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The Senator from New Jersey [Mr. SMATHERS], the Senator from Missouri [Mr. TRUMAN], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Massachusetts [Mr. LODGE] is absent on official business.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury and the Navy, and the W. P. A., which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

PETITION

Mr. HOLT presented a resolution adopted by the Council of the City of Wheeling, W. Va., favoring the preservation of American neutrality, and protesting against repeal of the embargo on the shipment of arms and munitions to belligerent nations, which was ordered to lie on the table.

NEUTRALITY AND PEACE OF THE UNITED STATES—AMENDMENT

Mr. BROWN. Mr. President, I ask unanimous consent that my substitute for the Pittman amendment to subsection (F), on page 17, which is on the clerk's desk, be printed, and also printed in the RECORD at this place, for consideration at the time the Pittman amendment is considered.

I should like to state very briefly that this amendment relates to the prohibition which we feel interferes with the normal trade on the Canadian and Mexican borders. The amendment would permit American citizens who sell to citizens on the Canadian side of the border, and on the Mexican side of the border also, to retain title to their goods until paid for.