further that if I did not feel it was a duty of mine to remain on this committee and try to help to do this work as best I can, I would be tremendously relieved if I could come back in this House every day and work on that constructive side of the business. [Applause.]

[Here the gavel fell.]

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Thursday, October 26, 1939, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER:

H. R. 7599. A bill to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States and direct appeals to the Supreme Court of the United States in certain cases involving the constitutionality of acts of State legislatures, and for other purposes; to the Committee on the Judiciary.

By Mr. BURDICK:

H. R. 7600. A bill to eliminate debt money and taxes; to set up an honest, scientific monetary system based on the potential productivity of the country, and which shall reflect the needs of consumers as well as producers, and for other purposes; to the Committee on Banking and Currency.

By Mr. HORTON:

H. Res. 318. Resolution amending rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

PETITIONS, ETC.

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

5825. By Mr. FLAHERTY: Petition of the Massachusetts State Federation of Labor, Boston, Mass., opposing reciprocal trade pacts; to the Committee on Ways and Means.

5826. Also, resolution of group of American citizens, Marion Exter, secretary, Cambridge, Mass., urging the United States to discontinue shipments of American goods and machinery to the Japanese Government for the prosecution of the war against China; to the Committee on Foreign Affairs.

5827. Also, petition of the Massachusetts State Federation of Labor, Boston, Mass., opposing the furlough provisions in the relief appropriation act and also requirement making skilled workers work the same number of hours for the same so-called security wage as unskilled workers; to the Committee on Appropriations.

5828. Also, petition of the Massachusetts State Federation of Labor, Boston, Mass., urging repeal of the Hatch bill; to the Committee on the Judiciary.

5829. Also, petition of the Cambridge (Mass.) City Council, urging repeal of the furlough provision of the Relief Appropriation Act; to the Committee on Appropriations.

5830. By Mr. GILLIE: Petition of 50 members of the Women's Class of the St. John's Reformed Church, Fort Wayne, Ind., urging that the arms embargo be maintained; to the Committee on Foreign Affairs.

5831. Also, petition of Elias Souder and 40 members of the Leo Apostolic Christian Sunday School, of Grabill, Ind., urging Congress to keep the arms embargo; to the Committee on Foreign Affairs.

5832. By the SPEAKER: Petition of the Bergen County Women's Republican Club, Hackensack, N. J., petitioning consideration of their resolution with reference to the Dies committee investigating un-American activities; to the Committee on Appropriations.

5833. Also, petition of the Wisconsin Mink Breeders' Association, Fort Atkinson, Wis., petitioning consideration of their resolution with reference to the Canadian trade agreement, concerning all mink pelts; to the Committee on Foreign Affairs.

SENATE

THURSDAY, OCTOBER 26, 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:

Unto Thee, O Lord, do we lift up our voice, for all things in Heaven and earth are Thine, and in Thy gracious keeping are the hearts of men. Loose the bonds that bind our souls in this benumbing age; quicken the consciences of men that they may realize that the difficulties in the world are the result of opposition to Thy will; let no one be deceived by fame, whose loud wings do but fan to flame the ashes of the past; rather let us be humbly grateful for the present privilege of sharing with Thee in bettering men's lives. Since Thou hast had Thy way with us, hasten, dear Lord, the work of peace, and show us our part in the redemption of the world from cruelty and hate, the achievement of which is mainly Thine. We ask it in the name of Him whose kingdom is our hearts' desire, and whose will for men is love, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, October 25, 1939, was dispensed with, and the Journal was approved.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Young Democrats Club of Washington, D. C., favoring repeal of the embargo provision of the existing Neutrality Act and the enactment in its stead of the proposed cash-and-carry plan, which was ordered to lie on the table.

He also laid before the Senate the petition of the Council of American Master Mariners, New York City, N. Y., praying for the elimination of restrictions on shipping and commerce in pending neutrality legislation, and the preservation of the right of freedom of the seas subject to international law for all vessels of the United States, which was ordered to lie on the table.

Mr. HOLT presented a resolution of the Federation of Women's Clubs, Central District, in the State of West Virginia, favoring the enactment of such neutrality legislation as will most likely keep the United States out of any foreign war, which was ordered to lie on the table.

Mr. LODGE presented the petition of Rev. and Mrs. Alexander Stewart, of Malden, Mass., praying for the preservation of American neutrality and peace, and also that the present embargo on the shipment of arms and munitions to warring nations may be retained, which was ordered to lie on the table.

BILLS INTRODUCED

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

By Mr. WALSH:

S. 2990. A bill to provide for adjusting the compensation of persons employed as guards and guard officers at navy yards, and for other purposes;

S. 2991. A bill to authorize the Secretary of the Navy to accept on behalf of the United States certain lands in the city of National City, Calif.;

S. 2992. A bill to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States, at Quantico, Va.; and

S. 2993. A bill to authorize an exchange of lands between the city of San Diego, Calif., and the United States, and acceptance by gift of certain lands from the city of San Diego, Calif.; to the Committee on Naval Affairs.

By Mr. BURKE:

S. 2994. A bill for the relief of Joseph Soulek; to the Committee on Claims.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

NEUTRALITY AND PEACE OF THE UNITED STATES—AMENDMENTS

Mr. WALSH 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, to be printed, and to be printed in the RECORD, as follows:

At the end of section 2 insert the following new subsection:
"( ) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any state named in such proclamation any of the articles or materials enumerated in category VI, group 2, in the President's proclamation No. 2349, of September 5, 1939."

Mr. JOHNSON of California and Mr. DOWNEY, jointly, submitted amendments intended to be proposed by them to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 16, line 13, after the word "materials", insert "except copyrighted articles or materials."
On page 17, line 3, after the word "citizen", insert "(1)"; and in line 5 after the word "materials", insert "or (2) in connection with the exportation or transportation of any such copyrighted articles or materials."

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

Mr. CONNALLY submitted amendments intended to be proposed by him to the committee amendment to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

At the end of section 2, insert the following new subsection:
"(k) The provisions of subsection (c) of this section shall not apply to transportation by any neutral vessel of any articles or materials to any port referred to in subsection (g) of this section if no part of the cargo of such neutral vessel consists of articles or materials listed in a proclamation issued under the authority of section 12 (i)."
In the first sentence of section 2 (i) after the word "apply", insert, "and every neutral vessel to which the provisions of subsection (k) apply."
In the second sentence of section 2 (i), strike out "and (h)" wherever it appears and insert in lieu thereof "(h), and (k)."
In section 2 (j), strike out "and (i)" and insert in lieu thereof "(i), and (k)."
In clause (4) of section 2 (g), strike out the word "South" before the word "Atlantic."

COMMITTEE SERVICE

Mr. BARKLEY. Mr. President, I send to the desk an order and ask unanimous consent for its present consideration.

There being no objection, the order was read, considered, and agreed to, as follows:

Ordered, That the Senator from Kentucky, Mr. CHANDLER, be assigned to service on the Committees on Military Affairs, Mines and Mining, and Privileges and Elections.

Mr. BARKLEY. Mr. President, I wish to say that there are some other vacancies on committees for which a number of Senators have made application to the steering committee. The committee decided, in view of the fact that committees are not meeting at this session and will not meet until January for legislative purposes, that it would not fill any other vacancies except those to which my colleague has been assigned this morning. All other vacancies are open, therefore, until January.

CHRONOLOGY OF AMERICAN FOREIGN POLICY FROM JULY 1937

[Mr. NYE asked and obtained leave to have printed in the RECORD a chronology of American foreign policy from July 1937 to date, prepared by him, which appears in the Appendix.]

LEGAL ASPECTS OF NEUTRALITY PROBLEM—REPORT OF AMERICAN BAR ASSOCIATION

[Mr. MEAD asked and obtained leave to have printed in the RECORD a report signed by James W. Ryan, Esq., chairman, section of international and comparative law of the American Bar Association, and a report of the American Bar Association's committee on law protecting Americans and their property in foreign countries and on the high seas, both relating to pending neutrality legislation, which appear in the Appendix.]

ADDRESS BY MSGR. JOHN A. RYAN ON THE QUESTION OF EMBARGO REPEAL

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address delivered by Rt. Rev. Msgr. John A. Ryan on the subject Shall the Embargo Be Lifted? which appears in the Appendix.]

ADDRESS ON CIVIL AERONAUTICS BY HON. HARLLEE BRANCH

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an address on civil aeronautics delivered by Hon. Harllee Branch, Vice Chairman of the Civil Aeronautics Authority, at New Orleans, La., on October 13, 1939, which appears in the Appendix.]

ADDRESS BY JAMES A. FARRELL BEFORE NATIONAL FOREIGN TRADE CONVENTION

[Mr. MURRAY asked and obtained leave to have printed in the RECORD the address delivered by Mr. James A. Farrell, of New York, at the Twenty-sixth National Foreign Trade Convention, held in New York City on October 9, 1939, which appears in the Appendix.]

AMERICAN NEUTRALITY—ARTICLE FROM THE TIMBER TRADES JOURNAL OF LONDON, ENGLAND

[Mr. HOLMAN asked and obtained leave to have printed in the RECORD an article entitled "America Takes the Cash," published in the Timber Trades Journal of London, England, of the issue of September 30, 1939, which appears in the Appendix.]

ADDRESS BY SENATOR WALSH AT GOLD STAR MOTHER'S DAY OBSERVANCE

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address on peace, delivered by him at the Gold Star Mother's Day observance in Washington, Sunday, September 24, 1939, which appears in the Appendix.]

NOTES ON A MORAL WAR—EDITORIAL BY H. L. MENCKEN

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial by H. L. Mencken entitled "Notes on a Moral War," published in the Baltimore Sun of October 8, 1939, which appears in the Appendix.]

EMBARGO HISTORY—EDITORIAL IN THE SATURDAY EVENING POST

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial entitled "Reciting History," published in the Saturday Evening Post of October 28, 1939, which appears in the Appendix.]

COLUMBIA'S PEACE PRAYER—POEM BY JENS K. GRONDAHL

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a poem entitled "Columbia's Peace Prayer," written by Jens K. Grondahl, editor, Daily Republican, Red Wing, Minn., 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. DANAHER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DANAHER. I should like to know if it is in order for me to be recognized to submit a proposed amendment to the pending joint resolution.

The VICE PRESIDENT. There is pending an amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment offered by the Senator from New Hampshire [Mr. TOBEY]. Yesterday or the day before the Senator from West Virginia [Mr. NEELY] requested the Chair to recognize him upon the convening of the Senate this morning, as he had a few remarks to make to the Senate. That is the parliamentary situation. When the pending amendment shall have been disposed of and the Senator from West Virginia shall have concluded his remarks, the Chair will be glad to recognize the Senator from Connecticut to offer his amendment.

Mr. DANAHER. I am very appreciative of the statement of the Chair.

Mr. BARKLEY. Mr. President, the Senator from West Virginia is entirely agreeable that the pending amendment be disposed of before he is recognized.

The VICE PRESIDENT. The Chair has not been advised of that; the Chairman cannot read minds; and the Chair was stating what the situation was.

Mr. BARKLEY. I will say to the Chair that I myself was just advised of the fact, and I mentioned it as soon as I could.

The VICE PRESIDENT. The Chair is much obliged to the Senator from Kentucky for giving him the information and now will proceed to put the question on the amendment before the Senate, which is the amendment of the Senator from Missouri to the amendment offered by the Senator from New Hampshire.

Mr. BARKLEY. I wish first, Mr. President, to suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

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

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 VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

The Chair will again state the parliamentary situation. The question before the Senate is the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment offered by the Senator from New Hampshire [Mr. TOBEY].

Mr. McNARY. Mr. President, yesterday evening when the Senate took a recess there was a general understanding that the Senator from New Hampshire and the Senator from Missouri would reach an agreement with regard to the amendment offered first by the Senator from New Hampshire. A proposal has been made, in a general way, as to an amendment to be proposed as a substitute. I am curious to know on what the Senate is to vote.

The VICE PRESIDENT. The Chair observed in the RECORD, what the Senator from Oregon suggests, but, so far as the parliamentary status is concerned, the pending question before the Senate is, as the Chair has stated, on the amendment offered by the Senator from Missouri to the amendment offered by the Senator from New Hampshire. If any other arrangement has been made, the Chair has not been advised of it.

Mr. McNARY. I am sure that is an accurate statement of the RECORD but, aside from that, there was a general understanding that there would be an effort made among three or four Senators to reach a conclusion regarding the pending amendment.

Mr. BARKLEY. Mr. President, if the Senator will yield, I will say that up to this time that effort has not borne fruit. Therefore, all we can do is to vote on what is before the Senate.

Mr. CLARK of Missouri. Mr. President, I understand that the Senator from New Hampshire has an amendment to his own amendment. To clarify the situation, I ask unanimous consent—although I do not believe I need unanimous consent—to withdraw my amendment to the amendment of the Senator from New Hampshire, and leave the Senator from New Hampshire in charge of his own amendment.

The VICE PRESIDENT. The amendment offered by the Senator from Missouri is withdrawn. The question now is on the original amendment offered by the Senator from New Hampshire. The Chair understands that the Senator desires to modify his amendment.

Mr. TOBEY. Mr. President, I should like to offer a substitute for the amendment offered by the Senator from Missouri.

The VICE PRESIDENT. The Chair will state to the Senator from New Hampshire that the Senator from Missouri has withdrawn his amendment.

Mr. TOBEY. Very well. Then I offer a substitute for my own amendment. The substitute for my amendment embodies much of what the Senator from Missouri proposed last night in his amendment; so the substitute amendment will cover what was in my amendment last night, with an addition.

The VICE PRESIDENT. Would the Senator from New Hampshire object to the Chair making a suggestion? The Senator has a right to modify his own amendment, and to put it in such form as he sees fit, before the Senate votes on it.

Mr. McNARY. Mr. President, I suggest to the able Senator from New Hampshire that he send to the desk his proposed amendment.

Mr. TOBEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TOBEY. If the Senate should vote on my substitute amendment now, and it should be defeated, what recourse would I have, to offer another amendment?

The VICE PRESIDENT. The Chair has never known a Senator to offer an amendment to his own amendment; but he has a perfect right to modify it. That is a unique question. The Chair does not know exactly how to answer it.

Mr. McNARY. Mr. President, the Senator wishes to modify his own amendment.

The VICE PRESIDENT. That is what the Chair understood.

Mr. McNARY. I suggest that the Senator send the modification to the clerk to be stated.

Mr. TOBEY. Very well; I will do so.

The VICE PRESIDENT. The modified amendment offered by the Senator from New Hampshire will be stated.

The LEGISLATIVE CLERK. At the end of the joint resolution, it is proposed to add the following new section:

SEC. 20. (a) It shall be unlawful for any foreign vessel at any time to use the flag of the United States thereon, or to use any distinctive signs or markings, in order to make it appear that such vessel is an American vessel, regardless of whether such use is for the purpose of escaping capture by an enemy vessel or for any other purpose.

(b) Any vessel which is convicted in a court of competent jurisdiction of violating the provisions of subsection (a) of this section shall be forfeited to the United States, together with the equipment and cargo of such vessel; and the master of any such vessel shall be fined not more than $20,000, or imprisoned not more than 2 years, or both. In addition, upon such conviction of any such foreign vessel of a violation of the provisions of subsection (a) of this section, it shall thereafter be unlawful, for a period of 3 months, for any other foreign vessel then under the same ownership to enter the ports or territorial waters of the United States, except in cases of force majeure.

(c) The Secretary of State is hereby authorized and directed to notify all foreign states of the provisions of this section.

The VICE PRESIDENT. The question now before the Senate is on the modified amendment offered by the Senator from New Hampshire [Mr. TOBEY] to the committee amendment in the nature of a substitute.

Mr. TOBEY. Mr. President, a parliamentary question.

The VICE PRESIDENT. The Senator will state it.

Mr. TOBEY. If this amendment should now be voted down, could the Senator from New Hampshire then offer his original amendment for consideration by the Senate?

The VICE PRESIDENT. The Chair would think so, unless it is embraced in this particular amendment.

Mr. TOBEY. The original amendment is embraced in this amendment, but there is something supplementary thereto which gives added scope to the amendment; and if this amendment does not find favor with the Senate, the Senator from New Hampshire would like the privilege of offering his original amendment by itself.

The VICE PRESIDENT. The Chair has not examined the pending amendment. He asks the Parliamentarian to do so. If it does not violate the rules of the Senate, of course, the Senator could later offer the original amendment, as he has suggested. If the pending amendment is a substantial change, the Chair is advised by the Parliamentarian, the original amendment could be offered later; otherwise it could not be.

Mr. TOBEY. What I have just offered is a substantial addition to the original amendment. If that addition seems too much, in the Senate's judgment, and the present amendment is voted down, then I should like the privilege of offering my original amendment. Would the Chair rule that I could do so?

The VICE PRESIDENT. The Chair would have to see the original amendment that the Senator has now modified, and the one he is going to offer afterward, and compare the two, to see if there is a material change.

Mr. TOBEY. The Senator from New Hampshire will send both amendments to the Chair.

Mr. BARKLEY. Mr. President, if the Senator will yield, I suggest that the only difference between his original amendment and that now offered is that the present one keeps the language of his original amendment and adds further penalties.

The VICE PRESIDENT. In the opinion of the Senator from Kentucky, then, is there a material change?

Mr. BARKLEY. I think there is sufficient change so that the Senator could offer his original amendment if this one should be voted down.

The VICE PRESIDENT. If the Senator from Kentucky, the leader of the majority, in charge of the joint resolution, has examined the amendment and is of that opinion, the Chair should think that would be sufficient.

Mr. McNARY. Mr. President, I concur in the view of the Senator from Kentucky. I am sure there is a substantial change in the substitute.

The VICE PRESIDENT. The Chair will then say to the Senator from New Hampshire that if his modified amendment is voted down, he will then be recognized to offer his original amendment.

Mr. WHITE. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. TOBEY. I yield.

Mr. WHITE. I have only heard the amendment read, and I do not feel at all sure that I understand its scope. I know that it is a fairly uniform practice of the seas when a vessel leaves its home port to go to a foreign port anywhere for it to fly the flag of its port of destination, so that it may be known to what place the vessel is sailing. It is also, I think, almost the universal practice of the seas when a foreign vessel comes into a port not of its own flag to fly, while it is coming into port and while it is within the port, the flag of the nation to which it is making a visit.

I do not know that the matter is very important; but would the amendment as it is drafted do away with that courtesy among nations? For instance, if an American ship were leaving New York bound for France or Germany or any other country, would the amendment prohibit our ship, in accordance with the general practice, from flying in the port of New York the British flag or the French flag or the German flag to indicate where it was bound? And while the vessel was in the port of Plymouth or in the port of Havre, would the amendment prohibit it from flying the British or the French flag?

Mr. BARBOUR. Mr. President, will the Senator from New Hampshire yield to me so that I may address a question to the Senator from Maine?

Mr. TOBEY. I yield.

Mr. BARBOUR. I take it that the Senator from Maine is referring, not to flying the American flag at the stern of the ship, but to flying it with perhaps other flags at some other point.

Mr. WHITE. I do not want to undertake to speak of the matter in too great detail, but I understand that the flag is flown at the bow or at the foremast.

Mr. BARBOUR. No; not at the bow, but, as the Senator suggests, often at the head of the foremost mast, or at some other point on one of the masts.

Mr. WHITE. Yes.

Mr. BARBOUR. I did not want the Senator from New Hampshire to be confused about the matter to which the Senator from Maine was referring. It is not a question of what I might call the designating flag, which is always flown at the stern, but what the Senator from Maine is referring to is the showing of some other flag or flags on one of the yards or one of the masts, not at the stern or the bow.

Mr. WHITE. As I say, I do not know that this matter is important. I do not think there is any law about it. I think it is merely a courtesy which has grown up between nations over the years. I do not know whether or not the amendment of the Senator from New Hampshire would interfere with that practice.

Mr. TOBEY. I think I can answer the Senator from Maine. Section 20 (a) of the amendment offered reads:

> It shall be unlawful for any foreign vessel at any time to use the flag of the United States thereon * * * in order to make it appear that such vessel is an American vessel.

I think that answers the question.

Mr. BARBOUR. Mr. President, will the Senator from New Hampshire yield to me for just another moment?

Mr. TOBEY. I yield.

Mr. BARBOUR. I desire to say at the outset that I am completely and wholeheartedly in accord with this amendment so far as its aims and its objectives are concerned, but I wish to point out to the Senator that in the last part of his modified amendment as read at the desk just now, wherein it says that if a ship of any nation should violate these provisions—of which provisions I am, as I have just said, very much in favor—all ships of that nation would be precluded from entering——

Mr. TOBEY. The Senator is in error there. May I correct him? The amendment says that—

> It shall thereafter be unlawful, for a period of 3 months, for any other foreign vessel then under the same ownership to enter the ports * * * of the United States—

Not of the nation, but of the same ownership, the same company. That is far less inclusive.

Mr. BARBOUR. Yes; I see that, and that does make a great difference; but what I had in mind was that it would be a very simple thing and a very unfair thing to permit someone who was actually the enemy of France, for instance, to have a ship purposely display the American flag, so that that single intended offense would thereby exclude all other ships either of the country involved, or the steamship lines, for that matter, from their ordinary lawful pursuits.

In other words, it might be quite simple to bribe the master of a small, obscure ship of some large foreign line to display the American flag, and thus exclude all the ships of that line from their legal right to enter American ports.

I repeat, the modification which the Senator has pointed out to me does make a great difference; but the point I raise should be considered, and the contingency I speak of guarded against, and I am sure it will be.

Mr. TOBEY. Mr. President, the genesis of this amendment of mine, which I now seek to have made a law so far as the Senate is concerned, is in the fact that it has been discovered lately by some of us that this practice was carried on frequently during the World War by belligerent nations, and

the American flag was compromised—the American flag, so to speak, was forged—for ulterior purposes and selfish purposes by belligerent nations' ships, thereby diluting the influence of the American flag and endangering the lives of American seamen, to say nothing of the ships themselves.

Having that condition in mind, and feeling that there is a great lack in our statutes in that respect, I took the liberty of writing to the distinguished Secretary of State, for whom I have great admiration, and addressed this letter to him on October 3:

OCTOBER 3, 1939.

The SECRETARY OF STATE,
Department of State, Washington, D. C.

DEAR MR. SECRETARY: The Boston Transcript reports Dr. Edwin Borchard, professor of international law at Yale University, as stating that Great Britain admitted that in the World War her merchant ships sometimes flew the American flag or had the American flag painted on their sides to mislead German submarines, and attempted to justify the practice as a "war ruse."

Will you kindly advise me if this statement is correct; and if so, what protests were registered with Great Britain at such practice, and what reply was received from them.

Further, has the State Department requested assurances from England that this practice is not being repeated and will not be repeated during the present European war? If so, what assurances has the United States received in this respect?

Sincerely yours,

CHARLES W. TOBEY.

On October 10 I received the following reply:

OCTOBER 10, 1939.

The Honorable CHARLES W. TOBEY,
United States Senate.

MY DEAR SENATOR: I have received your letter of October 3, 1939, in which you ask for information regarding the attitude of the United States and Great Britain during the World War on the deceptive use of the American flag on British merchant vessels. The subject to which you refer was discussed in communications exchanged between the Governments of the two countries during the World War. These documents are printed in the Department's publication, Foreign Relations of the United States, 1915, Supplement, at pages 100, 117–118, 119–120, 618–619.

With respect to your inquiry whether the Department has requested assurances from Great Britain that this practice is not being repeated and will not be repeated during the present European war, I have not been informed that the American flag has been used for deceptive purposes on British merchant vessels during the present European war. Consequently no assurances on the subject have been requested from Great Britain.

Sincerely yours,

CORDELL HULL.

With all due respect to the distinguished Secretary of State, I believe that is not the wise policy to follow. I believe that in view of the experiences of 20 years ago the thing for the Department of State to do and for the Congress to insist upon doing is to demand a definite statement to Great Britain that it is against the law, is illegal, and henceforth will be looked upon as an illegal act. Hence this amendment. I will ask my colleagues to bear in mind, when they vote on this matter, that the real nub of the coconut is this, that Great Britain, when charged by our Secretary of State with the enormity of this offense in the World War, replied, "Yes; we are doing it, but you have not any statute that forbids it."

There is a direct challenge, a specific challenge to America, to fill that gap, to take care of that hiatus, to fill that void, and enact a statute; and that is what we are trying to have done. As I tried to say yesterday, and I submit in good spirit today, why try to set this thing aside on second- or third-rate reasons? We have a good cause here, we have a case here. Great Britain herself admits it. She made the case. Now let us be Americans and adopt this amendment in some definite form that will prevent the recurrence of these acts in the future.

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

Mr. TOBEY. I yield.

Mr. TAFT. My great difficulty with the amendment is that I do not see how the United States can say that it shall be a crime for a vessel outside of our jurisdiction to do anything. We could not say a man shall not commit a murder in France. As far as we say it, it is absolutely void.

I sympathize with the object of the amendment, but it seems to me that all we could do would be to say that any vessel which had done thus and so should not enter a port of the United States, and that if it did, it should be fined for the act. That might conceivably be legal. But frankly, my opinion is that this amendment, if we should adopt it, would be absolutely void. From a legal standpoint I do not see how we can do what the Senator is attempting to do. That is not a second- or third-rate reason; that is a good reason. We do not want to pass something which would be absolutely ineffective to accomplish the very thing we are trying to do.

Mr. TOBEY. Mr. President, let me say to the Senator from Ohio that I quoted yesterday the Netherlands statute to this effect, a statute containing punitive provisions. Great Britain herself has a statute respecting this matter. Let me ask the Senator this: Suppose on the high seas, or in England, or somewhere else, some men of nefarious desires counterfeit the American dollar, American coins, or American bonds. What does this Government do? Are its hands tied behind it? Has it no redress whatever? It is an illegal act. Can our Government not bring these men to justice?

Mr. TAFT. The answer is, We cannot. There is absolutely no crime connected with the counterfeiting of American money abroad until the money is introduced into some American territory somewhere. Then the act becomes a crime. But the act committed abroad it seems to me would be no crime, and I do not see how we can make it a crime.

Mr. TOBEY. We make it a crime by a statement in the amendment, the proposed statute, and after it is enacted, if an offending ship comes to an American port, under this amendment it may be forfeited. There is a penalty against the ship, and there is a penalty against the captain. The Secretary of State would notify all the governments involved that such an act would be illegal. As a matter of fact, it is an unfriendly act.

Let us go on record as setting forth this principle, as the Netherlands have, and as Great Britain herself has, and not leave it wide open for the American flag and all it stands for to be so used. Have we not learned something from what happened 20 years ago? If we have not, it is a great misfortune.

Mr. TAFT. I suggested a way in which I thought it might legally be done. I am not objecting to the Senator's objective; I am merely suggesting the legal way to attain it. It seems to me this proposal would be held absolutely and completely void.

Mr. TOBEY. Will the Senator kindly repeat his suggestion? I did not hear it.

Mr. TAFT. My suggestion is that we make it a crime for any vessel acting in the manner suggested to enter an American port, and if it did, it should be fined a certain amount, whatever it might be, on entering the American port after having so acted.

Mr. TOBEY. Let me say to the Senator from Ohio, by that very statement he admits the crime has been committed.

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

Mr. TOBEY. I yield.

Mr. SCHWARTZ. Is not this the position of the Senator, that, while we cannot prosecute for violating the flag, flying it on the high seas on a belligerent ship, nevertheless, if such a ship comes into one of our ports, we can penalize it on coming into the port?

Mr. TOBEY. The Senator is quite correct, and the amendment so provides.

Mr. BARKLEY. Mr. President, the amendment was discussed yesterday, and I had hoped and felt, from what the Senator from New Hampshire stated privately on the floor, and publicly, too, and from what the Senator from Missouri said, that we might work out an amendment along the line suggested yesterday afternoon. But the compromise, if it can be said to be one, which the Senator from New Hampshire has offered is his amendment originally offered yesterday with some additions.

Mr. TOBEY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. The Senator expressed the hope that we could get together and arrange a compromise, and I said to the Senator that I would do that very gladly. I was in my

office at 8 o'clock this morning, and had with me Mr. Wood, of the drafting service. One of the Senators stated that he would come and confer with me, but he was detained and could not, and I did not hear from the Senator from Kentucky. I would have been very glad to confer with any of my colleagues. I have done the best I could in this matter. I want the RECORD to show that I have been open to conference and negotiation very gladly.

Mr. BARKLEY. Mr. President, I had a committee meeting to attend this morning, which made it impossible for me to get in touch with the Senator. I have a proposal which I am going to mention which, it seems to me, is as far as we can go.

I agree with the Senator from Ohio and other Senators. It seems to me to put the United States in a ridiculous position to declare an act unlawful which may never come within the jurisdiction of the United States.

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

Mr. BARKLEY. I yield.

Mr. CONNALLY. If we have authority to make an act committed on the high seas, under a foreign flag, a crime, why could we not pass a law to make some act criminal in England or France?

Mr. BARKLEY. I think that is a point well taken. Let me show what might happen under the amendment. There might be a ship on its way from Liverpool to Rio de Janeiro, which would never come to the United States, but it might have an American flag on it, and it would be violating the law and subject to a penalty of a fine of $20,000, and its captain would be subject to 2 years' imprisonment, if we could ever get hold of him and take him before a court of competent jurisdiction. We cannot assemble courts in the middle of the ocean in order that we may try someone who is flying the American flag.

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

Mr. BARKLEY. I yield.

Mr. TOBEY. I did not assume we could hold courts in the middle of the ocean; that is very elementary. But the point I make is that we have courts in this country—district courts of the Federal Government—which sit in admiralty, and the district attorneys of the Government are empowered to prosecute for violations of the statutes of this country in such courts.

Mr. BARKLEY. That is true, we can prosecute anyone for a violation of a law of this country in a court of this country; but I doubt very seriously whether we have any right to say that the captain of a foreign ship who happens to hoist the American flag out in the ocean——

Mr. TOBEY. Who is playing fast and loose with the American law and flag. That is what he is doing.

Mr. BARKLEY. We would become involved in endless diplomatic difficulties.

Mr. TOBEY. Will the Senator yield right there?

Mr. BARKLEY. I yield.

Mr. TOBEY. It is time we got away from milk-toast diplomacy. Let us have the world know that we mean what we say. That is the kind of diplomacy I like, not the milk-toast kind.

Mr. BARKLEY. Mr. President, not only has the Senator provided a $20,000 fine and 2 years' imprisonment and the forfeiture of the ship, but he provides that any ship owned by the same company, which has never been guilty in any way of the violation of the provision, shall be subject to the prohibition of entering the ports of the United States. It seems to me that the way to reach this matter is to prohibit for a period of 3 months the entry of any ship which violates the law into any port of the United States.

Under the theory of criminal law, no one is ever supposed to be held responsible for the crime of another unless he is particeps criminis, unless he is an accessory before the fact or after the fact, or in some way is connected with the crime itself. Yet this provision would penalize an entire company, and every ship of the company, and every captain of a foreign ship who may fly the flag of the United States anywhere in the world. It applies as much to a ship on its way from the Philippines to Hong Kong as to a ship on its way from Liverpool to New York.

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

Mr. BARKLEY. I yield.

Mr. TOBEY. Would the Senator feel that the amendment which he showed me this morning after the Senate convened, to which he now refers, would establish the principle of this country and give notice to the world that such an act as we contemplate would be an unfriendly act, and take the one ship off the seas, and does the Senator think that could be adopted?

Mr. BARKLEY. I do. I want to read it.

Mr. TOBEY. I wish the Senator would.

Mr. BARKLEY. In an effort to work out something which would be practicable, I submitted a proposed amendment to the Senator from New Hampshire and to the Senator from Missouri, and I think I am authorized to say that if the amendment of the Senator from New Hampshire shall be defeated, the Senator from Missouri will offer his amendment independently, and accept this as a substitute.

Mr. CLARK of Missouri. Mr. President, the statement of the Senator from Kentucky is entirely correct. The substitute amendment offered by the Senator from Kentucky does not go by any means so far as I would like to go, but I have long ago learned, as the old colored man in Missouri said, "It's better to get part of sump'n than all of nothin'." [Laughter.] I think that is all we are going to get.

The proposal does establish the principle which was asserted by the United States Government during the World War and denied by Britain, that no belligerent ship had a right to misuse the American flag—to fly the American flag for purposes of deception. The substitute of the Senator from Kentucky does definitely by law establish that principle, and I think it is a matter of very great importance. I would prefer to go very much further, as I said, but if that is as far as the Senate would go I think we should accept the language.

Mr. BARKLEY. Mr. President, I should like to read the language of my proposal for the information and benefit of the Senate. The proposal is to insert at the end of the joint resolution the following new section:

SEC. —. (a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of 3 months the right to enter the ports or territorial waters of the United States except in cases of force majeure.

Mr. AUSTIN. Mr. President, I wish to make a brief observation as to the legal difficulties that would be interposed by this amendment. We have never had any difficulty punishing offenses committed on the high seas, and we have always felt that we had jurisdiction to say what acts shall constitute offenses on the seas. That is quite a different jurisdiction than attempting to penetrate another country and say that our laws shall there have extraterritorial effect. In that case, of course, we must have the consent of the country which we penetrate, and we do have an outstanding example of that in China. But piracy on the high seas is punishable here in the United States by virtue of a statute which I shall read. It is very brief:

Whoever on the high seas commits the crime of piracy as defined by the law of nations, and is afterward brought into or found in the United States, shall be imprisoned for life.

Mr. President, there are many other offenses upon the high seas concerning which the Congress has legislated. So I have no difficulty with our jurisdiction over the subject matter, and I like very much the improvement made in the draft of the substitute offered by the Senator from New Hampshire to his own amendment, because it provides for conviction.

I call to the Senate's attention that the original amendment read:

Any vessel which violates the provisions of this section shall be forfeited to the United States—

Whereas I understand that the substitute offered makes conviction the basis of punishment. I have not had the substitute in my hand. It has been "busy" all the time we have been in session this morning, having been in various of my colleagues' hands, and I have not been able to get hold of it. I should like, Mr. President, that that part of the substitute be read again.

Mr. TOBEY. Mr. President, let me say to the Senator, if I may interrupt him in order to accelerate the progress here this morning, that by my amendment I am trying to establish a principle. I sense the situation in the Senate Chamber this morning. While I feel that I do not go any too far in my proposal and consider that its provisions are sound, I shall yield to the judgment of the majority leader and accept his substitute to my amendment with the purpose of establishing this principle for all time.

Mr. AUSTIN. Then, Mr. President, may we have the substitute read?

The VICE PRESIDENT. To which substitute does the Senator refer?

Mr. BARKLEY. To the one I read a moment ago.

The VICE PRESIDENT. The clerk will read the substitute amendment. Is it a substitute which is proposed?

Mr. BARKLEY. I am not offering it as such, but if the Senator from New Hampshire is willing to accept it I will offer it now.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. At the end of the joint resolution it is proposed to insert the following new section:

(a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of 3 months the right to enter the ports or territorial waters of the United States except in cases of force majeure.

Mr. BORAH. Mr. President——

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

Mr. AUSTIN. I yield.

Mr. BORAH. Mr. President, I do not care to offer any amendment, but does not the Senator from Kentucky think the punishment provided by the language suggested by him is rather light?

Mr. BARKLEY. That was the suggestion made yesterday by Senators who participated in the discussion, that a denial of the right to enter the ports of the United States was too light a penalty. It would depend, of course, on how frequently the ship was in the habit of entering American ports. If it were a ship which enters frequently it would be a considerable penalty. If it were one which comes in only once a year it would not be. But in the latter case I do not think it would make much difference anyway.

Mr. BORAH. That is true, but would it not practically be legalizing that sort of business? They could run their business without very great loss.

Mr. TOBEY. I may say to the Senator from Kentucky that there were objections made by some to the seizure of the ship. I believe the ship itself, if it is guilty, should be seized. Article 384 of the navigation and navigable waters law provides for the seizure of all ships taken on piratical expeditions, and so forth. I make no distinction between a pirate and a forger.

Mr. BARKLEY. That is already the law.

Mr. TOBEY. Why not put that in this law, too?

Mr. BARKLEY. Mr. President, the Senator from Vermont has the floor. I do not know whether he has yielded for the purpose of this particular discussion.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. One moment. The Senator from Kentucky says the Senator from Vermont has the floor. The Senator from Vermont has the floor, and if Senators wish to speak they should address the Chair and ask for recognition.

Mr. NORRIS. That is what I wanted to know—who has the floor?

The VICE PRESIDENT. So many Senators are on the floor that it is difficult to keep track of who has the floor. Does the Senator from Vermont yield, and if so to whom?

Mr. AUSTIN. Has any Senator asked me to yield?

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

Mr. AUSTIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I should like to call attention to the fact that before any kind of a punishment could be inflicted there would have to be some kind of a trial before a court of competent jurisdiction. I want to see something done to prevent the use of the flag of our country for the purpose of deception. But I call attention to the fact that we are entering upon an uncertain sea, as I view it. I should like to do whatever will accomplish the desired result, but I doubt whether there is any way to enforce the provisions of the substitute amendment proposed by the Senator from Kentucky. Suppose we wished to enforce that provision, where and how would we do it?

The VICE PRESIDENT. Just a moment. The Senator is taking the time of the Senator from Vermont.

Mr. BARKLEY. Mr. President, will the Senator from Vermont yield so that I may answer the Senator from Nebraska?

Mr. AUSTIN. I yield.

Mr. BARKLEY. I realize the difficulty the Senator from Nebraska suggests, but we cannot try the ship, and we cannot get it under the jurisdiction of any tribunal until it enters an American port. Then it is already in. It may have violated the law coming in. It may have done so out in the middle of the ocean. But we cannot try it out there. I do not know how we could try anyone connected with such violations. It seems to me that about all we can do now is to declare a policy, and that is what we are attempting to do. The Secretary, of course, and the customs officers in all our ports, would be charged with the duty of enforcing it. But if we require that the ship shall come in and be tried before a tribunal having jurisdiction, it then may be too late to accomplish what we are seeking to do; that is, to penalize the ship by not permitting it to do business for a period of at least 3 months.

Mr. AUSTIN. I will ask the Senate to permit me to finish what I have to say.

The VICE PRESIDENT. The Senator from Vermont asks the Senate to permit him to say what he has to say without interruption.

Mr. AUSTIN. Mr. President, it is our purpose, of course, to do something which is not a futility, and I understand that the purpose and object of the pending amendment is the purpose of peace—peaceful, legal, judicial control, and protection of our flag. I think the substitute offered by the Senator from Kentucky is not conducive to peace, and that the only way it could be enforced would be by war. Subsection (b) provides that:

Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of 3 months the right to enter the ports or territorial waters of the United States except in case of force majeure.

How could that be enforced in any court of justice? The only sanction which is possible behind such a statute as that would be the sanction of war. We could never make that law effective except with warships, by keeping such a vessel out of our territorial waters, or capturing it as violative of our law.

Mr. President, I am in favor of the theory embodied in the original amendment, the substitute offered by the Senator from New Hampshire [Mr. TOBEY], and the substitute offered by the Senator from Kentucky [Mr. BARKLEY]; but I respectfully suggest that we give that theory some standing in the United States of America by claiming no more jurisdiction to execute the law than the jurisdiction of our States and of our Federal Government, and therefore of our courts. So I suggest that we make a change in subsection (b)—the exact language of which I have not prepared—so as to express the

idea that a vessel afterward brought into or found in the United States and convicted of violating the foregoing provision shall be interned for a sufficient period—perhaps 3 months. Then we should have something that we could execute because of the presence of the vessel within our jurisdiction and subject to our laws.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Kentucky [Mr. BARKLEY] for the amendment offered by the Senator from New Hampshire [Mr. TOBEY]. As the Chair understands, the Senator from New Hampshire accepts the substitute.

Mr. TOBEY. I have already accepted it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire, as modified by the substitute offered by the Senator from Kentucky.

The amendment, as further modified, was agreed to.

Mr. NEELY and Mr. DANAHER addressed the Chair.

The VICE PRESIDENT. The Chair will state to the Senator from Connecticut that when he is ready to recognize any Senator for the purpose of submitting an amendment, it will be the Senator from Connecticut. The Senator from West Virginia had a speech in his system earlier in the day which he deferred until the pending amendment should have been disposed of.

Mr. NEELY. Mr. President, after years of atrociously intimidating, blackmailing, and plundering various European countries, the appeaseless, heedless, heartless Hitler has at last set the world on fire, and today the faces of millions and millions of terrified, bewildered human beings grow ghastly in the lurid light of the awful conflagration.

This is the most critical period that democratic government and its greatest blessing, human liberty, have ever known. This is the most disheartening hour the Christian religion has ever witnessed since that melancholy day on which darkness hung over all the land and a murderous mob, as lawless as Hitlerism and as godless as communism, crucified the sinless Saviour of the World.

In both the present and the future, my actions will conform to the strictest legal requirements for neutrality towards the warring nations of Europe. As between the masses of the worthy, industrious, peace-loving people of Germany on the one hand and the beleaguered, deserving people of Britain and France on the other our sympathies are undivided. It is our sincere hope and prayer that all the private soldiers—German, British, and French alike—who are engaged in the frightful work of human destruction which they abhor will soon be delivered from the crime and cruelty of war. But it is as impossible for some of us to be neutral in thought or word in this life and death struggle between the horrors of Hitlerism and the blessings of the democracies of Britain and France as it would be for us to be neutral in a war between the Prince of Darkness and the Prince of Peace, or in a battle of Miltonic grandeur between the angelic hosts of heaven and the unredeemed hordes of hell.

In my opinion, no good purpose will be served by our pretending that we are ignorant of the identity of the red-handed artificer of this war, or by ignoring or euphemistically discussing his unprovoked aggressions and unforgivable crimes, whether against the strangers without his gates or against his own oppressed, long-suffering people whom he has deliberately condemned to slaughter in a nefarious effort to make himself the mightiest military conqueror who has ever usurped the rights of nations or trampled human liberty under his feet.

There will be no sugar-coating of my observations concerning the miserable marble-hearted monster whose infamous assault on world peace has necessitated this extraordinary session of the Congress, and who now warns England and France that if they do not promptly withdraw their opposition to his aggression and approve his conquests he will gruesomely bathe them in blood.

Plain speaking never hurts the right. It never helps the wrong. Therefore, let us be as plain and "as harsh as truth" because—

A lie may keep
Its throne a whole age longer, if it skulk
Behind the shield of some fair-seeming name.
Let us call tyrants *tyrants*

* * * * *

For men in earnest have no time to waste
In patching fig leaves for the naked truth.

Mr. President, but for the fact that the mad Fuehrer, who seeks to bestride the narrow world like a colossus for his personal glorification deliberately planned and diabolically created this great international crisis, we would not now be considering a proposal to repeal the arms embargo law.

Between liberty's cradle and tyranny's grave a more important measure than that now before the Senate will never be considered by a legislator or debated by a parliamentary body on American soil. The solution of its problems will for many generations vitally affect the life, the peace, and the happiness of not only the American people but also of hundreds of millions in lands beyond the seas.

Neither zeal for oratorical splendor nor ambition for controversial fame should impel any Senator or any other public servant worthy of the name to assume transcendent wisdom or voice dogmatic conclusions concerning the perplexing, perilous, and momentous question now under consideration.

Fortunately for the reputation of the Senate and the welfare of the country, every Member of this body has, for the period of the present crisis, patriotically and securely buried partisanship in a grave from which no one has attempted "to roll the stone away."

Let us honor ourselves and serve the cause of truth by frankly and cheerfully proclaiming that the first, the last, and the sincerest earthly desire of every senatorial heart is that the peace of the United States will be preserved forever and that no American mother will ever be made desolate, no wife a widow, no child an orphan, and no boy food for worms by war—the senseless, brutal, fatal futility that has made the whole earth a sepulcher of the bones of murdered men.

The important facts in the case before us are as "plain as way to parish church" and as free from distortion as the Sermon on the Mount.

But the conclusions which Senators with equal intelligence, sincerity, and loftiness of purpose deduce from these facts are in direct and hopeless conflict. Some believe and impressively contend that to repeal the arms-embargo law would be to take the first, a long and a decisive step toward the slaughterhouses of the Eastern Hemisphere and the battlefields of Germany and France. But Senators, by a majority of two to one, sincerely believe, and vigorously maintain, that the security and permanency of this Nation's peace will be promoted by the repeal of the Embargo Act; a recurrence to the age-old principles of international law; and the enactment of a so-called cash-and-carry provision to govern our intercourse with all belligerent countries in relation to arms, munitions, and implements of war. These objectives will be achieved by the enactment of the pending joint resolution.

Several Senators from the purest of motives oppose it. On antidemocratic grounds, it is hated by every informed Hitlerite, Communist, and anarchist under the sun.

For many reasons, of which the following are specified, the resolution has my unconditional and unhesitating support:

First, the sale of arms and military supplies to the belligerents by this country in consequence of the repeal of the embargo will reduce the duration of the war and proportionately decrease the danger of its disturbing the peace or injuring the people of the United States.

Second, after repeal the raw and semimanufactured materials which are being sold to the belligerents under existing law will be transformed into completed instrumentalities and finished products by American laborers who need jobs instead of by the workers of the belligerent countries whose services are required at the front.

Third, the manufacture of arms, munitions, and military supplies by our industries for the belligerents will provide valuable experience for those upon whom our own Army and Navy are dependent in time of war for everything from

battleships and bombing planes to bullets and bayonets. During the acquisition of this experience the inventive genius of this country will be revealed and developed, new means of defense will be discovered, and old methods of repelling attacks will be reformed. Thus, without expense to the American taxpayers, American manufacturers will increase their ability and expand their capacity to help this country make its defense impregnable against any war that any aggressor may wage against it in days to come.

Fourth, this Government experimented with embargo and nonintercourse laws from 1794 till April 14, 1814, when the last of them was repealed. The operation of these laws was uniformly injurious to our commerce, our prosperity, and our reputation. Lalor's Cyclopedia of Political Science says that, "Most historians have denied to our early embargo laws any utility whatever." Future historians will with similar severity appraise the existing embargo law, which, if not speedily repealed, may cause even greater injury to the American people than that which was inflicted upon them by its remote progenitor that was repudiated 125 years ago.

Fifth, the existing law is in irrepressible conflict with the policy of neutrality which this country consistently and successfully pursued for more than sixscore years before 1935. Under an antiembargo policy, our country was miraculously transformed from a vast wilderness with a sparsely inhabited, poverty-stricken border into the greatest, richest, freest, and most peaceful Nation on earth. The embargo monstrosity which the Congress, with the most praiseworthy intentions but the most disappointing results, brought forth 4 years ago has curtailed this country's liberty, diminished its prosperity, and deprived thousands of its toilers of their jobs.

Sixth, the perpetuation of the embargo law would invite retaliation by other nations and impel them to prohibit the sale of arms and munitions to this country for defensive use against aggressors, such as those who have despoiled Poland and drenched its soil with blood. Thus the embargo prospectively imperils the security of the American people. From this particular point of view, the eminent Secretary of State, Hon. Robert Lansing, in 1915 made an admirable and unanswerable argument in favor of unlimited commerce in arms which was recently quoted with approval by the able former Secretary of State, Hon. Henry L. Stimson, as follows:

> The United States, from the foundation of the Republic, advocated and practiced unrestricted trade in arms and military supplies, because it had never been the policy of the Nation to maintain in time of peace a large military establishment or stores of arms and ammunition sufficient to repel invasion by a well-equipped and powerful enemy, and in consequence the United States would in the event of attack by a foreign power be at the outset of the war seriously, if not fatally, embarrassed by the lack of arms and ammunition and of the means to produce them in sufficient quantities to supply the requirements of national defense. The United States has always depended upon the right and power to purchase arms and ammunition from neutral nations in case of foreign attack. This right, which it claims for itself, it cannot deny to others. A nation whose policy it is to rely upon international justice to preserve its political and territorial integrity might become the prey of an aggressive nation whose policy and practice it is to increase its military strength during times of peace with the design of conquest, unless the nation attacked could, after war had been declared, go into the markets of the world and purchase the means to defend itself against the aggressor. The contrary policy would compel every nation to have in readiness at all times sufficient munitions of war to meet any emergency which might arise, and to * * * maintain establishments for the manufacture of arms and ammunition sufficient to supply the needs of its military and naval forces throughout the progress of the war. The application of this theory would result in every nation becoming an armed camp, ready to resist aggression and tempted to employ force in asserting its rights rather than appeal to reason and justice for the settlement of international disputes.

Seventh, my personal supreme reason for supporting the repeal of the embargo lies in my sincere, distressing belief that if Hitler should decisively win this war he would, within 5 years, with a military machine that probably no human power could resist, wage war against the United States.

This cold, calculating racketeer thoroughly prepared for this conflict before he started it. While he was arming for war England and France were preparing for peace. They consequently have much greater need than the Nazis have for American munitions and arms. Without repeal the Allies cannot obtain our military supplies; without such supplies the Allies might be defeated. Victory for the Hitlerites in the present war would mean that the British Navy, the French Army, the Dominion of Canada—our best of good neighbors—and the British islands in the West Indies, some of which by aeronautical scale are only a stone throw from the Florida coast and only two stone throws from the Panama Canal, would all come under Hitler's control. With England and France reduced to impotent puppet Nazi states, with Canada transformed into an armed camp of Hitlerites, with a Siegfried line on our northern border from ocean to ocean, with the British West Indies converted into bases for Nazi aerial and naval operations against America, and with no other democracy in the world to lend us aid, the United States would be in constant danger of an ordeal such as that through which devastated Poland has just passed.

One cannot be unmindful of the fact that great Americans, of profound wisdom and wide experience, have scoffed the suggestion that the diabolical Hitler would, in any circumstances, ever attack the United States. A decade ago these same gentlemen would have ridiculed the suggestion that Hitler and his storm troops would, within a period of a few short months, imprison more than 80,000 German Jews solely because they were non-Aryans, and on the same preposterous ground infamously rob and persecute 90,000 more of the Jewish race until they would flee from the fatherland in poverty and despair and become heartbroken wanderers on the face of the earth. But all this has come to pass.

Ten years ago these same minimizers of the Hitler menace would have denied the charge that this foe to all Christian religions and hater of all forms of worship of which he is not the idol, would in a little while invest a Nazi official with absolute power to control all church affairs, and would imprison more than 700 Protestant ministers and more than 8,000 Catholic priests, lay brothers, and monks on charges such as those of having collected church funds without Nazi permission and having failed to fly the swastika flag. Yet all this has come to pass.

A few years ago these same character witnesses for the rapacious, headlong Hitler would have indignantly repelled the insinuation that he would, during the first 10 months of 1938, feloniously seize and hold more than 43,000 square miles of the territory of other nations; ruthlessly deprive the 13,000,000 inhabitants of this area of their liberty; and remorselessly subject them to the Nazi yoke. But all this has come to pass.

There is no law of peaceful international relationship that Hitler has not violated; there is no honorable international opinion he has not defied; there is no disservice to the cause of religion or liberty he has not rendered; there is no outrage against democracy he has not perpetrated; there is no hypocrisy he has not practiced; there is no Ananias he has not surpassed.

If this monstrous paranoiac should win the war, and thus obtain control of Canada to the north of us and the islands to the southeast of us, listen for his warning that he intends to set up Sudeten areas for those of German blood in Milwaukee, and St. Louis, and San Francisco, and New York. Listen for his warning that the Jews of our great cities are distasteful to His Satanic Majesty the Second and that the United States must "liquidate" them or suffer the Nazis' cannibalistic fury. Listen for Hitler's warning that he will hold plebiscites in all States that have substantial German populations to determine whether they will remain in the Union, or become parts of the German Reich.

Listen for the warning that the press of the United States must be muzzled; that freedom of speech and assemblage and worship must be suppressed; that Mein Kampf must be substituted for the Holy Bible, the sayings of Zarathustra for the Ten Commandments and a blood-curdling Hitler speech for the Sermon on the Mount. Listen for the warning that every preacher or priest who censures him or condemns his infamy must be imprisoned or shot. Look and listen for this fiendish persecutor of the righteous, this barbarous assassin of justice, this brutal hangman of liberty,

on some senseless pretext, or on no pretext at all, to wage a war against the United States that will imperil the last fortress of human freedom on the globe. If this should calamitously overwhelm the American people, the great Republic which has, for generations, bestowed its blessings and its bounties upon the distressed of every nation and the persecuted of every land, and extended the candle of hope, and the torch of inspiration to all the underprivileged who have ever landed on its shores, would become—

A schoolboy's tale,
The wonder of an hour.

Mr. President, my vote will be cast for the repeal of the embargo not because repeal is indispensable to our escape from participation in the present war, but because repeal will assist England and France to survive, and continue to stand as a protecting wall of fire between the war-mongering Hitlerites on the one hand, and the peace-loving people of the United States on the other. Whether the embargo is repealed or retained, this country will not become a participant in the present European war. The very gates of Hell could not prevail upon this Congress to send a single American boy across the ocean to fight in any war or battle between the armed camps of foreign lands.

It has been repeatedly insinuated, if not expressly charged, that the prospective profits of our sale of arms and munitions to the belligerent nations would influence some Members of the Senate to vote for the repeal of the embargo law and thereby help to plunge this country into war. These insinuations are both ungenerous and unjust. All who understand the elements of political economy know that war is as deadly as a destroying angel to the permanent prosperity of every country that comes within its sway. Those who remember the last World War and its aftermath know that wealth acquired by trafficking in implements of destruction is seldom if ever blessed. Moth and rust corrupt it; thieves break through and steal it; it takes the wings of the morning and flies away.

But there is an infinitely better reason why some of us are opposed to war. For example, I have two sons who, in the ordinary course of events, would immediately become private soldiers in the ranks if this country should go to war. Is it necessary for me to tell any normal father that those boys are dearer to me than my own life? It seems but yesterday that they were babies in my arms. It seems but last night that they knelt beside me and in the lisping accents of childhood said their simple prayers so innocently and pathetically that they must have been joyfully heard by the angels around our Father's throne in Heaven. Will anyone dare to disparage his love or slander his affection for his son by intimating or believing that any Member of this body would knowingly and needlessly vote to cast his boy into the fiery furnace of war?

Let me assert in language much more eloquent than my own that I would today rather hear "the mystic trumpeter of death's pale realm" sound the pitiless, piercing blast that would summon me "to the tongueless silence of the voiceless dust" than unnecessarily to cast a vote or think a thought or do a deed that would ever send my boys to vermin-infested trenches to die in unspeakable agony, or to exist like rats in holes, be blinded with shot, deafened with shrapnel, disfigured with shell, smothered with poisonous gas, seared with liquid flame, and made hideous, helpless, hopeless cripples for the rest of their days.

Senators, let me solemnly covenant with all of you this afternoon that never for any cause less worthy than that of saving the life of this Nation or the liberty of this Republic will my vote be cast for any measure designed to send my boys, your boys, or any other fathers' boys to war.

In spite of the melancholy warlike history of the past, the discouraging world-wide turmoil of the present, and the gloomy prospects for the future, let us have faith to believe that the demoralizing, devastating, unmitigated curse of war will sometime be banished from this wicked, weary world. Let us have faith to hope and believe that all the peoples of the earth will eventually become so sickened with bloodshed, so horrified with slaughter, and so appalled with desolation that they will, with one accord, forsake the demon of hate and swear eternal, inviolable allegiance to the everlasting God of love.

Let us have faith to believe that sometime the Son of Righteousness will rise with healing in His wings and illumine every highway; that the hands of the Infinite will ultimately make every crooked path straight; and that the pure white light of the crucified Christ streaming down from the ineffable throne of God will at last dispel the midnight darkness that obscures our vision, stays our progress, and envelops our little lives; and that the holy peace that passeth all understanding will become the heritage of every human heart forever and forever.

Our fathers' God, from out whose hand
The centuries fall like grains of sand,
We meet today, united, free,
And loyal to our land and Thee;
We thank Thee for the decade done,
And trust Thee for the coming one.

Oh make Thou us, through centuries long,
In peace secure, in justice strong;
Around our gift of freedom draw
The safeguards of Thy righteous law;
And cast in some diviner mold,
Let each new decade shame the old.

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

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

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

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

The PRESIDING OFFICER. Ninety-two Senators having answered to their names, a quorum is present.

Mr. DANAHER obtained the floor.

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

Mr. DANAHER. I yield.

Mr. HOLT. I ask unanimous consent to have printed in the body of the RECORD extracts from two letters written by Colonel House to President Wilson regarding the use of the American flag, one of them referring to the *Lusitania*.

The PRESIDING OFFICER. Is there objection?

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

February 5, 1915: Our voyage has about come to a close. The first 2 days we had summer seas, but just after passing the Banks a gale came shrieking down from Labrador, and it looked as if we might perish. I have never witnessed so great a storm at sea. It lasted for 24 hours, and the *Lusitania*, big as she is, tossed about like a cork in the rapids.

This afternoon, as we approached the Irish coast, the American flag was raised. It created much excitement, and comment and speculation ranged in every direction. * * *

February 6, 1915: I found from Mr. Beresford, Lord Decies' brother, who crossed with us, that Captain Dow had been greatly alarmed the night before and had asked him, Beresford, to remain with him on the bridge all night. He expected to be torpedoed, and that was the reason for raising the American flag. I can see

many possible complications arising from this incident. Every newspaper in London has asked me about it, but, fortunately, I was not an eyewitness to it and have been able to say that I only knew it from hearsay. (Intimate Papers of Colonel House, American Flag on the *Lusitania*, p. 361.)

Mr. DANAHER obtained the floor.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. TYDINGS. I have just received copy of a message delivered to a special session of the Second National Assembly of the Philippine Commonwealth, by President Quezon, recommending that the Philippine Government pledge its loyalty to our Government in all of its foreign undertakings in the present emergency. I ask that the message be printed in the RECORD at this point of my remarks.

The PRESIDING OFFICER. Is there objection?

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

Following message delivered by President Quezon to special session, Second National Assembly, 6 p. m., Tuesday, Manila time:

"Gentlemen of the National Assembly, for the second time in the history of our relations with the United States we are facing the grim realities of a war between nations in which the lives of millions of men are involved and the fate of civilization itself hangs in the balance. I dare say that none of these who went through the stirring days of the World War ever suspected that he would live long enough to see reenacted that greatest of human tragedies. Peoples the world over cherished the thought that they were emerging from the wake of that great holocaust into an era of everlasting peace. Unhappily subsequent events did not fulfill the fervent hopes and just expectations of men of good will.

"During the World War the government and people of the Philippines had occasion to demonstrate, both in words and in action, their loyalty to the United States. But then an American Governor General was at the helm of our government. Now we have a Chief Executive of our own and a government established in accordance with a constitution adopted by our own people. Not only is the legislature exclusively in the hands of Filipinos but so are the executive and judicial branches of the government.

"At present America is fortunately at peace with the rest of the world, including the nations now at war. In consequence, we find ourselves in a similarly favorable situation. As a neutral power, however, America has certain obligations to perform not only in the continental United States but in the Philippines as well. It behooves us, therefore, to assure the Government of the United States of our loyalty and devotion, which have grown even deeper and stronger in the perspective of the many years of unselfish American endeavor to serve the best interests of the Filipino people. In this critical moment I wish again to pledge to America, in behalf of our people, our unstinted loyalty and our fullest cooperation in the promotion of the ideals of justice and liberty and in the safeguarding of the legitimate rights and interests of both the United States and the Philippines.

"We want the Government and people of the United States to feel that we are bound to them not merely by the presence of the American flag in our country but by the nobler and stronger ties of gratitude and affection—bonds of sentiment that are born of the human heart and which transcend the obligations of allegiance implied in the presence of that flag. Our loyalty to the United States is rooted in something more permanent, something more lasting than legal or political relationship. Our loyalty is built on faith—faith in the sense of fairness and justice of the American people, faith in the great principles and ideals for which the Stars and Stripes proudly wave over land and sea, over a free and happy people.

"Our loyalty to the great American Nation is but the fruit of her altruistic policy in dealing with our people—a policy which has been characterized by justice and good will and by both moral and material assistance. That loyalty, I am sure, will outlive the sovereignty of the United States over our country, and will attest for all time the moral grandeur of America and the virtuality of her free institutions.

"Gentlemen of the National Assembly, we are confronting a situation which demands the exercise of prudence and foresight. We must be alive to the problems which may arise at any moment. We must be ready to cooperate with America and to protect the interests of our people. With this end in view, I have come to you to ask that necessary and adequate legislation be passed to empower this government to meet any emergency that may arise.

"MANUEL L. QUEZON."

Mr. HALE. Mr. President——

Mr. DANAHER. I yield to the Senator from Maine.

Mr. HALE. I thank the Senator from Connecticut for yielding to me. I wish briefly to state my position on the repeal of the embargo on arms as provided in the joint resolution now before the Senate.

Mr. President, in the course of the debate I think every Senator has stressed the point that whatever action we take on this legislation should be for the best interests of the United States regardless of its effect on any other country in the world. To this I subscribe.

Also I think that nearly every Senator has taken the ground that, whatever we do, we must not enter the war ourselves, and under no circumstances must we put ourselves in a position where we shall have to send our troops abroad. To this I also subscribe.

The situation abroad is this: England and France are fighting with their backs to the wall against the heavily armed and desperate German Nation. Whether Germany is to have the military aid of Russia and Italy is uncertain. Time and events will have to develop that situation.

We have on our statute books a law which, as events have turned out, discriminates heavily against the Allies and is thereby of manifest assistance to Germany. In spite of the fact that before war was declared an attempt was made to change and modify this law, no such change had been made when hostilities actually started. It is unfortunate that the matter was not pressed for settlement during the early part of the session last winter, when the Congress rarely sat more than 2 days a week. Had it been so pressed, the question could undoubtedly have been settled before hostilities actually commenced. The effect of repealing the embargo at the present time is interpreted by the opponents of the Pittman measure as an unneutral act on our part, and a first step toward entering the war.

Mr. President, though I voted for the present neutrality law, I wish that we had no neutrality law on our statute books, that we were free to act under international law with the knowledge that the terms of international law would be observed by all nations concerned in the war, and that we could rely upon its provisions in mapping our course in the present emergency. Unfortunately, such is not the case. International law at the present time seems to be in the discard. Whether or not the removal of the embargo is an unneutral act under international law I am not familiar enough with the precedents to be able to determine, nor do I attach any great importance to the determination of the question.

There are two things that can get us into war. One is a declaration of war on our part, and the only tribunal which can make such a declaration is the Congress of the United States. Has any Senator on either side of this Chamber ever intimated that he would vote to plunge this country into war? If so, I have not heard it; and there will have to be a mighty change in the sentiment of the people of this country before this body declares war. The other thing that can get us into a war is a declaration of war against us.

The danger of anyone making war on us for a breach of neutrality in the present war is nil. The last thing in the world that Germany wants is to have the United States turn her manpower into the present conflict. We took a large part in bringing to a close one war in Europe, and no opponent would ever want us called upon to help finish another.

There has been a good deal of talk about the futility of our entering the last war. We kept out of it as long as we could, but when we finally did enter, we certainly contributed materially to bringing the war to an end, and to wiping out, at least for the time being, the then existing German menace. That an unfortunate peace was concluded by the peace negotiators when the war was over, and that our Allies did not take sufficiently stringent steps to keep down the German menace for the future, was not our fault. We did our part to the full, and our achievement in the short time that we were in the war was amazing. I am very proud of that achievement, and at least we accomplished one result which is of immediate importance to us at the present time: We proved that no nation can with impunity make war on the United States. The showing we made in that war is a powerful safeguard to us in the present European conflict.

As I have said, England and France have their backs to the wall. Whether they can overcome Germany, who may or may not have the military cooperation of Russia and

Italy, no one can foretell; but it is not difficult to foretell what will happen if they are beaten, so far as this country is concerned. The next step of the victorious totalitarian powers, in my judgment, would be against us, either through a direct attack or through an encroachment on our South American neighbors. With the British and French Fleets in the hands of the enemy, as in case of complete defeat they very probably would be, we would face a very desperate situation in this country. Without allies other than the nations in this hemisphere, we, the most tempting prize in the world, might well have to face the combined totalitarian strength of the world, with the combined navies of the outside world at their disposal. There, to my mind, lies the real danger of our getting into a war. Such a proposition may seem fantastic. It may well be that if the Allies cannot win, they can at least fight a war of attrition which will be inconclusive. I certainly hope so. But they will need all the help they can get to do this, and whatever we can do to help them, short of going into the war ourselves, I believe we most certainly should do. The removal of the embargo will give them new heart and may give them just the added strength that they need. It may through the threat of future retaliation save the civilian populations of France and Great Britain—yes, and of Germany, too—from threatened air attack. If Germany is marking time until our people take action, can it be for any other reason than that she hopes the embargo will be retained? With the embargo removed, she would almost certainly meet with retaliation in the future should she launch her full vicious air attack on the civilian populations of the Allies. With the present law sustained she can launch it with impunity.

We deplore having it said that planes manufactured in America were use to bomb innocent civilians. Are we going to feel any the more comfortable when it is said that had we furnished the Allies with bombing planes there probably would have been no such bombardment?

Believing that the removal of the embargo will not be a step to force us into war, believing that its removal will be of manifest assistance to England and France, two countries whose welfare is of very great importance to us, in their struggle against a country whose present government and that government's aims are, I believe, a direct menace to us, I shall certainly vote for the removal of the embargo.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DANAHER. Mr. President, at the outset I had the floor and yielded to the Senator from Maine [Mr. HALE]. I now ask that I may be permitted to proceed with the amendment which I send to the desk. I ask that my proposed amendment A be read first.

The PRESIDING OFFICER. The amendment will be read by the clerk.

The CHIEF CLERK. On page 28, line 10, it is proposed to strike out the word "the" and to insert the following:

Provided, That no such license shall be issued under any circumstances for the export of Livens projectors and flame throwers; mustard gas, phosgene, or any of the poison gases listed in Category VI, Proclamation 2237, promulgated by the President May 1, 1937.

Mr. DANAHER. Mr. President, I have submitted the amendment which the clerk has just read in the names of myself and the Senator from Michigan [Mr. VANDENBERG]. The effect of the amendment would be to add the proviso to section 12 (d). In that section, as will be perceived, no arms, ammunition, or implements of war may be exported to any nation named in the proclamation unless a license shall first have been issued. The effect of the proposed amendment would be to forbid the issuance of any such license under any circumstances for the export of Livens projectors and flame throwers, or mustard gas or phosgene or any of the other poison gases which were listed by the President in his proclamation of May 1, 1937.

The amendment is in line with the declared policy of the United States Government over the period of a great many years with reference to the use of poison gases in warfare. Whether they be poison gases or chemicals, the Government of the United States has taken a definite position against their use.

In addition, Mr. President, they are the types of offensive weapon which have stricken terror into the civilian populations of the warring nations in Europe. There is no one of us who is not fully familiar with the photographic reproductions showing men, women, and children in all those countries going about the streets carrying gas masks. The people of the United States do not, in my opinion, wish to participate in keeping those people continuously under the nervous strain of a possible impending gas attack.

I submit that when General Pershing, from his own experience in the last war, said:

Chemical warfare should be abolished among nations as abhorrent to civilization. It is cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants, and demoralizes the better instincts of humanity.

General Pershing was bringing to bear his experience and sounding a principle to which America is committed.

In 1922, at the Washington Arms Conference, the United States proposed, as part of the treaty which was then adopted, article V, and I will read it:

The use in war of asphyxiating, poisoning, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties, the signatory powers to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations declare their assent to such prohibitions, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.

Mr. President, that this type of chemicals and poisonous gases and the implements connected with their use may definitely be segregated from all other types is readily apparent if we will examine category VI of the proclamation which the President issued under our present so-called neutrality legislation. He lists in that particular category more than 15 types of poison gases. He lists there the Livens projectors, which are trench mortars of a kind capable of shooting that type of poison gas. He lists flame throwers and other such inhuman weapons of offense.

Therefore, it would seem, that the amendment would require no further discussion upon my part to point out entirely what it seeks to do, and what should be done, regardless of what the ultimate disposition of the pending joint resolution may be.

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

Mr. DANAHER. I yield.

Mr. MALONEY. I am entirely in sympathy with the noble and humane purposes of this amendment, and I am very anxious to support it. I do not have a copy of the amendment before me, but, as I recall its reading, it refers to the issuance of a license or the refusal to issue a license "under any circumstances." It does not seem to me—and I confess complete ignorance of how poison gases are made—that we would under any circumstances export actual gases. I wonder, if the Senator can tell me whether or not there might be a danger, because of the language "under any circumstances", that we would be denied the right to ship certain products which could be used in gases, but would be used to save lives through the manufacture and practice of medicine. I ask the questions entirely for enlightenment. I wish to see the amendment perfected, if it needs perfection, because, as I have said, I am entirely in sympathy with the purpose and, would like to say for myself at this point, that when I addressed the Senate on this measure a little more than a week ago I pointed out that I was anxious to do no more than to furnish the belligerent nations with weapons of defense.

I want to say again that I think the purposes of this amendment are not only excellent but noble. However, I simply wish to be certain in my own mind that at this time we correct it properly, if it needs correction, because I cannot imagine that we would ship mustard gas as such. It is my fear that medically necessary chemicals might be involved, and that we might be handicapping medical science

by the inclusion of the words "under any circumstances". I wonder if my colleague has given any thought to that particular matter.

Mr. DANAHER. Mr. President, let me answer my distinguished colleague in this way: In the first place, the words "under any circumstances" apply technically and singularly, and only under the conditions named in subsection (d) of section 12, and consequently we say—and I will read for the Senator:

> It shall be unlawful for any person to export or attempt to export from the United States to any other state any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (i) of this section.

If we refer to subsection (i), we find that the proclamation which the President may issue defining what are articles of arms, ammunition, and implements of war clearly limits the type of implements of war, or the type of ammunition, or the type of arms delineable as implements of war and ammunition. Not only is that the fact, but there is the additional protection, Mr. President, that under the law on our statute books today, and under the law as it would be reenacted in the language of the pending joint resolution, the proclamation to be issuable would be issued upon the advice of the technical advisers to the President. In the proclamation which he issued on May 1, 1937, he had no difficulty in finding that that was a category into which poison gases may be inserted; and that is why, under category No. 6, as the law stands, there cannot be an export to any warring nation named in the proclamation of September 3, 1939, of any of these poison gases.

Mr. MALONEY. Mr. President, will my colleague further yield to me?

Mr. DANAHER. I yield.

Mr. MALONEY. I assume from what the Senator has said that if the circumstances required he would be willing to have exported chemicals which might be used in the manufacture of mustard gas or other gases if it were the intention of our Government or of the exporters that such chemicals were not to be used for that purpose but rather for some such purpose as the saving of lives instead of their destruction.

Mr. DANAHER. That is absolutely correct. Not only is it exact and accurate, but if the gas is in the completed form defined in the category which is now given the effect of law by the proclamation of the President it is no longer a chemical susceptible to peaceful or remedial use but, on the contrary, is a poisonous lethal gas.

Mr. MALONEY. I thank my colleague.

Mr. WALSH and Mr. VANDENBERG addressed the Chair.

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

Mr. DANAHER. I yield first to the Senator from Michigan.

Mr. VANDENBERG. I thought the Senator had concluded. I should like to take the floor.

Mr. DANAHER. Then I yield to the Senator from Massachusetts.

Mr. WALSH. Do I correctly understand the effect of the Senator's amendment to be that if the joint resolution were enacted into law the President would be free to permit the sale of arms, ammunition, and implements; but that the Senator is striving through his amendment to forbid the sale and shipment of poison gases under any circumstances?

Mr. DANAHER. That is correct.

Mr. WALSH. I think the Senator called attention to the fact that in the Washington treaty conference an effort was made to exclude poison gases in warfare, but the effort failed.

Mr. DANAHER. That is correct; but I will say to the Senator that it did not fail on that point. It failed because of the fact that the Republic of France refused to sign the agreement simply because of the reference to submarines.

Mr. WALSH. Later, within a comparatively few years—I have forgotten the year—several nations joined in an agreement not to use poison gas in the event of warfare. Is not that correct?

Mr. DANAHER. That is correct, as I understand.

Mr. WALSH. Among those nations is our own Nation.

Mr. VANDENBERG. Mr. President, may I give the Senator the exact information upon that point?

Mr. WALSH. I wish the Senator would.

Mr. VANDENBERG. I think it is very significant. In the disarmament conference of 1932 four fundamental principles were agreed upon, the first of which was the prohibition of air bombardments and of chemical, bacteriological, and incendiary warfare; and the treaty was signed by 41 nations. The only 2 nations which voted against it were Germany and the Union of Soviet Socialist Republics of Russia.

Mr. WALSH. I should like to add to what the Senator has said that in military circles there is a rumor that some of the belligerents now have in their possession a poison gas which does not become effective or operative in destroying or affecting human life until some 3 weeks after the gas is applied or dropped in some locality.

I assume the Senator's reason for this amendment is, first of all, to emphasize to the world that the United States abhors the use of poison gases in war, and also in the hope that if any one of the belligerents proposes or desires to use poison gas our action will possibly serve as a deterrent. Is that the object of the Senator?

Mr. DANAHER. Precisely; plus the additional fact, of course, that the humanitarian objectives to be subserved are so perfectly apparent that I cannot believe anyone would wish to vote for a provision which would permit Americans to ship poison gases for possible use on civilian populations.

Mr. WALSH. So the net result, if the amendment were adopted, would be that, though we are changing our present policy of forbidding the sale of arms, ammunition, and implements of war, we would permit the sale of everything except poison gases.

Mr. DANAHER. That is correct; and those implements which would be usable to throw or disseminate the poison gases.

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

Mr. DANAHER. I yield.

Mr. TAFT. It is also true that this provision would apply in peacetime to every nation in the world.

Mr. DANAHER. That is true.

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

Mr. DANAHER. I yield to the Senator from Nebraska.

Mr. NORRIS. Like the Senator from Massachusetts, I am in entire accord with any attempt which can be applied to all nations to prohibit the use of poison gases. I would go further if I could; but I am wondering about it. Suppose one side to the controversy should refuse to abstain from the use of poison gas, and the other side should insist upon its right to use it: Should there not be something in the amendment itself which would make it applicable only if both sides to the controversy should agree to abstain from the use of such gases?

I am asking only for information. I do not know that it would be possible, but I ask whether or not it would be possible to be more explicit.

Under the known condition of the control or partial control of the sea by Great Britain and France, might it not be possible that Great Britain and France would have to rely on importations of these gases from the United States? If we prohibited their shipment, Great Britain and France could not obtain them; while Germany, on the other hand, might be able to obtain all the gas she wanted from her allies, Italy and Russia, or from other so-called neutral nations. If that were the case, whatever the purpose might be, would not the effect of the amendment be to help one side in the controversy to the detriment and injury of the other side?

I should also like to propound this question: In the Senator's judgment, would it be justifiable for a nation attacked with gas by another nation to use gas in return as a defensive weapon? Would we not be likely to get into the predicament, or get the countries at war into the predicament, that one side or the other might not be able to obtain gas if the other side were using gas?

Mr. DANAHER. Mr. President, as the Senator from Nebraska well realizes, he has asked not one question, but a series of questions.

Mr. NORRIS. I realize that fact.

Mr. DANAHER. Addressing myself to them as well as I can recall them in the order in which he propounded them, let me say to the Senator from Nebraska, in the first place, that in my humble judgment we as a people do not wish to participate in poisoning anybody under any circumstances whatever, whether by way of gas or otherwise. At least, that is my attitude, and I think it is the attitude of the American people and of the Congress.

Coming to the second question propounded by the Senator from Nebraska, I will say that I think we should under no circumstances pass a law the operation of which would be contingent upon two countries overseas agreeing that it should or should not become effective. I think the proposition stated is beyond the realm of a reasonable legislative process. For instance, I cannot believe that we want to pass a statute which says that we will not ship any arms, ammunition, or implements of war to any nation if both sides will agree to stop the war. The argument could be carried that far.

Referring to another of the questions asked by the Senator from Nebraska, I feel that, even though the people of one nation should be bombed by poison gases, or by war vessels, or by the aircraft of another nation, we as a people can under no circumstances whatever justify the use by the side which is the victim of that type of attack of poison gases, flame throwers, and other such devices made by us. I cannot believe that we would subserve the cause of civilization or humanity, or winning the war, by undertaking to poison with phosgene and mustard gas the people of an aggressor nation, the attacking nation. I cannot believe that that is justifiable under any circumstances whatever.

Mr. NORRIS. Will the Senator permit me to submit another question bearing on whether gases are offensive or defensive?

Suppose our nation were attacked by a combination of nations, or any large military force, which was using gas of the kind which the Senator describes in his amendment. Would the Senator feel that we would have a right, notwithstanding the fact that we abhor all those things, to use the same thing in defense of the principles for which we claim to be fighting?

Mr. DANAHER. Mr. President, whether we have "a right" or not, as the Senator uses the word, I should abhor it. I would attempt to exclude it. I would not want to see our Nation fight that way.

Mr. NORRIS. I would not, either. I agree with the Senator as to that; I would not want to do that; but suppose we were confronted by the situation of our enemy using this gas, and we had or could make some of the same gas, would the Senator submit to the assault of the enemy and not use the same means of defense?

Mr. DANAHER. I would; I would hope that we would as a nation. I would certainly, in any case, say that the illustration or attempted analogy is not applicable in any sense whatever, since this Nation is not in the war.

Mr. NORRIS. No; but the principle would apply just the same.

Mr. DANAHER. Not in any way, in my humble opinion, I respectfully say. I cannot believe, as part and parcel of an American policy, that we should equip the people of any nation to use poison gases and flame throwers, and particularly when civilian populations would be bombarded thereby.

Mr. NORRIS. We could carry that further on the same principle. I agree that if we could entirely prevent the dropping of bombs from the air on civilian populations that would be excellent, but such bombing is being done now. Although probably that is not so obnoxious to the minds and hearts of civilized people, in principle it is the same. If you kill a man with a gun he is just as dead as though you killed him with gas. It seems to me that we would be driven, if we were attacked, to do what the Senator says he would not do and what he would rather suffer defeat than to do. The Senator may be right about that, but I am not so humane as that.

Mr. DANAHER. What the Senator says, in effect, is that an animal of prey, if you choose, which can be stopped by one bullet from a .45 caliber gun and killed instantly is just as dead as the same animal that is caught by one leg in a trap and which lives for weeks and weeks in torture and devastating anguish until it finally languishes and dies. It is true that the animal may be as dead at the end of that period in the one case as in the other; but the torture and anguish, on the one hand, are by no means comparable to the wounds caused by a bullet that immediately destroys.

Mr. NORRIS. The animal that is caught in the trap and lives for 3 weeks, and is not dead until the expiration of the 3 weeks, may suffer for the 3 weeks, but a man who is shot may suffer for years.

Mr. DANAHER. Yes; I have known many of my friends who served in the last war who are in that very plight; and I know many who are lingering and suffering from the effects of phosgene and mustard gas and of the devastation and misery they have been compelled to endure as a result. I do not believe our Nation ought to be a party to the use of poison gas.

But to go back, if I may, to another question of the Senator from Nebraska, when he asked if we were going to undertake to send the stuff to one side and not to the other. Let me say that the records of the Munitions Board show that neither Great Britain nor France has bought even an ounce of this character of material from us in anticipation of the present war, and therefore it is reasonable to conclude that they do not want our poison gases, is it not?

Mr. NORRIS. I think that is true; but whether it is or not, I believe that, as a matter of principle, we ought not to permit it to continue.

Mr. LUNDEEN. Mr. President——

Mr. DANAHER. I yield to the Senator from Minnesota.

Mr. LUNDEEN. Let us carry that a step further and exclude all weapons.

Mr. DANAHER. Mr. President, I am talking for the moment of section 12 (b). In view of the fact that my amendment as submitted is in three sections, and in view of the fact that section (a) deals with this specific subject, and later amendments deal with correcting what I consider to be another defect in section 12 (i), I should like to ask unanimous consent that if I now yield to the Senator from Michigan I may thereafter continue. As a parliamentary inquiry, is it possible that I can by unanimous-consent agreement be permitted to retain the floor after a vote on the first stated amendment?

The PRESIDING OFFICER. The Senator can continue on the floor by unanimous consent, but he has 10 minutes more of time on the amendment. By unanimous consent he can do what he suggests.

Mr. DANAHER. What I mean is—I fear I did not state my point accurately—that if we act on the amendment which is now pending, may I thereafter hold the floor and proceed to the second portion of the amendment; that is, the second amendment which has not yet been read?

The PRESIDING OFFICER. The Senator will have 45 minutes on the second amendment when it is proposed.

Mr. DANAHER. Since the items on the page which the clerk holds are germane to the same subject matter, I ask unanimous consent that I be permitted to retain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. CONNALLY. Mr. President, reserving the right to object, I do not think that is proper parliamentary procedure, because the Chair controls recognition and not the Senate by unanimous consent. The Senator will have time left under his allotment. If he yields to the Senator from Michigan, and the Senator from Michigan concludes, the Senator from Connecticut can then rise and secure recognition as in the case of all other Senators. I do not think it is proper to make a unanimous-consent request of that character.

Mr. JOHNSON of California. Mr. President, as I understand the situation, however, there are two amendments——

Mr. DANAHER. Three. We are acting on one.

Mr. JOHNSON of California. We are on one of them now. The Senator will have time upon the other two, the total time that is accorded. That is correct, is it not?

Mr. CONNALLY. I understand the Senator has one amendment which has three sections to it?

Mr. DANAHER. I misstated, I am sure, what I meant to say. I think the Senator from California has accurately stated it. The Senator from Nebraska has very tactfully advised me as to my particular rights. This is the first time the situation ever confronted me when I needed guidance. I thank the Senators, and I yield to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, I understand I have the floor in my own right. I only wish to speak a word on this subject, but I feel very deeply about it and I would not want the vote to be taken without testifying. While I still hope that the Congress, in its wisdom, will conclude to retain the embargo upon all arms, ammunition, and implements of war, nevertheless, if that is not to be done, if that should be impossible, then, at least, I hope we may set up a minimum of the humane standards which America would recommend to the world in respect to arms, ammunition, and implements of war.

Mr. President, for 20 years America has been seeking to lead the world away from the major inhumanities of war. The chief effort in this direction was probably made at the Disarmament Conference of 1932 in Geneva, when President Hoover, in sending the American delegation to that conference, instructed them to seek to divide weapons as between those to be used in a direct military sense and those that would be used for the destruction of civilian populations.

In 1933 President Roosevelt sought precisely the same objective and asked specifically in his message of May 16, 1933, that "the weapons of offensive warfare should be eliminated." In other words, both President Hoover and President Roosevelt agreed upon the objective, namely, that an effort should be made to eliminate weapons of offensive warfare, with particular reference to those weapons that are used primarily against civilian populations.

I repeat now for the RECORD, as I indicated to the Senator from Massachusetts, that 41 nations of the earth agreed in a preliminary way in 1932 at Geneva to the prohibition of air bombardment and of chemical, bacteriological, and incendiary warfare. I believe it will be illuminating to have the RECORD show the 41 countries which thus subscribed themselves. I read the list:

South Africa, Argentine Republic, Australia, Belgium, Bolivia, United Kingdom, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Spain, Estonia, United States of America, Finland, France, Greece, Hedjaz and Nejd, India, Irish Free State, Japan, Latvia, Lithuania, Luxemburg, Mexico, Norway, New Zealand, Panama, Netherlands, Persia, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Czechoslovakia, Venezuela, Yugoslavia.

Eight nations abstained from voting, for one reason or another. They were Afghanistan, Albania, Austria, Bulgaria, China, Hungary, Italy, Turkey.

Two alone voted against the objective, namely, Germany and Soviet Russia.

Mr. President, coming now to the present neutrality statute, I made a very earnest effort to try to translate into a textual amendment this effort to discriminate between offensive and defensive weapons, and I must confess that so far as I am concerned I found it totally impossible to do. I sought to draw an amendment which would discriminate between offensive and defensive weapons in line with the recommendations of the present President and his immediate predecessor in the White House; but, I repeat, I found it impossible. Therefore, I have nothing to present to the Senate upon the subject. But in line with this philosophy of action, and in sympathy with these objectives to which the United States not only has dedicated itself but in connection with which the United States has taken leadership for a quarter of a century, it seems to me the minimum thing we can do is to identify these particular instrumentalities of war, which obviously are the supreme weapons of brutality which no man in his senses dare condone, as representing a commerce in which we under no circumstances shall ever participate.

I am not only joining with the Senator from Connecticut in offering this minimum of prohibition but in earnestly recommending it to the Senate's consideration.

Mr. CONNALLY obtained the floor.

Mr. SHEPPARD. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Ninety-two Senators have answered to their names. A quorum is present.

Mr. CONNALLY. Mr. President, I hope not to detain the Senate very long.

As I understand, the amendment now proposed by the Senator from Connecticut reads:

Provided, That no such license shall be issued under any circumstances for the export of Livens projectors and flame throwers; mustard gas, phosgene, or any of the poison gases listed in category VI, proclamation 2237, promulgated by the President May 1, 1937.

Is that correct?

Mr. DANAHER. That is correct.

Mr. CONNALLY. Mr. President, this amendment is simply an effort to distinguish between the character and kinds of weapons. As I see it, we should either send to other nations nothing—no munitions, no arms—or send them any and all arms.

As was so well pointed out by the Senator from Nebraska, all that can be done to a human being with any of these weapons is to kill him. When he is dead he is dead, no matter whether the weapon used in killing him is an offensive or a defensive weapon.

Let me also suggest that I do not favor killing human beings in any way. I do not favor ramming a bayonet through a man and seeing him writhe in the agonies of death. We are going to send other nations bayonets. We are going to send them great bombs and shells. When a shell strikes a soldier, or strikes near him, it tears him limb from limb, and scatters his organs and blood and tissues all over the battlefield. Of course we are not for that, either; we do not advocate it; but when we undertake to distinguish between the kinds of weapons that shall be used, we face the difficulty which the Senator from Michigan [Mr. VANDENBERG] admits he could not solve. He could not draw a line across a list of articles and say, "These weapons are defensive, and those are offensive."

So far as poison gases are concerned, it is well known that Germany is a great industrial, chemical nation. She has dye factories and dye plants all over her country. They could be converted in a moment into plants for the manufacture of all kinds of poison gases. She could employ them. If she employs them, why is it not a defensive measure for the Allies, or her antagonists, to employ the same weapons?

The Senator from Michigan has voted, I am sure, for appropriations in the Army bill every year for the maintenance

of the Chemical Warfare section of the Army of the United States. What is the Chemical Warfare section? It is a section which devotes its energies to the manufacture of gases to be used in warfare—defensive gases, offensive gases.

I should be glad if the Senator from Michigan would give heed, because I am addressing myself to him.

Mr. VANDENBERG. I apologize to the Senator. I was in conference with the Senator from Kentucky [Mr. BARKLEY].

Mr. CONNALLY. I know how fascinating the majority leader is. I myself have fallen under the spell of his fascination, and I can readily understand how the Senator from Michigan would likewise succumb.

Mr. VANDENBERG. The Senator can understand my difficulty when I have to choose between the blandishments of the Senator from Texas and the authority of the Senator from Kentucky. [Laughter.]

Mr. CONNALLY. And the Senator from Texas is always disappointed that he loses out in that kind of a contest.

I was suggesting that the Senator from Michigan has voted for appropriations by the Senate for the maintenance of the Chemical Warfare section of the United States Army. What is that section for? It manufactures gases to gas enemies with, defensively, offensively. I do not know whether or not it has any flame throwers, but I presume it has, not because we advocate the use of flame throwers, but if a man attacks another with a flame thrower, what is the one attacked going to do? He is going to throw some flame back at him, or surrender.

Mr. President, this is merely an effort to distinguish between the kinds of weapons, and it is a failure. Either send them nothing, or send them everything. Send them all the weapons, or send them nothing.

The suggestions of President Hoover and others, of course, were laudable, and they should have been adopted, but they cannot be adopted by one side alone. They must be adopted by all the civilized nations, and made a part of the code of international law. If all the nations would observe them, that would be excellent, but it is not the function of the United States to undertake to lay down the law as to how other nations shall make war. They will fight with the weapons of their own choosing.

I remember, as I told once on the floor of the Senate, when the war between the States was about to begin, Bob Toombs, a fiery Georgia statesman, was making rabid, wild speeches on the stump, and in one of them he said, "Why, we in the South can whip the Yankees with cornstalks."

After the war between the States was concluded, with disaster to the southern Confederacy, Bob Toombs was a candidate for office again, and someone in the crowd he was addressing said, "Wait a minute, Bob. You told us before this war between the States, that the South could whip the North with cornstalks. What about it?"

"Well," he said, "my friend, I did say that, but the trouble was the damnyankees would not fight us with cornstalks." [Laughter.]

Mr. President, if the nations of the earth would all agree to fight with cornstalks it would be fine; but they will not fight with cornstalks.

Who first introduced the use of poisonous gas in war? It was Germany. She has great industrial plants which can be converted overnight. Whenever we say that we will not ship to the Allies any of these supplies to meet the attacks of the enemy, we might as well say we will not send them any weapons at all. It is either send them all the weapons of war or send them none. It is not possible to distinguish between defensive and offensive weapons.

Mr. President, I submit that the amendment should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut to the amendment of the committee.

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. MURRAY obtained the floor.

Mr. McNARY. Mr. President, the yeas and nays have been demanded.

The PRESIDING OFFICER. The Senator from Montana has been recognized.

Mr. McNARY. That does not interfere with the call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been demanded. Is the demand sufficiently seconded?

The yeas and nays were ordered.

Mr. MURRAY. Mr. President, I intend to discuss the joint resolution generally, and I do not desire to hold the floor and prevent a vote at this time. I prefer to wait until after the vote has been taken.

Mr. BARKLEY. If the Senator does not desire to discuss the pending amendment, we might proceed to vote on it.

Mr. PITTMAN. Mr. President, I desire to say just a few words in opposition to the amendment. Recently I saw a picture, which I think is authentic, of the attack by the Germans on Poland. It represented an attack on the little pill boxes, the machine-gun nests, the Polish soldiers had. The picture disclosed that the attack was conducted by throwing flames into the apertures of those boxes. Germany not only has always used flame throwers, but she used them in the war against Poland. I do not know that any gas was used. As was stated by the Senator from Texas, Germany originated the use of poisonous gases as well as of flame throwers.

When the international conference was held in Washington in 1921 and 1922 in an effort to secure a limitation of armaments, it was proposed by the United States, as I recall, that the governments should agree not to use poisonous gases at all. France objected, on the ground that Germany was a great manufacturer of dyes and that France was not, and that the factories making the chemicals used in the production of dyes could be converted in a very few hours into factories for the manufacture of poisonous gases. Therefore France objected to absolutely prohibiting the manufacture of gases.

We had the same contention with regard to airplanes. It was proposed that war planes should be limited. The objection at the conference again by both Great Britain and France was that Germany at that time was more advanced in the science of flying and had more commercial airplanes than any other country in the world, and that it was possible to convert what are called commercial planes into war planes very simply and very quickly.

Now we are dealing with poisonous gases. I see that the next amendment to be proposed by the Senator from Connecticut [Mr. DANAHER], called amendment B, is to prohibit the shipment of airplanes which carry bombs. So we get right back to the question of the impossibility of distinguishing between weapons which bring about death during war. The absurdity of it appears.

If we are to eliminate poisonous gases, then we should eliminate shrapnel, because possibly the most destructive weapon in war is shrapnel. When a shrapnel shell bursts, a hundred pieces of steel may be blown throughout the body of a soldier, from which he may suffer, without death, all the rest of his life. Should we not also stop that? I think there is no more destructive weapon.

We should stop the shipment of bombs of a certain magnitude, which, if they burst within several hundred feet of a soldier, probably deafen him forever, and possibly blind him. It is probable that death by gas is the most merciful death dealt out in war. Cyanide gas kills instantly. One breath of it and a soldier is gone. It is far less painful than being blasted with shrapnel, or even the iron particles of a bomb.

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

Mr. PITTMAN. I will yield in a moment. The Senator realizes that if he is to be logical, he must not only provide that no gases shall be allowed to leave this country, but also that the airplanes which carry the gases shall not be allowed to leave the country.

To be further logical, he should provide that no gasoline for the operation of airplanes should be allowed to leave the country, because without the airplane the bomb containing the poisonous gases cannot be dropped, and without the

gasoline the airplane cannot fly. So we should include gasoline in the prohibition. We should include also alcohol, because planes can be operated with alcohol. We should include every character of liquid that may be used to operate an airplane that is to drop a bomb.

No agreement of nations can ever prevent a government from using every possible weapon of self-defense, every weapon with which to win a war, that is available to it. They may not use gases so long as they can win without them, but if the use of a gas is essential to the life of a country, it will use gas. The absurdity of contending that by prohibiting the export of gases we can have any effect in the world upon the use of gas, is obvious.

If it is placed on the ground of humanity, then there is only one way in which to meet one's conscience, and that is to allow no metal, no plane, no chemical, to be shipped out of this country to any belligerent country or to any neutral country from which it may be shipped to a belligerent country where the weapons of destruction will be made.

It is just the same old thing of imagining that it is possible to pick out a few weapons of destruction and exclude all the other weapons of destruction, and satisfy either humanity or neutrality.

Mr. DANAHER. Mr. President, let me observe, briefly, that if everything the Senator from Nevada has said in conclusion with reference to my position in opposition to the repeal of the embargo on arms has not been made apparent over the past 5 weeks, then there is nothing left for me to say or do to make it obvious to the Senator from Nevada. I am opposed in every degree, logically and otherwise, to the result to which he makes reference.

But, Mr. President, taking the situation in its practical aspect, taking his argument as he offers it, we can look through the list of gases named by the President, and we will not find cyanide, the gas that puts the soldiers to sleep so painlessly. We will find mustard gas; we will find phosgene, but we will not find cyanide there. As late as September 1939, only 2 months ago, the President of the United States embargoed by his proclamation identically the same list of gases which are included in category VI in 1937.

The President of the United States had no difficulty whatever in classifying the munitions which came within the category which he defined. In category VI he placed all the flame throwers, he placed those instruments of war which are capable of throwing gases. He placed in it Livens projectors, he placed in it an enumerated list of deadly and poisonous gases, and his own proclamation recites:

> Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority conferred upon me by such joint resolution, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall on and after June 1, 1937, be declared arms, ammunition, and implements of war.

And he himself, on the recommendation of the Board, defined in category VI a definite classification, which he made on the recommendation, I repeat, of the Board, of the very things which we now seek to embargo, and which I say should never be sent overseas for inhuman use upon civilian populations.

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

Mr. DANAHER. I yield.

Mr. CONNALLY. Under the law he had to define things that were arms, ammunition, and implements of war and, of course, these articles which the Senator mentions are implements of war, and he denominated them as such. He could not do anything else. What is the point about that?

Mr. DANAHER. Perhaps the Senator from Texas missed the argument offered by the Senator from Nevada, that it is impossible to distinguish between offensive and defensive weapons. It is not a question of differentiating between offensive and defensive weapons; but, if it were, I say that every one of those items is definitely classed as an offensive weapon, and it was placed in a category all by itself by the President himself. That is the list of articles which I say we ought not to export.

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

Mr. DANAHER. I yield.

Mr. HOLT. How can we condemn the use of poison gas we sell? I understand the majority leader says we do not intend to condemn it. I thought America believed in civilization. The use of poison gas is war on civilians and I do not want my Government to take part in spreading poison gas among civilian populations.

Mr. PITTMAN. Mr. President, that is a very high ideal, but never has been realized by any country in the world.

Mr. TYDINGS. Mr. President, I had not intended to participate in this debate, and I do not now intend to say very much, but certainly I think that any man who had any contact with the last war would much rather face anything than artillery fire. Artillery fire is perhaps the cruelest enemy that a man who carries a musket has to face. It comes from 5, 6, 8, 10, 12, 15, 18, or 20 miles away, and the soldier is absolutely helpless. There is nothing he can do to defend himself. The gun may be located on a railroad track in a village 6, 10, or 15 miles from the actual front, where men and women are living and going about their everyday work, and it may throw a shell weighing a ton, which will hurtle through the air 18 or 20 miles, and when it explodes it does not kill with a deadliness but mangles and leaves its victims torn and wounded, and perhaps parts of their bodies missing.

So, Mr. President, if we are going into the "humanities" of actual warfare, the first things we should eliminate are cannon and shell. I think almost any man who had to die would perhaps prefer to die as the result of gases than as the result of having a hundred pieces of shrapnel in his body or his arms blown off, for, at least, his death would come pretty rapidly from gas.

All the arguments about what weapons we should permit in war and what ones we should not permit, of course, appeal to our emotions. "War is hell," said Sherman. It is the trade of barbarians. It ought to be abolished. Some years ago every nation in the world entered into an agreement not to use war as a means of national policy, but where is that agreement today? It has been scrapped and thrown into the wastebasket. When war comes we can pass laws from now to Christmas, but nations are going to use every device and every artifice necessary to win the war, and those who are on the defensive are going to use every artifice they can to keep from losing.

Therefore, I do not see any difference at all between poison gas and the bullet or the artillery shell. It would be excellent, of course, if we could limit war and the resultant suffering to the theater of actual hostilities; to the soldiers in the field, rather than to extend it to the men, women, and children behind the lines. But there is a more powerful defense against the attack on men, women, and children behind the lines than law, and that is public opinion, and if Germany or France or England in this war should start to bomb towns which are not military objectives per se, and to kill hundreds and thousands of men, women, and children, whatever the temporary gain might be, they would lose a hundred times in world opinion and world support, which would manifest itself in hundreds of ways. Men who are opposed to war will join and fight with the nation which is being bombed from the air, whose men, women, and children are being massacred. Under such circumstances men have a sense of outrage which is aroused, and they will volunteer from this country and from every other country to aid the nation which is being so attacked. That is the only weapon upon which we can rely.

Mr. President, is poison gas any worse than the artillery shell, or the machine gun, or any other weapon, or as the Senator from Texas has suggested, the bayonet, for that matter, which is driven into the body and turned around and pulled out, and the victim runs around holding certain parts of his body to keep them from spilling out on the ground? What is more cruel and horrible than that? Almost any

man would rather be gassed a hundred times, to die that way, than to be killed as the result of a bayonet thrust or of a shell explosion.

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

Mr. TYDINGS. I yield.

Mr. CONNALLY. Would it not encourage the use of poison gas and other so-called barbarous weapons, to allow one nation to have them and deny them to another?

Mr. TYDINGS. The argument that my good friend the Senator from Connecticut is making—and I know that he is righteous in his indignation against these outrages that are committed in the name of war—on its face is not a strong one. In my judgment if we are to be logical we should lay aside the attempt to define and differentiate between offensive and defensive weapons, and define who is an aggressor and who is not an aggressor. That is what we should do.

Mr. HOLT. Mr. President——

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

Mr. TYDINGS. In a moment I will. This idea of not allowing the country which is on the defense the necessities with which to defend itself while it is being attacked by some ruthless aggressor is wrong. Civilization demands that we give every bit of aid we can to the nation which is being attacked, and not run like cowards all over the face of the earth until our turn comes next. United public opinion should stand shoulder to shoulder against aggression. But, of course, in politics, in a practical world, we cannot begin to name aggressors, for when we attempt to name an aggressor, that in effect is an indirect declaration of war against that aggressor. But I certainly know who the aggressor is—and every person in this Chamber knows who the aggressor is. There is no one in this Chamber who on his or her conscience would not vote today to designate one nation as the aggressor. There would not be one who would not so vote, but I am not going to name the nation.

Mr. President, it is not necessary for me to denounce any country by name on the floor of the Senate in connection with this measure. As a matter of fact, I think we are not accomplishing anything constructive or worth while when we do that. But if we are to say, "You may have these weapons because they are purely defensive, but you cannot have these other weapons because they are purely offensive," then why do we not go the whole way and say that we will not sell to one nation because it is the aggressor nation in this war, but we will sell to another nation because it is the defensive nation in this war? If we are going to proceed on any basis of logic there is no other conclusion. The conclusion is inescapable.

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

Mr. TYDINGS. I yield to the Senator from Kentucky.

Mr. BARKLEY. Much has been said on the floor of the Senate during this debate to the effect that this is not our war, that we are not in it, and that we are not to have anything to do with it; but does not this amendment put us in the position of undertaking to determine what kind of war shall be fought in Europe?

Mr. TYDINGS. Absolutely.

Mr. BARKLEY. Does it not put us in the position of saying that while one nation, through its own resources, may resort to the kind of war we may oppose, we propose that those who are attacked by that nation shall not defend themselves in like manner?

Mr. TYDINGS. The Senator from Kentucky has raised an interesting question. In the course of this debate we have heard discussed the history of England, and we have heard English imperialism and cruelties denounced. We have heard discussed the history of France and all her wars and have heard those wars and France denounced. We have heard of the conduct of Germany. We have heard Germany and her activities denounced. If we really want to "go to town" on righteousness, we might take up the history of the United States. We might tell about our treatment of the red man—broken promises by the score, driving him off his land, and finally, when we isolate him out in Oklahoma and the Indian Territory, a generous Government comes along and takes the oil lands away from him and gives him a small pension in mitigation of its action.

We might talk about our great Democratic President, Andrew Jackson, who, in violation of the laws of this country and of the specific orders of his own Government, annexed Florida and parts of Alabama and Mississippi to the United States of America. If we were to tell about ourselves, we should find what we call our destiny to be of a piece with the history of the other countries which have been so frequently denounced on this very floor.

Mr. BARKLEY. We might also speak of the Mexican War which Abraham Lincoln voted against and which he denounced because it was an unjust war.

Mr. TYDINGS. Yes. We are not without sin, and we should not cast the first stone. The war in Europe is not our war. It is not necessary for us to denounce Germany, or England, or France, or any other country. What it is necessary for us to do is to mind our own business, sell as usual, and take whatever steps we deem proper for the protection of our own citizens. When we shall have done that, we shall do well not to meddle in the kind of war that is being fought 3,000 miles from home.

Mr. HOLT. Mr. President, the Senator from Kentucky has said it is not our purpose to determine what kind of war is being fought. I should like to think that some action of ours would be an official disapproval of the use of poison gas against civilians. Of course, soldiers are killed by bayonets. Of course, soldiers are killed by cannon. But the babies and women of the world are not killed by bayonet—not once in 10,000 times. We know they are killed by poison gas.

Why should we stand here and say that we can do nothing about it? If you defeat this amendment, you say, "It is all right; we will sell gas to anybody." Sell deadly poison gas in the name of civilization and in the name of democracy. Why? Because it may mean a little profit for those who are selling the gas. They say we cannot do anything about it. We can.

Mr. President, today we are deciding whether or not we put our stamp of disapproval on the use of poison gas. We are putting into the law the action we have so many times spoken of in words. If you defeat this amendment, you sanction the use of poison gas. You cannot excuse the wrong by saying others use it. You offer poison gas to the belligerents to be used against those with whom we are at peace. You officially approve the use of this terrible gas which may be used against defenseless people, and yet you say you do it in the name of civilization.

It is said that if Germany uses poison gas we must supply it to the other side. If they do, why should we spread the agony and the suffering to others? Two wrongs never made a right. How can we sit here and say that we have nothing to do with such warfare and yet sell poison gas to kill the innocent? How many times have officials of the Government gone to the people and condemned poison gas? Then we hypocritically say, "It is all right for us to sell it, but it is wrong for you to use it."

That is the question we are deciding today. Of course, it is not our war; but if by our actions we can stop the use of poison gas we shall have accomplished much. We shall have put the stamp of disapproval on mustard gas and flame throwers. It is said we cannot do anything about it, and that we might just as well sell one implement as another. Mr. President, that is nonsense. It is all right for us to sit here, where poison gas will not be used, but it is not all right for the children of Europe. Let no man who votes for the sale of poison gas rise here on this floor and talk about defenseless women and children in the future.

The Senator from Texas said, as I understood him, "Why should we stop the other side" from using it? I thought this was a neutrality measure and that we were to supply both sides. So why confine it to one particular side? I think it is wrong for all sides to use it. Certainly you are becoming an accessory before the fact when you allow and officially approve the sale of phosgene, mustard gas, and such things for attacks on civilians. Others may vote for the sale if they

care to, but I will not vote to put mustard gas into the lungs of babies of Germany or of any other nation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment in the nature of a substitute.

On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present he would vote "nay." I transfer that pair to the Senator from Washington [Mr. BONE] and will vote. I vote "yea."

The roll call was concluded.

Mr. McNARY (after having voted in the affirmative). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the junior Senator from Kansas [Mr. REED] and will permit my vote to stand.

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 Mississippi [Mr. HARRISON] is unavoidably detained.

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES] is unavoidably detained. If present, he would vote "yea."

The result was announced—yeas 36, nays 54, as follows:

YEAS—36

Barbour	Donahey	La Follette	Shipstead
Borah	Downey	Lodge	Taft
Bulow	Frazier	Lundeen	Tobey
Capper	Gibson	McCarran	Townsend
Chavez	Hale	McNary	Vandenberg
Clark, Idaho	Holman	Maloney	Walsh
Clark, Mo.	Holt	Nye	Wheeler
Danaher	Johnson, Calif.	Overton	White
Davis	Johnson, Colo.	Reynolds	Wiley

NAYS—54

Adams	Ellender	Lucas	Schwellenbach
Andrews	George	McKellar	Sheppard
Austin	Gerry	Mead	Slattery
Bailey	Gillette	Miller	Smathers
Bankhead	Green	Minton	Smith
Barkley	Guffey	Murray	Stewart
Bilbo	Gurney	Neely	Thomas, Okla.
Brown	Hatch	Norris	Thomas, Utah
Burke	Hayden	O'Mahoney	Truman
Byrd	Herring	Pepper	Tydings
Byrnes	Hill	Pittman	Van Nuys
Caraway	Hughes	Radcliffe	Wagner
Chandler	King	Russell	
Connally	Lee	Schwartz	

NOT VOTING—6

Ashurst	Bridges	Harrison	Reed
Bone	Glass		

So Mr. DANAHER's amendment to the amendment of the committee in the nature of a substitute was rejected.

Mr. MURRAY and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes first the Senator from Montana.

Mr. MURRAY. Mr. President, the issue presented by the pending neutrality measure is of such momentous character that I feel impelled by a sense of duty to make clear at this time the position which I propose to take. I approach the task before me with a deep sense of all the serious implications involved in the fateful question of our national policy.

First, let me say that in presenting my views on this issue I do not wish to be understood as in any way impugning the motives or questioning the sincerity of any Member of this body. I entertain a genuine regard and respect for the opinion of each of my colleagues. I speak here today only because of a keen sense of responsibility and obligation boldly to express my judgment on a matter which vitally concerns the honor, the safety, and the integrity of our country.

A score of eminent Senators preceding me in this debate have risen in their places and with deep sincerity and eloquence have expressed their abhorrence of war. Truly, we all abhor war. We are all anxious to preserve our country from involvement in the bloody conflict now raging in Europe. I am sure also that it is the sense of the American people that we should do everything possible through peaceful efforts to aid in bringing an end to those hostilities before the resulting damage shall become irreparable. A prolonged war can mean only tragic suffering and misery for millions of innocent people. It will certainly cause dangerous upheavals and maladjustments, not only in America but throughout the world. Those who may be victorious will not be able to profit from their victory. Indescribable suffering and destruction of wealth awaits victor and vanquished alike. The resultant loss of life and the destruction of property will impose a crushing and unbearable burden on the backs of the people of all the nations involved, as well as seriously injure and retard the progress of civilization everywhere. All human beings, therefore, must be imbued with the deepest sympathy for those unfortunate people confronted with the horrors of this cruel and desperate war. We can easily visualize how tragic and helpless is their plight. We owe them at least the duty of conducting ourselves as upright and neutral neighbors.

MUST BRING MORAL PRESSURE FOR PEACE

Mr. President, while it is our duty to preserve the peace and safety of the United States, that alone should not be our only active interest. Bound by a sense of human pity, we must make every effort to mobilize the moral judgment and opinion of our country, and, indeed, of the whole world, against this futile and indefensible war. We must seek, in every possible way, to bring about an early armistice and final peace in the interest not alone of those involved but of all civilization.

HIGH STANDARD OF DEBATE

Since this joint resolution has been before the Senate the discussions which the issue has invoked have raised the standard of senatorial eloquence and senatorial statesmanship to a very high plane. I have religiously attended these discussions and have gained much profit from them. Our system of unlimited debate has proved itself. I think that out of the welter of these deliberations the truth will emerge, and we shall shortly have an American neutral policy with the general approval and support of the American people. I have not the slightest apprehension on that score.

A spirit of genuine Americanism lives in this body; and while we may earnestly differ in our views and in our judgments, we are all moved by honest desires and motives. We are seeking but one end—to deliver this country from the perils that threaten it and dispel from our horizon the clouds of war which darken it.

The discussions have now proceeded for many days, covering many broad and perplexing fields—international law, neutrality, diplomacy, contemporary history, power politics, international intrigue, and peace and war in general. I may add that we have also intruded quite deeply into the realms of metaphysics, conjecture, and speculation.

MUST STAY OUT OF WAR

I wish to say at the outset that there is no question about the attitude of this country or about the attitude, I hope, of every Member of the Congress of the United States in regard to the absolute necessity of avoiding our involvement in the present war. The people of this country have been completely disillusioned by the results of the last war; and no intelligent, patriotic citizen of this country today must fail to take the unalterable position that we at all hazards shall avoid intermeddling, taking sides, or becoming involved to any degree in the present conflict.

MUST BE NO APPEAL TO FEAR

The problem presents itself to my mind as a cold-blooded, hard-headed question: What is the best course to follow in order to protect American interests and American security and maintain a truly neutral attitude toward the belligerent nations in this war? Any sane person must concede that to incite or undertake to lead this country into participation in the present conflict would be a senseless thing and would be wicked, because irrational. But it has been earnestly ar-

gued here that repeal of the embargo will take the United States into war.

Mr. President, I think any intelligent and unbiased person looking at this question seriously and not emotionally must admit that neither the repeal of the embargo nor its retention, standing by itself, will either take this country into war or keep it out. We can enter this war or any war only through the will of the people. The people want to stay out. War can be declared only by Congress. Any attempts to frighten this country or influence its opinion by arguments to the effect that the pending measure is a step into war, or that the embargo is an absolute insurance against war, will fail. The American people are not so gullible and incapable as to be influenced by such groundless assertions. I am sure they will not be deceived by mere appeals to fear and emotion. I have full confidence in the unerring judgment and the sensitive conscience of the American people.

America has accomplished the greatest things ever achieved in the history of mankind—things which have been universally recognized as of transcendent value to civilization. Yet many of these achievements were attained, not through statesmen, but through the inherent wisdom and sense of justice of the American people. I think the people of this country understand this problem, and will have the wisdom to recognize that Congress is seeking by its action to protect our own interests, and not injure any other nation in the world.

REPEAL OF EMBARGO

The neutrality program presented by the Pittman joint resolution briefly provides for repeal of the Neutrality Act of 1937, with its embargo on American arms, ammunition, and implements of war, and the substitution of a cash-and-carry plan applied to all trade with belligerents, including arms as well as materials of war and nonmilitary commodities. The plan presented provides for payment in cash—I assume the credit provisions will be eliminated—transfer of title on American shores, and shipment in non-American boats. This plan, it is contended—and I agree with the contention—will effectively eliminate the danger of incidents such as the sinking of American boats and loss of American lives and property, which is the most prolific cause of war.

This neutrality measure could properly be called a general embargo act.

It embargoes or prohibits nearly every act or thing which in any way might tend to draw this country into war.

It bars or prohibits the extension of credit to any nation at war.

It prohibits the use of American ships in carrying on trade with warring nations.

It prohibits American ships from carrying passengers to any nation at war.

It bars any ships from entering combat zones.

It bars American citizens from traveling in combat zones.

It bars American citizens from traveling on belligerent ships.

It bars the arming of American ships.

It bars citizens from buying or dealing in bonds of a nation at war.

It contains numerous other provisions designed to carry out the program, and provides heavy penalties for violations.

To me, the present measure is a more effective embargo than the so-called Embargo Act of 1937, which embargoes only arms, ammunition, and implements of war, which constitute approximately only 15 or 20 percent of our war trade.

CONTROL OF AMERICAN SHIPPING

The whole purpose of these restrictions on American trade and shipping being to avoid any high-seas risks, it is apparent that we should not go further in burdening shipping interests than is absolutely necessary to avoid danger. For this reason I have supported and voted for all the amendments intended to lessen the hardship on American noncontraband trade with Canada and with the colonies of Great Britain and France in areas free from high-seas risks, the Western Hemisphere, and the Pacific.

I shall not undertake to dwell on features of the measure which have already been fully and effectively debated. I shall discuss only some of the major points involved, and, in addition, present my views on the general subject of neutrality and the correct position the United States should take.

LEGALITY OF AMENDING NEUTRALITY ACT

The argument is made that, inasmuch as the Congress had the constitutional power to pass the Embargo Act in 1937, it cannot now be changed to affect a belligerent country after a war has started. The position is taken that absolutely nothing can be done about this situation, and that we must at all hazards continue to adhere to an unwise and dangerous policy which was forced through Congress without adequate study, through the activities of certain pressure groups.

The opposition to repeal of the embargo is based upon the fallacy that it would be a violation of international law to amend this purely domestic enactment after a war has commenced, and, therefore, that this is an international and not a domestic problem. The fallacy in this argument is conclusively shown by the fact that those who advance it are saying, in effect, that Congress, in exercising its constitutional right to regulate foreign commerce, violates that vague and changing chimera known as international law. Let me ask those who believe that a change in our present law would be a violation of international law if they also believe that a war in which we have no part abrogates the power of Congress, granted by the Constitution, "to regulate commerce with foreign nations." If that is true, then every piece of tariff legislation now in force must be held to be frozen in its present status, and subject to the whims of foreign dictators as to when they shall start or end wars.

Of course, no Senator or anyone else with a knowledge of the subject believes any such thing. The Constitution prescribes no limitations arising from foreign wars on the power of Congress to regulate commerce. To amend or not to amend the existing law is purely a domestic problem, to be decided only by Congress under the powers delegated to it by the Constitution. It was due to similar considerations that the Congress refused to delegate its powers to the League of Nations, maintaining its independence of action in affairs in which it alone, under the Constitution, has jurisdiction. Events have proved the wisdom of that decision.

EMBARGO ACT IS UNNEUTRAL

The very heart of this question, as I have already said, is whether repeal or retention of the embargo will keep the United States out of war. No human mind is so perfect and infallible as to prophesy on this point. It is plain, however, that the repeal of the embargo and substitution of the cash-and-carry plan here proposed is the more likely to keep us out of war. At the same time it is a more truly neutral policy. It will protect us from incidents which are the cause of war. The proper course for Congress is to adopt that policy which will be most likely to safeguard the security and peace of our country, regardless of its effect on the belligerents.

After a careful, conscientious study of this problem I am convinced that, having committed our country by ill-considered legislation to an erroneous policy which places it in an unneutral attitude toward either of the belligerents, it is our plain duty to acknowledge the mistake and unhesitatingly undo the wrong. That the embargo operates in such a manner as to place this country in an unneutral attitude toward one of the belligerents cannot be successfully disputed. The general argument on this phase of the issue has already been so complete that I feel it would be an act of supererogation on my part to do more than refer to the able discussions by the distinguished chairman of the Foreign Relations Committee and other able Senators, including the leader of the majority, the esteemed senior Senator from Kentucky [Mr. BARKLEY].

TO REPEAL EMBARGO

On the question of the right of a neutral power to repeal or amend its neutrality laws, I wish to call attention to the opinion of Dr. Charles A. Beard, noted historian and authority on international law. He says:

Neutrality does not mean and never can mean "impartiality" in the sense that American policy and acts must confer the same or equal benefits upon both sides in the war.

Hence, acts done under American neutrality must benefit one belligerent more than another and injure one belligerent more than another. American neutrality has never meant equality of benefits and injuries. It does not mean that now.

During the progress of this debate many outstanding authorities on international law have been quoted upholding these views. It seems quite clear to me that the only circumstances under which we could be guilty of a violation of international law would be in permitting the sale of arms or other commodities to one belligerent and actually denying them to another.

Leading authorities on international law uniformly concede that a neutral state, for the purpose of better safeguarding its rights and interests or better fulfilling its duties as a neutral, may, during the course of a war, adopt new measures or alter measures previously adopted, so long as such legislation is applicable to trade with all belligerents. If some of the belligerents happen to be unable to take advantage of such provisions because of geographical or other factors, these are circumstances which a neutral state is under no duty to attempt to equalize. But it is unnecessary to carry this argument further, as the opposition now seem to concede the point, and are themselves asking for an amendment of the act of 1937. They thus place themselves in the position of conceding that the act may be amended after war is started.

EMBARGO LEGISLATION DANGEROUS EXPERIMENT

Mr. President, when this embargo legislation was first proposed to Congress, it was condemned by all authorities on international law as dangerous and ill-advised legislation. Congress was warned to reject it as dangerous experimentation. Congress failed to heed that warning, and committed a serious error. It seems clear to me that if we are to be truly neutral the embargo must be repealed. If we maintain the embargo, we simply cannot escape the charge that by our act of intervention or deviation from the customs and practices we have always heretofore followed, and which other nations came to rely upon, we have deprived one side of an effective advantage it had always previously enjoyed.

To be entirely consistent, the proponents of embargo should demand an embargo of all shipments, including war materials as well as munitions. If this is not to be the policy, manifestly we should place arms, ammunition, and implements of war in the same category with war materials, and conduct all such trade on a strictly cash basis, as is intended under the pending measure.

But the opponents of the pending joint resolution have said that if we repeal the embargo and become an arsenal for one side, we shall be shot at by the other side. This is an example of the loose arguments and appeals to emotion being made in this debate. It can easily be seen that armies must be fed, and, under the law as it stands today, if we become a granary for one side we will be shot at also. In a modern war, everything from Oregon lumber, from which cellulose is made, to Maine potatoes, which feed a soldier, or cotton used in hospitals for injured soldiers, is contraband. If there is danger of being drawn into the war through the sale of manufactured munitions, there is just as much danger in the unrestricted sale of gasoline to run the motors of a tank or airplane, or the sale of food to give strength to the soldier who operates them.

WILL REPEAL CAUSE SABOTAGE?

It is argued by the opposition—not only here in the Halls of Congress, but through the press, over the radio, and from the public platform—that if we adopt the pending joint resolution and remove the barriers set up by the Embargo Act of 1937, our action will be offensive to one side and our country then may become the victim of the violence and the rage of the dictator of one of the belligerents, who, we are told, may thereupon let loose his agents and spies in our midst to spread ruin and destruction across the country. If such a thing could be true, we should weigh the threatened dangers with the utmost caution. We are in no wise acting in violation of any vested rights of any nation in the world. We are seeking only to put our own house in order, and avoid the danger of war involvement. If any foreign power should attempt such an outrage against us for no just reason, it would not only fail, but it would arouse the conscience and condemnation of the whole world. Certainly no such course of conduct will ever be attempted, nor could it be successful.

ABRAHAM LINCOLN'S ANSWER

There can be but one answer to such a threat, and that answer was given by Abraham Lincoln during a period of great disturbance in our own country. Lincoln was warned during the debate over slavery that if he did not approve of slavery in this country and refrain from the contemplated acts of justice in dealing with that problem of domestic policy, both he and our Government would be ruthlessly destroyed. The answer he gave to that threat applies today as it did in that former period of our history. Lincoln said then:

Let us not be slandered from our duty by false accusations nor frightened from our course by threats of danger to our country or dungeons for ourselves; but let us have faith that right makes might, and in that faith let us go forward and do our duty as God gives us to see it.

MUST BE NO APPEAL TO PASSIONS

Mr. President, we must not permit appeals to fear, to passion, or to emotion, deter us from a true and consistent course. The people of this country are determined to stay out of the European war. They demand that Congress shall fashion our neutrality laws so as to best accomplish this end. They do not wish Congress to be influenced in this legislation by any desire to benefit or injure either of the belligerents. It is the single and only desire of the people to act in such a way as will best serve our own American interests and welfare, and, at the same time, guard this country from entry into war. Any attempt to prejudice this vital national question by imputing dishonest or ulterior motives to either side in order to inflame public opinion or influence the action of Congress will be resented and condemned by the people.

Our neutrality legislation should have the single aim of maintaining a neutral position toward all belligerents, in accordance with the well-established principles of international law and our own traditional policies. This is the position that the United States should take if it really desires to be honestly neutral and hold itself aloof from the European conflict. Therefore, I do not attack or cast aspersions on any of the belligerent nations. It seems obvious to me that this question must be settled and the neutrality policies of this country must be based wholly on American considerations and in accord with our traditional policies of neutrality and fair dealing with all the nations of the world.

Mr. President much has been said in this debate about the desirability of contributing in some manner to the defeat of one side or the success of the other in this war. I utterly reject that proposal. I agree with all the criticisms leveled against such arguments. I think it would be a most dangerous thing for this country to be influenced by any such motives or considerations. To adopt such an attitude is wholly unneutral, implied if not in fact. The end—and the only one—we should desire to achieve is actual neutrality within the meaning of international law; a neutrality which is recognized under the laws of nations. We must go no further.

The legislation proposed by the Pittman joint resolution seems to me to comply in every detail with all the principles I have announced. It points a course which, according to every test of legality that can be applied, is truly neutral and at the same time it serves the best interests and welfare of our own country. It calls for a tremendous sacrifice on the part of the American people in the matter of regulating international trade and shipping. It curtails important rights and privileges and causes great losses to our country. The Pittman joint resolution, as amended on the floor, goes further than any great neutral power has ever gone in surrendering its historical rights in order to avoid the dangers of becoming involved in war. I think

the American people are not only willing but anxious to make these sacrifices in order to insure peace.

EMBARGO IS NO INSURANCE AGAINST WAR

The Neutrality Act of 1937, with its embargo provisions, is wholly ineffectual to protect this country from the danger of being drawn into the conflict. If this extraordinary session had not been called and the act of 1937 were left intact without change, this country would undoubtedly become involved through loss of ships and be drawn into war. I know these embargo provisions of the existing law are hailed with great vigor and force as the absolute sine qua non for avoidance of war. The proposed repeal of the embargo is denounced in pompous phrases and with much show of emotion by the opposition group as the first step into war. Nevertheless, Mr. President, I assert that not a single argument has been advanced in its support based on either logic, sound morals, or genuine American interest. As a matter of fact, the embargo principle is simply a violation of our historic policy and is nothing but a snare and a delusion. It is contrary to the accepted uses and practices of independent neutral nations throughout the whole world.

EMBARGO IS AN ENEMY OF PEACE

The embargo principle certainly cannot be supported by any moral considerations. When we analyze all the results that flow from it, it becomes manifestly an unmoral, indecent, and unnatural policy for a civilized and independent nation to pursue. It sets a premium on force and aggression. It works to the disadvantage of the peaceful and law-abiding nations who have no aggressive designs or intentions of invasion or conquest. It operates to the great advantage and benefit of aggressive, militaristic nations who in times of peace plan the invasion and conquest of unsuspecting peaceful countries. It places peaceful, law-abiding nations at the mercy of the dictator powers who seek conquest, and who, in times of peace, arm themselves to the teeth for the purpose of resorting to oppression and conquest.

The embargo principle constitutes nothing but a unilateral pledge to dictator or militaristic nations that this country will permit them to build up huge armaments so as to make them many times more powerful than their peaceful, unsuspecting neighbors; and holds out the promise that when they determine to launch their attack this country will thereupon automatically deprive the victim of any resort to this country for a supply of arms, ammunition, or implements of war for the purpose of defending itself and repelling the attack. I cannot see anything moral or commendatory in any degree in such a supine and unnatural policy on the part of any nation. It accomplishes no moral aims or idealistic benefits of any kind.

EMBARGO WORKS AGAINST PEACEFUL NATIONS

It is, in effect, a one-sided covenant to all the dictators and conquerors of the world, by which we bind this country, contrary to all precedents, to deny arms to peaceful, friendly powers who may become the victims of aggression.

Its proponents depend, in their advocacy of the embargo, solely upon the unsupported assertion or conclusion that it will keep us out of war. It will do nothing of the kind. It can have nothing but the contrary effect, because its tendency will surely be to build up dictators and aggressors who will threaten the peace and tranquility of every nation in the world. It can have no other effect, in the long run, than to involve our country in the very vicissitudes we devoutly desire to avoid. It encourages international intrigue, conquest, and mass murder; and, if accepted as a general principle for the entire world, it would mean that every peaceful, law-abiding nation on earth would have to militarize and arm itself to the highest degree of strength and maintain huge munitions plants and factories for the production of arms and military equipment, with enormous standing armies, in order to be constantly ready to repel bloodthirsty aggressors. Such a burden placed on the backs of the productive manhood of the world would retard human progress and impoverish people everywhere. This country can never subscribe to any such inane policy with consequences so disastrous and destructive to humanity in its progress toward higher levels of civilization.

EMBARGO IS RESULT OF PRESSURE

Distinguished orators with great forensic skill have launched this ill-advised and spurious doctrine on the American people, that embargo will keep us out of war. Many innocent, peace-loving people, failing to study its consequences, may be temporarily influenced. The Pittman resolution, proposed by a majority of the Senate Foreign Relations Committee, who are not so easily confused or befuddled by such loose arguments, has been denounced with great vehemence as a fraud. With all the appearances of sincerity and honesty, its proponents are indicted as a war bloc. Mr. President, these denunciations, while bitter and frenzied, are absolutely futile. Charges which have no basis in fact to support them can safely be ignored. For example, one of the distinguished leaders of the opposition made this rhetorical but baseless attack on the resolution now under consideration:

> The bill has upon its face the trade-mark of unneutrality and malice.

It will be observed that he fails in any respect to make out a case against the measure, but contents himself with this senseless denunciation of it, wholly unsupported by any evidence of logic or reason. Other distinguished Senators have denounced it by asserting the mere conclusion that it is a "step toward war." Such opinion testimony would not be acceptable in any court—even in a police court.

NATION IS VICTIM OF SLOGANS

Mr. President, the people of the United States have always been the victims of slogans and catch phrases such as we have been hearing in this debate. If we will reflect for a moment it will be realized that none of these catch phrases or conclusions which have been so pompously foisted on the American people by the isolationist group have the slightest support in fact or common sense. These catch phrases are all akin to the old-fashioned "full dinner pail" political oratory of our national campaigns. All the attacks made so far on the Pittman resolution, though expressed with great vehemence, are unsupported by reason or proof of any kind.

I am reminded of the well-known law school story of the professor who was advising the graduating class of embryo lawyers about to enter upon the practice of their profession. The professor had admonished his graduating class with regard to the art of the advocate. He said, "Now when you have a case where the law is all on your side, then organize your argument and give them the law with all your force. When you have a case where the facts are all on your side, then likewise organize your argument and give them the facts with all the force you possess." At this point a young student in the back of the class arose and said, "But, professor, when you have neither the law nor the facts with you, what should your course be then?" The professor answered promptly, "Then, young man, the only thing you can do is to yell like ———."

PROPAGANDA AGAINST NATIONS

Mr. President, all across this country efforts are being made to stir up ill-will and resentment against the nations involved in this war. I have received much propaganda seeking to influence my judgment and to justify a course unfriendly to nations on both sides of this conflict. I am not impressed by such appeals. My one aim is to protect the interests of the United States and maintain its peace, its security, and its honor in its dealings with other nations. My personal feelings, or the personal feelings or enmity of any Member of the Congress of the United States, should not be permitted to influence legislation of such a momentous character as we are here considering.

Bitter attacks have been made against each and all of the nations involved. On this phase of the debate I wish to clearly state my position. I reject all efforts to bring racial or international prejudices into this debate. I respectfully submit that such arguments have no place here. This issue must be decided on American considerations alone. All the European races involved in this cataclysm now burning so fiercely in the Old World constitute the very flower of civilization as we

know it. They have all made rich contributions to civilization and the troubles of Europe today cannot be laid at the door of any one of them singly and alone.

We do not hold the peoples of these nations responsible for the mistakes of their governments. They are fighting on each side of this war with deep convictions as to right and justice.

The myth of race superiority is an absurdity that does not appeal to me. In this country we have welcomed to our shores nationals of each of the countries involved and they have contributed in a magnificent and glorious manner to the upbuilding of this great Republic. None can claim precedence over the other. Each of these races is entitled to bring to our shores the affections and traditions of their homeland. No true American looks otherwise than with trustfulness and sympathy upon the manifestations and remembrances of the motherland which animates the various races that have come to our shores. I respectfully submit, Mr. President, that it would be a most dangerous thing to base our action in reference to the enactment of this measure upon any consideration which might seem to favor one race or another in the present war and which would import into this country never-ending feuds and animosities.

WASHINGTON'S ADMONITION

Mr. President, to hear some of the arguments that are being made throughout the country one would almost be inclined to believe that we were seeking to have this country settle all the conflicting quarrels and disputes over the ideologies of Europe. When we import these broils, quarrels, and disputes of Europe into this Chamber we are violating the sacred admonition of George Washington, the Father of his Country, when he warned us:

> Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who resist the intrigues of the favorite are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.
>
> Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. If we remain one people, under an efficient government, the period is not far off when we may * * * take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected.

No one in this Chamber approves of power politics of Europe, which have been so frequently and effectively denounced here. We all hope soon to see the end of such a regime in Europe and the restoration of an era of peace based on justice. I confidently believe that this will eventually result as European nations come to realize that civilization must certainly be destroyed if they persist in their present course.

These are problems which must be settled in Europe. We ourselves settled our great problem, the problem of slavery, and can settle our neutrality problem also, without dragging in the racial conflicts and the broils and disputes of Europe.

Mr. President, we have heard much here about the oppression of minorities and the rights of small nations. All my life I have shown by public action my sympathy for the oppressed peoples of small countries. I always have taken an active and open part in arousing the sympathy and support of this country for oppressed peoples struggling for freedom under the principle of self-determination. I say this to make it plain that I am actuated in my vote by no desire to see tyranny triumph over freedom in any country of the world.

Mr. President, I do not believe any person who has studied these problems can excuse the injustices perpetrated on Germany by the Treaty of Versailles. I am in favor of the correction of every wrong created by that treaty. I think it is plain, however, that nothing can justify the mass murder of innocent and defenseless people in order to correct it. Civilization can never be promoted by barbaric war and bloodshed. The present war can do nothing but harm the nations involved and seriously injure all neutral nations as well. The Versailles Treaty has been undergoing a continuous process of revision by peaceful means and that process should have continued.

AMERICAN DISILLUSIONMENT

I do not think any of us here labor under any delusions regarding European statesmanship. It cannot be said, however, that the rise of aggression and conquest in Europe can be ascribed unconditionally to any one of the belligerents in this war, however much we may deplore and condemn recent assaults upon the freedom and independence of small nations. No one today seeks to justify the Versailles Treaty or the aggrandizements of the European victors in the last war. The treaty of Versailles was based on the fears of militarists who were swayed chiefly by political considerations and who were indifferent to the consequences of changes in the map of Europe that enforced economic boundaries which subsequently proved to be a prolific source of war. While it is not true to say that Hitler's power politics and resort to arms are justified by what occurred at Versailles, it is true, nevertheless, that Hitler's rise to power and his acts of military aggression may be traced to the blunders of statesmen who failed to lay more securely the foundations of European peace based upon justice. The opportunity to end war and to insure the spread of democratic government was lost when Clemenceau and Lloyd George imposed upon the vanquished Germany reparations impossible to pay.

PEACE WITHOUT VICTORY

Some here say they hope to see Hitlerism destroyed. My hope is that no victory may come out of this war to result in another Versailles pact. Neither do I wish to see Hitler or Stalin overrun Europe and impose their ideologies on that continent, and perhaps the world. A bitter and destructive war ending in decisive victory will be fraught with great danger, not only to Europe but to the world. It might mean another Versailles pact. There should be opportunity for a peace of reconciliation and removal of the evils of the industrial imperialisms of Europe. The world was cheated out of a victory for peace and democracy at Versailles, but today there is a rising spirit in the world for the ending of this titanic struggle of industrial imperialisms with its crushing and demoralizing effects upon small nations. All the world now sees the evils resulting from the treaty of Versailles and the failure of the victors to accept Wilson's 14 points.

A neutrality policy which would cause this war to result in a smashing defeat by dictator nations is wholly against the interests and the security of this country as well as against the interests of all the democratic peace-loving nations of the world.

My hope is that a peace will soon come out of the European war which will provide an opportunity to cure forever the ills and the injustices that foster recurring wars. If the war is ended by victory and terms of vengeance are imposed by angry conquerors upon conquered nations beaten to helplessness, the seeds of fresh resentments will be sown, which will be certain to bring on new wars, periodically occurring, for generations to come.

The PRESIDING OFFICER. The time of the Senator from Montana on the joint resolution has expired.

Mr. MURRAY. I will take time on the amendment.

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

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

Mr. MURRAY. I yield.

Mr. DANAHER. Mr. President, some time ago I sent to the desk the second part of a draft of an amendment, which I wish to have stated. I am perfectly willing to defer its reading so as to permit the Senator from Montana to conclude his remarks in my time, if that would be a convenience to him.

Mr. MURRAY. I have only 3 or 4 minutes remaining.

The PRESIDING OFFICER. Will the Senator yield so that the amendment offered by the Senator from Connecticut may be stated? There is no amendment pending.

Mr. MURRAY. I yield to the Senator for the purpose of offering the amendment.

Mr. DANAHER. Mr. President, when I spoke of permitting the Senator from Montana to conclude in my time, I meant my time on the amendment, of course.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 28, line 10, it is proposed to insert the following further proviso:

Provided further, That no such license shall issue to export aircraft, unassembled, assembled, or dismantled, designed, adapted, or equipped for the carrying and dropping of bombs, as defined in category III of said proclamation.

The PRESIDING OFFICER. The Senator from Montana [Mr. MURRAY] is recognized on the amendment.

STAGGERING BURDEN OF ARMAMENTS

Mr. MURRAY. Mr. President, what the world sorely needs is peace. Peace is not merely the removal of contending armies from the field of battle. It means the reestablishment of justice throughout the European Continent; the complete cessation of hostilities and oppression. It means the deliverance of all nations of the world from the occupation and obsession of wasteful preparation for war. On the floor of the Senate distinguished Senators have time and again pleaded for enormous increases in our Naval and Military Establishments. It is suggested that billions of dollars be expended to double the power of our Navy. The same policy seems to animate other nations everywhere.

THE UNBEARABLE COST OF WAR

The whole world today is paying the price of war. The enormous increase in the cost of living, the widespread unemployment, poverty, and destitution in the world, are due in the largest degree to the tremendous expense of maintaining military and naval armaments and supporting, idle in military establishments, millions of men in the very flower of productive efficiency.

The last World War destroyed $250,000,000,000 in wealth. Ten million human beings were killed, maimed, or rendered inefficient. With this tremendous loss and resultant burdens on the survivors, how are the populations of the world to be fed, clothed, and housed? There is but one way. The waste of war and preparations for war must be ended. Disarmament must be made universal, and the world must be rescued from this terrible scourge which has been laid upon the backs of the human race. This country can aid in the solution of this desperate problem by standing solidly for a constructive American foreign policy.

UNITED STATES A FACTOR IN EFFECTING PEACE

Mr. President, if the American people in this war maintain their neutrality, not on a basis of taking sides but on a just and legal basis—a basis which conforms to international law as we have known it for hundreds of years—no belligerent nation can justly take offense. If we do this, I believe it is as certain as any event of such nature can be certain that sooner or later this country will be asked to exercise its good offices for peace. When that time comes, it will not be difficult for the President of the United States to suggest the terms which will establish justice between the warring countries, and, in fact, between all the nations of the Old World.

The moral law of nations is embodied in our own Declaration of Independence. Let the truth be accepted as the fundamental principle of international law that consent of the governed is the only proper basis of government, and every serious cause of distrust and conflict among nations will be easily eliminated.

I think it must be manifest to any impartial, intelligent American, to any student of the realities of the situation, that the Pittman joint resolution presents the correct American policy of neutrality. With the amendments relating to credits and liberalizing of shipping and trading provisions which have already been agreed to, it represents my idea of sound American policy. I intend to cast my vote for it on purely American considerations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment in the nature of a substitute.

Mr. DANAHER. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The amendment will be again stated.

The LEGISLATIVE CLERK. On page 28, line 10, it is proposed to insert the following further proviso:

Provided further, That no such license shall issue to export aircraft, unassembled, assembled or dismantled, designed, adapted, or equipped for the carrying and dropping of bombs, as defined in category III of the proclamation.

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

Mr. DANAHER. I shall be glad to yield.

Mr. CONNALLY. In view of the very decisive expression of the Senate on the Senator's other amendment, why does he not withdraw this amendment? I do not want to press him, but we are anxious to vote on the joint resolution as soon as possible. The first amendment of the Senator was certainly more appealing than is the one now pending, and the Senate turned it down by a vote of 54 to 36.

Mr. DANAHER. Mr. President, I think by a very brief explanation I can probably dispose of the thought which the Senator from Texas interjects at this point.

Let me point out, Mr. President, that this amendment does no more than attempt to reach those items in category III which the President himself has placed in category III, as distinguished from category V of the proclamation, which not only went into effect in 1937, but was reproclaimed in September 1939. I feel that there is a very definite distinction between aircraft of the pursuit and combat types on the one hand and a bomber on the other, and I think classification III in the categories listed distinguished the types of planes. Therefore I had, of course, hoped that my first amendment to section 12, subsection (d), would be adopted, and that the second portion of my proposed amendment would follow.

As the Senator from Texas has already said, the first portion of the amendment was defeated by a vote of 54 to 36. In view of that fact, I do not insist upon a roll-call vote. I do not intend further to argue the matter. Everything we said before applies to bombers. Under the circumstances, I ask no more than that the matter be disposed of by a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut to the amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. DAVIS. Mr. President, on October 9 I offered an amendment providing for the institution of a National Neutrality Commission. The amendment, which was printed in the RECORD and ordered to lie on the table. I now ask that the clerk read the amendment, to which I should like to address myself.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 31, between lines 11 and 12, it is proposed to insert the following new sections:

NATIONAL NEUTRALITY COMMISSION

SEC. 16. (a) There is hereby established a National Neutrality Commission (hereinafter referred to as the Commission), to be composed of 13 members. Eight of the members of the Commission shall be Members of the Congress of the United States, of whom 4 shall be Senators and 4 shall be Members of the House of Representatives, to be elected by the Members of each House, respectively. Two Members in each House shall be elected by the majority party of such House and two Members by the minority party of such House. The remaining members of the Commission shall consist of the Secretaries of Commerce, State, War, the Navy, and the Treasury. The elected members of such Commission shall hold office during the term of the Congress from which they are elected, and the chairman shall be selected from among their number. Vacancies in the membership of the Commission shall be filled in the same manner as the original selection. The members of the Commission shall not receive any extra compensation for their services as members of the Commission.

(b) Three-fourths of the elected members of the Commission shall constitute a quorum to transact business. Voting power on the Commission shall be limited to the elected members of the Commission except in the case of a tie, in which case the remaining members of the Commission, voting as a unit, may cast the deciding vote. A record vote shall not be required on any action taken by the Commission.

(c) The Commission may sit whether or not Congress is in session and may be called together by the President, the Secretary of State, the chairman of the Commission, or by an order signed by any five of its elected members.

(d) The Commission is authorized to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government.

DUTIES OF PRESIDENT AND COMMISSION IN RELATION TO NEUTRALITY LAWS

SEC. 17. (a) Whenever any provision of any of the neutrality laws of the United States is by its terms to be effective only after a finding or upon the issuance of a proclamation by, or in the discretion or judgment of, the President or the head of any executive department, the President or the head of such department (1) is requested not to make any such finding, issue any such proclamation, or in his discretion or judgment cause such provision to become effective, until he has advised and consulted with the Commission with respect thereto; or (2) in the event of a failure to make such finding, to issue such proclamation, or in his discretion or judgment to cause such provision to be effective, may be requested by the Commission to advise and consult with it with respect thereto.

(b) Whenever any provision of any of the neutrality laws of the United States has by its terms become effective after a finding or upon the issuance of a proclamation by, or in the discretion or judgment of, the President or the head of an executive department, and is by its terms to be ineffective only after a finding or upon the issuance or revocation of a proclamation by, or in the discretion or judgment of, the President or the head of an executive department, the President or the head of such department (1) is requested not to make any such finding, issue or revoke any such proclamation, or in his discretion or judgment cause such provision to become ineffective, until he has advised and consulted with the Commission with respect thereto; or (2) in the event of a failure to make such finding, to issue or revoke such proclamation, or in his discretion or judgment to cause such provision to become ineffective, may be requested by the Commission to advise and consult with it with respect thereto.

(c) The Commission shall from time to time advise and consult with the President with respect to, including the formulation of, the foreign policy of the United States, and the President is requested not to make public, or authorize the making public of, any official statement with respect to the foreign policy of the United States without having first consulted with the Commission in connection therewith.

(d) The Commission shall from time to time recommend to Congress the enactment of such legislation relating to the foreign policy and neutrality policy of the United States as it deems advisable.

Mr. DAVIS. Mr. President, the amendment which I have offered, and which has been read, is designed to meet the need suggested by the President in his message at the opening of the special session of Congress.

The President then said:

In that spirit, I am asking the leaders of the two major parties in the Senate and in the House of Representatives to remain in Washington between the close of this extraordinary session and the beginning of the regular session on January 3. They have assured me that they will do so, and I expect to consult with them at frequent intervals on the course of events in foreign affairs and on the need for future action in this field, whether it be executive or legislative action.

Mr. President, in these words the President suggested his desire for collaboration between the executive and legislative branches of our Government in behalf of a proper solution of the grave problems of foreign relations. The amendment I have offered presents a systematic plan by which the expressed desire of the President may be met.

As I made clear on October 9, this plan would be representative of the people as a whole and would serve as a clearing house for varying points of view which otherwise might not be heard. It would be thoroughly bipartisan in character.

My amendment calls for the institution of a National Neutrality Commission, to be composed of 13 members. Eight of the members of the commission shall be Members of the Congress of the United States, of whom 4 shall be Senators and 4 shall be Members of the House of Representatives, to be selected by the Members of each House, respectively. Two Members of each House shall be elected by the majority of each House and two Members by the minority of each House. The remaining members of the commission—five in all—shall consist of the Secretaries of Commerce, State, War, Navy, and Treasury.

Whenever any provision of any of the neutrality laws of the country is by its terms to be effective following the declaration of the President, he is requested to make such declaration only after he has advised and consulted with the National Neutrality Commission. This would make possible in a definite and representative way the counsel of the Congress which the President says he desires. It would not leave to chance the question of cooperation of Congress with the President.

Mr. President, the European situation has taken the eyes of all of the world. It is the subject of conversation in every home in America. Because of it, we are now met in an extraordinary session of Congress. Not only in Congress but in every forum in the land, in every newspaper, and from every broadcasting station there goes on a never-ending discussion of these issues. Each one of us feels that he has a personal stake in the maintenance of peace for our country. Each one of us, as Americans, believes he has the right openly to express his opinion. Day and night we continue to think of the awful tragedy which has engulfed Asia and Europe. It cannot be said too often that public intelligence and public opinion in this country are more alive than ever before. In my judgment, it would be futile for Congress or the executive branch of the Government to attempt to withhold from the people the essential facts which will govern the course of action of this Nation during the coming days. For this reason, I believe it entirely worthwhile to provide a systematic way by which, through the cooperation of Congress and the executive branch of the Government, the public information needs of the American people shall be met in an adequate way.

Of the many issues that have been presented to me for consideration since coming to Washington in 1921 as postwar Secretary of the United States Department of Labor, I regard none as so important as the pending legislation. We are now handling the precious threads of human destiny. On the decisions made will depend the peace and welfare not only of our own country but of a large part of the world. It is no longer necessary to say that America is for peace. We are all for peace, but the question arises as to which road will lead to peace. After having listened to the remarks of the many distinguished Members of the Senate, and after having read hundreds of well-written letters from my constituents on many sides of the issues before us, I have come to a few definite conclusions.

In the present turmoil of thought no guides are more reliable than our standard American precedents. When these fail us, we shall have failed indeed. The wisdom of George Washington and the fundamental principles of the Monroe Doctrine are still with us. If we turn our backs on these safeguards, no one of us can predict what will befall our country. The age-long quarrels of Europe and the rivalries of power politics are properly not our concern. We should not allow ourselves to take sides in a struggle which is as old as Europe itself, even though it is now cloaked under new names. No false appeal to the high idealism of the American people should draw us into the present conflict.

I very well understand what torment of spirit prevails among those whose lives are closely linked to the disaster of the present war in Europe. I was born in the British Isles. I have friends there. I have frequently visited there. Tender associations rise in my mind when I think of the land of my birth. Nevertheless, I must not, and do not, intend to allow these circumstances to color my judgment at a time when the safety and peace of the United States are at stake.

Mr. President, I have frequently, as now, expressed my hostility to the principles of dictatorship. They are repugnant to the finer sensibilities of any people. But as an American citizen believing in peace, I do not expect to allow this opinion to bring me to a determination for war, for, if the United States should become engaged in war, there is every prospect that we would lose the form of government which we now enjoy, and that the very principle of dictatorship which we abhor would be instituted among us.

We all remember the horrors of the last war. Our country became allied with powers engaged in a great imperialistic conflict. Although the idealism which prompted the United States to enter that war was genuine, our men, money, and

services were used for other purposes. The vast sums of money loaned to Europe were not repaid, and when repayment was asked voices were raised accusing us of being a "National Shylock." Under these conditions it can be fairly assumed that if we were again to engage in war there would be no different result so far as advances of credit are concerned.

Mr. President, I do not wish to approach the problems of our country at this time in a partisan way, for surely the needs of the present time transcend party lines. As an American, I hold that the solution of the grave domestic problems that confront our people should not now be neglected. As an American, I insist, and I shall continue to insist, that in all we do and say we shall put first the safety, the peace, and the welfare of our own people. As an American, I believe that we must not now forget that there are still 10,000,000 unemployed in our land; that there are still many millions of dependent aged for whom no proper provision has been made; and that there are still a great many young men and women every year coming from our schools and colleges with no suitable work opportunities open before them. We cannot, we must not, neglect our own domestic problems, for, if we do, the foresight of a prophet will not be necessary to enable one to predict that we shall shortly find ourselves in such economic confusion as to fall prey to the conditions of centralized government which trouble Europe and Asia today. I say these things, not as a partisan but as an American.

Mr. President, even today in Britain, where the principles of free speech and press have so long prevailed, the coming of war has blacked out these civil rights. War kills democracy wherever it raises its ugly head. It has blotted out freedom in Britain. If we shall become involved in war it would blot it out here. War kills the free spirit. Men cannot, under these conditions, speak, think, talk, or write freely. They are but pawns on the chessboard of war. They become cogs in the military machine. The free radio is denied them. Freedom of press is abridged. Suspicion and hatred replace the tolerance and good will of peace days. All this is plainly in store for us if America goes to war.

The costs of war include not only financial losses. They include also human and moral losses. But, judged by the dollar sign alone, the cash costs of the World War to our Government to date have mounted to almost $60,000,000,000. I may add, Mr. President, that before we are through paying the last bill of the World War, including payments to the widows and orphans of the soldiers, the cost will aggregate $150,000,000,000. Yet those staggering figures do not tell half the story. We must add to them the losses of the last 10 years of depression. We must remember the after effects of the World War—our loss of markets abroad, the accumulation of national debt made necessary by our millions of unemployed, the bank failures and bankruptcies which have plagued practically every home in America. The people pay the costs of war and nothing is so costly.

Mr. President, there is prospect for trade development at the present time. We should not neglect it. However, we want no trade that carries with it the compulsion of war. It is far better for us to maintain our own domestic market and meet our trade opportunities in the Western Hemisphere in time of war than to see how close we can creep to the abyss of the struggle itself. We want no war profits that will be followed by a post-war depression worse than we have experienced during the past decade.

I know from practical experience during the time I was Secretary of Labor the results of war prosperity. I know the overexpansion of agriculture, industry, investment, and transportation from which we have suffered since the war. This overexpansion had its origin during the war. At first hand I saw the failure of Government housing projects, the costly adventures in the Government operation of the railroads, and dislocation of industry, together with the problems of rehabilitation and unemployment for soldiers returned to civil life. These problems have continued to the present time. Even now we have railroads next door to bankruptcy, dust bowls, once wheat fields, coal mines closed or only half worked, stocks and bonds, once gilt-edged, now not worth the paper they are written on, and the vast number of far-reaching difficulties which continue to becloud our economic skies.

The great need of our country in our present hour is a revival of economic patriotism. We have had enough experience with bonanzas, "get-rich-quick" schemes, and the sad delusions of a war-boom paradise. Now we should be ready to settle down to hard work, a systematic facing of our domestic problems, and a willingness to strive for a steady rather than a spectacular gain.

I note with gratitude a number of outstanding business leaders of our Nation, who have accepted the responsibilities of their leadership in the spirit I am seeking to express. In their love of peace, and in their duty to America, they have put first the preservation of our fundamental institutions of society rather than the thought of profits gained through the death of others. I pay tribute to their patriotism and far-seeing vision. All the world is indebted to them for their economic statesmanship.

Before the outbreak of the war in Europe, a few weeks ago, we keenly realized the grave nature of our own domestic problems. We were constantly thinking about them. They were being discussed in the newspapers, over the radio, and in Congress. Now, suddenly, they seem to have been forgotten. I ask, What solution will war bring to the problem of our dependent aged? What solution will war bring to the widows, the orphans, the crippled, the blind, the sick, and the helpless of America? What solution will war bring to our already top-heavy pyramid of taxation, our unbalanced budgets, and our uneven price structure? Perhaps there would be a temporary spurt of new employment, and yet there is no prospect under peace conditions that a boom in foreign trade would provide work for more than 25 percent of the present number of unemployed. If we went to war there would doubtless be full employment for millions who would be engaged in war activities, in the industrial preparation for war; but after the war there would be a depression far worse than that which we have known during the past 10 years. There would be a break-down of our economic life, and consequently a loss of our popular liberties.

Every thinking American who reads the signs of the times is determined to avoid a repetition of the loss and suffering of the late World War.

Thank God, America is for peace. We want no part in war. We have our problems here. We have our lives to live in peace here. We are determined to keep our boys on this side of the water, to maintain a strong national defense, to solve our domestic problems, and to give the world a genuine example of liberty through peace.

Mr. President, the Neutrality Commission which I seek would be available at all times, including such times as Congress is not in session. It would be representative of the people as a whole and would be a voice for varying points of view which otherwise might not be heard. It would serve as a clearing house for diverse opinions and would assure a hearing of minority opinion. It would make possible the publication of data necessary to public understanding of foreign affairs and yet would not in any way impede or impair the effectiveness of our national defense and our national protection. It would assure to the people not only the best thought of the executive branch of the Government but the considered judgment of the legislative branch of the Government. It would be a medium of national security in a time when propaganda and counterpropaganda are raging throughout the land. It would give people confidence in their Government and would serve as a protection against charges which now fill the air that the Executive is following a policy which will lead the country into war.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. DAVIS] to the amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. DOWNEY. Mr. President, I desire to call up for reading and consideration the amendment which I have had on the table for some time.

Mr. CLARK of Idaho. Mr. President——

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

Mr. DOWNEY. I do.

Mr. CLARK of Idaho. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

The clerk will state the amendment offered by the Senator from California.

The CHIEF CLERK. It is proposed to insert at the end of the joint resolution the following new section:

SEC. 20. (a) From and after the approval of this joint resolution it shall be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States, except to nations on the American continents engaged in a defensive war against a non-American state or states.

(b) The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this section; and he may exercise any power or authority conferred on him by this section through such officer or officers, or agency or agencies, as he shall direct.

(c) Any arms, ammunition, or implements of war exported or attempted to be exported from the United States in violation of any of the provisions of this section and any vessel or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., title 22, secs. 238-245).

(d) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this section, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

Mr. DOWNEY obtained the floor.

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

Mr. DOWNEY. I yield.

Mr. BARKLEY. I had contemplated, after some private negotiations, that when we had a quorum call and had a full attendance I would make a request that a final vote be taken at some hour tomorrow on the pending joint resolution. I had conferred with the senior Senator from Idaho [Mr. BORAH] on the subject, and I had assumed he would be present following the call of a quorum, but he is not in the Chamber at the moment, so I will not press my request now; but in the very near future, when there is as full an attendance as possible, I shall submit a unanimous-consent request that at not later than 5 o'clock tomorrow the Senate proceed to vote on the joint resolution and all amendments. I will not submit the request now, because of the absence of the Senator from Idaho, but as soon as he returns to the Chamber I contemplate submitting the request.

Mr. McNARY. Mr. President, will the Senator from California yield to me?

Mr. DOWNEY. I yield.

Mr. McNARY. I may say that I do not believe such a request would be acceptable, and I suggest to the Senator that he consider a further limitation on time for the consideration of amendments and proper discussion of the joint resolution. Something might be done along the line of a limitation, but I doubt whether an agreement could be reached for a vote at a specific time tomorrow.

Mr. BARKLEY. The Senator realizes that so long as any Senator desires to speak at length on the joint resolution or any amendment it is impossible to limit debate further on the amendments and on the joint resolution itself.

Mr. McNARY. There is a genuine fear that if an agreement were reached for a vote at a certain time, amendments might accumulate a short time before the hour set for a vote, many of which could not be presented to the Senate fully, or at all. It is my judgment that a further limitation, or perhaps the one now in force, would probably exhaust the debate sometime tomorrow afternoon, because I believe that every Member of the Senate desires to dispose of this important subject tomorrow.

Mr. BARKLEY. I have found universal desire to dispose of the joint resolution tomorrow, and to avoid a session on Saturday. I am not particular whether it is disposed of by fixing an hour for vote or whether we dispose of it by a further limitation of debate on the joint resolution and on amendments. I am not submitting any request at the moment, because I hope that later on we can agree on something.

Mr. CLARK of Missouri. Mr. President, I suggest to the Senator that he let the matter go over for the present. I am satisfied that we can arrive at some modus vivendi before adjournment this evening.

Mr. DOWNEY. Mr. President, the amendment offered by me which was read by the clerk a few moments ago closely follows the resolution offered by the Senator from North Dakota [Mr. NYE] last January. Its purpose is to prevent absolutely the people of the United States from trading in implements of war of all kinds, whether in peace or wartime. My amendment follows the eloquent appeal and logic of the Senator from Texas [Mr. CONNALLY] and the Senator from Maryland [Mr. TYDINGS] expressed upon the amendment offered by the Senator from Connecticut [Mr. DANAHER] earlier in the day.

Mr. President, this morning, as on every other morning, the session of the Senate was opened by prayer, and the Members of this great legislative body stood with bowed heads, silently giving evidence that we are the representatives of a people professing religious principles. But I should like to ask, can we vindicate our claim to national morality when we trade in the implements of death, and become the agents of destruction?

In peacetime and wartime alike, Mr. President, we have sent to the nations of Asia and of Europe the means of mangling the people of this earth, and in return their governments have sent us their gold. I say that the blood of the helpless and the humble still clings to that gold; and no matter how deep we bury it in the hills of Kentucky, its foul ordor must rise to offend our sense of national honor.

Eighty years ago we ended the slave trade. Today every principle of morality demands that we should end a war trade no less offensive to social decency. We were the last great nation to end slavery. Pray God, Mr. President, we may be the first enlightened people to end forever the unholy, unhallowed traffic in war implements. For how can we continue to enrich ourselves from the agonies of the victims without hardening our own hearts, without denying the principles by which we claim to live? Those who live by the sword shall die by the sword, and those who forge that sword shall finally kill their better selves.

Are there some of my colleagues who say that it is not wrong but that it is right for us to arm nations defending their people against aggression? I reply that is not now nor has it ever been our peacetime policy. Hitherto we have armed any nation, so long as it had the blood money with which to pay us for the implements with which to destroy their victims.

I ask, in any event, have we now been appointed to a divine mission; have we been selected as a world court to

divide the just from the unjust, and to arm with the instruments of slaughter those we happen to approve?

Oh, no, Mr. President; I say we cannot have a divine mission to select nations and arm them to destroy their victims because God has given to none of us the intellectual capacity to dispense such Olympian justice among the ever-quarreling tribes of Europe and Asia. For past hundreds of years no human mind has been able to foretell the good or evil consequences of European wars. It cannot be done in Europe today. No intelligence in the Senate or in the executive department can foretell even the immediate effect of our arming nations in Europe except that some will lose and some will win from our arms the bitter, bitter fruit of death and destruction. No one can even say that arms exported by us in peacetimes may not be used to kill American soldiers in wartimes. On European battlefields today English boys of tender age are being maimed and killed by guns their fathers made in English factories for English profiteers, and German youth are being mangled and slaughtered by German cannon made by German profiteers and sold for English gold.

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

Mr. DOWNEY. I yield.

Mr. WALSH. I am impressed with what the Senator says would be the consequence of our Government assuming moral responsibility throughout the world. Would it not mean our being in war at all times, and under all circumstances, and forever? And is it not now true that if the proposed legislation is enacted we will be doing that very thing, but only in a selected case?

Mr. DOWNEY. I thank the Senator from Massachusetts. I agree with him completely. The rule that we are attempting to invoke here, if carried through consistently and logically, would precipitate us in the coming years into a constant turmoil, a constant attempt to designate aggressor nations, constant wars, and finally a dictatorship and ever-increasing poverty for the masses of our people.

I thank the Senator from Massachusetts for his contribution to my address.

Mr. WALSH. In other words, as between China and Japan, the moral side was believed by most of our people to be on the side of China, therefore we ought to go into that war. As between Italy and Abyssinia there was a moral side, and we ought to go into that war. And in the case of Spain the moral side some believed was with the Loyalists, others believed it was with the Nationalists, and we ought to go into that war. And now that there are other countries engaged in war, which many believe are closer and nearer to us, and it is urged that we assume the so-called world moral responsibility in this particular case and enter the war.

Mr. DOWNEY. I think the senior Senator from Massachusetts has stated the certain difficulties that would follow any attempt to arm favored nations, and I thank him for his statement.

Mr. President, I again agree with the Senator from Massachusetts, and applaud the logic of what he has said.

Senators may argue, as at least one columnist has done already, that if we manufacture war materials for ourselves we have no moral right to refuse their export to other nations. Mr. President, the answer is as plain and direct as daylight. We can, with justification, arm ourselves with these grim weapons because we can assume the complete responsibility of their being used solely for defense. We cannot assume that responsibility one instant after the bill of sale has been executed. Once the title to these deadly instruments has passed they can be used for any horrible and destructive purpose and we can have no control over that purpose whatsoever.

We must regret that a warring world forces us to manufacture these weapons even for our own defense. But at least we know that we make them and will use them under the glaring light of our own national conscience. We are responsible to God for the use of our bombs and bayonets only to protect our own people, our own land, our own hemisphere. We cannot undetake a like responsibility for distant governments over whose actions we can exercise no sovereignty at all. Destruction is too dreadful for us to loose in this world, except in self-preservation. To loose it upon the distant people of Africa, Europe, and Asia, merely for our own profit, is immoral; yes, it is a criminal act for which American society should stand indicted.

I have no censure or condemnation for our munitions manufacturers. They have only followed where our Government led the way and approved. But I fervently pray we will hereafter forbid American merchandising in implements of death except for defensive purposes.

It may be asserted that munitions makers need to promote peacetime exports of arms that they may be ready for our defense in times of war. But this is not such a necessity as to justify an abhorrent, repulsive national policy. If private monopolies in destruction cannot make sufficient profits by working for our Government alone, then let us, as a civilized people, build our own national plants sufficient for our own military needs. And I venture to say that the cost of such a program of national defense would be no more expensive than our present policy.

Mr. President, let us abandon forever the profits of war. Let us say to the nations of other continents, "Wage war if you must and wish; subjugate alien and distant people if you can, but do not call upon us to assist you in your imperialistic ambitions or your homicidal work. We will not place bombs in the hands either of your hungry dictators or your satiated empires." If we must make these ghastly weapons at all, we will make them not for our own sordid profit or for your use but for the defense of our own people, and for that alone.

Mr. President—

> Once to every man and nation,
> Comes the moment to decide,
> In the strife twixt truth and falsehood,
> For the good or evil side.

We have the choice now before us either of following the barbaric road back to the arms trade in wartime through the repeal of this embargo, as urged by the Chief Executive, or of moving forward into the sunlight of civilization with the adoption of this amendment. Our course is clear. Let us denounce and renounce these unholy profits. Let us speed the day when we can with greater justice call ourselves a Christian nation, when we can say to all the world, "We have washed our hands of this bloody traffic, we no longer deal in death."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY] to the committee amendment in the nature of a substitute.

Mr. DOWNEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CLARK of Idaho (when his name was called). I have a pair with the junior Senator from New York [Mr. MEAD]. If he were present, he would vote "nay." If I were at liberty to vote, I should vote "yea." I withhold my vote.

Mr. SHIPSTEAD (when his name was called). Making the same announcement as before, I transfer my pair with the Senator from Virginia [Mr. GLASS] to the Senator from Washington [Mr. BONE], and will vote. I vote "yea."

The roll call was concluded.

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 York [Mr. MEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Florida [Mr. ANDREWS], the Senator from Rhode Island [Mr. GERRY], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], and the Senator from Maryland [Mr. TYDINGS] are detained on official business.

The result was announced—yeas 27, nays 55, as follows:

YEAS—27

Borah	Chavez	Davis	Frazier
Bulow	Clark, Mo.	Donahey	Gillette
Capper	Danaher	Downey	Holman

Holt	Lundeen	Overton	Walsh
Johnson, Calif.	McCarran	Reynolds	Wheeler
La Follette	McNary	Shipstead	Wiley
Lodge	Nye	Tobey	

NAYS—55

Adams	George	Maloney	Slattery
Austin	Gibson	Miller	Smathers
Bailey	Green	Minton	Smith
Bankhead	Guffey	Murray	Stewart
Barbour	Gurney	Neely	Taft
Barkley	Hale	Norris	Thomas, Okla.
Brown	Harrison	O'Mahoney	Thomas, Utah
Burke	Hatch	Pepper	Townsend
Byrd	Hayden	Pittman	Truman
Byrnes	Herring	Radcliffe	Vandenberg
Caraway	Hill	Russell	Van Nuys
Chandler	Hughes	Schwartz	Wagner
Connally	King	Schwellenbach	White
Ellender	McKellar	Sheppard	

NOT VOTING—14

Andrews	Bridges	Johnson, Colo.	Reed
Ashurst	Clark, Idaho	Lee	Tydings
Bilbo	Gerry	Lucas	
Bone	Glass	Mead	

So Mr. DOWNEY's amendment to the committee amendment in the nature of a substitute was rejected.

Mr. JOHNSON of Colorado subsequently said: Mr. President, I ask unanimous consent to have the RECORD show that on the vote on the amendment offered by the Senator from California [Mr. DOWNEY] had I been present, I should have voted "yea." I had understood that the vote would be taken about half past 4. I had an appointment with Mr. Purdum, the Fourth Assistant Postmaster General, and I missed the vote.

The PRESIDING OFFICER. Without objection, the RECORD will so show.

Mr. TAFT. Mr. President, on page 23, line 16, I move that the words "or in aid" be stricken out. This is the section which provides that the general prohibition against solicitation of funds shall not apply to—

> The solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf or in aid of any such government—

And so forth.

I move to strike out the words "or in aid," because there is hardly a single charitable organization operating in Europe which could not be said to be in some way in aid of the government in whose territory it operates. For instance, take the case of the American Hospital in Paris, which for years has been supported by American funds. It may well be said that if there are in that hospital some French or English soldiers, it is to some extent in aid of the Government of France. I think organizations operating to relieve suffering should be clearly exempted; and therefore I move to strike out the words "or in aid." I have talked to the distinguished chairman of the Foreign Relations Committee, the Senator from Nevada [Mr. PITTMAN], and I understand the amendment is satisfactory to him.

Mr. THOMAS of Utah and Mr. PITTMAN addressed the Chair.

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

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

Mr. THOMAS of Utah. Mr. President, the amendment which the Senator from Ohio has offered is included in a group of small amendments to this section which have been recommended by our State Department and by the American Red Cross. I am wondering if the Senator will not permit these amendments to be read, and accept them as a substitute for his amendment, because they accomplish exactly what the amendment of the Senator from Ohio seeks to accomplish, and at the same time correct and make plain the reading of the whole section in conformity with the ideas which the Senator has put forth.

Mr. TAFT. Mr. President, I consulted with the chairman of the Foreign Relations Committee concerning this particular amendment and it is acceptable to him. I suggest that the other amendments to which the Senator from Utah refers be offered at another time.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. TAFT. I yield.

Mr. PITTMAN. The words the Senator from Ohio is moving to strike out were not contained in the original law. I do not know why they were placed in the pending measure. Therefore they are entirely unnecessary; they do throw some doubt upon the possible construction of the section, and, as a criminal punishment is provided for violation, I feel that the words should be stricken out.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Ohio [Mr. TAFT] to the amendment of the committee in the nature of a substitute is agreed to.

Mr. THOMAS of Utah. Mr. President, since the Senator from Ohio has made his point in regard to those words, I wonder if he will not accept the remainder of the substitute now so as to clarify the entire section.

Mr. TAFT. I will be glad to have the Senator offer his amendments before I submit the next amendment which I wish to offer.

Mr. THOMAS of Utah. I offer the amendment which I send to the desk. Of course, it is understood that that part of the amendment which has already been agreed to need not be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Utah, with the elimination of the words referred to, will be stated.

The LEGISLATIVE CLERK. On page 23, lines 3, 12, 14, and 17, after the word "funds", it is proposed to insert the words "and contributions."

The PRESIDING OFFICER. Without objection, the amendments to the committee amendment are agreed to.

The next amendment offered by the Senator from Utah to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 23, line 9, after the word "agent", it is proposed to strike out the comma and insert the word "or."

The PRESIDING OFFICER. Without objection, the amendment to the committee amendment is agreed to.

The next amendment proposed by the Senator from Utah to the committee amendment will be stated.

The LEGISLATIVE CLERK. In the same line, after the word "instrumentality", it is proposed to strike out the comma and the words "or supporter."

The PRESIDING OFFICER. Without objection, the amendment to the committee amendment is agreed to.

Mr. THOMAS of Utah. I thank the Senator from Ohio.

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

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 22, after line 21, it is proposed to insert the following:

> (d) Subsection (a) of section 10 of the Gold Reserve Act of 1934, as amended, is amended by inserting therein, immediately after the first sentence thereof, the following new sentence: "The Secretary of the Treasury shall not at any time hold currency, or bills of exchange payable in the currency, of any state named in any currently effective proclamation issued under the authority of section 1 (a) of the Neutrality Act of 1939, for which he has expended more than $20,000,000 from the stabilization fund."

Mr. TAFT. Mr. President, under the Stabilization Fund Act, the President has available $2,000,000,000 in gold for the purpose of stabilizing exchange. It will be entirely possible, entirely legal, so far as I can see, if he should wish to do so, for him to spend the entire $2,000,000,000 in maintaining the pound, say, at $4.20 or any other figure at which he might wish to stabilize it. If he should do that, then, of course, the only way the operation could have any substantial effect in accomplishing that purpose would be to buy pounds with the stabilization fund. That would be a proper exchange operation, and it could be done very easily within the powers granted to the Secretary of the Treasury in connection with the stabilization fund; but the result would be that when that

operation was completed there might be in the fund $2,000,000,000 worth of pounds. If England should lose the war, or even if she should not, those pounds might not be worth $2,000,000, much less the $2,000,000,000 expended for that purpose. The French Government lost large sums of money when they attempted to support the pound back in the financial crisis of 1934, as I recall.

Mr. ADAMS. Mr. President, will the Senator yield for an inquiry?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. TAFT. Certainly.

Mr. ADAMS. I am wondering if the Senator is accurate in saying that the stabilization fund was created for the purpose of stabilizing the pound or any other foreign currency. My impression is that it was created to stabilize the American dollar, and that, so far as investments were made in foreign currency, they were made only insofar as might be necessary to stabilize the American dollar. There are some 50 different foreign currencies, and it was not the purpose of the stabilization fund to reach out and endeavor to stabilize the currencies of individual countries.

Mr. TAFT. Perhaps not; yet the pound determines the currencies of many countries throughout the world, and when the pound is stabilized at $4.20 the dollar is stabilized at a certain number of shillings in the pound. The two operations are simultaneous; there is no difference between them. I think it may fairly be said that it is wholly within the legal authority granted to the Secretary of the Treasury in connection with the stabilization fund that that sum be used for the very purpose of maintaining the pound so as to protect the dollar in export transactions throughout the world. I think the Secretary of the Treasury so admits. At least when he was before the Banking and Currency Committee last year I asked him this question:

> Suppose there is a foreign war and suppose you go out and do what you can to buy two billion dollars' worth of pounds: Isn't the effect of that to give England the power to buy $2,000,000,000 worth of goods in this country, under the cash-and-carry provision?
>
> Secretary MORGENTHAU. Senator, if there is a war in any foreign country, before we would use the stabilization fund or any money in the Treasury to assist any country in prosecuting that war, I would come up before the proper committee and ask for guidance.

The Secretary repeated that statement in his letter to the Senator from Michigan [Mr. VANDENBERG], read to the Senate yesterday. As the Congress will probably soon adjourn, there may be no committee of Congress here. The Secretary is asking for guidance, and I am proposing that we give it to him by stating frankly that the stabilization fund is not to be used for that purpose.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. TAFT. I yield.

Mr. SCHWELLENBACH. May I ask the Senator how he arrives at the figure $20,000,000? Is it because of the experience in the operation of the stabilization fund in the past?

Mr. TAFT. I understand $20,000,000 would enable the Treasury to carry on day-to-day transactions which have been carried on up to this time. Ordinarily the fund does not buy pounds except for 1 day. The Secretary of the Treasury has from time to time bought pounds with the promise of the British Government that it would redeem those pounds in gold on the next day. Consequently the actual sum that has been laid out at any one time under the procedure that has been followed in the past does not exceed $20,000,000. As a matter of fact, the Secretary says he has no pounds at the present time and does not intend to buy any; and he says that if he should think of doing so he would like to be guided. I think we should give the guidance to him.

Mr. ADAMS. Mr. President——

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

Mr. ADAMS. The impression that I received, I will say to the Senator, from Secretary Morgenthau when he was asked why such a large stabilization fund was needed was not that they intended to use it, but because of the desirability of having the capacity, which would enable the Treasury to do certain things if necessary. If we restrict their capacity to $20,000,000, then we would utterly defeat the purpose of the stabilization fund, because there may be those who seek to unstabilize deliberately or conditions which result in unstabilization may continue regardless of anything, and it might be impossible to meet such a situation with a mere $20,000,000. I was impressed by the fact presented by the Secretary of the Treasury that it was the power to do these things with a vast stabilization fund which made people conscious of the purpose of this Government to stabilize the dollar and fend off any hostile movement.

Mr. TAFT. It seems to me the Senator answers his own argument, because if we are going to threaten to buy pounds in order to maintain the pound, we will have to carry out that threat sooner or later, and use a great deal of the fund for that purpose. It seems obvious, therefore, that we should make it clear that we do not intend this fund to be so used.

I wish to point out that this is a cash-and-carry measure, intended to prevent credit. But the operation suggested here is not covered by the prohibition against credit. The stabilization fund does not loan any money to England and France, but the operation is just as effective as a loan, because if the fund buys pounds or francs it pays dollars for them, and then the English or the French Governments have dollars with which they may pay for purchases in this country, and we have pounds which may or may not be good, according to what the credit of the English Government is at the end of the war.

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

Mr. TAFT. I yield.

Mr. BARKLEY. Of course, the Senator realizes that under the terms of the law itself the stabilization fund is not created for the purpose of maintaining the value of any other currency but of stabilizing the dollar. Certainly foreign currencies are linked with the dollar, but the price of foreign currencies will determine the amount of stabilization of the dollar.

Mr. TAFT. Not only that, but the very purpose of the stabilization fund was to keep the pound from depreciating, so that we would not be at a disadvantage in trading in South America, because the British could sell cheaper than we could sell. That is the very purpose of the fund. Therefore, if it is used for that very purpose and used effectively we are going, gradually, to accumulate pounds under present conditions until the amount is considerable.

Mr. BARKLEY. The purchase of pounds or francs or guilders or any other foreign currency is only incidental to the purpose of the law to maintain the stability of the American dollar and thereby not place our own country at a disadvantage with respect to cheap foreign currencies. Since the Senator has read the answer of the Secretary of the Treasury in which he said that if he contemplated the purchase of any currencies in order to assist any country at war he would come back here for guidance, I think that another answer of the Secretary ought to be put into the RECORD. After he said he would come back here for guidance the Senator from Ohio said:

> I have no doubt you would, perhaps. But, nevertheless, the authority granted in this extension would give you power to do that, would it not, if you did choose to do so?
>
> Secretary MORGENTHAU. To do what?
>
> Senator TAFT. What I suggested: To buy pounds, and, in effect, create an English credit here of $2,000,000,000; and we would wake up, in the end, and find ourselves with $2,000,000,000 worth of pounds that were worth nothing? I am not asking whether you would do it. My question is whether that is not legally possible. Isn't that legally possible?
>
> Secretary MORGENTHAU. Well, if I lost all sense or reason in the performance of my duty, I might do a lot of things.
>
> Senator TAFT. In other words, it is legally possible?
>
> Secretary MORGENTHAU. Well, a lot of things are legally possible, which you would not do under the rule of common sense.

It is in that connection that the Secretary announced that if he had any such purpose in mind he would come to Congress and obtain authority for it.

While I am on my feet I may say that the Secretary of the Treasury has not bought a pound since the war started; he has not bought a franc since the war started; and he now holds only $2,980 worth of pounds and $82 worth of francs, which he bought long before the beginning of the war.

Mr. TAFT. Mr. President, just as an example of how the Secretary may have changed his views, I should like to read a United Press dispatch of October 19 which discusses how the stabilization fund may now be used, or the officials think it may be used, in South America:

> Officials said that the fund's machinery could perform useful functions in the administration's plans for enlarging trade with Latin America. The fund could be used, officials said, in developing exchange arrangements similar to those made with Brazil.

Those were made by the Export-Import Bank. They were not made by any stabilization fund.

> Gold could be made available to Latin American countries to enable them to stabilize their exchange.

According to this United Press dispatch last week, that is what the officials are saying they may do now with the stabilization fund; not stabilize the dollar, but give gold to South American countries to enable them to stabilize their exchange. I say that if ideas of that kind are abroad as to the powers under this fund, we ought to make it perfectly clear that we are not going to finance a European war through the use of the stabilization fund.

Mr. BARKLEY. Mr. President, will the Senator yield at that point for an additional brief statement?

Mr. TAFT. Yes.

Mr. BARKLEY. I wish to say that I am authorized by the Secretary of the Treasury to say that the position he took in the testimony in March is the position he now takes, and he desires to reiterate that position; that he has no intention of using the stabilization fund for the purpose of enabling belligerent countries to buy war supplies in this country or anywhere else, and that he now holds no currencies at all that have been bought since the war began. Certainly, it seems to me that in view of the very conservative administration of the stabilization fund by the Secretary of the Treasury we have no warrant for now amending this particular Neutrality Act by undertaking to legislate on the use of the stabilization fund, which is entirely a different proposition. In the exigencies and uncertainties of our own commerce, a $20,000,000 limit, as fixed in the amendment of the Senator, might handicap the Secretary of the Treasury in using the stabilization fund in any effective way to stabilize the American dollar and thereby put it on an equality with the currencies of the world.

Mr. TAFT. The Secretary says he will not do it, but he apparently thinks he has power to do it. He says that before he does it he will come to a committee of Congress for guidance.

It seems to me this amendment is directly material to the very purpose of the joint resolution. It provides, in effect, that the Government itself shall not make what amounts to a loan to England and France, which is within the broad purpose of the joint resolution but is not covered by its specific provisions. The law is doubtful. The operations of the stabilization fund are secret, and nobody knows whether or not it is used until something like 6 months later, when a report has to be made. I think we can clear up the Secretary's mind; I think we can clear up a good deal of misapprehension in this country, a number of rumors that are likely to arise that the fund is being used, by adopting this amendment now and making it perfectly definite that the fund is to be used solely for exchange operations.

Mr. TOWNSEND. Mr. President——

Mr. TAFT. I yield to the Senator from Delaware.

Mr. BARKLEY. Mr. President, may I ask a question of the Senator from Ohio?

The PRESIDING OFFICER (Mr. HATCH in the chair). The Senator from Ohio has yielded to the Senator from Delaware.

Mr. BARKLEY. In the Senator's time—I think the Senator from Ohio has taken his seat—let me say that I wonder what he means by clearing up the Secretary's mind by an amendment. The Secretary's mind does not seem to be muddled on the subject. He is not asking that his mind be cleared up. It seems to me a rather gratuitous matter on our part to attempt to clear up a mind that is not at all addled or muddy on the subject, but seems to be very clear.

Mr. TAFT. After reading this testimony, my conclusion would be that the Secretary's mind was very muddled, and furthermore that he is so stating, and is asking for guidance.

Mr. TOWNSEND and Mr. WAGNER addressed the Chair.

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

Mr. TAFT. I yield to the Senator from Delaware.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. The Senator has yielded to the Senator from Delaware.

Mr. WAGNER. Does he yield the floor?

The PRESIDING OFFICER. The Senator from Ohio said he yielded to the Senator from Delaware.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. As I understand, the Senator from Ohio finished his remarks. He cannot yield the floor to some other Senator.

Mr. TOWNSEND. Mr. President, I ask for the floor in my own right.

Mr. NORRIS. That is what the Senator should do; but he was calling for the floor because the Senator from Ohio said he could have it.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. In answer to the parliamentary inquiry, the Chair will state that two or three Senators were on the floor, including the Senator from New York. The Chair asked the Senator from Ohio if he yielded, and, if so, to whom; and he said he yielded to the Senator from Delaware.

Mr. NORRIS. Why did not the Chair ask the Senator from Kentucky [Mr. BARKLEY] if he yielded? How can the Senator from Ohio yield? He did not have the floor.

The PRESIDING OFFICER. The Senator from Ohio had the floor at the time.

Mr. NORRIS. He had already taken his seat.

The PRESIDING OFFICER. The Chair held otherwise.

Mr. TOWNSEND. Mr. President, I shall occupy only a few minutes.

Mr. WAGNER. Mr. President, I sought to be recognized, assuming that the Senator from Ohio had concluded his remarks. I do not understand that any Senator, when he yields the floor, has the right to yield it to another Senator. That is a new procedure in this body.

The PRESIDING OFFICER. That procedure has not been followed.

Mr. WAGNER. May I be recognized? Whom did the Chair recognize?

The PRESIDING OFFICER. The Chair recognized the Senator from Delaware [Mr. TOWNSEND] in his own right.

Mr. WAGNER. Very well.

Mr. TOWNSEND. Mr. President, I desire to occupy only a few minutes of the time of the Senate to discuss a problem which I think may well be the most important problem before the country today—the problem of gold. It must be faced by the American people sooner or later. The longer the delay the more costly the solution will be.

In 1933 the Treasury and Federal Reserve banks held $4,200,000,000 of gold. After the price of gold was increased by almost 70 percent—from $20.67 an ounce to $35—our centralized gold stock was valued at $7,438,000,000. In the less than 6 years since then it has grown to more than $17,000,000,000.

Even in these days of billions, this stock is of fantastic proportions. It is considerably more gold than is held by all the other governments and central banks and stabilization funds of the entire world. It is equal to three-fifths of the world's gold stock. Our proportion of the world's

gold, moreover, is increasing weekly. Merely during the 12 months through September, approximately $3,300,000,000 of the metal was acquired by this country, $500,000,000 of which was earmarked, I may say, by other governments.

Much of this huge gold stock lies idle, a dead asset, in Kentucky. It is owned by the Nation, but it is not used by the people. It earns no interest. It is not at work. The Federal Reserve System has $5,500,000,000 of excess reserves. The Treasury holds approximately $2,000,000,000 of gold sterilized—$1,800,000,000 or more in the stabilization fund and $194,000,000 in the general fund. Indeed, if so much gold were not held sterile and idle, this country might even now be feeling its inflationary effects. Only $4,000,000,000 of gold was sufficient to support the inflationary boom of 1929. It is easy to imagine how much inflation our present $17,000,000,000 of the metal could support.

It is practically certain that this country can never dispose of its surplus gold for what that metal has been costing. Since we raised the price to $35 an ounce, gold has come here from all parts of the globe. Every gold miner has been on our dole, from South Africa to Siberia. Current news reports that Russia is sending 17½ tons of gold here for the purchase of American goods are typical of what has been going on for years.

The gold we have imported has been paid for dearly. It has been bought with the products of our industry and our agriculture. In 1932, before revaluation of the dollar, it took less than 24 bushels of apples to buy an ounce of imported gold. Today it takes 50 bushels.

In 1932 it took about 40 bushels of wheat to buy an ounce of imported gold. Today, despite the 80-percent increase in the price of wheat, it still takes over 38 bushels to buy an ounce of gold.

In 1932 it took 313 pounds of cotton to buy an ounce of gold. Today, despite the large increase in the price of cotton, it takes 380 pounds of cotton to buy the same amount of gold.

There would be no objection to paying such increased amounts of our real wealth for foreign gold if we needed the metal in our monetary system. But today there is absolutely no need for more gold. Last January the Board of Governors of the Federal Reserve System reported to Congress that since 1933 reserve balances of member banks had increased threefold, due principally to the gold inflow. The Board pointed out its helplessness to counteract "an injurious credit expansion."

Even though we do not need or use the imported gold, its purchase might be excusable if only we knew that we could at will dispose of it again for what it has cost us. The American people will not wish to use this gold with which to buy foreign apples, wheat, cotton, or motorcars. Such imports would affect our industry and agriculture adversely.

Even if there were not this obstacle, it is obvious that the $9,383,000,000 of gold we have acquired abroad since 1934 could not be spent abroad for these or other commodities in an equal period of time or even in a much longer time without causing a rapid increase in the prices foreigners would demand for their goods.

It is significant that the gold standard is today virtually extinct. Only one country, Belgium, maintains its currency freely interchangeable with gold at a fixed rate.

What this country should do with its present surplus of billions of dollars of gold is a question which need not, and, indeed, cannot, be determined now. But it has long been clear that the Nation needs no more foreign gold. Without changing the monetary value or price of gold at home, it would be a perfectly simple matter to cease buying the imported metal. Such a step today would involve no deflation. We would still have $17,000,000,000 of gold. We should still have $5,500,000,000 of excess reserves. The main change effected would be that we would not be increasing our gold stock and our excess reserves by importing more gold.

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

Mr. TOWNSEND. I yield.

Mr. SHIPSTEAD. I did not hear how much gold the Senator said was owned by the United States Government.

Mr. TOWNSEND. The Government has $17,000,000,000 of gold under its control.

Mr. SHIPSTEAD. The Government has?

Mr. TOWNSEND. Yes.

Mr. SHIPSTEAD. That is, owned by it?

Mr. TOWNSEND. The Government controls it. The general impression is that the Government owns $4,000,000,000 of it, and the Federal Reserve banks own a large portion of it. There is a small portion of it, of course, earmarked by foreign governments, but only a small portion.

Mr. SHIPSTEAD. I obtained the impression from the Senator's statement that the gold had been bought through our balance-of-trade funds.

Mr. TOWNSEND. A very large proportion of it has.

Mr. SHIPSTEAD. With what has the rest of it been purchased?

Mr. TOWNSEND. Of course, the Government took from the Federal Reserve banks——

Mr. SHIPSTEAD. I do not mean that; I mean of the gold which has been imported in the later years. I suppose the Government would have to buy from merchants whose accounts come here in exports, establishing foreign exchange surplus here, due to our export balance; but has the Government bought or borrowed?

Mr. TOWNSEND. The Government has bought, and borrowed the money with which to buy, a very large portion of it.

Mr. SHIPSTEAD. That is what I want to know; does the Senator know how much?

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

Mr. TOWNSEND. I yield.

Mr. TAFT. My understanding is that the Government has not borrowed any money with which to buy this gold. All of the gold has been bought by the Federal Reserve banks and then turned over to the Government and the Federal Reserve banks received gold certificates in return. The Government for a while bought gold with the bonds, but I understand that has all been sterilized, and today there are not any bonds outstanding representing purchases of gold by the Government.

Mr. SHIPSTEAD. With what kind of exchange do the Federal Reserve banks buy gold? Do they issue notes of the Federal Reserve banks?

Mr. TOWNSEND. Yes.

Mr. SHIPSTEAD. Against assets?

Mr. TOWNSEND. Yes.

Mr. SHIPSTEAD. That is as good as borrowed money.

Mr. TOWNSEND. Mr. President, I desire to have inserted in the RECORD as a part of my remarks an article by George Rothwell Brown which appeared in the Baltimore News-Post of October 25, 1939.

The PRESIDING OFFICER. Is there objection?

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

[From the Baltimore News-Post of October 25, 1939]

THE POLITICAL PARADE

(By George Rothwell Brown)

WASHINGTON, October 25.—The New Deal has a huge gold bear by the tail and doesn't know how to let go.

For the present it is hibernating in a million-dollar hole in the ground out in Kentucky, but it is beginning to stir in its sleep. Its growls are already growing terrifying.

Mr. Henry F. Grady, Assistant Secretary of State, referred to it in his address earlier this month before the National Foreign Trade Convention as a "bombshell" that might explode in a frenzy of inflammation.

Bombshell or bear, it is all the same—the thing is dangerous.

When Representative TREADWAY, of Massachusetts, said in the House the other day that he had never had it clear in his mind why that stock of gold is stored at Fort Knox, and a stock of silver at West Point, he had nothing on the new dealers themselves. They don't understand it, either.

The administration has followed the gold policies of Professor Warren to the end of the rainbow.

To buy this gold, at an arbitrary price almost double the world price, the Government has had to issue bonds to get the money,

and the annual interest today on all the outstanding national indebtedness has passed the $1,000,000,000 mark, and is breaking the hearts and the backs of the American people in taxes.

So much for this folly. Every eminent economist knew it was folly when it was adopted.

Japan has sold us about $600,000,000 worth of gold during the last 3 years, at our own cockeyed price of $35 an ounce, as compared with a world price of $20.67. Of this, $240,000,000 has been a premium to Japan.

Our Ambassador at Tokyo, Mr. Joseph C. Grew, gets up before the American-Japan Society and bluntly states what is undeniably true, that the American people are fed up on Japan's war in China, with its deliberate encroachment on American rights as guaranteed by treaty.

A strong protest. But does it make sense, in view of the fact that by our New Deal gold policy we have helped to finance Japan's war against China to the tune of $240,000,000—a free gift to the Japs!

Now there is a war raging in Europe. Let us see how the New Deal gold policy is working out. We have paid France and England a premium of $4,500,000,000 on the gold they sold us at Mr. Roosevelt's price.

While we have been doing this, these countries have built up huge bank deposits and stocks of securities in the United States of somewhere around $8,000,000,000 or $10,000,000,000.

In other words, while claiming they can't afford to pay what they owe Uncle Sam on account of the last World War, they actually have right here in America enough to pay off the whole debt and then some.

We, of course, are left in a position where these belligerents can break our market at will.

These countries can buy gold in the United States and take it home with them. But an American citizen can't.

There isn't the slightest doubt that the whole gold policy of the New Deal has been in the interest of the foreigner and against the interest of the American.

The New Deal is plenty scared over what Mr. Grady—an administration spokesman—described as a "bombshell." So the New Deal economists think up a new wrinkle.

It is just announced that the Treasury has sold to Brazil $3,000,000 in gold, part of a contemplated $60,000,000 deal, to stabilize exchange between the two countries.

The ultimate object seems to be to put Brazil—for a starter—back on the gold standard, before we go back on it ourselves.

There is so much disapproval at the Capitol of this new policy to send part of our gold hoard to South America that the lid will surely blow off the whole thing when Congress convenes in January.

Mr. WAGNER. Mr. President, the address just delivered by the senior Senator from Delaware [Mr. TOWNSEND], of course, is not strictly relevant to the amendment offered by the Senator from Ohio. He is dealing with the subject of gold; and although he recognizes a danger in the inflow of gold, he makes no proposal as to what should be done by the Government to prevent it.

The Committee on Banking and Currency went into this whole subject thoroughly at the time there was before it the bill to continue the power to devalue the dollar further, and also to extend the operation of the stabilization fund. At that time it was made very clear by the Secretary of the Treasury and by others that the reason for this terrific inflow of gold is the chaotic condition in Europe. Owners of gold, seeking a safe harbor, a safe refuge for their gold, and a sounder investment, sent it to this country. Another reason for the inflow is that we have had a very large trade balance in our favor, and the difference had to be made up, of course, by the payment of gold. That has accounted for a very large inflow of the gold into our country.

Mr. President, the Senator from Michigan [Mr. VANDENBERG], in his letter to the Secretary of the Treasury, has posed a very important question. Undoubtedly the Committee on Banking and Currency, which has been authorized to make a study of the whole monetary question and monetary policy, will go thoroughly into that subject in an effort to ascertain whether the further inflow of gold presents any danger. I personally do not recognize any danger at the present time. Yet I cannot speak with any authority. While there is a difference of opinion among monetary experts at the present time, many see a greater danger in stopping the purchase of gold than in its continuance.

This is a problem which cannot be settled at the last moment of the consideration of the pending legislation, nor can we even suggest a solution of the problem, or even tell whether there is any peril involved. I personally think there would be a greater danger involved in stopping the purchase of gold at this time. I think it would cause economic chaos not only in this country, but throughout the world. But that is merely an opinion and I am sure that the Committee on Banking and Currency will make a report to this body. We propose to keep in constant touch with the monetary situation.

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

Mr. WAGNER. I yield.

Mr. VANDENBERG. First, I wish to welcome the Senator's statement that the Committee on Banking and Currency intends to thoroughly explore the gold question, in the light of these latest developments. It seems to me it is irresistible that the war situation, plus the probable enactment of cash-and-carry legislation, is bound to intensify the gold challenge, so far as our study of it is concerned.

The Senator has been quoting the Secretary of the Treasury and I call his attention to the fact that the Secretary of the Treasury himself says that even "as a consequence of the Czechoslovakian crisis," which certainly was a minor crisis compared with that which is now confronting us, that even "as a result of the Czechoslovakian crisis a large volume of funds sought to leave Europe for the United States. The outflow of funds was so large that the amount of gold which it was necessary to ship from Europe to provide dollar balances was far greater than could be taken care of through normal commercial channels."

Mr. WAGNER. That was true.

Mr. VANDENBERG. If that be true in one minor crisis, it is indeed a major challenge. I agree that we cannot answer the gold question overnight, at the tail end of the consideration of a neutrality measure, but I wish to emphasize to the Senator the importance of the problems he now announces will be explored.

Mr. WAGNER. Mr. President, I do not acknowledge that the challenge is any greater now than it would be in peacetime, providing such a chaotic and disturbed condition existed in Europe. The investment world has greater confidence in the administration of our affairs than in those of any other country. It is seeking investments here, and thus has come about this terrific flow of gold to our shores. It may sometime become a problem.

It so happens that I made inquiry today, and I have found that there has been a reduction in the flow of gold during the last month over previous times. So far as concerns the increased exports from this country to belligerents, which the Senator undoubtedly had in mind, my own view is that many of those who are talking about a great war boom will be somewhat disappointed. There are not likely to be any great war purchases in this country. England has determined, contrary to its position in the last war, that its first purchases will be made in its Dominions. She is going to exhaust the possibilities of trade with the Dominions before she comes to our country and to other neutrals. Moreover, England, like any other country, is not going to divest herself of all her gold. She is going to keep a sufficient amount of gold in her vaults to protect her own currency. So I predict, and I feel very confident about the prediction, that when purchases are made they will be paid for in cash, and they will be paid for with the moneys which are now available in this country to belligerents. It is estimated that England has, including her Dominions and including some credits in South America, over $10,000,000,000 available with which to purchase war materials and other necessary articles in this country to prosecute the war.

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

Mr. WAGNER. I yield.

Mr. VANDENBERG. The Senator makes a point of the fact that the inflow of gold has been lessened rather than increased during the weeks since the war started.

Mr. WAGNER. No; I am speaking about the last month. I inquired today.

Mr. VANDENBERG. Precisely. I suggest to the Senator that the reason for that is that our trade has been slowed down through the existence of a war embargo, but that when

the embargo is lifted the trade will promptly multiply and the gold flow increase.

Mr. WAGNER. I do not see how that can be the cause, because under the neutrality law as it is today over 90 percent of all we could sell under any circumstances may be purchased now, in spite of the existence of an embargo. Consequently, that lessening would not be very appreciable. I do not say that there may not be more exports, but they are being paid for by credits, moneys, dollars in this country, rather than by the use of gold.

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

Mr. WAGNER. I yield.

Mr. BARKLEY. On that point it ought to be stated that, while there has been a cessation of the shipment of certain American products to the belligerents because there is an embargo, as a matter of fact both England and France have continued to pay for products bought in this country. But there is no great influx of gold.

Mr. WAGNER. They do not need a dollar of gold to pay for the products they purchase here. They have available much more than will be needed for any of their purchases. The gold problem is not involved in the question at all. That is another point.

When the discussion first arose as to the stabilization fund, I wrote a letter to the Secretary of the Treasury, and he replied. I shall ask that my letter and the Secretary's answer be read, and then I shall conclude with a few more words.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

OCTOBER 19, 1939.

The Honorable the SECRETARY OF THE TREASURY,
Washington, D. C.

MY DEAR MR. SECRETARY: It appears from recent discussions on the Senate floor that some of the Members are fearful that the stabilization fund is being used to support the currencies of England and France during this period of war in Europe.

I know that you publish quarterly information which reveals the operations of the stabilization fund, but, as I understand it, the information concerning operations during September will not be available in the ordinary course of events until January 1, 1940. In view of the questions which are being raised at the present time as to the operations of the stabilization fund, I would appreciate it if you would advise me as chairman of the Senate Committee on Banking and Currency whether the stabilization fund is acquiring the currencies of England and France or whether the fund is supporting these currencies.

I appreciate the reasons why the Treasury would hesitate to make public any information concerning the scope of the activities of the fund without the lapse of an adequate period of time, but under the circumstances I hope that you will be able to make an exception in this instance.

Very sincerely yours.

THE SECRETARY OF THE TREASURY,
Washington, October 19, 1939.

Hon. ROBERT F. WAGNER,
Chairman of the Senate Committee on Banking and Currency,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of October 19, in which you refer to recent discussions on the floor of the Senate with reference to the operations of the stabilization fund.

Of course, as the Treasury Department has at all times made clear, the stabilization fund has never been used to support the currencies of any foreign country, but has been used solely for the express purpose set out in the statute pursuant to which it was created, namely, to stabilize the exchange value of the dollar. In connection with the carrying out of such purpose it has been necessary, as was explained at the hearings last spring on the bill to extend the stabilization fund powers, for the fund to acquire foreign currencies from time to time. I should like to state, however, that the stabilization fund is not acquiring any currencies of belligerent countries and is holding only trifling amounts of foreign currencies of belligerent countries which were acquired long before the outbreak of the war.

Sincerely,

H. MORGENTHAU, Jr., *Secretary.*

Mr. WAGNER. Mr. President, I add just a word to that statement. Not only are they not purchasing any currencies of belligerents now, but during the existence of the war they will not purchase any, and the Secretary has authorized me so to state.

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

Mr. WAGNER. I yield.

Mr. VANDENBERG. I wish to ask the Senator a further question. Will the Senator tell me how the stabilization fund is used to stabilize the exchange value of the dollar, which is the Secretary's language, if it is not used in connection with foreign currencies? How can the value of the dollar be stabilized without dealing in foreign exchange?

Mr. WAGNER. The purpose in dealing in exchange is, of course, to stabilize the dollar. But the suggestion is preposterous that the Secretary of the Treasury, who has made such a remarkable record, and has acted with such fidelity and ability, would deliberately use $2,000,000,000 of American money in an unneutral manner to bolster the currency of a foreign government so that it may purchase goods here, with perhaps a very serious loss to his own country.

Mr. VANDENBERG. I wanted to ask the Senator one question at that point, inasmuch as my other question seemed to have been responsible for this explosion.

Mr. WAGNER. I did not intend it as an explosion. I wanted to be emphatic about it, because I have great confidence in the Secretary, and I know of his integrity as well as his ability.

Mr. VANDENBERG. I share the Senator's confidence.

Mr. WAGNER. I know there is no intention to suggest, or any implied suggestion, that he is not honest.

Mr. VANDENBERG. None.

Mr. WAGNER. But yet such an interpretation could be placed upon the amendment.

Mr. VANDENBERG. Not upon the question which I asked the Senator, which produced the explosion.

Mr. WAGNER. Not at all.

Mr. VANDENBERG. The question I asked is, How can the exchange value of the dollar be stabilized without dealing in exchange?

Mr. WAGNER. It cannot.

Mr. VANDENBERG. It cannot be done. So the stabilization fund then is sterile for the length of the war.

Mr. WAGNER. So far as the belligerent countries are concerned, I take it, it is.

Mr. VANDENBERG. Then, what is the objection to saying so in the statute?

Mr. WAGNER. There are other countries to deal with. There are more than belligerent countries whose currencies are involved. The stabilization fund is not used solely to buy British pounds.

Mr. VANDENBERG. I call the attention of the Senator that the pending amendment applies only to the currencies of belligerents.

Mr. WAGNER. That is true.

Mr. VANDENBERG. Then, why not put it in, if that is the way it is going to work?

Mr. WAGNER. Because I say that the suggestion itself is an implication that the Secretary of the Treasury is going to fail to perform his duty with fidelity.

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

Mr. WAGNER. I wish to finish what I have to say, and then I will yield. I just wish to say to the Senate that the whole matter was before the Committee on Banking and Currency. Senators will recall the rumors which were spreading—even some Senators made the suggestions upon the floor and elsewhere—that there was something mysterious about the operation of the stabilization fund; that it might very well be used for purposes, even domestic purposes, other than its exclusive purpose to stabilize the exchange value of the American dollar. So we had a hearing upon this whole matter before the Committee on Banking and Currency. The Secretary came before the committee with a complete audit of the entire fund, of every operation in detail. He was questioned, particularly by the Senator from Delaware [Mr. TOWNSEND] and the Senator from Ohio [Mr. TAFT] in a most scrutinizing and able manner. The Secretary not only acquitted himself well but showed how every dollar was expended. All these rumors, of course, went right out of the

window, because not only had he been faithful to his trust but he was so faithful that he actually made money for the Government from the operation.

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

Mr. WAGNER. I yield.

Mr. MALONEY. I was very much impressed with the observation made by the Senator from Colorado when he said that the $20,000,000 limitation would deny to the Secretary of the Treasury and the United States the power of a "threat"—and the word "threat" is mine—in the event of an assault on the American dollar. For that reason it seemed to me that it would be inadvisable to adopt the amendment offered by the Senator from Ohio. But it now seems to me, Mr. President—and it seems also important that I make this observation—that the Senator from New York, intentionally or otherwise, has tied the hands of the Secretary of the Treasury and completely destroyed the contention of the Senator from Colorado by pointing out and saying that he does it with the authority of the Secretary of the Treasury, that no money of the stabilization fund will be used for the purchase of foreign currency during the war. If that statement is permitted to stand, I do not see how anybody can oppose the amendment offered by the Senator from Ohio, and I hope that the Senator from New York will at least reflect further upon his statement.

Mr. WAGNER. I thank the Senator. The Secretary of the Treasury said that there was no present intention of purchasing any of the currencies of the belligerent countries. But, as was very well said, even by the Senator from Ohio, we are not in session at all times. I do not know what critical situation may arise, and I can only stick to the question of his present intention. That is what I had in mind when I made the statement. I do not contradict a single word of what the Senator from Colorado has so ably stated. The Secretary of the Treasury himself characterized this fund as much of a national defense measure as an army and a navy.

Mr. MALONEY. I respectfully suggest to the senior Senator from New York that he examine the RECORD. It may have been a slip of the tongue, or a mistake on my part. Perhaps I did not hear correctly; but if I did the Senator from New York said he was authorized by the Secretary of the Treasury to state that the stabilization fund would not be used for that purpose.

Mr. WAGNER. Certainly the fund would not be used for the purpose suggested by the Senator from Ohio. That is, the Secretary of the Treasury would not deliberately purchase foreign currencies for the purpose of providing credit to any of the belligerents.

Mr. MALONEY. I am sure of that. I am in sympathy with what I think is the viewpoint of the Senator from New York; but I think his language shackles the Secretary of the Treasury.

Mr. WAGNER. My assertion might have been too broad; if so, it was unintentional.

Mr. VANDENBERG. Mr. President, I should like to renew the language, because the Secretary said to me yesterday in words of one syllable that he did not propose to use this fund to buy foreign currencies from belligerent nations.

Mr. MALONEY. Mr. President, will the Senator yield further?

Mr. WAGNER. I yield.

Mr. MALONEY. That language is quite different from the language which the Senator from New York credited to the Secretary of the Treasury. The Secretary might not now intend to make such purchases, but if I correctly understood the Senator from New York he said that the Secretary would not do it. I think there is considerable difference in the language.

Mr. WAGNER. If I so stated, I thank the Senator for calling my attention to it. It was certainly too broad a statement of the Secretary's views. However, there is no present intention of buying any currencies of belligerents. Of course, we cannot tell what problems may arise, but there is no such intention at the present time. As a matter of fact, I may say that at the present time the Secretary of the Treasury has as part of the stabilization fund only 745 pounds sterling, or approximately $2,980, and 3,652 French francs, representing about $82.53.

Mr. MALONEY. Mr. President, will the Senator yield to me again so that I may complete an expression of my view?

Mr. WAGNER. I yield.

Mr. MALONEY. I am in sympathy with what I think are the desires of the Senator from New York, but I do not think it is paradoxical to say that I am also in sympathy with the statement just made by the Senator from Michigan [Mr. VANDENBERG]. I think it would be despicable for the Secretary of the Treasury or anyone else to use any part of the stabilization fund, under the circumstances now existing, and particularly in the light of the pending legislation, to furnish credits to belligerent nations. I wish to add to that statement, however, that I do not believe that the Secretary of the Treasury would do such a thing under any circumstances.

Mr. WAGNER. That is it exactly. The Secretary was asked that very question——

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

Mr. WAGNER. I was trying to finish my thought.

The PRESIDING OFFICER. The Senator declines to yield at the moment.

Mr. WAGNER. The Secretary was asked that very question by the Senator from Ohio [Mr. TAFT]. I do not recall the exact language of the question. The Senator from Ohio will recall it very well. The Secretary was asked whether it would be possible to use the stabilization fund for the purpose of purchasing $2,000,000,000 worth of English pounds, so as to provide sufficient credits or moneys to a particular belligerent in case of war, that particular belligerent to use the fund for the purchase of armaments and other materials. The Secretary questioned whether he would have that authority. However, he said, in effect, "I have common sense. I would not think of doing anything of that kind without first coming to Congress for guidance."

Mr. MALONEY. There is no question that he has the right, or rather that it would be legal.

Mr. WAGNER. I disagree with the Senator. I think it would not be legal unless it were done for the purpose of stabilizing the American dollar.

Mr. MALONEY. I said it would be legal.

Mr. WAGNER. If it were done for that purpose, it would be legal, but not otherwise.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. WAGNER. I yield.

Mr. WHEELER. Suppose the British pound dropped from $4 to $2.50. Then the Secretary could say he wanted to buy British pounds in order to stabilize the American dollar because such a drop would unstabilize it. First of all, let me say that I am extremely glad that this question came up because I think it has clarified the situation in the minds of many Senators. However, I do not conceive that in the situation which exists at the present time, with a war in progress, and with the currency of any belligerent likely to drop, that we ought to buy British pounds and French francs in order to try to bring them up.

Mr. WAGNER. The Senator knows very well that the Secretary would not do such a thing.

Mr. WHEELER. I do not believe he would. However, I am delighted that the question came up because various rumors have been circulated. I think the Secretary would have the power to do so under the law. Morally I do not think he should do it, and I do not think he would.

Mr. WAGNER. I have grave doubt whether he would have the power.

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

Mr. WAGNER. I yield.

Mr. BARKLEY. During the war the Secretary of the Treasury might purchase some pounds or francs for the purpose of stabilizing the American dollar. That would not automatically or necessarily result in the use of those pounds or francs to give Britain or France purchasing power in the United States to buy war materials.

Mr. WAGNER. That is correct.

Mr. WHEELER. But if the pound should drop to $2.50, and the Treasury should buy pounds to bring it up to $5, the effect, of course, would be twofold.

Mr. BARKLEY. The effect would not necessarily be to provide money with which to purchase material to send to England.

Mr. WHEELER. If the pound should drop to $2.50, and the Treasury bought it at $4 in order to stabilize it at that point, as a matter of fact the Treasury would be making a gift to England, and also providing the English with gold which they could use to purchase American goods. The British would not use the stabilization fund. They would use the gold, if they could obtain it, to purchase goods from America. So, in effect, if that were done we would be giving them a loan. I am delighted to hear the distinguished Senator from New York say that there is no intention upon the part of the Secretary to do so. As I say, I cannot conceive of his attempting to do so.

SEVERAL SENATORS. Vote! Vote!

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

Mr. WAGNER. I yield.

Mr. SHIPSTEAD. If it is not the intention of the Secretary of the Treasury to buy the currencies of belligerent nations during the war, then I do not see why this amendment should be necessary. However, if he should start to stabilize the dollar by buying British pounds or French francs, he might have to buy so much that he would endanger the fund. Then, in my opinion, this amendment would be necessary.

Mr. WAGNER. An effort was made in the committee—and, as I recall, upon the floor—by the Senator from Ohio to reduce the stabilization fund to $200,000,000 in place of $2,000,000,000. When that question came before the committee for consideration, the Secretary of the Treasury declared that it was very important to have a large stabilization fund, for the same reason we have a large Navy, merely as notice to the world that other nations must not fool with our currency or try a competitive devaluation procedure, because we have a fund to meet the situation. That is the only purpose of the fund.

Mr. TAFT. Mr. President, the whole purpose of the stabilization fund was considered by the Banking and Currency Committee last year. When it finally came down to the question, "Why do you want $2,000,000,000?" the answer was: "We are afraid of the competitive devaluation of the pound throughout the world, which might result in our being underbid by the English and by every other country on a sterling basis throughout the world." That is the only purpose of having $2,000,000,000 in the stabilization fund. I do not agree with the Senator from New York. I think the Secretary would be perfectly justified in using the fund for that purpose, because he thinks—and so stated—that if we permit the pound to depreciate it means a reduction in the price of cotton and the price of wheat and other prices in this country, in a way which will unfavorably affect our economy. The Secretary thinks that condition may exist. It is even more likely to occur in the present circumstances than when he testified. I was almost prepared to withdraw the amendment when the Senator stated that the Secretary authorized him to promise that he would not buy any pounds or francs during the war period. He has now modified that statement, and he says it is not the intention of the Secretary to do so. Am I correct in that statement? I think the record will show that there is a substantial difference between the two statements.

Mr. WAGNER. I know the Senator wants to be fair. We cannot look into what may happen in the future. At the present time there is no intention to buy any currencies of any belligerents. That is all we can say at the present time. One of the main reasons was given by the Senator from Montana [Mr. WHEELER]. With war and chaos existing, it would be very undesirable and unprofitable today to purchase pounds when the pound is dropping. However, does not the Senator think we ought to leave the stabilization fund intact, just as we leave our Navy intact? We have no present intention of going to war; but we would not scrap our Navy for that reason.

Mr. TAFT. Mr. President, the pending measure is a cash-and-carry proposal. It lays down the principle in legislation—not in the discretion of the Secretary of the Treasury—that we do not propose in any way to advance credit to belligerent nations to buy the goods they would like to buy in this country. It ought not to be left in anybody's discretion. We are laying down that policy. The Secretary said that if there were a war in any foreign country before he used the stabilization fund he would come to Congress and ask the proper committee for guidance. In other words, he has said, in effect, the Banking and Currency Committee and I will decide whether or not to use the stabilization fund.

What the amendment seeks to do is to have Congress lay down a perfectly definite rule that he shall not do what he says he does not intend to do, and what the Senator from New York [Mr. WAGNER] is almost—but not quite—willing to promise he will not do. It seems to me that we ought to put the amendment in the law, and definitely lay down a policy before all the peoples of the world that this country does not propose, directly or indirectly, to finance any belligerent in the present war.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. TAFT] to the committee amendment in the nature of a substitute.

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CLARK of Idaho (when his name was called). I have a pair with the Senator from New York [Mr. MEAD], and therefore withhold my vote. If present, the Senator from New York would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. SHIPSTEAD (when his name was called). I transfer my pair with the Senator from Virginia [Mr. GLASS] to the Senator from Washington [Mr. BONE], and will vote. I vote "yea."

The roll call was concluded.

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

The Senator from Arizona [Mr. ASHURST] is detained by illness in his family.

The Senator from New York [Mr. MEAD], the Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. LUCAS], the Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. OVERTON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The result was announced—yeas 37, nays 47, as follows:

YEAS—37

Austin	Davis	Johnson, Colo.	Taft
Barbour	Donahey	La Follette	Tobey
Borah	Frazier	Lodge	Townsend
Bulow	Gerry	Lundeen	Vandenberg
Burke	Gibson	McCarran	Walsh
Byrd	Gurney	McNary	White
Capper	Hale	Miller	Wiley
Chavez	Holman	Nye	
Clark, Mo.	Holt	Reynolds	
Danaher	Johnson, Calif.	Shipstead	

NAYS—47

Adams	George	McKellar	Sheppard
Andrews	Gillette	Maloney	Slattery
Bailey	Green	Minton	Smathers
Bankhead	Guffey	Murray	Smith
Barkley	Harrison	Neely	Stewart
Bilbo	Hatch	Norris	Thomas, Okla.
Brown	Hayden	O'Mahoney	Thomas, Utah
Byrnes	Herring	Pepper	Truman
Caraway	Hill	Pittman	Van Nuys
Chandler	Hughes	Radcliffe	Wagner
Connally	King	Schwartz	Wheeler
Ellender	Lee	Schwellenbach	

NOT VOTING—12

Ashurst	Clark, Idaho	Lucas	Reed
Bone	Downey	Mead	Russell
Bridges	Glass	Overton	Tydings

So Mr. TAFT's amendment to the committee amendment in the nature of a substitute was rejected.

Mr. BARKLEY and Mr. TAFT addressed the Chair.

The VICE PRESIDENT. The Senator from Kentucky.

Mr. BARKLEY. Mr. President, I ask unanimous consent that at an hour not later than 5 o'clock p. m. tomorrow the Senate proceed to vote on the pending joint resolution and all amendments to final passage.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, earlier in the afternoon I announced my objection to an agreement of that sort, because I did not think it would be found acceptable to all the Members of the Senate. I have not had time, since then, to canvass the situation. I still think there are some objections. I think a limitation on debate would be more satisfactory, and I suggested that course a few minutes ago. May we not consider a 15-minute limitation?

Mr. BARKLEY. I will say to the Senator from Oregon, that at this time it apparently is impossible to obtain an agreement for further limitation of debate. Inasmuch as there is objection to my request to fixing an hour for voting tomorrow, and I have discovered by private conversation at this time that I cannot now secure a further limitation on debate, though we may be able to do it a little later, I feel that I ought to advise the Senate that I shall ask it to remain for a considerable while this evening.

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

Mr. BARKLEY. I yield.

Mr. SCHWELLENBACH. I wonder if the Senator from Kentucky would consider submitting a request to the effect that prior to the recess or adjournment of the Senate tomorrow the Senate shall vote upon this measure and all amendments thereto?

Mr. BARKLEY. That makes a rather indefinite limitation as to when the vote shall be taken. I would rather fix a time if it is possible to do it. Under the sort of arrangement suggested by the Senator from Washington we might be in session all tomorrow night and all Sunday, though it would still be the session of tomorrow. I would rather not handle the matter in that way. I appreciate the suggestion of the Senator from Washington, but I would rather fix a time.

Mr. McKELLAR. Mr. President, would the Senator be willing to fix the hour of 6 o'clock or 7 o'clock?

Mr. BARKLEY. I am willing to fix any hour, just so it is definite. I do not care what hour it is. I suggested 5 o'clock because suggestions had been made to fix the hour all the way from 4 to 6, and I thought 5 was a fair compromise.

Apparently all Senators with whom I have conversed want to do what I have suggested. I do not see why we cannot agree to it.

Mr. JOHNSON of California. Mr. President——

Mr. BARKLEY. I yield to the Senator from California.

Mr. JOHNSON of California. Always I have found, in a long service here, that fixing a time to vote on all amendments and on the measure itself is a most unsatisfactory procedure—perhaps the most unsatisfactory procedure of any. I suggest what was suggested by the Republican leader—that we reduce the time that may be taken on the joint resolution and the time that may be taken on amendments, if the Senator desires, and let nature take its course.

Mr. BARKLEY. I will say to the Senator from California that there are one or two Senators who have amendments in which they are interested who at this juncture do not feel at liberty to agree to a further limitation on debate. If those Senators obtain an opportunity to offer their amendments and speak upon them, we may be able to arrive at a conclusion of that kind; but we cannot do it now.

Mr. JOHNSON of California. Am I to understand that the Senator from Kentucky plans to have the Senate continue in session for an indefinite period tonight?

Mr. BARKLEY. Yes; that is my hope.

Mr. JOHNSON of California. All right, sir. The Senator will have trouble in getting an agreement, then; I will tell him that.

Mr. BARKLEY. Does the Senator from California desire to assume that attitude at the last minute because we are trying to make headway?

Mr. JOHNSON of California. And I am trying to assist the Senator.

Mr. BARKLEY. I appreciate that fact; but I do not think it is quite in order to suggest the threat that if we go on into the night we shall get no agreement nor anything else.

Mr. JOHNSON of California. I do suggest it, and I make the suggestion not as a threat.

Mr. BARKLEY. Very well.

Mr. TAFT and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. The Senator from Ohio [Mr. TAFT] was demanding recognition at the time the Senator from Kentucky [Mr. BARKLEY] obtained recognition. The Chair feels that he should recognize the Senator from Ohio. Does the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I simply wish to say that I have no doubt we can dispose of this measure tomorrow. There are only one or two amendments which are calculated to take any time. When those amendments shall have been disposed of, in my opinion, we can make an agreement which will not fix a definite time for voting, but will limit the time for the consideration of amendments, and that we can then dispose of the joint resolution tomorrow. I do not think there is any disposition not to do so.

Mr. ADAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. TAFT. I will yield for a question, if I may offer the amendment first.

The VICE PRESIDENT. The clerk will state the amendment proposed by the Senator from Ohio to the committee amendment.

The LEGISLATIVE CLERK. On page 22, after line 11, it is proposed to insert the following:

(b) Neither the Government of the United States nor any agency thereof (including any public corporation created by or pursuant to special authorization of Congress, any corporation in which the United States has or exercises a controlling interest through stock ownership or otherwise, and any Federal Reserve bank) shall make any loans designed to finance or assist the export of goods, materials, or merchandise of any kind to the territory of any foreign government named in any currently effective proclamation issued under the authority of section 1 (a) of the Neutrality Act of 1939.

Mr. TAFT. Mr. President, I now yield to the Senator from Colorado.

Mr. ADAMS. Mr. President, I did not wish to ask a question. I wanted to make a statement with reference to the order of procedure. If the Senator will yield only for a question, I cannot make the statement.

Mr. TAFT. I think perhaps I had better make a statement about the amendment first.

The amendment which I offer proposes that the Reconstruction Finance Corporation, the Export-Import Bank, and the Federal Reserve bank, shall not make any loans designed directly or indirectly to assist the export of goods to belligerent foreign countries.

The amendment is somewhat broader than the limitation of credit contained in the joint resolution, because the pending measure in general limits credits only to governments or government agents. This amendment proposes that Government agencies of the United States shall not lend money to finance the export of goods of any kind, whether they go to an English munitions company or to any other corporation.

My attention was called to this particularly by an interview given by Mr. Jesse Jones on the 1st day of September, just at the time the war began, which I will read. It appeared in the Washington Star and is as follows:

Mr. Jones expressed the opinion that the Reconstruction Finance Corporation could finance exports of commodities as does the

Export-Import Bank, and that neither agency was affected by the Johnson Act forbidding loans to foreign governments in default of war debts.

However, he pointed out that all Export-Import Bank transactions are with private enterprises and not foreign governments and that neither the bank nor the Reconstruction Finance Corporation has any application from governments.

Nevertheless, the whole conference seemed to show a deliberate intention and policy for Government agencies to assist in financing American exports to countries which were then at war. If this is really a cash-and-carry bill, we can at least prohibit Government agencies extending the credits covered by the amendment. I think it is impracticable to say that no one shall lend an English individual or English company money or extend credit to it. Such a prohibition could be avoided in many ways, and I have not been able to work out a practicable way to do it. But we can say to Government agencies, "You shall not directly or indirectly finance the operation of this war." It seems to me that power to give such assistance might very well be used in an unneutral way, and I cannot see any objection now to making clear our policy that Government agencies shall not be used to finance the prosecution of the war.

Mr. MALONEY. Mr. President, I wish the Senator would tell me whether the amendment applies only to munitions and implements of war.

Mr. TAFT. No; it applies to any export to England and France.

Mr. MALONEY. I should like, if the Senator will yield further, to propound a concrete question. I understand that in order to promote the sale of American tobacco abroad, the sales of which had stopped, one of the governmental agencies recently loaned money to an English tobacco company, and that immediately thereafter the tobacco business of this country was helped tremendously. I ask the Senator what effect his amendment would have on a transaction of that kind?

Mr. TAFT. It would prevent the financing by our Government of the export of all goods to England, because, after all, it is all in one pot. The English are going to buy two or three billion dollars' worth of goods here, and if we give them credit on tobacco, it means that they will have more cash for arms or any other product related to the war.

Mr. MALONEY. This loan, if my information is accurate, was made to a private company.

Mr. TAFT. Under this amendment a Government agency could not do that. A New York bank might do it, or any private individual might do it, if he or it so desired.

The PRESIDING OFFICER (Mr. KING in the chair). The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] to the amendment of the committee.

Mr. BARKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CLARK of Idaho (when his name was called). I have a pair with the junior Senator from New York [Mr. MEAD]. If he were present, he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia [Mr. GLASS]. I transfer that pair to the senior Senator from Washington [Mr. BONE] and will vote. I vote "yea."

The roll call was concluded.

Mr. McNARY (after having voted in the affirmative). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. Therefore I withdraw my vote.

Mr. MINTON. I announce that the Senator from Washinton [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate on account of illness.

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

The Senator from New York [Mr. MEAD], the Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. LUCAS], the Senator from Mississippi [Mr. HARRISON], the Senator from Georgia [Mr. RUSSELL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The result was announced—yeas 36, nays 45, as follows:

YEAS—36

Austin	Downey	La Follette	Shipstead
Barbour	Gerry	Lodge	Taft
Borah	Gibson	Lundeen	Tobey
Bulow	Gurney	McCarran	Townsend
Burke	Hale	Miller	Vandenberg
Capper	Holman	Nye	Walsh
Clark, Mo.	Holt	O'Mahoney	Wheeler
Danaher	Johnson, Calif.	Overton	White
Davis	Johnson, Colo.	Schwellenbach	Wiley

NAYS—45

Adams	Ellender	Lee	Slattery
Andrews	Frazier	McKellar	Smathers
Bailey	George	Maloney	Smith
Bankhead	Gillette	Minton	Stewart
Barkley	Green	Murray	Thomas, Okla.
Bilbo	Guffey	Norris	Thomas, Utah
Brown	Hatch	Pepper	Truman
Byrd	Hayden	Pittman	Van Nuys
Byrnes	Herring	Radcliffe	Wagner
Caraway	Hill	Reynolds	
Chandler	Hughes	Schwartz	
Connally	King	Sheppard	

NOT VOTING—15

Ashurst	Clark, Idaho	Lucas	Reed
Bone	Donahey	McNary	Russell
Bridges	Glass	Mead	Tydings
Chavez	Harrison	Neely	

So Mr. TAFT's amendment to the committee amendment was rejected.

Mr. CLARK of Missouri. Mr. President, I send forward two amendments which I desire to offer after the substitute has been perfected. I desire to draw the naked issue of the arms embargo. I do not desire to offer these two amendments until the conclusion of the perfection of the joint resolution, but I do ask that they may be printed and lie on the table, and also that they may be printed in the RECORD.

There being no objection, the amendments were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 31, beginning with line 24, strike out through line 8, page 32.

At the end of the joint resolution insert the following:

"EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

"SEC. 20. (a) Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

"(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state.

"(d) 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.

"(e) Whoever, in violation of any of the provisions of this act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than $10,000, or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title

6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

"(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"(g) Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation."

Mr. CLARK of Missouri. Mr. President, I send forward an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 11 and to substitute the following:

SEC. 11. (a) During any war in which the United States is neutral it shall be unlawful for the armed merchant vessels of a belligerent foreign state to enter a port or the territorial waters of the United States or depart therefrom except under the same conditions as other naval surface vessels of belligerent foreign states.

(b) During any war in which the United States is neutral it shall be unlawful for the submarines of a belligerent foreign state to enter a port or the territorial waters of the United States or to depart therefrom except under conditions and subject to such limitations and restrictions as the President may prescribe or the Congress enact.

Mr. CLARK of Missouri. Mr. President, I think nearly every American read with interest the declaration of the President of the United States just a few days ago which embodied, under the existing law, the second portion of the amendment which I have just offered.

Under the provisions of the present law, and under the provisions of the proposed substitute for the present law, the control of armed merchantmen is a matter of discretion with the President. Under both the existing law and the proposed substitute the President has been given authority to restrain the entrance into American ports or prevent remaining in American ports, first, of armed merchantmen, and, second, of submarines, whether belligerent vessels or merchant vessels. The purpose of my amendment is to make it mandatory as to each one of these classes of vessels, that they shall not enter American ports except as vessels of war. It is my purpose in this discussion to show that the question of armed merchantmen and the question of belligerent submarines are inevitably and inextricably connected in such a way that they must be considered as a whole—that is, that the problem must be treated as a whole.

Mr. President, as I have heretofore stated on the floor of the Senate, it is my very confirmed belief that this extraordinary session of the Congress, involving, as it has already done, a full, adequate, and free discussion of the attitude which the United States of America should assume in the unhappy world situation which has now come upon us, has been a blessing to the country. I believe that in the absence of this meeting of the Congress, with the unhappy fear of American participation in the war, various decisions might have been made which might have been very tragic to the future welfare of the Republic.

I have heretofore expressed the opinion that the Congress should stay in session every day that the President's proclamation of national emergency—which, as I have heretofore explained, is a proclamation of full national emergency and not of limited national emergency—shall remain in force. However, for the Congress to be in Washington will mean very little if Congress itself does not know what is going on in Washington. For various reasons, Members of Congress are in a most unusual state of ignorance, except for what we read in the newspapers. I believe we are less informed about the conduct of our foreign affairs than are the parliamentary leaders in the House of Commons in England or the members of the Chamber of Deputies and of the French Senate in France. In France there is a joint legislative committee on foreign affairs which in peacetime and in wartime sits with the Prime Minister and the Secretary of State for Foreign Affairs and closely watches the development of foreign policy. All important documents are shown to it. It is comprised of members of all parties in the French Parliament. It is not hand-picked to exclude members who disagree with the foreign policy of the administration at the moment. In short, the people, through their representatives, are permitted to have some amount of participation in the most vital decision of their lives; that is, the decision as to whether they shall live in peace or shall die on the battlefield.

Mr. President, I wish to urge, as strongly as my feeble voice can do so, that we not only sit in Washington during the pendency of the national emergency and debate the matter which has been put before us, but that we constitute ourselves a body which will justify the trust of the American people, and through which they may actually know what is going on when it is going on, and not 20 years afterward, as was unfortunately true in the World War.

It was all of 20 years before the American people knew, for example, all the pressure brought to bear upon the Government in connection with the change of our foreign policy with regard to loans. It was all of 20 years before the American people knew that the chairman of the Foreign Relations Committee of the Senate at that time, the late Senator Stone, of Missouri, had been misinformed by the State Department as to very vital changes in our policies with regard to loans to belligerents. It was all of 20 years before the American people found out that the State Department, which at that time held itself up as the fountain head of all wisdom and all correctness of interpretation of international law, admitted that it had made a most colossal blunder in connection with draping the American flag around the armed merchantmen of foreign belligerents, and had tried in secret to undo the blunder and failed, leaving this Nation in a position in which its honor had been committed to a policy of armed merchantmen and their trouble with the submarines, from which, as was said on all hands, this Nation could not honorably withdraw.

Mr. President, the suggestion has been made in this debate from time to time that to deplore the conditions of the World War, to deplore the succession of little decisions—to use the expression of President Roosevelt—which led us into the war, is to reflect upon the memory or to impugn the motives of President Wilson, or the Senator from Idaho, or the Senator from Kentucky, or the Senator from Texas, or any one else who was a Member of the Congress at that time, or who was in an executive position, and who at that time felt impelled by the succession of events to be in favor of the declaration of war.

I desire with all the explicitness I can possibly command to deny any such suggestion. However, it seems to me to be absolutely incompatible with respect for the memory of the men who acted at that time according to the best lights they had not to try to draw a lessen from a succession of circumstances and a succession of decisions on which many of them were not informed when they made up their minds. No one questions the integrity of action on the part of any of those men; but I think that if the United States has not profited by the unfortunate experiences of that war, it may be a tragedy for ourselves and our posterity.

Mr. President, in my opinion, much of the disaster which led us into the war revolved around the secrecy of American diplomacy, by which a man who had never been confirmed by Congress to any possible office felt free to wander around Europe committing the United States to war in certain contingencies. Against such secrecy and against such blunders I think it is the duty of Congress not only to protest 20 years later, but completely to change its attitude of passively waiting until certain matters are called to its attention and then obediently, like a dutiful pupil, confining its attention to those matters and no others.

I think there is hardly a man or woman in Washington who on September 21 of this year, when the President made his address to Congress, did not realize that while there were references to the War of 1812—in my opinion, erroneous references—and to many other things, there were no references whatever to the blunders and horrible consequences which

came from leaving entirely to the Executive, without the active participation of Congress, all the important matters involved in foreign affairs during the last war.

For a President today to speak about receiving from the hands of Congress an approval for his foreign policy, without referring to the effect of such free and easy approvals as were given during the World War, is not only like having Hamlet without its main character, the Prince of Denmark; it is like talking about the wheat problem without mentioning the farmers. It is like talking about American interests abroad without mentioning the millions of young men in this country who, as a result of that loose talk, may be found, to our horrible surprise, attempting to do one of the things which neither the British nor the French are able or willing to try to do—give their lives to break through the west wall.

Among the many omissions of that kind in the message to Congress was one which I wish to single out. It deals with the very large problem of how this Nation can get into war without Congress either knowing about the steps taken or attempting to put barricades across those steps. I refer to the presence after 24 hours in our ports of the British-owned ships, the *Aquitania* and the *Mauretania*, mounted with 5-inch guns.

On September 24 one could drive along the high-speed highway on the west side of New York and see those two ships with their guns on in our harbor for more than 24 hours. They were not interned. They were not told to take their guns off. Hardly a columnist, hardly a writer, saw the significance of those two ships lying in our harbor with guns mounted, ready to load; ready to go out on the high seas; ready, as auxiliary naval vessels of His Majesty's Navy, to combat foreign belligerent vessels belonging to another power.

This matter of our attitude toward such armed merchantmen of armed nations was of such importance in the World War that the story warrants telling, if not to the Senators, who perhaps know it, to the American people so that they, too, may perhaps know it. The administration has acknowledged the fact that those ships were still in our ports after 24 hours, which means that they were not treated as naval vessels. The fact that they have not taken their guns off, at least as far as the naked eye can see, means that we shall be engaged in exactly the same tiresome, wearisome, futile, and admittedly erroneous arguments and position that led us, in the course of the years 1914, 1915, and 1916, to tie our American honor to the sancity of the naval auxiliary vessels of foreign nations.

Mr. President, since the departure of the *Aquitania* and the *Mauretania*, other vessels have come into American ports. We see in the current press of the day accounts of the arrival of the French ship *De Grasse* with guns mounted fore and aft, the British ship *Cameronia*, and the British ship *Georgic*. I ask unanimous consent that at this point in my remarks there may be inserted in the RECORD certain news articles which appeared in American newspapers with regard to the arrival of those ships.

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

The articles are as follows:

[From the New York Times of October 17, 1939]

NINE HUNDRED AND NINETY ARRIVE HERE ON TWO ARMED LINERS—"CAMERONIA" BRINGS IN 709 AND THE "DE GRASSE" 281—318 OF TOTAL ARE AMERICANS—CONVOY SYSTEM DROPPED—MASTER OF ENGLISH VESSEL SAYS PATROLS ARE USED NOW—GUN CREWS HELD PRACTICE

Nine hundred and ninety cheering, waving men, women, and children arrived here yesterday from foreign ports aboard two vessels of the belligerent nations that had crossed the Atlantic unannounced, with defense guns on their decks.

The first of the two vessels to appear was the French liner *De Grasse*, which carried 281 passengers and docked shortly before noon at pier 88 at West Forty-eighth Street. Two hours later the Anchor liner *Cameronia*, with 709 passengers, docked at pier 47 in the North River. Forty-seven of the *De Grasse's* passengers and 278 of the *Cameronia's* were American citizens. Also among the *Cameronia's* passengers were 58 Poles and 4 Czechoslovakians rescued from the *Athenia*. Both vessels were painted gray.

Capt. G. B. Kelly, master of the *Cameronia*, said the British Admiralty apparently has abandoned the convoy system and instead has dotted the Atlantic with patrol vessels from Europe to the North American Continent.

KEPT IN TOUCH WITH PATROLS

From the time the vessel sailed from Glasgow, carrying 40,000 cases of Scotch whisky in addition to its passengers, the captain said, he was in radio communication with the British Admiralty at all times and was constantly advised of the position of the patrols. The patrols, he said, consisted of destroyers and small cruisers.

Captain Kelly said he had been advised by the Admiralty that there were no submarines on the North Atlantic shipping lane from Ireland to Canada. Patrol boats were stationed off the Canadian coast, he said.

The gun crews of both vessels practiced firing their weapons on the way over and both ships were completely blacked out at night. According to passengers on the *De Grasse*, which was the first French liner from Europe since the *Ile de France* arrived on September 8, the gun crew used empty champagne cases tossed over the side as targets. One shot in three hit the mark, they declared. The *De Grasse* had a gun crew of ex-navy men who stood at their posts day and night. Both the *Cameronia* and the *De Grasse* had guns mounted fore and aft. The forward gun on the *De Grasse* was mounted on a turret and could be elevated to an angle of 85 degrees for antiaircraft defense; the after gun was mounted on a small platform for use against submarines.

ALL PORTS KEPT CLOSED

The *De Grasse* left Havre October 7 and Plymouth October 8 and was escorted by an armed British trawler through the mine field north of the English Channel. Capt. Francois Lebez declined to discuss the voyage but passengers said they had been caused considerable discomfort because not only was the vessel completely blacked out at night, but all portholes were closed, making ventilation of the cabins difficult.

There was only one lifeboat drill on the *De Grasse*, passengers said, but the boats were in position for lowering at all times. The use of portable radios was not permitted and no messages were sent from the vessel. Brief news bulletins, including that of the sinking of the *Royal Oak* and the torpedoing of the French vessels *Bretagne* and *Louisane*, were posted. The bulletins, the passengers said, only caused additional consternation.

The passengers of both the *Cameronia* and the *De Grasse* were voluble in expressing their relief at having arrived in New York safely. Immediately upon docking, Captains Kelly and Lebez went to the United States customhouse to make official explanation to Harry M. Durning, collector of the port, that the arms their vessels carried were for defensive purposes only.

THREE OTHER VESSELS DOCK

The other arrivals of the day included the American Scantic liner *Scanmail* with 130 passengers from Denmark and Scandinavia; the United States Army transport *Hunter Liggett* with 355 Army officers, officers' families, and soldiers from the Panama Canal Zone; and the Nippon Yusen Kaisha steamer *Kasima Maru* with 180 Japanese refugees from European war zones.

All but one of the Japanese intend to continue on to Japan. The exception was Minoru Kawabata, son of the artist Ryushi Kawabata, who applied for permission to continue his art studies here. Young Kawabata was one of a group of 30 artists and writers forced by the war to leave their French homes.

Mrs. Toyo Miyazaki, wife of the Acting Japanese Ambassador to France, also was on board with her 3-year-old son.

The passengers on the *Scanmail*, most of them American citizens, included Miss Marie Hollis, an acrobatic dancer who twice danced before Hitler and only once got paid. The first time was at the reopening of the Deutsches Theater in Munich, the second was at a special request party at the Musical Academy in Berlin.

"I did not get paid for the request performance," she said. "It is supposed to be an honor to give a command performance before Hitler. I was asked to do it, and in Germany when you are asked to do something for Hitler, you do it. However, he did send me some flowers."

[From the New York Times of October 23, 1939]

"GEORGIC" HERE A DAY EARLY—ANCHORS OVERNIGHT TO AWAIT CUSTOMS INSPECTION

The Cunard White Star motorship *Georgic* caused some surprise along the water front yesterday by arriving a day ahead of time. She brought 341 passengers and had been expected by customs and immigration officials to dock today at pier 54, West Fourteenth Street, at 9 a. m.

The *Georgic*, painted war gray and with a 6-inch uncovered gun on her after deck, passed through quarantine at 12:30 p. m. yesterday and proceeded up the harbor toward her pier. Her arrival was reported to the Cunard White Star Line here and the tugboat *George M. Barret* was sent to meet the ship with orders for Capt. Edgar Edkin, the master, to turn her around and anchor off Clifton, Staten Island, for the night.

There were no immigration or customs officials available, as no advance notice of the change in the ship's arrival time had been given.

The arrival of the *Georgic* a week after the *Samaria* tended to bear out the statement by the Cunard White Star Line that weekly passenger and freight service would be maintained by the company between New York and England.

Two other British steamships arrived in quarantine yesterday at the same time as the *Georgic*. They were the Lamport & Holt freighter *Swinburne* from Para, Brazil, with two passengers, and

the *City of Wellington*, from Calcutta, owned by the Ellerman Bucknell Line, the company that owned the *City of Mandalay*, which was sunk in the Bay of Biscay last week.

The *Swinburne* went to pier 5, Hoboken, and the *City of Wellington* anchored off Clifton, Staten Island.

Many motorists on the West Side Highway yesterday viewed the *Queen Mary* and *Normandie* lying at their piers in the North River. The uncovered gun on the *Georgic* attracted attention of motorists ashore when she turned about at Fourteenth Street to steam to anchorage.

Mr. CLARK of Missouri. Mr. President, I wish to summarize very briefly the history of our inglorious and mistaken policy toward armed merchantmen in the last war, and I do it with no partisanship, no animosity toward any man, because the men who invented that policy admitted that they had been wrong. They tried to change it, as you will see; but the American public had been kept in such ignorance of their realization of their error that they could not change it without doing the thing statesmen most dislike—admitting in public that they had taken the Nation up to the edge of war without warrant, and reversing themselves in public. What I am complaining about at this moment, and what I am asking for definite, clear, and immediate action on by Congress, is our apparent intent to repeat the very same error. If we cannot even learn anything from the experiences in the World War and our mistakes in it, then it must be said to the thousands of dead and the thousands of wartime casualties that their suffering was indeed useless.

I wish to repeat that we seem to be starting off now on the same policy in regard to armed merchantmen which President Wilson and Secretary Lansing themselves started off on; and after thousands of drownings, and after the American flag had been draped around foreign ships, where it had no right to be, they admitted they were wrong.

When the *Mauretania* and the *Aquitania* left the port of New York with their guns mounted, we were well on the way to ignore all the hard-bought wisdom which the leading officials of the last wartime administration had garnered after a year and a half of mistakes. I freely admit that there is some difference between the last war and the present war, the major difference to date being that the last war began in August and the present one in September. You remember that, even before the present war broke out, American officials felt so duty-bound to prevent any possible foreign belligerent vessel from becoming armed in our ports that they held the *Bremen* here for some time and searched her and researched her for guns. I am not quite clear in my own mind as to why those searches did not go on on the *Aquitania* and the *Mauretania* and the *De Grasse* and the *Cameronia*, possibly meeting with some success, unless, perhaps, our Treasury officials do not believe what they see in the newspapers and have consequently passed up the pictures prominently displayed in every metropolitan newspaper of these ships with their guns so conspicuously present that a man would have to be very blind indeed to ignore them.

The searching of the *Bremen* is an echo of August 1914 when, the day after the Belgian border had been crossed, the British warned us of our duty to prevent German merchant vessels in our ports from arming and going out to sea, stating that we should be held responsible for any damages they inflicted. It told us that the *Kronprinz Wilhelm* had sailed on August 3 fitted with guns, and might become a commerce raider. The presence of the *Aquitania* and the *Mauretania* also brings back the echoes of early August 1914, for on August 9, 1914, the British Chargé d'Affaires, Mr. Barclay, presented a note to Secretary of State Bryan, saying:

> As you are no doubt aware, a certain number of British merchant vessels are armed, but this is a precautionary measure adopted solely for the purpose of defense, which, under existing rules of international law, is the right of all merchant vessels when attacked. (Foreign Relations Supplement, 1914, p. 598.)

This note told us that we had no right to intern or order the immediate departure of belligerent vessels except "actual and potential" men of war. I do not know whether the State Department is now in receipt of any similar communications concerning the *Aquitania* and the *Mauretania* or other armed merchant vessels which may seek the safety of our ports. My resolution calls, as will be noticed, for that information, but the captains of the two ships now in our port made public statements upon their arrival here that the guns were purely for defensive purposes.

The British diplomats of 1914 insisted that we keep our ports open completely to British armed merchantmen, and on August 25, a little over 25 years and a month ago, we were handed a piece of paper, signed by the British Ambassador, which was, in the unfortunate course of events, to become the second "scrap of paper" of the World War. We were told by the British Ambassador that—

> In view of the fact that a number of British armed merchantmen will now be visiting United States ports—

He had the honor—

> to reiterate that the arming of British merchantmen is solely a precautionary measure adopted for the purpose of defense against attack from hostile craft. (Foreign Relations Supplement, 1914, p. 604.)

Then came the guaranty, which we were requested to take seriously, and did take seriously, and yet which, as will be seen upon analysis, was based on the odd presumption that a man behind a gun will not shoot until he has punctiliously waited to be shot upon. The guaranty reads:

> I have at the same time been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to give the United States Government the fullest assurances that British merchant vessels will never be used for purposes of attack, that they are merely traders armed only for defense, that they will never fire unless first fired upon, and that they will never under any circumstances attack any vessel. (Foreign Relations Supplement, 1914, p. 604.)

Among the British ships then entering our ports, as the *Mauretania*, the *Aquitania*, the *Cameronia*, and the French ship *De Grasse* have entered now, were the White Star liner *Adriatic* and the British ship *Merion*. The *Adriatic* sailed with her guns still mounted. In the case of the *Merion* the assurance was given the Secretary that the ammunition would be taken off and the guns dismounted and placed in the hold. In the same days the German ships were being prevented from mounting guns in our ports because under international law a neutral government was required to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction and the departure of any vessels which it had reasonable ground to believe would carry on war against a belligerent. Great Britain had to pay damages for allowing this in the case of the Confederate cruiser *Alabama*.

Mr. President, in the last few days I have listened to eloquent and cogent dissertations in this body by many Senators, including the Senator from Nevada [Mr. PITTMAN], the Senator from Texas [Mr. CONNALLY] and other Senators, with which I entirely agreed, inveighing against the distinctions sought to be made between offensive and defensive weapons. I agree, so far as I am concerned, that it is impossible to define weapons as offensive or defensive weapons on land, and it is equally impossible to define 5-inch guns or 6-inch guns or 12-inch guns, mounted on merchantmen, as offensive or defensive weapons. It is equally as impossible to make that distinction on vessels afloat as it is as to forces on land.

Mr. CONNALLY. Mr. President——

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

Mr. CLARK of Missouri. I yield.

Mr. CONNALLY. While what the Senator says is absolutely true, there is a distinction between the uses made of the weapons.

Mr. CLARK of Missouri. Mr. President, that extends to all weapons. There is great difference between the uses, but, as I shall show officially in confirmation, when the British admiralty orders an armed merchantman to fire on a submarine on sight, its gun necessarily becomes an offensive

weapon. The distinction the Senator is now trying to make is true of all weapons.

Mr. CONNALLY. I do not desire to disturb the Senator in his remarks, but he mentioned my name——

Mr. CLARK of Missouri. I mentioned a statement made by the Senator from Texas, with which I agree.

Mr. CONNALLY. A 5-inch gun is both an offensive and a defensive weapon, but if it is not used for offense, it is not an offensive weapon.

Mr. CLARK of Missouri. Mr. President, the distinction the Senator is now seeking to draw is one which I agreed with him was unsound in connection with land weapons, and I insist it is equally unsound with regard to weapons used afloat.

Mr. CONNALLY. The Senator is aware of the fact, however, that that was exactly the position of this Government in 1914, and all during the World War as to armed merchantmen; that is, if a merchantman was armed only with defensive weapons, and made no offensive use of the weapons which it carried, it was not a war vessel.

Mr. CLARK of Missouri. I do not like to cut the Senator off, but I will presently show that the Government of the United States itself concluded that it made a very bad ruling on that point during the last war.

So, again in August and the beginning of September, 25 years ago, we were doing to other German ships what we did to the *Bremen*, and at the same time doing to British ships what we are doing with the *Mauretania* and the *Aquitania*.

Professor Borchard, whose book, Neutrality for the United States, is one of the outstanding contributions of a distinguished international lawyer to the whole subject, says:

> At that early date, therefore, the department conceded in favor of Britain and against Germany the unsustainable distinctions between armaments on German and on British vessels, based on the supposedly offensive or defensive intention with which the arms were to be used. * * * This was a fateful mistake into which the administration was led by poor advice which it went out of its way to demand.

He, too, points out—

> The invalidity of this distinction the Department had subsequently (January 10, 1916) to admit; but the admission was retracted on March 25, 1916, when, under circumstances presently to be related, the Secretary of State readopted the erroneous view that British armed merchantmen were legally immune from unwarranted submarine attack. (Borchard, Neutrality for the United States, p. 85.)

This whole matter was enormously important to the British, as we shall see later, from the point of view of getting us involved, although I do not say that this was their major consideration at the moment in urging this position upon us. On September 9 they sent a memorandum to us, explaining that arming merchant vessels was an old English custom, and claiming that the right to arm and resist capture had been sustained by Chief Justice Marshall in the case of the *Nereide*. In support of their claim, they did not hesitate to leave out the key words of the United States Naval War Code of 1900, article 10. They quoted it as reading—

> The prisoners of merchant vessels of an enemy who, in self-defense and in protection of the vessel placed in their charge, resist to an attack, are entitled to the status of prisoners of war. (Foreign Relations Supplement, 1941, p. 608.)

Actually, the article of our Naval War Code reads:

> * * * are entitled, if captured, to the status of prisoners of war.

The British argued, therefore, that—

> * * * a merchant vessel armed purely for self-defence is therefore entitled, under international law, to enjoy the status of a peaceful trading ship in neutral ports and His Majesty's Government do not ask for better treatment for British merchant ships in this respect than might be accorded to those of other powers.

Professor Borchard comments:

> There was no connection between premise and conclusion. Merchantmen certainly have been privileged to arm—contrary to a view Germany expressed—but they thereupon lost their immunities as merchant vessels. They could be legitimately treated as war vessels, both on the high seas and in port.

What Chief Justice Marshall actually said in the *Nereide* case was:

> She is an open and declared belligerent; claiming all the rights and subject to all the dangers of a belligerent character. (9 Cranch 388–430.)

Which, Mr. President, I believe to be the correct rule of international law today.

This argument was accepted at that time by our high officials, as I presume similar arguments are now being accepted in connection with the *Mauretania* and the *Aquitania* and the other ships which have been in our ports. The result of the British contention that these armed vessels were just as peaceful as unarmed vessels was that not only the President but the whole Congress was mislead into taking a position which had no foundation either in law or in common sense. The ink on the British argument was hardly dry before we had accepted it on September 19, 1914, just a bare 25 years ago.

Mr. Lansing, the Solicitor of the Department of State, later Secretary of State, let everybody know what we thought about these armed merchant vessels and, in the course of it, came to conclusions which—

> * * * served to drag the United States into positions so inflexible and acrimonious that they became identified with national honor. From these there was no retreat except war. (Borchard, p. 88.)

Mr. President, there are several interesting things here. The first is that the Dutch Nation saw right through this whole argument that an armed ship would not use its guns except defensively, and threw the argument overboard and would have none of it. In fact, the Dutch compelled the British armed merchantman *Princess Melita* to dump its guns and ammunition overboard before admission into Dutch waters. The British tried on the Dutch every argument that they tried on us, but where we did not see through them until a year and a half later, the Dutch saw through them at once and avoided the complications which we did not avoid. The Dutch statement was very simple:

> A belligerent merchant vessel which fights to escape capture or destruction by an enemy warship commits an act the legitimacy of which is indeed unquestionable, but which is nonetheless an act of war.
>
> The Queen's Government are of the opinion that it would be contrary to the strict neutrality which they have determined to observe from the beginning of the war not to assimilate to a belligerent * * * any belligerent merchant vessel armed with the object of committing, in case of need, an act of war." (Borchard, p. 101.)

The other thing to note is that there was no secrecy about the fact that the British merchantmen, which, like our own subsidized ships, are supposed to be converted into auxiliaries of the fleet and are subsidized by the Government, have emplacements for guns which can be mounted easily. In England the *Mauretania*—that is, the old *Mauretania*—was subsidized under the "Cunard agreement," which provided, among other things, that all the officers had to belong to the Royal Naval Reserve. The armament of some of these ships cost a million pounds sterling.

In the last war for a while, there was no trouble as a result of our accepting the British view that these armed merchantmen were simply peaceful ships. The question, however, began to become acute in 1915 when submarine warfare began in earnest. The British Admiralty on February 10, 1915, issued orders to its merchant vessels to ram submarines. On February 25, these instructions were amplified by ordering merchantmen to fire on submarines at sight. Now these orders, as the Senate can see very readily, were very, very different from the mild assurances and guaranties given us on August 25, 1914, that "British merchant vessels will never be used for purposes of attack * * * and that they will never under any circumstances attack any vessel." I wish to point out that this change of instructions was, as far as our historians have been able to find out, not communicated to the State Department to which the guaranties had so nobly been given by the government which had given them. The information concerning these

amended orders came through the American Ambassador in Berlin. We do not want to have any guaranties given to us and then taken away without our knowing about it, all over again.

As these instructions became public, it was obviously even more difficult than before to pretend or hold that there was a real distinction between the offensive and defensive armaments. In 1936, in the Journal of Royal United Service Institute, the British general, Sir Henry Thuillier, commented, in regard to arms on merchant vessels:

I find a difficulty, being a soldier, in knowing how to distinguish between weapons used in aggression and those used in defense.

Mr. President, I again refer to the distinction between the weapons used in aggression and those used in defense. I stated on the Senate floor the other day, in connection with the criticism of the address of Colonel Lindbergh, against which so much frantic debate has been directed both in and out of this body, particularly by the so-called kept columnists, which indicates that it is the galled jade that winces, that having for a brief time been a soldier myself I found great difficulty in knowing how to distinguish between weapons of aggression and those used in defense.

In this connection—and I am referring now particularly to the reference to offensive and defensive weapons mounted on armed merchantmen—I wish to refer to the comment which Admiral McClain of our own Navy made to the Senate Committee on Naval Affairs in 1930 when he told the committee:

The most effective step toward humanizing the use of submarines in war, would, in my opinion, have been a provision forbidding the arming of merchant vessels when on a peaceful mission. * * * A submarine in the last war fired without warning purely because he knew that as soon as he exposed himself to give warning he would be shot at by the merchant vessel. * * * To my mind, the question of disarming a merchant vessel is the secret of the whole thing. * * * If you put a gun on a merchant ship now, it is to enable her to violate the law. * * *

I wish to repeat the last sentence for the benefit of the Senate and the American people:

* * * If you put a gun on a merchant ship now, it is to enable her to violate the law.

In relation to the fact that the *Mauretania*, the *Aquitania*, *Georgic*, the *Cameronia*, and other ships were allowed to put into our ports with guns mounted fore and aft, to be used in any way that they might see fit on the high seas, I ask how that comports with our protestations of neutrality.

As the year 1915 wore on, the Germans brought the submarine weapon into use. According to international law, a belligerent vessel is supposed to search and either seize or sink a vessel carrying contraband to an enemy after allowing the crew and passengers to escape to lifeboats. However, the instructions to the merchant vessels were to fire on the submarines on sight and to ram them. The simple technical situation was that a shot from a 5-inch gun could sink a submarine while it was on the surface or while it was rising to the surface to go through the formalities of halting and searching the merchantman. The Germans knew that a good many of the British ships were armed. They did not necessarily know which ones. They could never be sure. To rise to the surface was to risk their lives with any ship.

The whole situation was complicated by the fact that we were allowing our American citizens to travel on these British armed merchantmen just as if they were not in fact warships. Some of those ships were sunk, as Senators will remember. The *Lusitania*, which was sunk to our horror, was not, so far as is known, carrying any guns at all. It had been in the practice of flying the American flag instead of the British flag, which aroused a certain amount of indignation here but led to no action, not only because Congress did not see and understand the consequences, but because Congress was not kept fully informed as to what was going on. The Secretary of State, Mr. Bryan, did protest on February 10, 1915, to the British that their unauthorized use of our flag and other flags was going to lead to attacks on our own ships legitimately carrying our own flag. His note read:

The Department has been advised of the declaration of the German Admiralty on February 4 indicating that the British Government had on January 31 explicitly authorized the use of neutral flags—

I ask the Senate to remember this statement, indicating that the British Government had on January 31 explicitly authorized the use of neutral flags, including the American flag—

on British merchant vessels, presumably for the purpose of avoiding recognition by German naval forces. The Department's attention has also been directed to reports in the press that the captain of the *Lusitania*, acting upon orders or information received from the British authorities, raised the American flag as his vessel approached the British coast in order to escape anticipated attacks by German submarines.

Walter Millis, in one of the ablest reviews of the last war, in his Road to War cites a trip of Colonel House about this time on the *Lusitania:*

The passengers were full of the new submarine war; approaching St. Georges Channel they noticed, with mingled emotions, the boats being uncovered and swung out, and then the sudden appearance at the *Lusitania's* monkey gaff of the Stars and Stripes! Colonel House discreetly omitted to observe this latter phenomenon himself, but others did, and there were big stories about the strategem in the American newspapers. It was a sudden suggestion that there might, after all, be more complications in this submarine affair than had at first appeared; more than that, it lent color to the German contention that they could not guarantee the safety of neutral ships in the war zone because the Allies were misusing neutral flags.

Our pro-Ally press—

That refers to the American pro-Ally press—

proved equal even to this situation. If the *Lusitania* had been compelled to misuse our flag, the Philadelphia Ledger severely observed, the "one effect" should be "to provoke an immediate declaration against the barbarous policy which Germany proposes to enter upon." At the State Department they were less biased and more logical; unfortunately, all they saw in the flag episode was an opening for a conventionally adroit move in the routine chess game of diplomacy. On February 10 a stiff note was dispatched to Germany:

"If the commanders of German vessels of war should act upon the presumption that the flag of the United States was not being used in good faith and should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights."

Mr. Millis continues:

Thus flatly—and far too hastily—was the war-zone concept rejected. To the argument that the Germans had been authorized to adopt it by our acquiescence when it was invented by the British, we replied upon the technically correct, if practically irrelevant, ground that we hadn't acquiesced. Were we not, indeed, still protesting British illegalities? And to prove it another note was despatched on the same day to Great Britain, energetically protesting the misuse of our flag. This protest was of course to go the way of all our others; yet in the German note we had added—incautiously, even recklessly—that we would hold Germany "to a strict accountability." It was a phrase which President Wilson was later to have cause to regret. [Millis, p. 136.]

Outwardly the British spokesmen bent all their energies to denouncing the barbarity of the submarine campaign. As a matter of fact, however, it had come as a godsend. The calculations of the British Admiralty convinced them that the Germans as yet had too few submarines to make any serious inroads upon their commerce if only the merchant ships would risk the inevitable sinkings. On the other hand, as Mr. Winston Churchill has put it, "we were sure that [the submarine war] would offend and perhaps embroil the United States; and that in any case our position for enforcing the blockade would be greatly strengthened. We looked forward to a sensible abatement of the pressure which the American Government was putting upon us." On this realistic appreciation of the situation they immediately extended their great project to starve the German civilians into submission (p. 137).

I wish particularly to call attention to this last statement by Mr. Winston Churchill, quoted by Mr. Millis, that the British realized the more we became entangled in this controversy between the armed merchantmen and the submarines the greater was the chance for our letting the British violate international law and blockade Germany with complete disregard of it. This question of the misuse of the American flag was not settled during the last war by the Congress or the Executive. I am happy that today the Senate made a very, very slight advance in that direction.

As I remember, one of the early neutrality bills contained a prohibition that if any belligerent used our flag as a means of deceit the President should forbid our ports to all vessels of that belligerent. For some reason which I have not been able to ascertain that provision was discarded and was never passed by either House. Therefore, while we have made a

slight beginning in that direction today, I think it is a subject which should receive the recurrent and constant attention of the Congress.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. CLARK of Missouri. I will take some time on the joint resolution, Mr. President.

I very earnestly suggest that we come back to the question and cite in this connection the account of a case which was referred to by Secretary Lansing, who can in no wise be accused of being anti-British, and who in his later memoirs wrote, as will be remembered, that:

> The notes that were sent [to Britain] were long and exhaustive treatises, which opened up new subjects of discussion rather than closing those in controversy. Short and emphatic notes were dangerous. Everything was submerged in verbosity. It was done with deliberate purpose * * *. (Munitions Committee Report, pt. 5, p. 23.)

That was the characterization by the American Secretary of State of his own notes which he had sent to Great Britain. The notes to England were probably made long and verbose in order that nothing should be brought to a head, and our rights were subordinated to the interests of the British in these matters.

Secretary Lansing said—and I think this is a subject of great importance:

> You will recall the case of the *Baralong*, where a German submarine was bombarding a vessel from which the crew had escaped in boats, when a tramp steamer approached flying the American flag. The submarine remained on the surface and awaited the steamer, which, on nearing the submarine, lowered the American flag, hoisted the British colors, and, with a gun mounted on the stern (a defensive armament, according to our early definition), opened fire and sank the German vessel, killing all the crew. The British Government would urge that this was merely a ruse de guerre and entirely allowable, and so it would have been under old conditions, but under the new conditions it presents a strong argument in favor of submarine attack without warning. (Munitions Committee Report, pt. 5, p. 36.)

Mr. President, the present situation is ready for another *Baralong* case. We have excluded submarines from our harbors, but we are permitting to enter and leave our harbors, without the treatment to which vessels of war are subjected, armed merchantmen, whose arming is the necessary and inevitable concomitant to unrestricted submarine warfare. As I have just stated, the present situation is ready for another *Baralong* case.

There is nothing in the proposed neutrality law, as redrafted and now presented to Congress, which will take care of this situation. Unless the chairman of the Committee on Foreign Relations, or other Members who have doubtless given thought to this situation, have violent objections, I shall propose at the proper time to amend the joint resolution so as to penalize the use of the American flag by foreign belligerents in the most rigorous way possible by forbidding the use of our ports to nations flying our flag for deceit.

I wish to return to the rest of the account of the armed belligerent merchantmen, and will repeat that American intervention in the European war was largely induced by the attempt of the administration at that time to maintain not only the privilege of the British merchantmen to arm, but to use their arms against submarines, while yet enjoying immunity from submarine attack because the merchantman had American citizens among her passengers or crew. I appreciate full well the fact that some of the Senators who have studied our experiences in the World War have done a noble service to the country in bringing to the fore and keeping to the fore the idea that American citizens had no right to endanger the peace of the country by venturing abroad on the naval vessels of foreign belligerents.

I believe we should redraft that part of the pending measure so as to provide that American citizens may travel on American passenger vessels carrying no contraband. I believe that could be done, provided it were made indubitably sure that the vessels upon which they were traveling neither were armed nor were carrying contraband, nor were prepared to resist proper visit and search.

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

Mr. CLARK of Missouri. I yield to the Senator from Nevada.

Mr. PITTMAN. Do I correctly understand that the Senator would be willing to have Americans travel on belligerent merchantmen if they could be assured that the vessels were not armed and were not carrying contraband?

Mr. CLARK of Missouri. Mr. President, the theory which I have been attempting to expound is that the only justification which has ever been urged for unrestricted submarine warfare is that certain merchant vessels were not only carrying contraband but were prepared to resist the right of visit and search guaranteed belligerent vessels under international law. I say that if there could be an understanding or assurance that the vessels which leave our ports were not armed and were not in any way prepared to resist visit and search, there would be no justification for unrestricted submarine warfare; and I do not believe that even Hitler would risk such a course. I say that it is the fundamental duty of the United States not to permit armed belligerent vessels, under the guise of being merchantmen, to enter or leave our ports except under the restrictions commonly and ordinarily applied to vessels of war.

Mr. PITTMAN. Of course, that was not my question. I agree with the Senator that, if it were known that a vessel was a merchant ship, if it were known that it was not armed, and if it were known that it was not carrying contraband, there would be no excuse to sink it without notice. On the other hand, knowing the belligerents as I do from the history of the last war, I realize that we cannot know what they are going to call contraband. I realize that we cannot know whether or not they are going to believe that a given ship is not armed. Therefore I am totally unprepared unnecessarily to submit our citizens to the danger of being killed; and I think it is entirely unnecessary for them to travel on belligerent vessels.

Mr. CLARK of Missouri. Mr. President, I entirely agree with the statement of the Senator from Nevada that no American citizen should be permitted to endanger the peace of the United States. I say only that if the United States, as the greatest and most powerful nation in the world, were to say, as the Dutch did in the last war, "We will not permit a merchant vessel to enter or leave our ports with arms, or with guns mounted for the purpose of resisting the right guaranteed under international law of visit and search, or possible seizure and sinking," the Germans, according to any contention which they ever made in the last war or in this war, would have no excuse for sinking without warning. If the United States should enforce what seems to me to be the equitable common rule of international law of treating both sides alike, it might be entirely possible in such a situation for vessels to sail across the sea without the risk of being sunk without notice.

During 1915 we had committed ourselves to a course which was fraught with danger for us. Germany was being starved by the Allied blockade, which did not let food get into Germany. England was suffering from a German attempt to starve it by sinking its ships. We went into the middle of the situation and, without maintaining whatever rights we had to ship food to Germany, decided, in effect, that Germany had no right to starve England, although the actual controversy was about whether German submarines ought to expose themselves to being sunk with one shot before searching the armed British vessels. Once a policy—particularly an erroneous policy—is adopted, it is very difficult to change it, even if changing that policy might do something toward keeping us out of war. The President himself, at a time just a little before the sinking of the *Lusitania*, said that the fact that we had, during a very short period in August and September, made up our minds to accept the British conditions about the peaceful conditions of their armed merchantmen precluded our saying we were wrong. In a note to Secretary Lansing, he said:

> We defined our position at the outset and cannot alter it—at any rate so far as it affects the past.

The American people did not know that Charles Cheney Hyde, a very distinguished international lawyer then in the

Department of State, was protesting the exports of munitions and arms.

After all this had gone on, and the American honor had been tied to the idea that Germany was to be prevented from sinking merchantmen of belligerent nations and held to strict accountability, the State Department apparently became aware that the policy had been wrong.

We find Colonel House making a notation in his famous diary on October 2, 1915, the time he was engaging with Lord Reading in negotiations concerning the $500,000,000 Anglo-French loan which was the first result of our changing our foreign policy—again without consulting Congress—on the matter of loans and credits. Congress, if it had been in session and had been correctly informed, instead of incorrectly informed, by the State Department concerning the matter of loans, might have saved us from a very heavy financial entanglement. Colonel House noted his conversation, as follows:

What the British Government desire is that on the one hand we shall demand of Germany that no merchantman shall be sunk without warning, and, on the other hand, that merchantmen shall, as in times gone by, have the right to arm. I mentioned my conference with Lansing on this subject, in which Lansing did most of the arguing, holding that they could not have their cake and eat it, too; that it was manifestly unjust to the submarine to give merchantmen warning and then permit them to fire upon the submarine and sink it while she was giving the warning. (Munitions Committee Report, pt. 5, p. 35.)

President Wilson was becoming aware of the matter. In a letter to Colonel House on October 4, 1915, 2 days after the previous entry in the House diary, the President said:

I read the letters from Plunkett and Balfour with the greatest interest. The matter of armed merchantmen is not so simple as Balfour would make it. It is hardly fair to ask submarine commanders to give warning by summons if, when they approach as near as they must for that purpose, they are to be fired upon, as Balfour would evidently have them fired upon. It is a question of many sides and is giving Lansing and me some perplexed moments. (Munitions Committee Report, pt. 5, p. 120.)

On October 18 the Acting Secretary of State, Mr. Lansing, cabled our Ambassador in England:

It has been reported to the Department that British Government has ordered British merchant vessels to arm themselves with small-caliber guns manned by trained gunners, and instructed such armed vessels to ram and otherwise make unprovoked attacks on German submarine craft, and that such attacks have been made by these vessels and submarines sunk as a result. * * * (Munitions Committee Report, pt. 5, p. 36.)

What happened between October and January in this connection is still shrouded in mystery, but by January 2, 1916, the Secretary of State had been sufficiently aroused to the danger on our part of continuing to treat British armed merchantmen purely as commercial vessels that he addressed the President formally on the subject in a letter, of which the President said:

This seems to me reasonable and thoroughly worth trying.

In the letter Secretary Lansing held forth as follows:

Three or four days ago I forwarded to the Italian Ambassador at his request the statement in regard to armed merchant vessels, which we issued in September 1914. I had discussed the question some 4 or 5 weeks before with Mr. Barclay, of the British Embassy, and told him that, in view of the development of submarines as commerce destroyers, which had been unknown when our statement was issued. I felt that the arming of merchant vessels with any gun, of sufficient caliber to attack a submarine, would make it very difficult, if not impossible, to insist that a submarine should expose itself to attack by coming to the surface and hailing a vessel so armed; and that, while the armament might be termed "defensive", it was capable of being used offensively against a submarine and so I thought that a merchant ship carrying a gun or guns would have to be considered and treated as a vessel of war if it entered our ports.

Since we issued the statement of September 1914, formally, it appears to me advisable to issue a new statement setting forth the new conditions resulting from the successful employment of submarines in interrupting and destroying commercial vessels, the impossibility of a submarine's communicating with an armed merchant ship without exposing itself to the gravest danger of being sunk by gunfire because of its weakness defensively, the unreasonableness of requiring a submarine to run the danger of being almost certainly destroyed by giving warning to a vessel carrying an armament, and that, therefore, merchant vessels should refrain from mounting guns large enough to sink a submarine, and that, if they do, they become vessels of war and liable to treatment as such by both belligerents and neutrals.

The chief difficulty with the situation seems to me to lie in this: If some merchant vessels carry arms and others do not, how can a submarine determine this fact without exposing itself to great risk of being sunk? Unless the Entente Allies positively agree not to arm any of their merchant vessels and notify the Central Powers to that effect, is there not strong reason why a submarine should not warn a vessel before launching an attack?

* * * * * * *

Not only, therefore, should we, in my judgment, rewrite our statement as to the status of armed merchant vessels but show that if any vessels of that class is armed, all merchant vessels are in danger of sudden attack without warning. As to the use of the American flag on any merchant ship converted into an armed vessel it might be well also to make representations to the British Government. (Munitions Committee Report, pt. 5, pp. 36, 37.)

Here, then, was our Department of State admitting that its attitude toward the armed merchantmen had been wrong, and proposing to pull itself out of its difficulties if it could. It will be remembered in this connection that Secretary Lansing, in his war memoirs published later, not only admitted that he had been more pro-British than pro-American throughout the controversies before we entered the war, but that he blamed the Allies bitterly for not accepting the proposal he was then making.

It is interesting to follow the line of reasoning in these matters. When the President and his Secretary of State were convinced that the policy had to be changed, they did not make a proposal to the world. Instead, they made it only to the Allies, who, because it had been made only to them, could then decline it in all secrecy.

On January 16, Secretary Lansing wrote the President:

My first inclination was to send letters to the German Ambassador and Austrian Chargé, but two reasons prevented: first, I was convinced that the German and Austrian Governments would assent to the propcsal as it only required them to conform to the rules of international law, while it required their enemies to modify a present practice which might be construed into the relinquishment of a legal right; and, second, if Germany and Austria acceded promptly to the suggestion, any demur by Great Britain, France, Italy, or Belgium would, if it became known (as it would undoubtedly through the German or Austrian Embassies), arouse adverse criticism in the press of this country and excite public resentment against the Entente Powers, which appears to be increasing from day to day.

By adopting this method of approach, the proposal can be kept secret if it is refused by the Entente Governments and if it is considered inexpedient to make it public. (Munitions Committee Report, pt. 5, p. 37.)

It will be noticed that in the last paragraph he says if the proposal is refused by the Entente Governments it can be kept secret; if it is accepted by the other governments, it will become known. The obvious desire which stands out in this language is to force nothing on England or France, no matter how right or how much in accord with international law it was.

The President replied:

This draft has my entire approval. I hope that you will send it to the governments you have indicated to me; and I most sincerely hope that they will feel that we are right in our argument and suggestions and will be willing to cooperate with us in attaining the object we have in view, an object which they must surely wish to accomplish as earnestly as we do, and which this seems, in the circumstance, the only feasible way of reaching. (Munitions Committee Report, pt. 5, p. 37.)

After this approval by the President, the proposal went forward to the Allies. It was called a modus vivendi—

* * * a modus vivendi for the observance of rules of international law and principles of humanity by submarines and the discontinuance of armament of merchant ships.

It pointed out that the use of the submarine had changed the situation regarding so-called defensively armed merchant vessels, and that a submarine could not stop and search a merchant vessel on the high seas without exposing itself to almost certain destruction by the guns on board the merchant vessel.

It would therefore appear to be a reasonable and reciprocally just arrangement, if it could be agreed by the opposing belligerents, that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels

as prizes of war, and that merchant vessels of belligerent nationality should be prohibited and prevented from carrying any armament whatsoever * * *.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral, as well as by a belligerent government, and is seriously considering instructing its officials accordingly. (Munitions Committee Report, pt. 5, p. 37.)

The proposal was that an enemy merchant vessel should not be attacked without being ordered to stop. The vessel then had to stop, and should not be attacked unless it attempted to flee or resist. If it was impossible to place a prize crew on board or take it into port it could be sunk, provided the crew and passengers had been removed to a place of safety. In other words, the proposal admitted the existence of a submarine as a new naval weapon, and contended that the—

Placing of guns on merchantmen at the present day of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament. (Foreign Relations Supplement, 1916, p. 142.)

The proposal was that—

Merchant vessels of belligerent nationality should be prohibited and prevented from carrying any armament whatsoever.

In turn, the submarines would rise to the surface and give passengers and crew an opportunity to attain safety before the ship was sunk.

Of this proposal, Professor Borchard says:

Mr. Lansing's proposal was the high point of the American effort at neutrality. It was sound and unassailable, but short-lived. Had the position been maintained it might have been more difficult to find a good ground on which to lure the country into war, which by that time an influential minority seemed to desire. (Borchard, p. 106.)

Let me give one more quotation to indicate that the guiding officials of our foreign policy at that time realized everything that was involved. It became clear, for reasons which I wish to go into later, that the British and French did not want to have us withdraw from our involvement in the controversy between the submarines and their armed merchantmen. They wanted us to stay right in the middle of that controversy; and the reception given to the proposal for disarming the merchantmen was cold.

On January 27, the Secretary of State wrote the President:

It seems to me that the British Government expected us to denounce submarine warfare as inhuman and to deny the right to use submarines in attacking commercial vessels; and that these statements by Sir Edward Grey evidence his great disappointment that we have failed to be the instrument to save British commerce from attack by Germany.

* * * * * * *

In regard to the submarine matter I think there is nothing to be done until we have heard from the Allies of Great Britain but I presume in view of these telegrams that they will be opposed to any arrangement. I do not think it is necessary for us to act immediately upon such refusal but we should consider what course we are going to take in regard to Americans traveling on vessels carrying arms, which can be used offensively against submarines. I doubt whether we can insist that vessels so armed can be considered other than as auxiliary cruisers of the respective navies of the Allies. (Munitions Committee Report, pt. 5, p. 125.)

On February 2, he wired Colonel House in Paris:

Call your attention to confidential telegram January 26, 5 p. m. addressed to Embassy, Paris. Page cables that Grey is seriously disturbed over proposal, as he claims it is wholly in favor of Central Powers and against Allies. Page fears that this proposal will be considered German victory and that all our influence with Allies will be lost. I feel strongly that the proposal is fair and only humane solution of submarine warfare for the future. If merchant ships are armed and guns used to sink attacking submarines as has been done and as merchant ships are now instructed to do then it is unreasonable to insist that submarines should take risk of coming to surface to give warning. (Munitions Committee Report, pt. 5, p. 126.)

Some 12 days later, Colonel House cabled back from Paris that he hoped Lansing would drop the matter for a while. His cable read:

There are so many other issues involved in the controversy concerning armed merchantmen that I sincerely hope you will leave it in abeyance until I return. I cannot emphasize too strongly the importance of this. (Munitions Committee Report, pt. 5, p. 126.)

As we know now, and did not know at the time—another one of the secrets of our secret diplomacy—Colonel House was engaged in arranging a House-Grey agreement which planned to take us into war on the side of England in case Germany refused to accede to all the peace terms which were agreeable to England.

In his war memoirs, Lansing was later to write:

As I review the record of submarine warfare subsequent to March 1, 1916, I am more than ever convinced that the decision of the Allied governments to decline to enter into the proposed arrangement was unwise from the humanitarian point of view and resulted in the sacrifice of hundreds of lives which might otherwise have been spared. It seemed to me at the time that they lost a great opportunity, because, if the Germans performed their part of the modus, the lives of crews and passengers on commercial vessels of the Allies and neutrals would not have been in constant danger from surprise attacks by submarines. * * * However, with a short-sightedness which it is hard to comprehend, and with a stubbornness in insisting on legal rights which were in their exercise open to possible question in view of the new conditions that prevailed, the British rejected the modus vivendi proposed by this Government, and the attempt to lessen the certainty of future horrors failed. The British Government, in refusing to consider any deviation from the strict letter of the law even by agreement, was not only blind to the strategic advantage to be gained but was utterly inconsistent in its own practice, for the British naval authorities had violated more rules of international law than the Germans, though their violations were not attended by such dreadful results. For a year and a half we had made protest after protest to London because of the illegal practices of the British authorities in their treatment of American commerce and in their disregard of American rights on the high seas, and these controversies were in progress at the very time that the proposal of the United States in regard to submarine warfare was rejected. (Munitions Committee Report, pt. 5, p. 39).

It will be noticed that he speaks of the shortsightedness of the British in refusing to disarm their merchantmen, and says they were thereby guilty of the sacrifice of hundreds of lives. I think he misunderstood the interest of the British in continuing that controversy.

As I have said, the reception in the Allied countries was cold. It seemed to the President and to Lansing a way of saving all the sinkings and drownings and of ending the submarine controversy; but Sir Edward Grey spoke of it, as our Ambassador in England reported, "as one speaks of a great calamity." Interestingly enough, although it is somewhat aside from my subject, in the same cable in which our Ambassador tells us how the British Government regarded this as a great calamity, the American Ambassador reports that—

* * * Engendered bitterness against us will be intense in the Allied countries and such influence as we might have had with the Allied Governments will be lost. * * * It has been rumored here in well-informed circles for several weeks, and I believe it is true, that the British Government have been constructing extra munitions works in England and Canada which can on short notice be manned and used to make as many munitions as the United States now supplies. * * * If necessary, orders placed in the United States could now be stopped within a month without diminishing the total supply. If no merchantman may carry a defensive gun into an American port, this change may precipitate a cutting off of American orders, not from any wish to cut them off, but from fear that other embarrassing acts by us may follow.—Page. (Foreign Relations Supplement, 1916, pp. 151, 152.)

Incidentally, can anyone in the Senate read that language without understanding that pressure was being brought to bear upon us to hold in abeyance a fair and just settlement of the submarine controversy in order that our munitions factories might be protected in orders they had, and that orders would not be taken away and given to Canada? Does that not sound like 1939 instead of 1916? For today the idea that munitions factories in Canada instead of munitions factories here will get work is something that worries many, many persons; and I personally have no doubt it is one of the causes for the repeal movement in relation to the arms embargo.

The remainder of the story is short, bitter, and bloody. The day after Page's warning, Secretary Lansing heard that British armed merchantmen had voluntarily opened fire on submarines in the Mediterranean and probably sunk them, emphasizing the correctness of his new-found belief that the armed merchantman with guns could be offensive as well as defensive. The British as well as the French turned down the proposal to solve the submarine controversy. Further American lives were lost. The Germans, unable to secure from us recognition of the simple truth which the Secretary of State and the President admitted in private, began their unrestricted submarine warfare in early 1917. The one sane idea of disarming all the merchantmen was spurlos versenkt. We went back to our original admittedly incorrect position, and we had to maintain that submarines had no right to attack armed merchantmen without warning, and when the Germans decided to go ahead and sink them we were horrified, and got into the war without either Congress or the American people really knowing that the leaders of our foreign policy were fighting for a position they knew was a blunder.

Section 11 gives the President the same free-and-easy, take-it-or-leave-it power he had in the World War to keep armed merchantmen out of our ports or not, exactly as he willed. The presence of these armed ships in New York Harbor today and in the recent past means that we are repeating the blunder of last time. Only action by Congress will prevent a repetition of what happened last time.

Alongside of that hidden danger in the joint resolution is the provision preventing the arming of American merchant vessels. I am for that. I want no incidents or fortuitous accidents to get this country into war. But is it not ridiculous for us to see the danger when our own ships, which will not be in the war zone, are involved, and not see the danger when we allow the naval auxiliaries of belligerent nations all the rights and freedom and protection of our ports as if they were, in fact, peaceful merchantmen?

Mr. President, I repeat that it seems to me the subjects of armed merchantmen and submarine warfare cannot be dissociated, and that they should be treated on the same basis and in the same category.

I will ask the Senator from Nevada whether or not he has ever had occasion to examine this subject. The other day I received a letter from a man whom I do not know, who told me that he had been closely associated in a business and personal way with Simon Lake, the inventor of the submarine.

He told me that Lake had been the adviser of the German Government at the time the *Deutschland*, the great German supersubmarine which was not armed, came over here during the World War; and he stated that there is nothing whatever in the present law which would prohibit the construction in this country, by the Germans or by anybody else, of large supersubmarine merchant vessels which might be loaded with oil or any other valuable war commodity, title might be taken by the foreign belligerent in this country on the date of the launching and the loading, and the vessels might go out to sea.

I do not know whether or not that is true. I have not had the opportunity of examining the law with reference to that question. I am certain it is not the intention of the committee or of the Senate to permit any such practice. I am simply suggesting that this whole question of submarines and armed merchantmen is one which ought necessarily be considered as a whole, and that if we have regard for neutrality and impartiality and the peace of the world it should be to our interest to treat them alike.

Mr. President, I reserve the remainder of my time.

Mr. RADCLIFFE. Mr. President, in the discussions which have taken place in the Senate, in the press, over the radio, and in public addresses, many of the specific phases of the pending neutrality and embargo legislation have been so freely and fully argued that there is little need for restatement. It is obvious that our people are so much opposed to war that they will do everything consistent with national honor and safety to avoid it. I hope and firmly believe we shall be successful in keeping at peace.

I can recall no discussion on the floor of the Senate in which there has been such general accord as to the general objective which is desired. Differences of opinion have hinged almost entirely upon the selection of routes to take to reach the goal sought by nearly all of us.

I am going to avoid the temptation to discuss with any degree of particularity any of the many phases of the questions of neutrality and embargo which are now before the Senate for consideration. Frequently it is stated that our present problems as to neutrality are very simple, revolving around one or two points. Such statements are not true, for these questions are unusually complicated in character.

It is fortunate that the American people have attempted to study this matter of neutrality in a thoughtful, dispassionate frame of mind, usually without idle or mischievous recourse to charges of improper motives or influences. We have before us today for consideration and decision some questions as important as any that have ever confronted our country. There can be no doubt of the fact that our people are trying thoughtfully and conscientiously to solve these problems honestly and wisely.

I do not recall any other discussion in the Senate in which there has been so much indulgence in prophecy. I realize that in considering any matter of proposed legislation we naturally forecast what we think the effects will be. As a rule, however, we consider the various successive steps which we think will follow if the suggested legislation is passed. But in discussing the pending legislation on neutrality and embargo, intermediate steps have been largely disregarded and general results have been freely predicted with little reference to the routes to be taken or the various stages on those routes.

Let me be specific. Again and again the statement has been made that if we repeal the embargo it will be tantamount to some form of participation by us as a belligerent and will be in some manner equivalent to an act of war, or at least that repeal would be likely to lead to war. Likewise, we are told by some of those holding divergent views, that if we do not pass the legislation our policy may carry us into war.

How can such general conclusions in either case be warranted? Is it sufficient to say that if we repeal the present act we are taking a step toward war unless we define with particularity certain definite results which we think would naturally and necessarily follow our legislative action? Can we say with conviction that if we pass this joint resolution we are making a move in the direction from war unless we clearly explain how we reach such a conclusion? The American people want to know specific reasons for prognostications and prophecies.

Discussions on neutrality have covered an unusually wide range. As to some aspects there has been apparently a settling of public opinion.

For instance, if we sell to belligerents we shall apply the doctrine of cash and carry. This means, of course, that the articles will not be purchased on credit or transported in our own ships after such purchases from us. On the contrary, the belligerents must pay cash for articles bought from us, must take title to them, and must carry them away in their own vessels.

Although the United States has always stood for the doctrine of freedom of the seas under principles and usages of international law, we favor certain self-imposed restrictions upon our commerce. These restrictions will tend to keep our ships and citizens out of danger zones. Determination as to what is a quite obvious danger zone is necessarily a difficult and perhaps a varying one, but with that purpose in mind we shall attempt to limit, in the light of reason, our maritime operations.

We have quite difinitely decided that we shall not be influenced by suggestions that our factories or industrial plants may be blown up, or by any other threats of sabotage. We shall not admit that we cannot and will not maintain order in our own country.

Attempts to determine whether certain kinds of war materials are to be used for offensive warfare, and certain other kinds for defensive activities, are not regarded as sound. Modern warfare, because of its never-ending complexities, knows no such basic distinctions, except in a degree which is really negligible.

If we sell anything whatever to a neutral, must we reckon upon the possibility that the articles may, through transshipment, reach a belligerent?

The attempts in the present law, however idealistic they may be, to determine what and to whom we as a neutral may sell are not workable, may easily lead to confusion and friction, and are dangerous. We shall, however, impose restrictions upon transportation by us.

We realize that for many years the constant tendency has been toward lessening the distinctions, in fact if not in theory, between contraband and noncontraband of war. Modern warfare today disputes more and more the application of such distinctions because of the obvious fact that war as it is now conducted preempts the products as well as nearly all the energies and activities of the people of a belligerent. Little is made, produced, or used by a belligerent which may not serve the purposes of war. A belligerent may have facilities for fabricating instruments of war, but it cannot create, except to a limited extent, raw materials. Oil and steel and many other raw materials are just as much needed for warfare as are ammunition or the fabricated instruments of war. We must regard the constant changes in viewpoint as to what really is contraband of war.

The determination as to whether or not neutrals sell to belligerents is legalistic and not factual. In other words, the test is whether the neutral is willing to sell to all belligerents, and not whether all belligerents try to buy and succeed in buying from it.

For instance, the United States and Hungary, as neutrals, may be willing to sell to all belligerents. Circumstances may be such at this time, at least, that England can succeed in buying from the United States, but Germany cannot. On the other hand, Germany may be able to buy today from Hungary, while it may be that England cannot.

Mr. President, one of the objections raised against the pending joint resolution is that "the United States should not alter the rules while the game is in progress;" that is to say, that while we are neutral we should not change the character of our dealings with belligerents. Such a statement assumes that in accordance with international law or usages, it is definitely settled that neutrals have not made and do not make such changes. Facts do not bear out any such statement. It has frequently happened that neutrals have changed their methods of dealing with belligerents. As a matter of fact, in 1915 Germany asked that we place an embargo upon certain kinds of sales to England and France. That is, she asked that we change the method of our dealings with certain belligerents while war was actually being waged.

There is no definite, clearly-defined policy, generally accepted by international law or custom, which unequivocally prevents any change in such dealings. Those who enunciate the doctrine that a neutral must not change the character of its dealings with belligerents have always recognized that there are certain definite exceptions to the rule. One of them is that a neutral is fully justified in changing its policy toward a belligerent providing the safety or welfare of the neutral requires such a change. To quote from the Hague Convention No. 13 of 1907:

> Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral power, except in a case where experience has shown the necessity for such change for the protection of the rights of that power.

This means, of course, that no neutral should be expected to continue any special type of neutrality if thereby its safety or welfare is impaired or jeopardized.

The question also arises as to who is to decide such a question, and when. Quick decision is needed, and there is no court or tribunal which has jurisdiction. It is, therefore, generally accepted that the neutral must decide for itself whether its safety or welfare or rights are affected, and this is exactly what we must bear in mind at this time.

There are so many conflicting theories and viewpoints, and even precedents, as to whether neutrals should or should not change their dealings with belligerents, that those who oppose the policy of the United States repealing the embargo at this time must admit that at least the question as to the right of neutrals to change during the course of a war is an unsettled one.

Are the safety, welfare, or rights of the United States in any sense involved in the present situation? If so, is that jeopardy an immediate or merely a remote one? Is it definite, or is it contingent?

These questions should be answered in the light of history. Attention must be given to the fact that from time immemorial neutrals have sold to belligerents. Experience so far has seemed clearly to justify this policy, since it has been the general custom.

When, a few years ago, we passed the Embargo Act, we did so in the hope that good would be accomplished by a policy which was practically a new one, and that some obstacles would be thrown in the pathway of war. Can we feel satisfied today that such an opinion is sound? Are we ready today to stand definitely on the program that we as a neutral should not sell to any of the belligerent nations while war is in progress? This, of course, involves the point that if we refuse to sell to belligerents, then should we at some time become involved in a war, we could not expect any neutrals to sell to us. Are we ready to accept such a doctrine as being wise and prudent?

Suppose the United States should be unjustly attacked. We, of course, would either have to submit ignominiously or fight, and, of course, we would not submit. But would we be prepared to fight? I know we are frequently told that two great oceans intervene between us and Europe and Asia. We are informed that these oceans are so formidable as barriers that a relatively slight degree of preparedness on our part is sufficient for our protection. Mr. President, are you satisfied with that assurance? If so, what significance do you attach to the fact that a few days ago a large battleship of the British Navy, believed to be fully protected, was destroyed by a submarine? In our assumption that we needed a strong Navy we have thought that our battleships would be safe from submarines. In the light of the destruction of the *Royal Oak*, are we not obliged to give some consideration to the question whether or not our reliance upon our battleships is as well-grounded as it once was?

Each year brings astonishing developments in the airplane. Who believes that the limit of the effectiveness of the airplane has been reached? The airplane today has ranging powers and facilities for fighting which are vastly in excess of those of a few years ago.

The submarine is making great strides in effectiveness. Do not Senators believe that the airplane and the submarine have lessened to a considerable extent the bulwark to our safety afforded by the Atlantic and the Pacific Oceans?

Any effort of a militant power to attack the United States is often visualized as beginning with an attempt of such foreign powers to overcome our Navy and to land troops on American soil. That procedure might result, but developments of the last few years have suggested that other methods are often followed. Attempts from outside of America to create internal dissension, efforts to penetrate so deeply by trade that political domination or control results, are certainly not unknown in the Western Hemisphere, as elsewhere.

The feeling of cooperation between our country and the other republics of North and South America is so close that it is the general opinion that these republics would stand together if attacks were made upon them by nations of Europe or Asia. The Monroe Doctrine has been happily broadened into a friendly spirit of cooperation among the republics of the Americas, and a determination to stand together for mutual protection against aggression from the Eastern Hemisphere.

Panama will always require close protection. Any attempt to attack the United States might be preceded by efforts to secure controlling influence, or possibly even to get footholds in some of the adjacent islands of the ocean, or upon some parts of the mainland of the Western Hemisphere.

I am sure we all feel that such attacks upon the Americas will not take place, but can we have such a degree of confidence that we can assume that we can entirely disregard the possibilities of such aggression against the Western Hemisphere? I wish I could think so with a complete feeling of assurance. I wish I could believe that the possibilities of such aggression can be entirely and completely disregarded. Should some nation or nations of the world decide to make an attack upon the United States, whether it began with an open frontal movement or whether there were preliminary efforts of penetration to gain footholds in the Western Hemisphere, we must reckon then upon our ability to defend ourselves, and that plan of defense must assume that the protection afforded by the oceans, great as it is, has been lessened materially in effectiveness by the submarine, the airplane, and other new or improved instruments of warfare.

What I want to emphasize is that we cannot at this time know conclusively what would have to be the character of our defense, or what kinds or degree of preparedness would be necessary for us before we could offer effectual resistance. Methods of warfare continue to change rapidly. Some of the nations of the earth today are, and have been for many years, highly militant, and the energies of their governments have been concentrated primarily upon preparedness for war. Some of these nations have been geared up to a status of preparedness which we cannot visualize in this country. Are we ready to follow their example? Are we prepared to concentrate the energies of our Government and country on preparations for war? Are we ready to adopt universal military service should it seem that this method is essential if we are to compete in a frenzied race for preparedness?

We must also know that such plans for preparedness as carried out today cannot be consummated quickly. They require years of preparation and development, especially in view of the fact that warfare today has become so highly mechanized. Should hostile forces attempt to attack us today, and should we feel it necessary to put ourselves on a war footing similar to that of some of the other nations of the world, all our intentions and all our energies would be inadequate to accomplish quickly the results desired. Time would be essential. This point is so obvious that I will not dwell upon it.

If we are not going on a militaristic basis—and very few people in this country would have us do so; if we are not going to increase tremendously and fundamentally our preparations for warfare, then we must reckon upon the fact that we may come in conflict with entirely militaristic nations. We must face the possibility that our country, like many other nations which have become involved in warfare suddenly, would have to supplement its facilities for providing war equipment. Our country as a belligerent would have to purchase war materials from other nations under such circumstances.

If we, by our action in regard to the pending neutrality legislation, tend to emphasize and to crystallize into practice the doctrine that neutrals should not sell to belligerents, can we be sure that the same prohibition would not be enforced against us whenever we wanted to purchase? If we by our legislation and by our activities attempt to change the age-long practice of belligerents buying from neutrals, and should it be our misfortune some day to become a belligerent, we might have to face the doctrine which we are now urged to retain in our legislation.

It is not sufficient to say that such a danger is very remote because we will never start an offensive war. I believe that we will not again go to war, but can we be sure we will not, especially so long as certain doctrines of military might are so highly regarded and so freely invoked in the world?

However slight may be chances of our having to fight a defensive war, I am not willing to disregard them as being nonexistent. This country should not assume that it is immune from attack. Several other nations in the world which thought they were immune have recently either passed out of existence, or at this time are fighting for their lives. No valid reasons have been or can be assigned for depriving Poland, Czechoslovakia, and each one of the belligerent countries of the status of independent nations.

It is easier for us to keep at peace with our neighbors than it is for some of the other nations of the world. Our boundary lines have not for centuries separated nations who have met each other again and again on the field of battle. We do not share in the feuds, animosities, or rivalries which centuries have developed in various quarters of the globe. We have no harassing questions of minorities. We are all Americans, and the people of this country desire to live under no other flag than our own, nor do we desire to add to our domains any of the lands of any other country on earth. But efforts on the part of various nations of the world to obtain footholds on this continent are certainly not unknown. Have they occurred for the last time? No one knows.

All of this leads to the question that, however unlikely it may be that we will be called upon to fight a defensive war, and no matter what protection may be afforded to us by the Atlantic and Pacific Oceans, we, as a reasonably prudent nation, cannot assume that some such risk does not exist and will never confront us.

Everyone of us believes we should make some preparations for war. I have voted for large appropriations for such purpose, and I will continue to do so, much as I regret that such expenditures are necessary, when we have urgent needs of education, health protection, and other vital matters which deserve our full attention and support. We all join fervently in the hope that a better sense of proportion as to relative expenditures will arise soon in the world.

In short, I am not willing to subscribe to a doctrine which would either require us to compete with other militaristic nations in the world in a frenzied rush toward extreme preparedness, or to take steps which might deprive us of the customary facilities which belligerents have had for ages of buying from neutrals in time of war.

Those who oppose the repeal of the embargo express the belief that the embargo would tend to shorten war and would mean the saving of the lives of combatants. Such an objective has a powerful instinctive appeal to every peace-loving citizen. It certainly has to me. But it is necessary to look a little more into certain facts.

For instance, it has been suggested that we should refuse to sell to an aggressor, but should be willing to furnish arms and other supplies to a nation unjustly attacked. Determination as to who is right and who is wrong is not easy. Respective merits are sometimes mixed, and besides, the truth can often not be ascertained, if ever, until after a war is over, when records which were secret may be given publicity.

Suppose, in sales by neutrals, some aggressor belligerent is benefited, let us not forget that likewise some nonmilitaristic, peace-loving nation may be also helped to defend itself against wanton attack. It is said that it is better that 99 guilty persons should go free rather than that 1 innocent person should suffer. The application of this doctrine to sales by neutrals to belligerents is logical.

I wish that our example and our standard of peace could have persuasive weight in the world in demonstrating that force is not a suitable method of settling disputes. I wish that our abhorrence of war and that our desires that peaceful means of arbitration could be found for settlement of differences could be fully convincing upon all other peoples. I cannot believe that the people of this world desire to fight, whether they live in Asia, Europe, or America. The hideous tragedies of war cannot be a temptation to any man or woman who is conscious of them. We in America seek the golden days of peace, and we will do everything to promote them consistent with our safety and our self-respect. But we must realize that dreams of world peace must have with them a realization that peaceful methods of settling disputes between nations are not yet universally recognized.

In Baltimore last month we celebrated the one hundred and twenty-fifth anniversary of the writing of the Star-Spangled Banner. Our anthem was conceived by Francis Scott Key while an attack was being made on Baltimore. The other day I was looking at the type of guns used at that time in the defense of Baltimore. Doubtless 125 years ago those guns seemed to be formidable. Today they are puny, almost as puny as toys. So far have methods of warfare changed during 125 years.

Several thousand years ago a sturdy young boy slew the mightiest warrior of his day. David with a sling and a pebble killed Goliath, a warrior of superhuman strength, and protected, doubtless, by the most powerful weapons and armor of his day. The transition from the sling and pebble of David to the tremendously powerful engines of war of today, weighing many tons, the contrast in preparedness as illustrated by the picking of a pebble by David from the brook for his sling, and the gigantic Nation-wide preparations for mechanized warfare of today, represent an enormous change in the field of preparedness.

The tragedy of it all is, however, that although nations have constantly found more effective methods of killing people in warfare, they have not devised more efficient ways of preventing warfare. There is no method, there is no power today conclusive in preventing war, as there was not in the days of David and Goliath. The people of the world have long dreamed of a utopia where disputes between nations could be settled by reason and not by the sword. Countless are the methods or expedients which have been adopted for the moment and then discarded. Mighty men of war such as Alexander, Caesar, Charlemagne, Napoleon, and others, have tried to superimpose their will upon the world, but the vast empires set up by them have crumbled into dust.

Since no one power has been sufficiently strong to impose its will upon the world or to keep such a peace as it so desired, what is the substitute? Various ideas and plans have been evolved, tried, and, to a considerable extent, found wanting. I might mention the influence of religion, the Holy Roman Empire, balance of power, the League of Nations, The Hague Tribunals, world courts, and many others. Each plan has lived in the hearts of man as offering comfort and protection against the occurrences of war; each one at times has had persuasive force and power; but the authority of no one is absolute today, and it is doubtful whether it ever will be.

We will continue to cherish the idea that a solution can be found. Whether the peoples of the world will come to the conclusion that peaceful means of settling disputes between nations just as between individuals can and must be observed, and whether the nations of the world will ever consent to any plan which will create some power sufficiently strong to prevent nations from going to war, I do not know. Questions of sovereignty and independence are vitally concerned.

It may be that the people of the world will some day come to the conclusion that no questions of minorities, of boundary lines, of spheres of influence, of trade, of affronts, or alleged injuries are so serious that some tribunal superimposed, or voluntarily selected, could not determine and settle such controversies. Many such disputes have been settled peacefully in the past. But such a realization must be a universal one. What will it avail if nearly all of the nations are willing to resort to arbitration and yet a few nations insist upon force as the determining factor? What influence can we conceive of which will invariably lead militaristic nations to arbitrate? Will such a development ever be reached? We hope so, and we will cherish that hope in spite of present day disheartening and distressing activities to the contrary.

Mr. President, as a Marylander attempting to assert my belief in the theory that peaceful means can and should be found to settle controversies, I am resting on historic grounds. Maryland has sought again and again to apply such doctrines in times of stress and storm. Notable among incidents of this character was the attitude of the men and women of Maryland in 1860 and 1861, when the Civil War was in the making. The people of Maryland insisted again and again that the men of the North and the men of the South should settle their differences, no matter how grave they were, by methods other than war. Indeed, for a short period in 1861 the opinion was quite prevalent in Maryland that Maryland could even remain neutral in the Civil War.

I will not discuss the constitutional questions involved in those days. I merely want to emphasize that Marylanders were firm in their belief and active in their efforts to prevent impending war. Just so long as there seemed to be a chance of preventing the Civil War, many of the people of Maryland made attempt after attempt to prevent the conflict. In their efforts to secure peace, their hearts were always eager and their hands ready for the work.

When hopes of peace faded out completely and the war broke out, then the men of Maryland lined up with the North and the South as their judgment and conscience dictated. And so I, as a Marylander, raised in the traditions of those who believed that peaceful methods of settling differences between nations can and must be found, believe that in the hearts of most men and women there is an instinctive and firm belief that controversies should be settled by peaceful means and not by war. Such views have lived in the beliefs of people for many, many years.

The cold fact remains, however, that wars have again and again broken out, and there is no power in this world which can say to a nation starting an offensive war, "You must refrain." There is no power sufficiently strong to compel a nation starting an offensive war to attempt to settle its differences other than by fighting. Until that time comes, if ever it does, I see nothing for us in the United States to do but to devote sufficient of our energies to matters pertaining to preparedness for war.

I believe most assuredly that we should not become a militaristic nation, but so long as there are nations which are militaristic, we must reckon upon the possibilities, however remote, that some day we may face some such nation geared up and fully prepared for warfare.

In making our plans for preparedness, I am not willing to support any doctrine of international law or usage which will jeopardize our opportunity of protecting ourselves either by what we do in this country in the way of preparedness, or by the purchase of war supplies elsewhere.

Among the reasons why I will vote for the repeal of the embargo is my feeling that I cannot do otherwise consistent with my desire to do what I can for the welfare and protection of the United States not only as of today but for tomorrow.

Mr. President, as was said a few days ago by President Roosevelt, "We should walk before God in the light of the living." That doctrine we should gladly accept. That intent should always be our ideal; that objective, our gleaming goal. We should walk with our hearts aright. But we must also do so with our senses keen and alert as to what is prudent and wise. If we "walk before God in the light of the living," we must have broad humanitarian concepts and principles which guide our energies and our lives. We should also in "walking before God" use properly the brains which He has given us. When we as a nation "walk before God," let us do so with the realization that we must be able to protect and to conserve our peace against those who would wantonly and unjustly drag us into war.

Mr. BARKLEY. Mr. President, I ask unanimous consent that beginning tomorrow on the meeting of the Senate, and during the further consideration of the joint resolution now under consideration, no Senator shall speak in the aggregate more than 20 minutes on the joint resolution or in the aggregate more than 20 minutes on any amendment, and that at the conclusion of 30 minutes debate on the pending amendment, one-half to be controlled by the Senator from Missouri [Mr. CLARK] and one-half to be controlled by the Senator from Nevada [Mr. PITTMAN], a vote shall be taken on the pending amendment.

Mr. MCNARY. Mr. President, I have conferred with the able Senator from California [Mr. JOHNSON], who has been

diligent in trying to arrange a unanimous-consent agreement. I think the arrangement suggested by the Senator from Kentucky practically conforms with the understanding which has been reached, save the suggestion, as I understand from the senior Senator from California, that a provision should be contained in the agreement that a vote on the Clark amendment be had at 11:30 a. m. tomorrow.

Mr. BARKLEY. I will say to the Senator from Oregon that the difficulty about that suggestion is that some time will be consumed in calling the roll, and by other matters, which will reduce the amount of time to less than 30 minutes. I think the agreement I have suggested would operate satisfactorily. I have conferred with the Senator from California about it.

Mr. McNARY. Very well, Mr. President. That is quite agreeable.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. THOMAS of Utah obtained the floor.

Mr. McCARRAN. Mr. President, I was trying to get the attention of the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. THOMAS of Utah. I yield.

Mr. McCARRAN. Am I to understand that the debate on the Clark amendment is limited to a certain period of time?

Mr. BARKLEY. The suggestion was originally made that we agree to vote at 11:30 tomorrow morning on the pending amendment, but we cannot always anticipate what the situation may be, and some time will be consumed in a quorum call, and perhaps discussion of other matters. So I have modified the suggestion to provide that at the end of 30 minutes' debate on the Clark amendment, one half to be controlled by the Senator from Missouri and the other half by the Senator from Nevada, a vote shall be taken on that amendment.

Mr. McCARRAN. Mr. President, I suppose I am foreclosed now, but had I heard the request for the agreement as to the Clark amendment, I should not have consented to it.

Mr. CLARK of Missouri. Mr. President, will the Senator having the floor yield to me?

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

Mr. THOMAS of Utah. I yield.

Mr. CLARK of Missouri. Let me say that, so far as I am concerned, I have no desire to occupy more time on the amendment which I offered, and I shall be glad to give the time at my disposal to the Senator from Nevada.

Mr. McCARRAN. Mr. President, I do not think the matter should be handled that way, because I may not be the only Senator who cares to discuss the Clark amendment, after Senators who were absent this afternoon shall have read the RECORD. I believe the able discussion by the Senator from Missouri, when they read it, will arouse the interest of some Members of the Senate who were not present to hear it. I think nothing more important has come before this body than the amendment of the Senator from Missouri. If we really wish to remain neutral during the world conflict, that amendment should be adopted.

Mr. BARKLEY. The Senator from Nevada is not unfamiliar with the fact that we have been seeking in every possible way to arrive at an understanding for an arrangement for a limitation of debate, and this arrangement is satisfactory to everyone on both sides of the question who has come to me about it. I do not think that anyone will, in any way, be inconvenienced by the arrangement.

Mr. McCARRAN. I wish to say to the Senator from Kentucky that the 20-20 minute arrangement is highly satisfactory. I think I was the one who suggested it, and I am perfectly willing to go along with it.

Mr. BARKLEY. It was first suggested that a 15-15 minute agreement be had. However, in deference to the Senator from Nevada, I suggested that it be made 20-20 minutes.

Mr. McCARRAN. I am pleased with that, and entirely content with it, as to all amendments; and it may be that the Senate would not require more than 30 minutes on the Clark amendment. But I respectfully request that there be 40 minutes time given on the Clark amendment.

Mr. BARKLEY. Mr. President, I modify my request, so as to make it 40 minutes on the Clark amendment, to be divided as previously requested, one-half to one side and one-half to the other. Of course, the order has been entered, but I ask that it be modified so as to provide for 40 minutes on the Clark amendment, instead of 30 minutes, with the same arrangement.

Mr. McCARRAN. I appreciate the Senator's action.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous-consent agreement requested by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. McCARRAN. Mr. President, I wish to express my gratitude for the fairness of the Senator from Kentucky, because I was entirely out of order, and could have been foreclosed.

Mr. BARKLEY. Mr. President, I did not hear the Senator's statement.

Mr. McCARRAN. I wish to express my gratitude to the leader of the majority, because I could have been entirely foreclosed.

Mr. THOMAS of Utah. Mr. President, the amendment I offer, and which I shall ask the clerk to read, is one which I bring before the Senate at the request of the Department of Labor to take care of an emergency which has arisen as a result of the pending legislation.

The PRESIDING OFFICER. The Chair will say to the Senator that the Chair is informed by the Parliamentarian that it will require unanimous consent for the amendment to be considered at the present time.

Mr. THOMAS of Utah. I understood that action was not to be taken on the pending motion at this time. I make the request for unanimous consent, if I may, Mr. President.

Mr. BARKLEY. My attention was diverted, and I did not understand the Senator's request.

Mr. THOMAS of Utah. I ask unanimous consent that the pending order may be laid aside so that we may consider an amendment which has been requested by the Department of Labor. I think it will take only a few moments.

Mr. LA FOLLETTE. Mr. President, what is the amendment?

Mr. THOMAS of Utah. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 25, between lines 17 and 18, it is proposed to insert the following new subsection:

(c) Whenever the President shall have issued a proclamation under section 1 (a) he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 33 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sec. 168). Notwithstanding the provisions of said section, he may issue regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

Mr. McNARY. Mr. President, a number of Senators have departed from the Chamber with the notice and understanding that the pending amendment, offered by the Senator from Missouri [Mr. CLARK], would be first considered. I hesitate to grant the unanimous consent requested by the Senator from Utah. I think the matter should come up tomorrow in the usual way following action on the amendment now pending. I hesitate to discommode the able Senator from Utah, but I think the matter proposed by him should go over, and therefore I shall object.

Mr. THOMAS of Utah. Mr. President, I should like to know what is the usual way to proceed. I have been wait-

ing here since 11 o'clock this morning to offer this simple amendment.

Mr. McNARY. The usual way, when the Senator gets recognition tomorrow, is to offer the amendment, thus giving notice to everyone of the matter expected to be discussed. I shall have to object at this time.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Utah.

RECESS

Mr. BARKLEY. In view of the unanimous-consent agreement just entered into, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 15 minutes p. m.) the Senate took a recess until tomorrow, Friday, October 27, 1939, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 26, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art most near and yet so far, whose gifts are boundless and grace so free, we thank Thee for Thy love—the anchor to which our souls may hold in storm and tempest, in honor or dishonor, poverty or wealth; it never faileth. We pray Thee to lift us above all pride of place and ambition, and with dignity and calm may we pursue the functions of our sacred office. Heavenly Father, let strength and courage come with the memory of the past. We praise Thee for the chivalrous souls that builded here in years long agone, and for the patriotic hosts to whom this New World was as the very gate of Heaven. Here were the prophets' voice and the seers' vision; here youth gathered courage for its daring dreams, and patriots paid the priceless boon for liberty. O grant, blessed Lord, that their sacrificial devotion may ever remain to us a most precious heritage and unto Thee be eternal praise. Through Christ our Saviour. Amen.

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

ANNIVERSARY OF COMMENCEMENT OF FIRST SESSION OF THE SUPREME COURT OF THE UNITED STATES

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 33, Seventy-sixth Congress, the Chair appoints as members of the joint committee to make plans and suitable arrangements for the one hundred and fiftieth anniversary of the commencement of the first session of the Supreme Court of the United States, to be held February 1, 1940, the following Members of the House: Mr. BLOOM of New York, Mr. SUMNERS of Texas, Mr. KEOGH of New York, Mr. GUYER of Kansas, and Mr. MICHENER of Michigan.

EXTENSION OF REMARKS

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a speech made by William H. Seward in the United States Senate on March 11, 1850.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain figures of a survey I made of the radio stations of America.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may have permission to extend his remarks in the RECORD and to include therein a letter he received from a constituent and a brief statement by a former Member of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes tomorrow at the conclusion of other special orders now on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a short newspaper article bearing upon the subject of my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a poem.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an editorial from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MASON. Mr. Speaker, I ask unanimous consent that on tomorrow, after the other special orders have been concluded, I may have the privilege of addressing the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes next Tuesday after the regular business on the Speaker's table has been disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the Dies committee list of Government employees and officials who are members of the Communist created, dominated, and controlled American League for Peace and Democracy.

Mr. GEYER of California. I object, Mr. Speaker.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief submitted by the National Grange to the United States Tariff Commission.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TIBBOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Johnstown Democrat, of Johnstown, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article written by Adolph Starr, of Lafayette, Ind., on the subject of patriotism versus neutrality, which appeared in the Lafayette Leader on October 6, 1939.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a resolution commending the Congress on its flood-control position.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article from the Lima (Ohio) News.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. CREAL. Mr. Speaker, I ask unanimous consent that on Monday next, after the special orders already made are disposed of, I be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under special order of the House heretofore made, the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] is recognized for 20 minutes.

THE SPECIAL SESSION AND PARTISAN POLITICS

Mr. AUGUST H. ANDRESEN. Mr. Speaker, when the President called the special session of Congress he made the special request to the Members of the House and the Senate to refrain from indulging in partisan politics. The Members on both sides of the aisle in this House, so far as I have been able to learn, have followed the President's request. I might say, however, in looking over the newspapers and reading the speeches made by various members of the President's Cabinet and other New Deal associates, that they have not followed that practice. For instance, Secretary Wallace gave out a statement the other day, I think in San Francisco, in which he injected politics by urging President Roosevelt to run for a third term. Other New Deal officials have made political speeches out of harmony with the President's nonpolitical request.

NEW DEAL GAG RULE

For more than 30 days in this special session of Congress Democratic leaders have denied the membership of the House the right to consider important domestic problems which directly affect the future welfare of the American people. It may be that the President considers all domestic problems to be political. But when we look at the welfare of the farmers of this country, the unemployed, and distressed business, I am positive that those of our citizens who are so affected do not regard their problems as being political in any manner. The fact that we have been denied the right in this special session of Congress to consider these important domestic problems should be classed as a direct slap at the present and future welfare of the American people.

NEUTRALITY FIGHT A SMOKE SCREEN TO COVER UP

The neutrality fight, for which the special session was called, is more or less of a smoke screen intended to divert the people's minds off from the critical domestic situation. The war hysteria which has been developed has largely accomplished this purpose, despite the fact that the American people, through its Congress, have already decided to remain neutral and to keep out of the European war.

I wonder if the President and his associates feel that the war will solve our domestic problems and, therefore, have denied the right to Congress to consider them at this special session? Does the President believe that the European war, unless we get into it, will put our 10,000,000 unemployed back to work? Does he believe that the European war will feed the 20,000,000 American citizens now on public relief? Does he advocate the continuance of the war so as to bring about an increase in the price level of farm products?

Yes; the farm prices started to go up in September, the first 5 days of the war, and then Secretary Wallace made his famous statement to the effect that there was no justification for increased prices on farm products because of an abundance of supplies, and then prices went down. Today they are nearly back to pre-war level.

Does the President feel that the continuation of the war will solve our labor problem so as to avoid the necessity for the adoption of highly important amendments to the wage-and-hour law which is now destroying small business and agriculture throughout the country? Does he feel that the war will do away with the necessity of adopting amendments to the Wagner labor relations law in order to give both business and labor a square deal? His attitude in regard to domestic problems, which has been carried out by Democratic leaders in Congress, has put a gag rule on the American people and stopped them from giving consideration to scores of domestic problems which should be taken up in this special session of Congress for immediate solution and action.

AMERICAN PEOPLE WILL STAY OUT OF EUROPEAN WAR

Mr. Speaker, the American people are determined to keep out of the European war. They believe in strict and honest neutrality. The neutrality law now on our statute books can be strengthened, without controversy and war hysteria, so that the United States may remain neutral and at peace with the world. The young manhood of our country should never again be forced to fight on foreign soil. [Applause.]

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I am sorry, but I cannot yield now. This determination to stay out of the European war will leave us free to work for a solution of our own domestic problems. Congress should stay in session and set its own house in order here in this country.

OFFICIALS SEEK TO DESTROY AGRICULTURE AND BUSINESS

What are some of these New Dealers doing to inject politics in our present-day discussion, so as to prepare for a third term? In addition to what Secretary Wallace said the other day in San Francisco and his statement to depress farm prices, the Department of Justice is cracking down on business, trying to put people out of business when they should be aiding in providing work for the unemployed of this country in the factories and on the farms of the United States.

This idea of making speeches to continue low farm prices prevailing in this country is an outrage when you consider that we are appropriating nearly a billion dollars for benefit payments to supplement the farmers' income for 1939. The farmers do not want to be on the bounty list of the Federal Government. All they ask for is decent prices so that they can have a good, fair American income with which to buy the products of industry and enjoy an American standard of living. This war scare has been largely imbued with propaganda to keep people in a state of fear and confusion and to keep their minds off their home troubles.

GIVING AWAY OUR HOME MARKET

One of the things that is being slipped over on the farmers of this country is the continued effort on the part of the administration to give away our home market to foreign producers. Trade agreements are being negotiated with various countries, and when the minds of the people are on keeping out of war they find that we have officials in Government circles who are dealing them out of their houses and homes. All trade agreement negotiations should be suspended during the duration of the war [applause], and when the act comes up for extension in January or February it should be repealed. If it is not repealed, some other action should be taken so as to stop the administration from giving away the American markets. [Applause.]

Mr. COFFEE of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. COFFEE of Nebraska. I think the gentleman is familiar with the fact that I introduced recently a bill which would provide for Senate ratification of all future trade agreements. [Applause.] I am wondering if the gentleman does not agree that that is necessary if we are going to properly protect agriculture, particularly the livestock industry, in view of these agreements that are in contemplation at the present time—namely, trade agreements with the Argentine and Uruguay?

Mr. AUGUST H. ANDRESEN. I will say the gentleman is absolutely correct, unless we can repeal it. I am with the gentleman, unless we can repeal the act, because we should either repeal it or we should provide for Senate ratification.

Mr. COFFEE of Nebraska. Does not the gentleman think that Congress should at least regain a part of this power that has been delegated, at least to the extent of providing for Senate ratification of these trade agreements, the same as is provided for other treaties with foreign nations?

Mr. AUGUST H. ANDRESEN. Not only power in that respect, but we should restore to Congress a great many other powers that have been delegated to the President and his associates.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. COX. I dislike to find myself in disagreement with the gentleman——

Mr. AUGUST H. ANDRESEN. I am sorry. I would like to yield to the gentleman for a lengthy statement, but I cannot do it now. Let me conclude my speech and I will call on you if I have time.

I would like to call the attention of the gentleman from Nebraska [Mr. COFFEE] to what has happened with respect to the cattle situation. In 1933, the first year of the New Deal, 74,000 head of cattle were imported into this country. In 1937, 494,000 head of cattle were imported. In 1938, the first 9 months, from January 1 to October 1, 295,000 head were imported; but during the same period of this year, for 9 months, 604,015 head of cattle, as against 295,000 in the same period a year ago, came into this country.

In the first 9 months of this year 69,000,000 pounds of canned beef were imported as against 58,000,000 pounds in the same period last year. We noticed immediately that after the President made his celebrated statement in March, in which he said that Argentine beef was better and cheaper than American beef, the people of this country, not only the Navy, but the people generally, acted upon the President's recommendation and started to purchase larger quantities of Argentine canned beef. So there we have the picture of increasing imports, giving away our American markets to the detriment of American farmers and workers, when they should have this market if we are to protect them and their American standard of living.

ARGENTINE TRADE AGREEMENT

It was a pathetic sight the other day down before the Committee for Reciprocity Information when 75 Members of this House and Senators appeared in opposition to the trade agreement with Argentina. Democrats and Republicans alike came there to plead with an agency of the Federal Government, set up by the Congress, to protect our own American citizens. What the distinguished Senators and my colleagues said to the Committee should be a warning to the administration to change its tactics and encourage them to return to the traditional American course of protecting our farmers and the citizens of the United States.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. KNUTSON. Should it not also be a warning to Congress not to surrender any more of its powers to the administration?

Mr. AUGUST H. ANDRESEN. The gentleman is absolutely correct. The proposed trade agreement with Argentina covers a cross section of the United States. Its effects will extend from the Atlantic to the Pacific and from Canada to the Gulf of Mexico.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I am sorry I cannot yield.

It proposes that the duties will be cut on the following generally produced commodities of the United States:

Beef and veal, cured and canned; casein, a product of milk; cheese; turkeys; eggs; flaxseed; linseed oil; wool; hides; corn; and other farm products. Here we have a supply of corn of over 3,000,000,000 bushels, one of the largest supplies of corn we have had in the history of this country. In fact, we have a surplus of every commodity included in the list except wool and flaxseed. Both of these latter products can be produced in this country in sufficient quantity to take care of domestic needs if our farmers are given the opportunity to do so.

Flaxseed can be profitably grown in the spring-wheat area. The farmers in this section should be encouraged to grow flaxseed on some of the millions of acres of wheatland which was taken out of production under the New Deal farm program. At least 5,000,000 acres of land could be used for flax production to take care of domestic needs. Such activity will stimulate production of a necessary crop, bring additional income to thousands of farmers, and provide employment for idle men.

Production of wool can be stimulated in all parts of the country as a new industry which will help to do away with surplus production of other farm commodities. But when the administration lowers the duty on wool and flaxseed American farmers are driven out of this type of farming, and the entire country is left to the mercy of foreign speculators in these commodities.

Argentina, of course, has approximately 50,000,000 bushels of surplus corn they want to get rid of; so the administration proposes to cut the duty on corn when we already have a surplus, and let the Argentine farmers ship that corn in here to glut the market and further depress the price for American farmers.

The only things Argentina produces are competitive farm commodities, the same things we produce in the United States. These are the only things they are going to use in trade. We will have to let them send in the commodities I have enumerated that are produced generally throughout the United States. Again I say this means that we will have a glutted market, lower prices, and further depressed conditions throughout this country for all farm products.

Mr. PITTINGER. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. PITTENGER. Is it not true that the proposed reciprocal trade agreement with Argentina will directly affect the dairy and agricultural interests of Minnesota?

Mr. KNUTSON. Not only in Minnesota but it will affect those interests all over the country.

Mr. AUGUST H. ANDRESEN. Certainly it does on all commodities that are produced in the United States, and it will be of particular damage to dairy and poultry farmers. One of the leading Senators from Texas and Members of this House from Texas, as well as my good friend from Oregon, were down before the President's committee and vigorously and vehemently protested against cutting the duties on farm products. We stood there as one man speaking for the interests of the American farmers before an administration or a committee which was determined to act as Santa Claus to foreign producers; to help them instead of helping our own people. [Applause.]

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. KNUTSON. Did not the Republican membership of this House warn the Democrats as to what would happen if they passed the reciprocal trade law originally? They went into it with their eyes open. Now they are crying because the very things we told them would happen, are happening.

Mr. AUGUST H. ANDRESEN. There is no question about that, but it has gotten beyond political considerations. This is an American issue for members of all parties to join together on, and try to save the American market for the American people.

Remember, this agreement with Argentina is not a thing that applies solely and singly to that country, but Japan, Russia, and every other country in the world except Germany will get the full benefit of the reduced duties in the agreement.

Another agreement is being proposed for Uruguay containing the same commodities as are contained in the agreement with Argentina. This, of course, is just fooling the people of Uruguay because if they reduce the duty for Argentina, Uruguay gets the benefit of the same reductions.

FEW BENEFITS FOR INDUSTRY

There are but a very few exporters who will be benefited by this treaty. They might sell a few more automobiles in

foreign trade, and a few radios. I doubt if they will sell any washing machines. They may sell a few American-made products, but very few. Let me tell you this, Mr. Speaker: I would rather see the incomes of the farmers of Oregon, Iowa, and the other States of this Union supplemented so they could buy the products of American industry, and put American men back to work. [Applause.] American citizens are the best customers we have, our own American people; and we Members of Congress should make it our business to see that they get the income, and that it is not given to the cheap labor of other countries.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. TREADWAY. Does not the gentleman's argument as to the Argentine agreement apply to every other trade agreement that has been entered into by this administration?

Mr. AUGUST H. ANDRESEN. The gentleman is absolutely correct. What I am saying here applies to every other trade agreement that has been approved and put through, and to every other trade agreement that will be entered into. Before June 12 next they are going to try to put through all of the agreements because that is the expiration date of the existing law.

AIDING AGRICULTURE

You know there are things that seem mighty strange and funny. For many years our Government has spent billions of dollars to make two blades of grass grow where one grew before. We improved the quality of our livestock herds, we improved the quality of our grains, we sought to do away with insect pests that were destroying billions of dollars worth of products. Even Secretary Wallace developed a new type of hybrid corn that increased the production of corn from 20 to 30 percent above normal.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. GORE. Does the gentleman object to that?

Mr. AUGUST H. ANDRESEN. Certainly I do not object to that. I object to the inconsistency of the whole thing. That is what has happened over a score of years; and the Government wanted to do that, we wanted to help the farmers improve their livestock and raise better grain and other farm products; we are all for that. On the other hand, however, for the last 7 years we have spent billions of dollars to produce less because we were producing too much, and we took 40,000,000 acres of land out of cultivation because we had done so well under the spending of billions before that time.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. SCHAFER of Wisconsin. That was done under the program conceived by Mordecai Ezekiel, the real New Deal Secretary of Agriculture whose name was on the red list given out by the Dies committee yesterday.

Mr. AUGUST H. ANDRESEN. That may be. I do not know what the gentleman has in mind.

Mr. KNUTSON. It is not fair to make Mordecai Ezekiel the goat for a lot of dreamers.

Mr. AUGUST H. ANDRESEN. But here we are taking 40,000,000 acres of land out of production because the farmers are producing too much, and we are spending billions of dollars to reimburse farmers so that their income may be supplemented to give them an American standard of living.

Then we find, in addition, the New Deal is proceeding to give away the domestic market that our farmers heretofore had to cheap foreign production. That is what they are doing in the trade agreement with Argentina. That is what they are doing in every other trade agreement that has been negotiated, because those trade agreements have been a detriment to both agriculture and industry and has stopped recovery in this country.

Mr. Speaker, we should stay in session. The business of the Congress in this session should be to protect American farmers, American laboring men, and American industry, and not destroy them. Let us therefore override the President's desire or demand that we do not consider any other legislation. Let us stay in session and get down to business and solve these domestic problems in order to save our own country.

We will not go into the European war. The American people are against it and the Congress is against it. The Congress will therefore see to it that no executive agency of the Government involves us in that European war.

I think if we are going to act as a Santa Claus to anybody we should act as a Santa Claus to American citizens. [Applause.] We will not be serving them if we do not protect the American market for them. They are entitled to have this protection, and I, for one, demand that we stay here and solve some of these difficult problems affecting our own welfare. I know that many of my colleagues will join with me in that demand. Let us put our own house in order.

Mr. CRAWFORD. Will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I believe the gentleman referred to the fact that Germany had not been permitted to participate in these trade agreements under the most-favored-nation clause.

Mr. AUGUST H. ANDRESEN. That is right.

Mr. CRAWFORD. Has Germany been excluded from participation under that clause ever since the program started?

Mr. AUGUST H. ANDRESEN. Probably not the first ones, but in the case of all the later agreements Germany has been excluded.

Mr. CRAWFORD. It is my understanding that the most-favored-nation clause has never been extended to Germany for any trade agreement.

Mr. AUGUST H. ANDRESEN. That may be.

Mr. CRAWFORD. Does the gentleman know of any reason why that condition should have existed prior to the declaration of war?

Mr. AUGUST H. ANDRESEN. The only point I make on that is that Germany was paying a subsidy for the exportation of its farm and other commodities, which subsidy runs contrary to our dumping laws.

Mr. CRAWFORD. Is it not true that we paid a subsidy on some of our exports of agricultural products long before war was declared?

Mr. AUGUST H. ANDRESEN. Yes; and when the gentleman mentions the paying of a subsidy, may I say that we paid a subsidy of approximately 30 cents a bushel to get rid of wheat in the last year, and we did get rid of considerable wheat; but one strange thing about that is that apparently some of these war lords over there in Europe knew this war was going to take place, so they drove the price of wheat down to the lowest point that it had been in 350 years; then we paid them 30 cents a bushel to take it out of the country.

Mr. GORE. Will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Tennessee.

Mr. GORE. In answer to the question the gentleman from Michigan asks, may I point out that the barter system of trading which Germany practices does not lend itself to reciprocal trade, neither does it very readily lend itself to any form of trade in which America has traditionally engaged.

Mr. CRAWFORD. Will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Does our subsidized exports of wheat and subsidized exports of cotton as we are now doing lend itself to the most-favored clause of the reciprocal-trade agreements?

Mr. AUGUST H. ANDRESEN. I do not think it does.

Mr. CRAWFORD. No; neither do I.

Mr. COX. Will the gentleman yield?

Mr. AUGUST H. ANDRESEN. Will the gentleman get me additional time?

Mr. COX. I cannot guarantee that; but I would like for the gentleman to yield to me if he will.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore (Mr. BOREN). Is there objection to the request of the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN]?

There was no objection.

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Georgia now.

Mr. COX. I do not want to be impolite and insist upon the gentleman yielding.

Mr. AUGUST H. ANDRESEN. There is no gentleman in the House for whom I have a higher regard than I have for the gentleman from Georgia.

Mr. COX. And the gentleman knows something of my confidence in him and my deep affection for him. I must say regretfully that the gentleman has not been fair in the statements he has made with reference to the policy of the State Department or the administration, nor has he been fair in what he said with reference to our trade agreements.

Mr. AUGUST H. ANDRESEN. Will the gentleman point out where I have not been fair?

Mr. COX. I hope the gentleman will remain here until I have had opportunity to at least attempt to make an answer to what he stated.

Mr. AUGUST H. ANDRESEN. I will be delighted.

Mr. COX. The gentleman has undertaken to create the impression in this body and throughout the country that the Department of State has deliberately sought to take advantage of the disturbed condition that prevails in the minds of the people of this country to put something over on the farmer, to give away his home markets, with the result that the farmers will be disadvantaged and that other industry will be advantaged.

Mr. AUGUST H. ANDRESEN. I thank the gentleman. I intended to point out what is taking place.

Mr. COX. Now I want to ask the gentleman what evidence has developed thus far in the hearings that have been held by the State Department that indicates there is any intention on the part of the administration to give away the home market of any agricultural commodity?

Mr. AUGUST H. ANDRESEN. I will answer the gentleman.

Mr. COX. Let me say this further to the gentleman: The gentleman has sought to leave the impression that agriculture has suffered as a result of the trade agreements that have thus far been set up.

Mr. AUGUST H. ANDRESEN. I thank the gentleman, for he is correct as to my intention.

Mr. COX. I would like to ask the gentleman, What does he find in congressional tariffs that have been of comfort to the farmer? In other words, is the gentleman taking the position that agriculture has suffered a disadvantage under the trade agreements compared with what it formerly enjoyed under congressional tariffs? Does the gentleman want this country to return to the Smoot-Hawley tariff unaffected by the agreements that have been made between the United States and other countries?

Mr. AUGUST H. ANDRESEN. I want to return to the time when the cotton farmers of the South got an average of 17 cents a pound for cotton, as they did during the 12 years of Republican administration. [Applause.] I want to return to the time when our dairy farmers got from 40 to 60 cents a pound for butterfat. [Applause.] I want to return to the time when the cattle farmers were protected on their American market. I want to see to it that our people here get the proper protection to which they are entitled. I want to return to the time when the American laboringman had a decent job at American wages. The gentleman has not misunderstood me and I hope the country does not misunderstand me. Because of the trade agreements that have been negotiated, wherein agricultural commodities were covered, the duties were cut, imports entered into this country beyond former imports, the markets were glutted, and prices were depressed, and our American farmers have suffered distress, as a result, from one end of the country to the other. [Applause.]

Mr. COX. Will the gentleman yield further?

Mr. AUGUST H. ANDRESEN. I cannot yield further.

Mr. COX. The gentleman ought to yield at this point.

Mr. HOFFMAN. Regular order, Mr. Speaker.

Mr. AUGUST H. ANDRESEN. I have given the gentleman 5 minutes of my time and I now have only 5 minutes left. I always have the highest regard for the gentleman. He is one of my real warm friends. His judgment is generally very good and I have gone along with him scores of times in this House and stand ready to follow him in the future, but not when it comes to giving away our market to cheap foreign production in other countries of the world. [Applause.]

Mr. HILL and Mr. GORE rose.

Mr. AUGUST H. ANDRESEN. I cannot yield now.

Let me tell you something about the price situation in my home town today. You talk about farm prices. My farmers are getting 73 cents a bushel for No. 1 wheat and 39 cents a bushel for rye. They are getting 32 to 49 cents a bushel for barley, 25 cents a bushel for oats, and from 30 to 37 cents a bushel for corn. Eggs are selling from 11 cents for pullet eggs to 23 cents for No. 1 eggs. Butter is selling for 32 cents a pound and cream 28 cents; poultry, from 5 cents to 9 cents a pound is what the farmers are receiving. And still, in this proposed trade agreement the President is contemplating cutting the duty on turkeys from 10 cents to a maximum cut of 5 cents, and I suppose that is what they will do because they cut the duty on live turkeys from 8 cents to 4 cents in the Canadian agreement, and the price of turkeys today is 5 cents a pound lower than what it was last year.

Mr. SCHAFER of Wisconsin. Is that why we now have two Thanksgiving Days?

Mr. AUGUST H. ANDRESEN. I have not thought about that.

Mr. HILL and Mr. O'CONNOR rose.

Mr. AUGUST H. ANDRESEN. No; I cannot yield just now. Let me answer that question.

Last year, in 1938, we had a supply of 26,000,000 turkeys. This year—and I do not know who arranged it—we have 32,000,000 turkeys. This answers the gentleman from Wisconsin. So we can have a turkey on the 23d and a turkey on the 30th, to be properly thankful to the administration that fixed the two dates for the bounteous blessings that have been heaped on the American people.

I yield now to the gentleman from Washington.

Mr. HILL. Will the gentleman please explain the attitude of your distinguished Vice Presidential candidate last year, Colonel Knox, of Chicago, on the question of trade with South America?

Mr. AUGUST H. ANDRESEN. I cannot explain it, and I do not follow him. I am here to protect citizens of my country.

Mr. O'CONNOR and Mr. KNUTSON rose.

Mr. AUGUST H. ANDRESEN. I yield first to the gentleman from Montana.

Mr. O'CONNOR. The gentleman speaks about wanting to return to certain prices. I agree with some things the gentleman has said. As now, the gentleman always contributes a great deal of information to the House when he speaks.

Mr. AUGUST H. ANDRESEN. I thank the gentleman.

Mr. O'CONNOR. But would the gentleman want to return to 3-cent hogs, 2- and 3-cent beef, 25-cent wheat, and 6- or 7-cent cotton, the condition that existed in the spring of 1933?

Mr. AUGUST H. ANDRESEN. I will answer the gentleman. Of course not. But I do want to put the farmers back to where they can get an American income. While they did not get it in 1932 because of the world depression, during the 12 years of the administration the gentleman has condemned, the Republican administration——

Mr. O'CONNOR. The gentleman does not want to return to the prices of the Hoover administration, does he?

Mr. AUGUST H. ANDRESEN. During the 12 years of Republican administration, including 1932, the average price

level was from 25 to 50 percent higher than it has been at any time under the New Deal.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman.

Mr. KNUTSON. The gentleman read some market figures a few moments ago; were they based upon the 59-cent dollar of the New Deal or the former Republican 100-cent gold dollar?

Mr. AUGUST H. ANDRESEN. The prices I referred to were under the 100-cent dollar.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. CRAWFORD. I very much dislike to get tangled up with my good friend from Montana, but I suggest to the gentleman who is speaking to ask him if he wants to turn his beet-sugar market in Montana over to Cuba through a reciprocal trade agreement policy.

Mr. AUGUST H. ANDRESEN. I can answer, I think, for the gentleman from Montana. I do not believe he wants to give any of our American markets away to foreign producers; neither do I, and neither should any other Member of this House; and therefore as friends of the American people, elected here to represent the interests of our own citizens, let us make it our business from now on to protect the welfare of our own people rather than trying to be Santa Claus for the rest of the people of the world.

[Here the gavel fell.]

Mr. H. CARL ANDERSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota may proceed for 2 more minutes to answer a question.

The SPEAKER pro tempore (Mr. BOREN). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. H. CARL ANDERSEN. Does not the gentleman think it would be for the good of the Nation if we, as a Congress, would refuse to adjourn and then try to do something in this coming month about taking away from the President and the State Department the power they now have to give away our American markets?

Mr. AUGUST H. ANDRESEN. The gentleman is absolutely correct. We have been sitting here for 30 days twiddling our thumbs in our seats for a few minutes each day doing nothing, when we should have been working and could have been working for the welfare of the American people; and let me say further, with all due respect to our distinguished Speaker, he found there was a drought situation in certain States and so he formed a bloc here in Congress of both Republicans and Democrats to get $50,000,000 to aid those drought-stricken people. He threatened that we would take it up here in this special session of Congress, when it was supposed that we could not consider any other matter, and then the President turned around yesterday and gave him the $50,000,000 for the worthy cause of aiding those in need.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. O'CONNOR. I just want to make this observation, inasmuch as the gentleman has referred to me. I want to assure the gentleman and the Members of this House that I have always stood, and stand now, for reserving the American markets for the American producers. [Applause.]

Mr. AUGUST H. ANDRESEN. I stated that much myself in answer to a gentleman, because I knew how the gentleman felt, and I can only add that I wish the gentleman would come over on our side of the aisle and help us put through some of the doctrines that we believe are for the welfare of the American people.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from New York.

Mr. REED of New York. I simply want to ask a question, and anybody in the House can answer it who desires. Do you believe, if we had followed the regular practice of having the Senate ratify these agreements, that a single one of these trade agreements would have been enacted in the form they are in now?

Mr. AUGUST H. ANDRESEN. Of course not. There would not have been any trade agreements, because no sane Senate on earth would have ratified any agreement that has been made.

Mr. REED of New York. The other countries ratify them through their legislative bodies, or at least most of them do so.

Mr. AUGUST H. ANDRESEN. The gentleman is right. The foreign legislative bodies quickly ratify the agreements because they get the best end of the deal at the expense of American citizens. Let us put a stop to this injurious policy and immediately begin work in Congress to put our own house in order. [Applause.]

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Massachusetts [Mr. TREADWAY] is recognized for 30 minutes.

THE TRADE-TREATY PROGRAM

Mr. TREADWAY. Mr. Speaker, had I been aware of the nature of the address that the distinguished Member from Minnesota expected to deliver I would have asked that the time allotted me be given to him, because he has covered the very matter that I wanted to deal with, and at the same time I feel that he can do it so much more ably than I can that he should be the one to speak in behalf of our side in relation to the trade-treaty program.

Practically all of this session has been devoted to the subject of neutrality. This is the all-absorbing subject at the present time, not only in both branches of the Congress, but in the country at large. Therefore it perhaps is a little difficult to turn the current of thought from the foreign policy of this country and other countries to a subject of very great and important domestic interest.

PUBLIC ATTENTION DIVERTED FROM DOMESTIC ISSUES

While I have no doubt that the administration and the administration leaders are glad to have the attention of the people at least temporarily diverted from its failure and its ruinous policies, nevertheless I feel that we of the Republican minority have a duty to see to it that these domestic issues are not forgotten. I do not intend to allow the war situation to interfere with my interest in domestic problems, and there is no greater issue today than the trade-treaty program, the administration of which has been such a signal failure.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. KNUTSON. A year ago it was the Supreme Court; now it is neutrality. The gentleman recalls that the old-fashioned mother, when the baby was colicky and ailing, would put molasses on its fingers and then hand it a feather to play with. I am wondering if these two issues are not feathers.

Mr. TREADWAY. I say this in support of the administration, in answer to the gentleman's comparison, that such issues as the trade-treaty program and the Supreme Court issue were of our own making, whereas the matters arising out of the question of our neutrality, in which we are so deeply involved at the present time, are not, fortunately, of our making here in this country. I shall not make any reference to that today.

Mr. Speaker, I want to get back to this one subject the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] has so ably touched upon. His remarks were limited largely to a discussion of agricultural difficulties resulting from the trade-treaty program. I think the question is much larger than that, and so does he. It affects every producer in the United States—labor, industry, agriculture, and everything else having to do with the well-being of our country. Therefore it is much broader than simply a discussion of agriculture, meritorious as was his argument in relation to that subject. Let us get beyond that one idea and include everything having to do with the well-being of this country.

EXPORTS WERE ALREADY ON INCREASE WHEN TREATY PROGRAM WAS ADOPTED

It will be recalled that this program was inaugurated in 1934 for the avowed purpose of expanding our export trade. That was the excuse given originally for the adoption of the unconstitutional trade-treaty program—an expansion of our export trade. One of the arguments made in behalf of the program was that it was the only means by which we could hope to regain our former prosperous export business.

This contention was made despite the fact that at that time our export trade was rapidly on the increase from the low point it had reached at the depth of the world-wide depression in 1932. We have every reason to believe that this upward trend would have continued even without the treaty program. The treaty program was not the means of increasing our foreign trade. It was simply a coincidence that the trade-treaty program was adopted at a time when we were on the upward trend anyway.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CRAWFORD. Let us take the Argentine situation at the moment. Heretofore Germany has supplied Argentina with the principal portion of her iron and steel products. Suppose we get the Argentine agreement into operation now and that business automatically falls into our hands due to the European situation. It will then be quite natural for someone to claim that that business is the direct result of the trade agreement.

Mr. TREADWAY. Of course, the gentleman is right. They will take the credit for any increased exports, and even for any decline in imports, although, as we know, no tariff duties have ever been increased under the treaty program.

What happened in the time of the Wilson administration, when we had a free-trade tariff bill? The war made an artificial trade barrier and brought about a protective tariff that the Democratic Congress would never otherwise have written, and brought prosperity back to the country. Does the gentleman not agree with that?

Mr. CRAWFORD. Yes; I do.

EXPORTS TO MANY NONTREATY COUNTRIES HAVE INCREASED MORE THAN TO TREATY COUNTRIES

Mr. TREADWAY. To continue my remarks, it can be shown that our exports to many nontreaty countries have increased to a greater extent than have our exports to countries with which we have entered into treaties and granted concessions in our our home market.

It is my purpose today to prove that the treaty program has not accomplished the purpose in regaining our export market.

DOMESTIC INDUSTRIES UNNECESSARILY SACRIFICED

In my opinion, we have unnecessarily and unjustly sacrificed our domestic market and our domestic producers in trying to expand our foreign trade through the present trade-treaty program.

In considering the alleged benefits of the treaty program, we must not overlook the price we have had to pay, not only in the concessions we have made to individual treaty countries but in the extension of those concessions to the whole world with no compensating benefit to us. That applies, as the gentleman from Minnesota so well pointed out in his remarks, to the benefits that Argentina will secure under this proposed treaty, and that will be extended to other countries as well, without the slightest return to us. We have given up far more than we have received. American agriculture, labor, and industry have had their birthright, the American home market, traded off for a mess of pottage. Let us look after our own affairs a little bit and take care of the domestic problems here at home before extending these rights and privileges in our market to foreign countries.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. AUGUST H. ANDRESEN. Is it not a fact—I believe the gentleman has already pointed it out generally—that very few manufacturers in this country are benefited, to any material extent, by these trade agreements?

Mr. TREADWAY. I would say that is absolutely true.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. CASE of South Dakota. Not only is this constitutional feature involved, but does the gentleman know of any basis in the trade-agreement act itself that authorizes the reductions in excise taxes which are proposed or listed for consideration in some of the announcements now out?

Mr. TREADWAY. No; I know of no such basis.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield further?

Mr. TREADWAY. I yield.

Mr. AUGUST H. ANDRESEN. Will the gentleman discuss the effect upon imports coming into this country, of the reduced value of foreign currencies?

Mr. TREADWAY. No, I am not touching on that subject today, because I am trying to bring up some comparisons of treaty and nontreaty countries. I am not touching on that phase of the question which is, by itself, an important subject for discussion.

Mr. AUGUST H. ANDRESEN. But is it not a fact that with respect to commodities contained in the agreement with Canada and Great Britain, the duties have been reduced about 15 or 20 percent additional?

Mr. TREADWAY. Yes, as a result of exchange fluctuations due to the depreciation of the British pound.

STATE DEPARTMENT'S PROPAGANDA MACHINE TRIES TO PAINT FAVORABLE PICTURE

Taking up the question of the alleged benefits of the treaty program, we find the State Department propaganda machine trying to paint a favorable picture by pointing out that our combined exports to treaty countries have increased to a greater degree than our combined exports to nontreaty countries.

At first blush, this may sound like a plausible argument in favor of the treaty program, but when we look to our trade with the individual countries within each group, it becomes apparent that the result shown is a mere coincidence.

Increased exports to treaty countries are not consistently greater than to nontreaty countries. On the contrary, many instances can be cited where exports to nontreaty countries have increased far more than in the case of treaty countries.

EXAMPLES OF INCREASED TRADE WITH NONTREATY COUNTRIES

Let me cite a few instances, comparing the average exports in 1934 and 1935 with 1937 and 1938. Turning first to Latin America, here is what we find:

In the case of Colombia and Guatemala the exports increased 84 and 81 percent, respectively. These are both treaty countries. However, our exports to Venezuela, a nontreaty country, increased by 161 percent. You do not get any of that information through the State Department propaganda on trade treaties.

Thus, so far as those three countries are concerned, we fared best without any trade treaty. That is apt to be the case right along.

Let us take two other countries similarly situated—Brazil and Argentina. We have a treaty with the former, but not with the latter, although one is now under negotiation, which has been so thoroughly discussed by the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN], this morning. Our exports to Brazil, the treaty country, increased 56 percent, but exports to Argentina, the nontreaty country, increased 97 percent.

Again, we got along very well without a treaty. How do the advocates of the trade-treaty program account for that comparison? Let us not forget this fact—that our trade with Argentina increased nearly 100 percent without our making a single concession to her products in the American market. So why negotiate a treaty with them now for their benefit—not ours? All we got from Brazil, after making a number of concessions to her products, was a 56-percent increase. How do we know but that our exports would not have increased

in substantially the same percentage, even if the treaty with that country had not been entered into?

Of course, it cannot be proved either way, but we do have the example of Argentina to bolster the argument that trade treaties are not essential to increased export trade.

Now, let us turn to Europe and see what kind of comparison you find there. We have a trade treaty with Sweden, but not with Norway; yet our exports to Norway increased in almost the same percentage as in the case of Sweden—80 percent as against 81 percent. Thus, all we got out of the treaty with Sweden, after making numerous concessions to her in the American market at the expense of our own producers, was a 1-percent greater increase in exports than to Norway.

France and Switzerland are both treaty countries, but our exports to them increased by only 28 and 26 percent, respectively. On the other hand, our exports to the United Kingdom, which in 1938 was not a treaty country, increased by 30 percent; our exports to Portugal, another nontreaty country, by 39 percent; to Denmark, another nontreaty country, by 56 percent.

As offsetting the 100-percent increase in the case of exports to Finland, a treaty country, we find that our exports to the following nontreaty countries increased by even more: Rumania, 102 percent; Irish Free State, 170 percent; Russia, 183 percent; and Turkey, 292 percent. How do those comparisons sound? It appears that we have been successful in increasing our trade with nontreaty countries as well as with treaty countries.

LUMPING OF EXPORT FIGURES GIVES DISTORTED PICTURE

In lumping the increased exports to all treaty countries and setting them off against the increased exports to all nontreaty countries, as the State Department does, a distorted picture is presented. By looking at our trade with the individual countries we find there is no basis for the State Department's generalization that trade treaties have proven beneficial. Also it becomes apparent that there is no basis for the statement that trade treaties constitute the only hope of regaining our export trade. The fact is that our exports to nontreaty countries are increasing at a rapid rate without costing us anything in the way of concessions in the American market involving injury to domestic producers.

TREATY PROGRAM A COSTLY FAILURE

I stated at the outset that I would refer not only to the ineffectiveness of our trade-treaty program in expanding our export trade, but also to the tremendous cost at which this experiment has been carried on. Like many other New Deal experiments, the trade-treaty program has been an expensive failure. I am not criticizing the principle of reciprocity—that is, true reciprocity—but the present program does not come within that category.

We are giving up more than we receive, because we extend our concessions to the whole world while obtaining concessions only from the individual treaty countries. This in itself is costly and one-sided and is not reciprocity but charity—charity with the American producer's birthright, his home market. It is not necessary to make costly concessions in the home market either to expand or maintain our foreign trade.

NO SENSE IN BUYING WHAT WE ALREADY PRODUCE

Conceding that we have to buy if we export to sell, it does not follow that we have to buy what we already produce for ourselves and therefore do not need. There is no sense in that. That is the argument the gentleman from Minnesota used so effectively this morning, that we are arranging to get from Argentina agricultural products that we raise here ourselves and exclude our own farmers from our own markets. This is the outstanding objection to the present trade-treaty program.

Up to the present time this administration has made concessions of as much as 50 percent on over 1,000 items coming into our market from abroad to compete with and displace our own products. I have frequently referred to many of these items. They embrace the principal products of farm and factory. I should like to have the entire list of reductions printed in the RECORD so that American producers could see how the administration now in power has sacrificed their interests in our home market, but the cost of such printing of the enormous number of items precludes that request. A document has been published by the Tariff Commission showing these changes, and the document is almost as large as the tariff law itself. In fact, the intention of the trade program is to write a tariff bill without the authority of Congress. That is where the claim is substantiated that it is not constitutional to so proceed.

NO GAIN FROM GIVING UP DOMESTIC MARKET TO SECURE FOREIGN MARKET

Disregarding for the moment the sacrifice which American producers are called upon to make as a consequence of tariff reductions on competitive foreign products, the fact remains that nothing is to be gained by giving up a dollar or more in the domestic market for each additional dollar of foreign trade realized; yet that is precisely what is now being done under the treaty program. Certain groups of producers are being sacrificed in an effort to expand the export business of certain other producers.

I am opposed to expanding our foreign trade in this way even if it should be successful, which, of course, it is not. One domestic producer has as much right to live as another, and instead of killing off our industries, either agricultural or manufacturing, we should promote and protect home production, realizing that we have right within our own borders the richest market in the world.

Governments are created, not to destroy, but to protect and preserve the people and their livelihood.

NO JUSTIFICATION FOR SACRIFICING DOMESTIC PRODUCER

Right now the administration is preparing to enter into a treaty with Argentina, probably with an idea of gaining markets there which formerly went to countries now busily engaged in trying to destroy each other.

But I ask, why, in order to sell Argentina a few dollars more, we should sacrifice the American farmer, as is contemplated?

Why, in order to sell any country any more goods, should we sacrifice any domestic producer or any American wage earner? There is no answer; no justification.

Those who say we must buy to sell apparently forget that two-thirds of our imports in point of value are already on the free list. There is no reason to give foreign producers any greater free market in this country. Let them trade for our surpluses the goods we need but do not produce ourselves.

There is no need for our importing Argentine beef, or British woolens, or Belgian cement, or hundreds of other items I could mention on which our duties have been drastically reduced so as to invite and encourage foreign importations.

RECIPROCITY AND PROTECTION SHOULD GO HAND IN HAND

Reciprocity and protection for our industries should go hand in hand. In our previous experiences with reciprocity under Republican auspices such was the case. It should be the case today, but is not. The present treaty program is simply a backhanded method of bringing about a general downward tariff revision, which this Congress and the country would never stand for it it were proposed in a single measure. That is in line with the inquiry made by the gentleman from New York [Mr. REED] of the gentleman from Minnesota, who was speaking, whether any of these treaties would ever have been confirmed had it been necessary to put them before the Senate.

AUTHORITY FOR TREATY PROGRAM EXPIRES NEXT JUNE

Here is the important point, Mr. Speaker: This program, injurious as it is to every feature of American production, was inaugurated in 1934. It was renewed upon its expiration in 1937 for a further period of 3 years, but with fewer votes than it had originally been enacted. It expires again next June, and I sincerely hope and trust that it will not be reenacted again in its present form. It must not be, and that is one of the issues that we as Republicans must place directly before the country.

I recall having said in the last session of Congress that a great many of our new Members were elected to this Congress

on the basis of their opposition to the trade-treaty program. That program of opposition must be carried out. Not only should these new men be returned to Congress, but many others should take the places of some of the majority at the present time.

I am glad to see that several Democratic Members have joined with the Republican Members in introducing bills either to terminate the trade-treaty program or to require ratification of the treaties before they shall become effective. Only last week the gentleman from Nebraska [Mr. COFFEE] introduced a bill of the latter character. The gentleman from California [Mr. IZAC] would repeal the whole program, and that is not a bad idea.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

NOTICE REQUIRED TO TERMINATE OUTSTANDING TREATIES

Mr. MICHENER. Assuming that this authority granted to the Executive to execute these trade agreements should expire by limitation next June, what would be the condition of the treaties already entered into by the Government with these foreign nations?

Mr. TREADWAY. They would not expire. It is simply the President's authority to negotiate and enter into the treaties that expire next June. The treaties will continue in effect until they cease under their own terms or until terminated by either party upon proper notice.

Mr. MICHENER. I do not have the law before me, but I assumed there was somewhere, somehow, some law which would provide for the sanctity of a contract, and if this Government made a contract—which is a treaty—with Brazil, Argentina, or any other country, and there was a time limit on it—for instance, a 3-year limit—that the treaty would be good for 3 years as a result of the agreement entered into.

Mr. TREADWAY. The gentleman is correct.

Mr. MICHENER. The gentleman from New York [Mr. REED] calls my attention to a provision or clause in the law which suggests that if these treaties result in the disadvantage to our Government they may be canceled.

Mr. TREADWAY. Of course, it is fair to assume that the present administration, having entered into this program, is not going to say it has been to the disadvantage of our country. Here is the provision covering termination of the treaties as contained in the law:

> SEC. 2. * * * (b) Every foreign trade agreement concluded pursuant to this act shall be subject to termination, upon due notice to the foreign government concerned, at the end of not more than 3 years from the date on which the agreement comes into force, and, if not then terminated, shall be subject to termination thereafter upon not more than 6 months' notice.

Mr. MICHENER. I do not want this Government to be placed in a position where it gives its solemn promise in the form or shape of a trade agreement with another country and then repudiates what it has done. I do not want it to be put in that position.

Mr. TREADWAY. I agree with the gentleman. We must be fair and honest with other countries.

Mr. MASON. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Illinois.

Mr. MASON. It is my understanding these treaties are in the nature of contracts and that they are not to be terminated unless 6 months' notice is given.

Mr. TREADWAY. That is my understanding.

Mr. MASON. We can presume that under the present administration which favors those treaties there will be no 6 months' notice given. It would therefore require, you may say, a change of administration before we could expect to give the 6 months' notice.

Mr. TREADWAY. Is that not what the gentleman expects next year?

Mr. MASON. I was not expressing my hope.

Mr. TREADWAY. I can express it for him. I know what the gentleman's views are on that subject, and they coincide with my own.

Mr. MASON. Of course.

Mr. TREADWAY. For the benefit of the country at large, there must be a change of administration next year.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Is it the gentleman's understanding that in the coming session, beginning in January and ending in June, the question of extending the life of the trade-agreement program will come up?

Mr. TREADWAY. Yes; it will necessarily have to come up; otherwise, the authority to negotiate these agreements will expire on the 12th of June.

MANY DEMOCRATS NOW OPPOSE TREATY PROGRAM

Mr. Speaker, the recent hearings before the Committee for Reciprocity Information in connection with the proposed Argentine treaty produced some interesting revelations.

The junior Senator from Texas is credited with having stated:

> I voted for the trade-agreement program, but occasionally I have repented my vote.

I am glad of that. Doubtless the same feeling of repentance has occurred to many Democratic Members who voted for the program. Look over the list of Members who have appeared before the Committee for Reciprocity Information to ask that the duties on the products of their districts be not reduced. There are just as many Democrats as Republicans.

It must be somewhat embarrassing for those Democratic Members who voted for the treaty program to have to appear before the Reciprocity Committee and ask that no reductions be made on the products of their districts. If the program is good for the rest of the country, then it is good for their districts; but, of course, I have always contended that it is not good for the country, so I sympathize with them in trying to protect their people. I want to protect all the people.

DEMOCRATIC CONGRESSMAN SAYS TREATY PROGRAM IS ON THE WAY OUT

According to press reports, the gentleman from Oregon [Mr. PIERCE] told the Reciprocity Committee that while he voted for the original legislation, he was suspicious of it and voted against its renewal 2 years ago.

He further stated, according to the press, that the law in its present form "is on the way out." I agree with him.

According to an item in yesterday's press, Representatives of 11 Western States were reported by the gentleman from Utah [Mr. ROBINSON] to have pledged themselves to seek repeal or modification of the trade-treaty program if tariff reductions on agricultural and mining products resulted from impending treaties with three South American countries. According to our colleague, all but one of this group voted for extending the program in 1937. He is quoted in the press as having stated:

> Now, however, every one of us is ready to vote against its further continuation if they are going to trade our products off to the detriment of our country.

It is fine to see some enlightenment on the part of the men who helped to put this program through originally.

Of course, if the administration does not trade off the products produced in the districts of these 11 western Members, it will trade off the products of other districts.

In fact, the reductions already made under the treaty program embrace in some degree at least the products of virtually every congressional district in the country. Under the circumstances, therefore, it seems to me that there ought to be a unanimous vote in opposition to the present program, involving as it does reductions on competitive foreign products which displace our own.

Some of those who appeared before the reciprocity committee in connection with the Argentine treaty have included copies of their remarks in the RECORD for the benefit of Members. I have been interested in what they had to say. The gentleman from Arizona [Mr. MURDOCK] stated in his remarks concerning his appearance before the committee:

> I find myself in somewhat of a predicament in this respect, that in general I favor trade agreements where they can be mutually profitable and beneficial, but they must be reciprocally helpful to obtain my approval.

The gentleman never made a wiser statement than that one, and he is one of our wise Members.

[Here the gavel fell.]

Mr. MAPES. Mr. Speaker, the gentleman has been liberal in yielding. I ask unanimous consent that his time be extended 10 minutes.

The SPEAKER pro tempore (Mr. BOREN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TREADWAY. I thank the gentleman and I thank the House.

Our colleague from Arizona then went on to say later in his remarks:

I am not willing to cripple any American industries, certainly not the basic industries of my State, in order to encourage trade.

DOMESTIC INDUSTRIES CRIPPLED UNDER TREATY PROGRAM

In that statement the gentleman put his finger on the fundamental objection to the present program, namely, that it involves crippling American industries, if not of his State, then of some other State.

I quote from our colleague further because I am in agreement with what he says:

I know, of course, that the committee is looking at the good of the whole country, but it cannot be for the good of the whole country to cripple the livestock industry or the mining industry or the agricultural industry of half our people.

Fine. I applaud these remarks, and I would add that it is not good for the country to cripple any domestic industry in any section in the mere hope of expanding our export trade.

The remarks of the gentleman from Nebraska [Mr. COFFEE] are replete with Republican tariff arguments to which I subscribe. I quote one paragraph from his statement; there are many others to which I would like to refer. He said:

There can be no justification for reducing the tariff on any of these competitive agricultural commodities when millions of dollars from the Federal Treasury are now being spent in reducing production and in aiding the disposal of the surpluses. The American market must be preserved for the American farmer if agriculture is to receive its fair share of the national income. Restoration of the purchasing power for American agriculture will provide a greater market for industrial products and more employment than restoration of purchasing power in some foreign country. There is no doubt that we might increase our sales of automobiles and industrial products to Argentina if under this agreement we tear down our protection and permit a flood of competitive agricultural commodities to enter this market. But what about the sales that will be lost in the domestic market? Sixty-eight percent of all the automobiles in the world are owned right here in this country.

What the gentleman from Nebraska says regarding imports of competitive farm products applies equally to imports of competitive industrial products, and that is why I elaborate more on this program than did the gentleman from Minnesota. He was limiting himself to one feature. I want to extend it to the broad field of American industry.

Just as our manufacturers gain nothing by securing foreign markets at the expense of agriculture, so agriculture gains nothing by securing foreign markets at the expense of industry and labor.

The American workingman is the highest paid in the world and the farmer's richest market is right here at home.

Under the present treaty program any gains we make in our export market are more than offset by the loss to domestic producers of the home market. On the other hand, when we import noncompetitive products—and there are plenty of them that we need—we do not injure American agriculture, industry, or labor, but tend to increase their prosperity.

The present program of encouraging imports of competitive products takes away the livelihood of large groups of our citizens, beats down our price and wage structure, and works to the detriment of the whole people.

NOT NECESSARY TO MAKE CONCESSIONS TO ARGENTINA TO SECURE HER TRADE

A few moments ago I referred to our efforts to secure the South American market which formerly went to nations now at war. I want to point out that there is no necessity for us to make ruinous concessions in our own tariffs in order to gain this market. We can obtain it by default, without these proposed concessions on American farm products. Why make sacrifices for something that is free?

In any event, the South American countries have no reason to complain of our tariffs.

They are the principal beneficiaries of the present free market in this country for two-thirds of our imports.

Our duties on competitive South American products are imposed simply to offset competitive advantages in the home market which those producers have by reason of their low production costs and low-wage scales.

There is nothing unreasonable in that.

Those who complain about our tariff rates being too high should realize that there is now on the statute books ample authority for making reductions in our rates where this fact can be shown.

WHY NOT PUT THE TARIFF COMMISSION BACK TO WORK?

We have a Tariff Commission which was set up to make investigations and to propose changes to the President under the so-called flexible tariff.

That law has been temporarily suspended by the trade-treaty program.

Our highly paid Tariff Commissioners are now nothing but errand boys for the reciprocity committee.

They make no decisions affecting policy.

They have nothing to do with the negotiation of the trade treaties.

For all I know they are perfectly free to spend their time going fishing, because so far as getting up information and figures for the State Department is concerned that work can and is being done by the staff of the Commission.

We ought to put our Tariff Commissioners back to work doing what Congress intended they should do, namely, so keep our tariff rates in adjustment that they equalize competitive conditions in the home market as between domestic and foreign producers.

This carries with it, of course, the duty to raise duties where necessary in order to properly protect American producers against unfair foreign competition.

Under the trade-treaty program, as we all know, adjustments in rates are only made in one direction—downward.

Little, if any, consideration is given to the needs of our own people.

In negotiating trade treaties, the foreign cost-of-production advantage may be, and generally is, ignored.

This should not be.

Instead of being relegated to a mere statistical body, the Tariff Commission ought to be carrying out its function and duty of protecting the American market from unfair competition from abroad.

The Tariff Commission was created as a quasi legislative branch.

Its purpose was to carry out the mandate of Congress as set forth in the flexible tariff provisions of existing law.

It has now been turned into a minor adjunct to one of the departments in the executive branch which is exercising the tariff powers which properly belong to Congress alone, as provided in the Constitution of the United States.

If we are to have a body to regulate our foreign trade and promote exports, why not let us do away with the present free-trade program of the State Department and set the Tariff Commission up as an expert body to carry on that function under the guidance of Congress?

CONGRESS MUST DEAL WITH TRADE-TREATY ISSUE AT NEXT SESSION

As I have indicated, the authority for the present unconstitutional and ruinous trade treaty will expire next June. I want to emphasize that feature. Congress will have to deal with the matter of its extension at the coming session in January. Presumably the administration will make an effort to have the authority continued. Therefore, it behooves those who feel as I do about the program to make ready to meet that issue, and when that time comes these gentlemen on the Democratic side who have stated their position I hope will continue to view the case as they have stated they do

at the present time. Perhaps an acceptable substitute program which protects the interests of our own people can be worked out.

One thing is certain, and that is that the Republican minority will make a vigorous and determined effort to defeat the extension of the treaty program in its present form. I need not remind the leaders on the other side that our forces have been doubled in number since this matter was last before us here, nor do I need to remind them that there have been defections on their own side, as I have just recently pointed out—Democrats who realize their mistake in having voted for the program and who are not going to repeat that mistake.

As the gentleman from Oregon [Mr. PIERCE] has truly said, "The law in its present form is on the way out." [Applause.]

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes; I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Let me say one thing as to the matter of your having made converts among some of the Democratic Members of the House looking toward repeal, or at least a noncontinuation of this measure when it comes up for consideration at the next session. I was one of a small group of Democratic Congressmen who met this morning to lay plans concerning one of these proposed trade agreements, at which time one of the Members pointed out that there were now 161 Republican Members, probably all of whom would be in favor of repealing this measure or not continuing it, and that if 20 or more Democratic Members from the Middle West, the farming area, and the mining West, should vote with these 161 there would be little likelihood of this power being extended. This remark was made by one Democrat to several others.

Mr. TREADWAY. Right in their own family group?

Mr. MURDOCK of Arizona. I think in all fairness it ought to be stated that the Democrats in that meeting this morning from the Rocky Mountain area were thinking directly of the possibility of the great harm which might come to this country and to the mining West through the adoption of a trade pact with Chile by which the present tariff on copper would be reduced. This would indeed be distinctly ruinous to all the copper-producing areas of this country. Therefore, not to give too much aid and comfort to the speaker or to his party in regard to Democratic help, let me say that I know some Democrats who are now in the process of watchful waiting to see whether all the proposed treaties with Latin American countries will materialize. If they do not materialize to our hurt, and we earnestly hope they will not, then, of course, I for one would have no reason to fight the program.

Mr. TREADWAY. In other words, the gentleman is giving warning to the administration today that you want them to look out for the protection of your local interests, otherwise you will go with us for the general interest and for the greatest good of the greatest number throughout the country. I take that to be the gentleman's position, and I thank the gentleman for his contribution.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Is it not a fact that there are many Members of Congress, as long as they are not touched with respect to any commodities in their own districts, who are willing to enforce this trade-agreement policy upon the ones that are touched?

Mr. TREADWAY. We get right back to the old General Hancock proposition that the tariff is a local issue. When there is a possibility of the tariff on their local products being done away with, then the well-being of the whole country is jeopardized. But when the products of some other section are involved in tariff reductions, they do not seem to think that the good of the country is affected, no matter how large or important an industry is being injured or destroyed. I would rather look at it from a broad, national viewpoint. I would much prefer that.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to my colleague from New York.

Mr. REED of New York. I was, of course, very much interested in the gentleman's speech, and I was also interested in what the gentleman from Arizona had to say about the mining interests. There are a great many Members on the floor here who come from fruit-growing sections, and I would remind the Members of the House that the great central valley of Chile is the greatest fruit and vegetable producing section in the world. They have a man there by the name of Rodriquez who is the Burbank of South America. The time of shipments from Chile to New York or from that fruit-growing section is about 14 days. Their exports are coming into our harbors here in great volume. They have big canning factories with cheap labor, and I understand in this agreement with Chile they are going to open up our markets to all that canned fruit and to these very wonderful vegetables and other fruits. They raise vegetables there that weigh 3 and 4 pounds. They raise melons, in the nature of muskmelons, that are large enough to serve an entire banquet in New York. I am not exaggerating when I make that statement. If we are going to open our markets to all these things, we are simply going to depress the market for our farmers further and further. I think we should be on the alert and realize that this is not a partisan matter.

Mr. HAWKS. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman.

Mr. HAWKS. I would like to remind the small group of Democrats who are apparently seeing the light about this thing——

Mr. TREADWAY. The group will be very much larger before June.

Mr. HAWKS. I would like to remind them that in 1940, based upon the returns of 1938, they had better cooperate in the matter of adjusting the reciprocal-trade agreements or they will not be back here in Congress.

Mr. TREADWAY. Well, worse things could happen than the departure of some. [Laughter.] There should be enough so that this side would be returned as the majority side. [Applause.]

[Here the gavel fell.]

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point in regard to trade agreements.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I feel pleased that the gentleman from Massachusetts [Mr. TREADWAY] has studied my remarks concerning the proposed trade treaties with Argentina and with Chile. I feel honored that he has quoted me at some length. Candidly, I am greatly worried because of the harm that may be done the farmers, livestock men, miners, and other laborers of my State. I have asked for this opportunity to make a little further statement so that the gentleman and other colleagues may not get the wrong impression from what I said.

In the first place, I do not want anyone to think that I am concerned only about the farmers, livestock men, miners, and other laborers of my State. I am interested in such producers in any part of my country wherever they may be found. I am fighting for this class of producers in my State, because I am the only Congressman such producers in Arizona have to fight their battles in this legislative Chamber.

Let me make myself clear on another matter. When I went before the Committee on Reciprocity Information last week, and when I go to the State Department tomorrow, as I am scheduled to do, and when I take the matter up with the President, it is not done to fight the reciprocal-trade program but to fight a possible abuse of that power. I am fighting certain proposals and suggestions which I think never should go in a reciprocal-trade agreement. Agricultural products

from Argentina and copper from Chile have not yet been let into this country in competition with our own production. I think it would be folly to let them in. I do not ordinarily oppose the placing of a gun in the hands of a peace officer. Yet there are certain cases in which I would oppose the use of that gun by a peace officer. This I could do logically without condemning the carrying of guns by peace officers generally.

The gentlemen on the other side of the aisle preceding me have been condemning reciprocal-trade agreements on the ground that they have already done the terrible things which some of us Democrats fear might be done if certain proposals are carried out. We differ from you in that you fight the whole theory of the program and we are fighting to prevent certain abuses getting into that program.

The gentleman has spoken of trade agreements as unconstitutional. Although I am not a lawyer, I doubt that the law is unconstitutional. I believe that it is certainly constitutional. Furthermore, I think that it is a wise provision, assuming that it is wisely administered; but it certainly does afford opportunity for very unwise trade provisions, which might lead, even unwittingly, to great harm to many of our people.

If the delegation of power to the executive department to modify duties on foreign goods is unconstitutional, Republican administrations have been doing that for a long while. If my memory serves me well, President Harding and President Coolidge, and also possibly President Hoover, were given the power by law to modify existing tariff rates up or down to the extent of 50 percent. The theory was then that such modification was to be based on the advice of expert judgment of a group who gave careful study to the general effects of such modification upon our country. Is not that exactly what we are doing now? Today the executive department may modify the existing rates in our tariff system to the extent of 50 percent. Presumably this is done on the advice of a board of experts giving scientific study to the problem in all of its phases and implications. Where is the constitutional difference between the present Democratic Party plan and the former Republican Party plan?

I am not a free-trader. I believe trade between nations can promote peace. Nevertheless, I believe in some trade restrictions and regulations. Of course, the power constitutionally resides in Congress to regulate commerce, but our tariff history—and certainly the history of the making of our various tariff laws—all show that Congress cannot go into the minute detail of such regulation with a large degree of wisdom or fairness. It is wiser that such complicated matters be left to a board of expert men. I believe that it is better so, but I would like to nominate the Angel Gabriel as chairman of that board and let him name his associates on the board. What we in the West are afraid of in connection with these proposed trade pacts is that a board of experts may overlook some facts which have a vital bearing in the matter and take too narrow a view of this great and diverse country of ours.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GILCHRIST] may be permitted to speak for 20 minutes tomorrow after the special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that on next Monday, after the special orders that have heretofore been granted, I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

EXTENSION OF REMARKS

Mr. KITCHENS asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER pro tempore. Under special order heretofore made the gentleman from South Dakota [Mr. CASE] is recognized for 20 minutes.

THE INDEPENDENCE OF THE UNITED STATES

Mr. CASE of South Dakota. Mr. Speaker, "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

Those words, delivered to the Eighteenth Congress of the United States on December 2, 1823, by President James Monroe, are recognized as basic in determining the foreign policy of this country. Not quite so well known, but equally integral in that message were these words:

> In the wars of the European powers in matters relating to themselves we have never taken part, nor does it comport with our policy to do so. * * * Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, remains the same, which is not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy.

The declaration of the Monroe Doctrine was not an accident. It was the direct outgrowth of an interchange of views between President Monroe, his Secretary of State, John Quincy Adams, formerly Minister to England, and our then Minister in England, Richard Rush, general observer on continental disturbances in that day.

MONROE WRITES TO JEFFERSON AND MADISON

The correspondence Monroe bundled up and sent first to Thomas Jefferson and then to James Madison, the two living ex-Presidents. I wish that every citizen might read those letters as they have been compiled in a volume on the writings of Monroe. They would find most interesting parallels between the European politics of that day and this.

Thomas Jefferson, writing from Monticello on October 24, almost 6 weeks before Monroe delivered his message, said to the President:

> The question presented by the letters you have sent me, is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation. This sets our compass and points the course which we are to steer through the ocean of time opening on us.

James Madison, writing from Montpelier, 6 days later, referred to events in Europe and the activities of the Holy Alliance, and then said to the President:

> There ought not to be any backwardness, therefore, I think * * * keeping in view, of course, the spirit and forms of the Constitution in every step taken in the road to war which must be the last step if those short of war should be without avail.

He was referring, of course, to the possibility that European powers might use force to restore Spain in South America.

WHAT JEFFERSON PLACED FIRST

There was another sentence in Thomas Jefferson's letter of October 24, 1823, just 116 years ago this week, which I think should be quoted because it is his due as its author, and also because to my mind, it is the briefest, clearest, most compelling statement of proper American foreign policy that has ever been made. I quote:

> Our first and fundamental maxim—

Jefferson said to Monroe—

> should be never to entangle ourselves in the broils of Europe—

Then comma, only a comma—

> our second never to suffer Europe to intermeddle with cis-Atlantic affairs.

It might be argued then, with good support, that not Monroe, but Jefferson was the author of what we call the Monroe Doctrine. Another, however, might trace the thoughts of both back to Washington. Suffice it to say that the Monroe Doctrine brought together the finest, truest patriotic utterances of the men who gave this Nation leadership in its early critical years. And most men will join with that son of New England, Daniel Webster, who said:

> Sir, I look on the message of December 1823 as forming a bright page in our history. I will help neither to erase it nor tear it out; nor shall it be, by any act of mine, blurred or blotted.

Mr. Speaker, I cannot escape the conviction that deeper than the discussion of details in the pending neutrality legislation is the question of whether we shall dim the brightness of that page in American history.

SIX WORTHY OBJECTIVES

Much of the discussion has been on six worthy objectives which the President, in his special message, plainly told the Congress were achieved in existing law, or could be substantially achieved by proclamation.

The objective of restricting American ships from entering such zones—

The President said—

may be attained by prohibiting such entry by the Congress; or the result can be substantially achieved by Executive proclamation that all such voyages are solely at the risk of American owners themselves.

After all the headlines and screaming of the past few days about the detention of one American ship, I thanked God this morning for a State Department honest enough and fair enough to announce that 21 ships had been detained by belligerents since the outbreak of the European war, 2 of them by Germany, 12 of them by Great Britain, and 6 of them by France.

The second objective—

The President stated—

is to prevent American citizens from traveling on belligerent vessels. And this—

He said—

can also be accomplished by legislation through continuance in force of existing law.

The present Neutrality Act forbids travel on ships of belligerent nations.

The third objective—

And again I am quoting the President—

requiring the foreign buyer to take transfer of title in this country to commodities purchased by belligerents, is also a result which can be attained by legislation or substantially achieved through due notice by proclamation.

The present act licenses exports. Ships must clear. And the President has proclamation powers under a declared emergency.

The fourth objective—

And again I quote—

is the preventing of war credits to belligerents.

Of that the President said:

This can be accomplished by maintaining in force existing provisions of law.

The fifth and sixth objectives, the President said—

Have been amply attained by existing law, namely, regulating collection of funds in this country for belligerents, and the maintenance of a license system covering import and export of arms, ammunition, and implements of war. Under present enactments such arms cannot be carried to belligerent countries on American vessels—

He said, and concluded:

This provision should not be disturbed.

Six worthy objectives—most of them specifically provided for by existing law, all of them substantially attainable by powers of proclamation. Since that be so, I see no particular value in debating whether they should be conserved by maintaining existing law or by setting them forth in a new bill.

ARMS EMBARGO CRUX OF THE MATTER

The question then reverts to what the President described as the "crux" of the matter—repeal of the arms embargo and/or a return to international law.

The bill now pending in the Senate and shortly to come before this body does not propose a return to international law, for, in the words of Senator PITTMAN—

We relied on international law in 1917, and that was our undoing.

The sole issue of controversy is the proposal to repeal the arms embargo. What arguments have been made for that repeal? The report of the Senate Foreign Affairs Committee contains only one sentence of argument. It says:

It (the arms embargo) is contrary to the accepted precepts of international law, which prescribe that any belligerent may purchase any articles or materials in any neutral country.

Since when? Since when have belligerents had the right to buy anything anywhere? Since when have two brawlers been able to command a bystander to sell them guns?

I come from a country not far removed from the frontier West—the Black Hills of South Dakota. Only a few years ago guns settled disputes. But neither in those days nor the present could a bystander supply the guns and long keep out of the fight. Neither in those days of frontier codes nor in these days of statutory law could a dealer or an owner be compelled to sell or supply guns or ammunition to somebody in a fight. Indeed, if one did that today, knowing the gun was to be used for murder, he would be charged with being an accessory before the fact. And had he done it in the old days, he would have been marked as the next victim.

NOT DEPARTURE FROM, BUT DEVELOPMENT OF, INTERNATIONAL LAW

The argument has been modified to say that while an arms embargo was not a violation of international law, it was a departure from it. To that I would reply that instead of being a departure, it is a development of international law. Let us look at the record.

The present arms embargo law was enacted in 1937; but in truth it was only reenacted then. The arms embargo was written into the Neutrality Act of 1935 because, as the gentleman from Texas [Mr. JOHNSON] so clearly said:

It would seem that by now the nations of the earth would have learned that war does not pay. We have learned it in America. * * * Having learned our lesson, we are determined to set our house in order, so that when the storm breaks we shall be prepared to safeguard as best we can our peace and prevent our involvement, if possible. * * * We will prevent our country or our citizens from selling or furnishing to nations engaged in wars arms, ammunitions, or implements of war, and this bill does just that. It is permanent legislation.

Was a declaration that we would not sell implements of war a departure from international law, or even something new in our own history? Not at all.

Back in 1915, and again in 1917, we enacted laws that made it a crime against the United States for anyone not merely to sell but to permit battleships, submarines, indeed any vessel or contrivance capable of transportation on water, being sent or taken out of the jurisdiction of the United States for use by any belligerent against any nation with whom we were at peace.

Let me read one section of that act of June 15, 1917:

During the war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such a nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of such belligerent nation after its departure from the jurisdiction of the United States.

The penalty provisions of the statute go even further. They place a penalty up to $10,000 in fines, 5 years imprisonment, and forfeiture of the vessel, cargo, and equipment for "taking, attempting or conspiring to take" a vessel out of the jurisdiction of the United States in violation of the statute.

And mark you, that is still the law—enacted in 1915, reenacted in 1917. It is in the Criminal Code of the United States. It is a crime to sell a battleship, a cruiser, a submarine for the use of nations at war. Indeed, a crime to sell, or send or take any vessel out of the United States for the use of a belligerent. And what is a vessel?

WHAT IS A VESSEL?

The present Neutrality Act, the act of 1935, and indeed, the bill now pending, define "vessel" to be:

Every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

The old definition of a vessel was:

Any contrivance capable of transportation on water.

Now, I do not pretend to say whether an airplane is a vessel within the meaning of the act of 1917, but certainly a bombing hydroplane would be, and as far as precedents of domestic and international law are concerned, it was no departure for us in 1935 to say that we would not supply implements of war to belligerent nations.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. Yes, indeed.

Mr. O'CONNOR. I have given some thought to the same question, and I first entertained the view that at the time that Congress passed the Embargo Act in 1935 it was adopted as a policy to keep this country at peace with the world, with no war in mind, but upon looking up the record, I find that there is substantial evidence to the effect that a war was going on between Italy and Ethiopia, or at least in the making, and that we passed this bill, it is claimed, for the primary purpose of preventing Italy from acquiring arms in this country with which to destroy a people who had neither money nor a navy, nor means to equip itself with arms and ammunition. Is there anything to that?

Mr. CASE of South Dakota. I think possibly that was in the minds of some people, but I hope the gentleman will follow me, because I want to start with 1937 and 1935 and go back through the record and trace the development of the arms embargo as a part of international law and the domestic law of this country.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. Yes, indeed.

Mr. KNUTSON. Will the gentleman bring out in his discussion the letter that was written by the Secretary of State to Senator PITTMAN in reply to a letter from Senator PITTMAN, wherein he asked if it would be advisable to lift the embargo on arms shipments to Spain, where the Secretary replied it would not be advisable, because to do so might involve us in the war?

Mr. CASE of South Dakota. I do not have that in my remarks and appreciate the gentleman calling attention to it at this time.

Mr. KNUTSON. I suggest that the gentleman incorporate it, because it is pertinent at this point.

Mr. CASE of South Dakota. I shall do so if a copy can be made available tonight. Resuming, then, were the acts of 1917 and 1915 an abrupt departure from precedent? No. Back in 1907 article 8 of the Conventions on Naval War adopted by The Hague International Conference said:

> A neutral government is bound to use the means at its disposal to prevent, within its jurisdiction, the equipping or arming of any vessel which it has any reasonable suspicion of being destined to act as a cruiser or to join in hostile operations against a power with which it is at peace.

And further:

> It is also bound to exercise the same surveillance to prevent the departure out of its jurisdiction of any vessel intending to act as a cruiser or take part in hostile operations, and which, within the said jurisdiction, may have been adapted wholly or in part to warlike purposes.

Was that an abrupt break with precedent? No. Back in 1871 the Treaty of Washington, between Great Britain and the United States, bound both parties, among other things, to prevent—

> The departure from their jurisdiction of any vessel having been especially adapted in whole or in part within such jurisdiction to warlike uses.

Was that an abrupt departure from precedent? No. Neither for us nor for England. The Foreign Enlistment Act of August 9, 1870, a revision of the Foreign Enlistment Act of 1819, was minute in its provisions to prevent the—

> Enlisting or recruiting of men or the building or the equipping of vessels for the military service "of a foreign state at war with a friendly state" (Encyclopedia Britannica 447 and ff).

Is an embargo on bombing planes in 1917 or 1935 any greater break with precedent than an embargo on battleships half a century or a century earlier? Indeed not.

And the pages of the RECORD are filled with evidence submitted by other gentlemen on the great number of other nations that today have an arms embargo.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield again?

Mr. CASE of South Dakota. Yes.

Mr. O'CONNOR. Does the gentleman know whether or not the proposed bill—that is, the bill now under consideration in the Senate—contains any provisions with reference to repealing the acts of 1915 and 1917?

Mr. CASE of South Dakota. Quite to the contrary. The bill as reported to the Senate refers specifically to the act of 1917 in one place and suggests a provision for reinforcing one of its provisions. Hence, far from repealing the act of 1917, the new bill redeclares it.

Mr. O'CONNOR. As a matter of fact, if the gentleman is correct in his implication to the effect that those laws, properly interpreted, would include the bombing plane, and if we pass the present proposed law, it would be inconsistent with the provisions of the act of 1915 and 1916.

Mr. CASE of South Dakota. I think that is correct; but I refer that to the distinguished legal authorities in the House, such as the gentleman from Montana himself.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. Yes, indeed.

Mr. KEEFE. Has the gentleman, in his examination of the statutes, discovered that in 1909 this Congress enacted the specific statute prohibiting the outfitting and sale of vessels of war—battleships and cruisers—and that when the World War came on Secretary Bryan and Secretary Lansing and President Wilson, although submarines were not specifically mentioned in the 1909 act, held by construction that submarines were included and prohibited the shipment of submarines or submarine parts to belligerent nations? That law was enacted in 1909.

Mr. CASE of South Dakota. The gentleman is correct; and the act of 1915 was bottomed on the act of 1909.

AN EMBARGO ON OTHER THINGS?

At this point possibly someone is saying, "Well, then, why not embargo cotton and wheat and oil?" My answer is that some day the world may do that; some day the moral conscience of the world may shut off all supplies to belligerents. We are now proposing to put them on a cash-and-carry basis again. But because we cannot draw the embargo line everywhere does not prove that we should draw it nowhere. The other logic would make us repeal the act of 1917 on battleships and earlier laws on enlistment and furnishing of supplies generally.

In the final analysis, then, Mr. Speaker, it is hard to escape the fact that the proposal to repeal the arms embargo is a proposal of intervention. It is hard to escape the frankness of a distinguished Member of the United States Senate [Mr. BURKE] who has said:

> I speak no more of the arms embargo as an expression of strict neutrality. It is not that. It checks the belligerents that I want checked. It favors the belligerents that I want favored.

IT IS NOT OUR WAR

Personally, I think England and France will win this war. I hope they will. They can wait it out. It is doubtful if Germany can. But whether they can or they cannot, it is their war, not ours. [Applause.] For, Mr. Speaker, if we accept the other point of view, then we cannot deny the logic of the distinguished gentleman from Georgia [Mr. COX]. On this floor a few days ago he said:

> If this be our destiny, then let us now highly resolve that we shall accept it; but let us accept it courageously, boldly, manfully, with our eyes open. Let us solemnly resolve now to plunge this Nation into this new conflict.
>
> Let us once again become the savior of Europe, the hero of aspiring minorities, the champion of self-determinism. Let us wage war again to preserve Europe and make the world safe for democracy. Let us wage war to end war. Then let us resolve that within a quarter of a century we shall do it all over again, and again, and again, until hatred, greed, racial and linguistic animosity and economic desires, ambitions, and covetousness shall have been removed from the European cauldron of war.
>
> In short—

Mr. COX concluded—

> let us highly resolve to continue to do so in perpetuity, and let us devise and bequeath that burden to our posterity, so that they, too, may periodically renew the conflict and join the battle, the burden of America, our destiny.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). The time of the gentleman from South Dakota has expired.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, did our enactment of an arms embargo 4 years ago encourage aggression, or was it indifference at Shantung, jealousy in Ethiopia, self-interest in the Orient, and appeasement at Munich? Shall American blood be shed because other powers abandoned economic sanctions to save spoils of their own? God forbid!

THIS CHARTS OUR COURSE

Mr. Speaker, let me return to the words of Thomas Jefferson, with which I opened these remarks:

The question—

He wrote President Monroe—

presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation. This sets our compass and points the course which we are to steer through the ocean of time opening on us. * * *

Let me paraphrase that. I hardly need to do so. The words fit as they are. The question presented by the legislation before this Congress is the most momentous which has been offered to our contemplation. This sets our compass and points the course which we are to steer through the ocean of conflict opening on the world.

This Congress appropriated funds to create a memorial to Thomas Jefferson, here in the city of Washington. It is being built today. This Congress is now called upon to test its devotion to the principles of Thomas Jefferson in a more significant way.

I repeat his words again:

Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs.

Jefferson loved England, respected Great Britain; no doubt would want her to win her war today. In this same letter to Monroe he said:

Great Britain is the nation which can do us the most harm of anyone, or all, on earth. * * * With her, then, we should the most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause.

But note his next sentence:

Not that I would purchase even her amity at the price of taking part in her wars.

Wherein is this war not hers but ours? Wherein is this war not Europe's but ours? Were its issues debated in this Congress? Was it voted by the representatives of the American people? Were its causes created by an American foreign policy? Were the blunderings of diplomacy the mistakes of our ministers? Were the pledges of mutual aid given in pacts of our making? Were the run-outs in Czechoslovakia, in China, in Abyssinia, our desertion of recognized principles of international fair dealing? Did we write or even ratify the wrongs in the Treaty of Versailles?

Of course not. Not in a single instance. And yet it is proposed here to set our compass and point our course on the basis of decisions made in councils where we had not even the minor voice that was proposed in the League of Nations.

ARE WE TO INTERVENE, AGAIN AND AGAIN?

Are we to intervene? Is America to become the make weight in the everlasting balancing of powers that has marked European history for centuries? Are we to do this thing, again and again and again, as the gentleman from Georgia [Mr. Cox] has so pointedly asked? Are we to turn our back on the goal that brought brave men to these shores—the goal that here their sons and daughters might be free to live their own lives, worship God as they saw fit, dream dreams, and build their homes away from the domination of governments where people were only pawns for those in power?

It is within the ability of this Congress to give the people of this Nation a rekindled vision of the high mission of the United States. It is within our power to chart a course that will carry America through these troubled times and give greater meaning to the independence of the United States.

Professor Borchard, of Yale, in his brilliant book on neutrality for the United States, says:

A strong neutral is the trustee for civilization in a shell-shocked world.

A similar thought was expressed in a letter received by Mrs. Roosevelt from an English friend and published in her column a few days ago. Borchard continues—

By intervention in European quarrels we can make the situation worse, but never better.

A BETTER DESTINY THAN THAT

Mr. Speaker, there is a better future for the United States than trying again the role of savior for Europe.

That better future means building the United States into a power that can protect itself against aggression. In his immortal message, Monroe said:

It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them.

Surely this Congress will do its full part on that score.

That better future for the United States means devoting to the solution of our domestic problems the energy and the expense that ambitious leaders in other nations give to the expansion of their frontiers—and to that we can all dedicate ourselves. We must show that constitutional democracy works, that the Republic lives.

That better future means cultivating good will with the other nations of this hemisphere so that the balance-of-power theory can never find foothold here. The policies that inspired the Panama Conference must be encouraged and sustained. This may cost something, but it will cost far less than a foreign war, and in the end it means an America far greater than can be created on the battlefields of Europe, for it means an America fulfilling her own mission in the New World.

TO DEFEND THE UNITED STATES

Mr. Speaker, what I have said in these remarks I have spoken in the utmost kindness and respect for every Member of this body. Every Member has taken an oath—

to protect and defend the United States.

What is the United States? An area of land? A flag? Or a great merging of people into a national soul whose life is liberty and whose purpose is to maintain freedom for men and women to plan their individual destinies, to live their own lives, to die on battlefields only when they have had a voice in the conditions that created the conflict?

The other day I read that a Senator had said his vote would be cast in keeping with a pledge he had made on bended knee before a soldier's coffin 20 years ago. With that same sacred purpose the votes in this House will be cast. And I quarrel with no Member on his motives; I only plead, as all men must, the issues as we see them. Every man knows that boy of 20 years ago, that boy who was a brighter, stronger, finer man than he; that boy who went and never returned. And in devotion to that memory and in loyalty to the boys of today and tomorrow, each Member will cast his vote as he honestly thinks best to prevent our involvement and to protect the independence of the United States. [Applause.]

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield for me to make an observation?

Mr. CASE of South Dakota. I yield.

Mr. O'CONNOR. I think the gentleman has made one of the most remarkable speeches in connection with the question before the Senate and House that has been made in either the Senate or in this House. I, for one, am mighty grateful to the gentleman for his great contribution to this subject.

The gentleman has made a statement that I would like to have him elaborate on somewhat. Does the gentleman believe that under the law as it now stands the President may, by

proclamation or otherwise, place on a cash-and-carry basis commodities other than munitions of war?

Mr. CASE of South Dakota. I would so interpret the statement of the President in his opening message to this special session of the Congress. He stated at that time that the result could be substantially achieved by proclamation on both of those points.

Mr. O'CONNOR. And does the gentleman agree with the President in that regard?

Mr. CASE of South Dakota. I rather think he can. When he has declared an emergency, I think he can.

The SPEAKER pro tempore. The time of the gentleman has again expired.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial from the Washington Post.

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

There was no objection.

The SPEAKER pro tempore. Under special order, the gentleman from Nebraska [Mr. CURTIS] is recognized for 20 minutes.

TOLERANCE

Mr. CURTIS. Mr. Speaker, the essence of Americanism is tolerance. Freedom of conscience, freedom of speech, freedom of press—which now includes the radio—the right of assemblage and the right to petition Congress are dependent upon a spirit of tolerance.

These rights, Mr. Speaker, are supposed to be guaranteed by the Constitution and they are supposed to be inalienable rights. But today I want to sound the warning to this Congress and this Nation that one by one these rights are being alienated.

It was Voltaire, I think, who first said:

I do not agree with a word that you say, but I will defend to the death your right to say it.

Mr. Speaker, I have always had some doubt in my mind that there are very many individuals who are broad enough to disapprove of what an opponent says and yet were willing to fight to the death for his right to say it. This quotation is used many times, but I am afraid that it is quoted very much oftener than it is practiced.

I think perhaps a statement made recently by a distinguished Member of this House may in time rank as philosophy with some of these sayings we quote from the philosophers of other days. I refer to the recent declaration of the distinguished gentleman from Virginia, the Honorable CLIFTON A. WOODRUM, when he said, "There are three sides to every question—your side, my side, and the right side."

Mr. Speaker, it is of vital importance to this Nation that we approach this neutrality question with that spirit.

As I said a moment ago, I have always been inclined to doubt that many men would be willing to die to sustain the right of their opponents to disagree with them. But, Mr. Speaker, here is a case where no one has to die in order to sustain freedom of conscience, the right of free speech, and the right of free press. We merely have to be tolerant enough—mildly tolerant enough, if you please—to permit those who may disagree with us a respectful hearing of their views.

Why, Mr. Speaker, the very essence of this Americanism we hear so much about on this floor is the tolerance of permitting those who disagree with us to express their disagreement or their opposition without abusing them, without seeking by parliamentary devices to prevent them from expressing their opposition, without assailing their motives and their characters, without trying to smear them as has been done in the case of Col. Charles A. Lindbergh and other noted and able men who have dared to disagree with the administration on this question of repealing the arms embargo.

No, no, Mr. Speaker, this does not involve at all any agreement whatsoever with the ideas put forward by Colonel Lindbergh in his two radio addresses. But I say that there is a danger signal waving in this Nation when such an illustrious gentleman as Col. Charles A. Lindbergh can be smeared and by innuendo insulted and accused of being pro-German by the jingoists from the White House down, merely because he dares to disagree with what the Chief Executive wants.

Mr. Speaker, suppose on this issue, the White House view is the correct one and is the surest way to peace. If those who disagree with the White House views are to be silenced by insult and criticism and personal attacks now, what will be the situation if it should develop that the administration's attitude was not the wisest course? In other words, Mr. Speaker, what becomes of the constitutional process of government which is exemplified in disagreement, discussion, and compromise? We have come to that time when it would seem that a citizen, no matter how prominent, how responsible or how fitted by experience to speak he may be, must keep silent or expect to be berated, maligned, and attacked in ways in which he cannot defend himself.

Mr. Speaker, let me make this clear. Our danger here is coming in a subtle way. It is entirely proper to ridicule or to condemn or to disagree or to answer or to argue against an idea or a plan no matter by whom it may be proposed. But I say to you, sir, that free government, the Bill of Rights, Americanism, is being destroyed when sources close to if not within the White House and in the Congress undertake to attack the character and the integrity of those who dare to disagree with the Government.

One of the distinctions of certain governments of Europe which we do not like is that there you cannot disagree with the government.

I confess that I was shocked when I read in a column entitled "My Day" veiled insinuating criticism of Lindbergh that I felt was certainly inexcusable coming from the high source that it did.

To millions of American boys and girls Lindbergh represents the symbol and ideal of clean living, character, courage, achievement, and patriotism. But were he the humblest citizen in all the land, guilty of many errors and failures, he still would be an American, and entitled to express his opinions. Is the America of free men, who are entitled to free expression, a matter of history only?

Mr. Speaker, if the trends continue in the direction they seem to have taken since this embargo question came up, it will not be long until they will be daubing yellow paint on the doors of those who dare to disagree with the Government. Imagine daubing yellow paint on the home of a Gold Star Mother because she dares speak out in behalf of the other mothers.

This, Mr. Speaker, is no longer a question of being neutral, at least it would seem that to be neutral we must favor one side—England and France. We have neutrality urged upon us, we are told that we cannot remain neutral unless we repeal the arms embargo; let us at least be honest if we cannot be tolerant and recognize the fact that it is not neutrality that the administration wants at all. I think there was something exceedingly significant of which the American people ought to take note, when the Chief Executive sat in his church last Sunday while his pastor prayed that God would grant that King George should triumph over all his enemies. I would that every minister and every priest in America would pray for peace and truth, and not for victory for the side that they personally favor, for it is written, "Ye fight and war—because ye ask not."

We should be ever mindful that "the work of righteousness shall be peace."

Dream not that sword and helmet
Are signs of valor true,
For peace hath greater victories
Than battle ever knew.

If we are to accept that intolerance which will stigmatize men like Lindbergh for disagreeing with the Government on this question of repeal of the arms embargo, what will we do if the question arises as to whether or not we shall go into this war with our men and our money?

When we consider the administration's attitude on the question of so-called territorial waters, and when we look at the various other indications in order to try to determine the attitude of the administration, we begin to perceive that we may not be so far from this question of going in with our men and our money as many people would like to believe.

Mr. Speaker, there is just one way in this wide world to be neutral, and that is to be neutral. Regardless of what one's sympathies may urge upon him, regardless of what course emotionalism, propagandized or otherwise, might suggest, it still remains a fact that the only way to be neutral is to be neutral, and that means absolute impartiality between all belligerents.

We must either withdraw from the affairs of Europe or meddle in them. If you are a partner in business, you must take the liabilities along with the assets. "What communion hath light with darkness?"

Mr. Speaker, it is a lamentable and a dangerous condition of affairs when the Gold Star Mothers and the veterans of that other war are accused of being pro-Nazi or anti-American because they dare to exercise their constitutional privilege to write to their Congressmen expressing their views on how their grandsons and their sons may be kept out of another war. Who has the right to charge that they do not know how to think for themselves? Is this a government of the people, for the people, and by the people, or must the people be silenced as in the dictator-ridden countries of Europe?

Mr. Speaker, if there is anybody on God's green footstool who has a right to say something about this question, it is the boys who will have to do the fighting and the dying; it is the mothers and fathers who must bid good-bye to their loved ones and send them off to be slaughtered on the battlefields or to come back home, broken in body and in mind, to drag out the weary days of their existence. I insist, sir, that they more than anyone else have the right to express themselves on this question and that they have that right and must have that right, free from insult, free from character assassination, free from abuse by anybody, and it is the duty of the Members of this Congress to rise in their places whenever necessary to defend that right of the common people to say whether or not their sons shall die in war. [Applause.]

Mr. Speaker, in conclusion I want to raise my voice in this Congress in a plea for tolerance. I want to raise my voice in a plea for the right of free speech, free press, free radio, free church, the right of the citizens to petition the Congress, and the right of free assemblage.

With that patriot of old, let me again say, "Eternal vigilance is the price of liberty."

Throughout the years thousands of Americans have died for the cause of liberty. If the time has now come that one must die politically to defend free speech, free expression, the right to assemble, and the right to petition Congress in order to hand on the spark of liberty to our children and their children, I for one will gladly face that fate. [Applause.]

Mr. Speaker, I love liberty. I believe that our task is to maintain liberty at home. God forbid that when the pages of history are written it will be said of America, "They made us the keeper of the vineyards, but our own vineyard have we not kept." [Applause.]

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield.

Mr. O'CONNOR. The gentleman, for whom I have a very great regard, being privileged to serve on committees with him, has made a very fine speech and made a good contribution to the subject he treated, but it seemed to me that there is an implication in the gentleman's remarks to the effect that free speech is attempted to be curtailed from the President down. Now I know the gentleman wants to be fair. I want to call the gentleman's attention to the statement made by the President of the United States when he was delivering his message to Congress, when he called us here in extraordinary session, to this effect, that he wanted to accord to all of those people who disagreed with him as to the method that should be used to keep this country out of war, the same loftiness of purpose that prompted him in taking the position that he does with reference to keeping us out of war.

Mr. CURTIS. I remember the statement and I agree with the statement. I am sorry that it has not been practiced by those who apparently speak for the executive department of this Government.

Mr. O'CONNOR. Let me also bring up this question: The gentleman refers to this church incident. The gentleman does not think that the President of the United States should have run from the church when the preacher was giving his prayer, and so forth, does he?

Mr. CURTIS. No! No!

Mr. O'CONNOR. The gentleman does not think that those were the sentiments of the President of the United States, does he?

Mr. CURTIS. I do not think they were displeasing to him. The prayer was undoubtedly prepared with the view of pleasing the Chief Executive.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. CURTIS. I yield.

Mr. LAMBERTSON. The President certainly sanctioned what the preacher said when he allowed his picture to be taken with him after the services.

Mr. O'CONNOR. Oh, I do not agree with the gentleman there. He did not write the prayer and he did not necessarily agree with the sentiments.

Mr. LAMBERTSON. But he had his picture taken with the preacher, and he agreed to that.

Mr. O'CONNOR. I might have my picture taken with the gentleman, but he and I never did agree. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

EXTENSION OF REMARKS

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include in the RECORD an address delivered by Dr. Edward J. McCormack before the Michigan State Medical Association.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Georgia [Mr. Cox], under previous order of the House, is recognized for 20 minutes.

Mr. COX. Mr. Speaker, I would regret that even the humblest citizen of this country should suspect that any remark that I may have ever made upon the floor of this House was in the leastwise colored by partisan politics. I presume that I might manifest bitter partisan politics in my official behavior if I so desired. But I do not wish to so act. I was sorry that my long-time and devoted friend, the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN], apparently permitted politics to color his discussion of the proposal to enter into a trade agreement with Argentina. This I might also say of the gentleman from Massachusetts [Mr. TREADWAY].

Mr. Speaker, in view of what has transpired and of which the public has been fully advised, it was most unkind and unfair in the gentleman from Minnesota that he should have said that this administration is taking advantage of the disturbed state of the public mind and is seeking to put over something on the farmers of this country, is seeking to give away their best market, their domestic market. The facts in the case do not justify this criticism of the administration, this castigation of the high-minded, patriotic gentleman who heads the State Department.

On August 23 last the Acting Secretary of State issued a press release. In that release he said:

> Our trade with Argentina has suffered in recent years for lack of a trade agreement. The trade of certain European countries with Argentina has been developing at our expense under the influence of their commercial agreements with Argentina. The placing of American commerce in Argentina on a footing of full equality with that of our European competitors was a subject which was gone into fully in preliminary discussions. The agreement will enable us to maintain our competitive position in a market of great present and prospective importance.

In the same release the Acting Secretary of State said:

Effecting this agreement with Argentina will be the most important accomplishment of this administration in the field of international relations.

On the same date, Mr. Speaker, the Department of State issued another press release in which they discussed the question of entering into negotiations with a view of effecting a trade agreement with Argentina. In that statement this observation was made:

United States trade with Argentina declined drastically between 1929 and 1932. Since then it has increased, but remains well below 1929. In 1929 the United States imported from Argentina $117,585,000 worth of commodities. It exported to the same country $210,000,000 of our own American commodities. In 1932 our imports fell to $15,000,000, but in that same year our exports to Argentina were $90,000,000 plus. For the present year they have been built up, our imports amounting to $41,672,000 and our exports stand at $86,479,000.

The gentleman from Minnesota said in his condemnation of the policy of forming these trade agreements with other countries that he wanted to return to where American farmers were getting a price better than the price now obtaining under the agreements that have been set up as between the United States and 21 of the other powers. I presume that what the gentleman had in mind was returning to the time when his party was in power. I call attention to the fact, Mr. Speaker, that even as late as August 15, 1932, when the gentleman's party was in power and when our foreign trade was entirely under the influence of the Smoot-Hawley Act, that the price of beef cattle stood at $4.35, while in September of the present year the price was $7.07. Hogs in 1932 sold at $4.06, while in September of the present year the price was $7.06. In August 1932 corn was 30.2 cents per bushel, and on September 15 of the present year it was 56.2. In 1932 wheat was 38.5. On September 15 of the present year wheat was 72.7. Butterfat, to which the gentleman referred, was in August 1932 selling at 17.5, but in September of the present year it was at 24.7. Cheese in 1932 was selling at 10.6. In September of the present year cheese was selling at 14.3. Wool brought, on August 15, 1932, 7.4, but in September of the present year it brought 24.3.

Mr. Speaker, if the gentleman has been able to find anything in any of the congressional tariffs that have been set up by the Congress in the past 50 or 100 years that was particularly advantageous to the farmer I would like to know what it is.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes; with pleasure.

Mr. O'CONNOR. Under the operations of the A. A. A. in the neighborhood of 30,000,000 acres of productive land have been retired on the theory of trying to raise farm prices up to parity. Does not the gentleman feel that we should adopt a foreign policy that will not cause idle acres with resulting idle men who increase our relief rolls?

Mr. COX. I take it that the gentleman agrees that it is to our advantage to do business with foreign powers.

Mr. O'CONNOR. To a certain extent that is correct.

Mr. COX. And that we must accept conditions as we find them? We cannot make conditions what we would have them be.

Mr. O'CONNOR. Yes; but in doing that let us not make the American farmer bear the brunt of the deal.

Mr. COX. I agree with the gentleman entirely, Mr. Speaker; we must keep in mind doing something for the farmer, the main purpose of entering into trade agreements with other countries is to bring to agriculture benefits which cannot otherwise be obtained. [Applause.] Let us not fool ourselves. The gentleman knows that there was nothing but misery and distress in the Smoot-Hawley Tariff Act for the farmer of the country.

Mr. O'CONNOR. There is no question about that, but we should not surrender our markets for farm products to foreign competitors who can produce crops at a much lower cost than the American farmer. Understand, I do not want to return to the days of Hoover and starvation prices, closed banks, closed factories, and hungry people any more than the gentleman does, but on the other hand neither do I want to take bread out of the mouths of our people who need it and place it in the laps of our foreign competitors.

Mr. COX. There is no thought of surrendering our farm markets to anybody. The purpose as well as the necessity is to broaden such markets. The gentleman is obliged to agree that our farmers are faring better under trade agreements than was the case under congressional-made tariffs.

Mr. O'CONNOR. Yes; but the gentleman does not want to make the American producer and the American farmer the goat in connection with our foreign trade?

Mr. COX. Of course not, neither does the Secretary of State. If I am a special pleader for any group it is for the farmers of the country because my district and State are predominantly agricultural.

Mr. O'CONNOR. The gentleman will concede then that if the policy results in idle acres it necessarily results in idle men?

Mr. COX. Mr. Speaker, I cannot concede that the prosecution of our trade-agreement policy has resulted in anywise to the disadvantage of the farmers of the country. As I have stated, the purpose of the program is to improve the condition of the farmer and the operation of the agreements thus far made have had that effect.

Mr. O'CONNOR. The gentleman will concede, will he not, that under the operation of the Agricultural Adjustment Act the retiring from production of acres of land theretofore producing was done for the purpose of raising the farmer's prices to what we call parity prices?

Mr. COX. Yes, of course.

Mr. O'CONNOR. Why should we not adopt a policy so the American producer can produce what he can and give him the benefit of the expanding market, if there is such, the same as we would the manufacturer?

Mr. COX. Mr. Speaker, we expand our foreign markets by increasing our business with foreign countries. The observation has been made in the debate during the day that we should cease to operate under the agreements that have thus far been made. In other words, the contention of the opposition is that we should remain static and do nothing in a positive way to improve the condition of the farmers of the country. Complaint is made because in the notice of intention to negotiate given by the State Department there are agricultural commodities in the list of products on which the United States will consider making concessions to Argentina. Why, Mr. Speaker, Argentina is an agricultural country, even more pronouncedly so than the United States. If we do business with Argentina at all, we are obliged to take in trade some of the commodities that she produces. We take that which our national economy will best stand and we give in exchange to Argentina that which she most needs.

Is it contended by the opposition that we should not trade with Argentina at all?

Mr. O'CONNOR. Will the gentleman yield?

Mr. COX. I yield to the gentleman from Montana.

Mr. O'CONNOR. Is it not a fact that particularly in the West and in the northwestern country, where we have rigorous winters, where we are required to feed livestock six months out of the year during some years, where wages are high, where taxes are high, where all of our expenses are high, where the investment in land is high, the farmers are at a disadvantage in trying to compete with foreign competition? How can the American farmer in the West and northwest country, and even in the South, compete with producers down in those lower countries such as Argentina, Brazil, and so forth?

Mr. COX. Maybe they cannot compete.

Mr. O'CONNOR. Then why should we compel them to compete?

Mr. COX. Does the gentleman mean that simply because our labor costs, our operating costs are higher than they are in Argentina we should not undertake to do business with Argentina at all?

Mr. O'CONNOR. We should not undertake to do business with Argentina if one class of people is going to suffer as a result of doing that business. The farmer should not be made

to bear the brunt of this trading with foreign countries in favor of the manufacturer.

Mr. COX. There is no intention on the part of the State Department or the administration to make the farmer bear the brunt of anything. There is no thought of favoring our manufacturers. The whole purpose, as I have said over and over again, is to improve the condition of the farmer and all others.

Mr. BUCK. Will the gentleman yield?

Mr. COX. I yield to the gentleman from California.

Mr. BUCK. The gentleman from Montana seems to be under the impression that the State Department is trying to sell the American farmer down the river by taking away his domestic market. I wonder if the gentleman from Montana is aware of the fact that in 1938 our imports of agricultural products of all kinds were valued at slightly less than $956,000,000. Of this total one-half was of types such as rubber, coffee, silk, and so forth, not produced in the United States; nearly 30 percent was of types imported over the tariff wall because the United States did not produce enough to meet its requirements; 14 percent was accounted for by sugar, the imports of which were controlled throughout 1938 by quota and less than the 7 percent remaining was accounted for by minor miscellaneous items falling into the competitive groups?

Mr. O'CONNOR. May I suggest this to the gentleman from California: What is the purpose of taking acreage out of production if it is not for the raising of our prices up to the so-called parity prices on the theory of creating a scarcity of the article?

In other words, the American farmer can produce the needs of the American people and as long as he can do that he has the right to that market, because the very moment you take an acre of land out of production you cause to go on the relief roll the people who have been working to produce crops upon that acre.

Mr. COX. Mr. Speaker, if the gentleman and I agree that Argentina has nothing to sell other than agricultural commodities——

Mr. O'CONNOR. That is right, and she competes with the American farmer.

Mr. COX. She has nothing but agricultural commodities to give us in exchange for the things she buys.

Mr. O'CONNOR. That is correct.

Mr. COX. Then does the gentleman mean we should not do business with Argentina at all?

Mr. O'CONNOR. If we are going to do business and make our people suffer as a result of doing business with Argentina, then the trade is not worth it. No class of people should be required to lose their shirt in the process.

Mr. COX. Mr. Speaker, the gentleman loses sight altogether of the fact that this is a general sort of a program, that we are not only undertaking to enter into an agreement with one country but we are undertaking to enter into agreements with all countries. There is no likelihood that in the agreement proposed to be negotiated with Argentina that the farmers of this country will be put to any disadvantage. If Argentina has nothing but agricultural commodities to give us in exchange or in payment for the commodities she takes from us, then, of course, we are obliged to take some of her agricultural commodities or else we do not do business with her. If we cut out one country, then we have disrupted the program upon which we have entered, that is, of ultimately entering into agreements with all the countries with which we do business. We cannot afford to lose the business of Argentina because we export to that country very much more than we import. Our trade with Argentina has been altogether advantageous to our producers.

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 10 minutes.

Mr. CORBETT. Reserving the right to object, Mr. Speaker, I notice that the gentleman from Montana [Mr. O'CONNOR] is, under a special order previously entered, to follow the gentleman from Georgia. I wonder, since this discussion is between these two gentlemen, if this time cannot be taken out of the time of the gentleman from Montana.

Mr. O'CONNOR. Mr. Speaker, I am glad the gentleman brought that point up. I was going to suggest that whatever time has been allowed me I shall be pleased to share with my distinguished friend, the gentleman from Georgia, who, as always, is making a very fine address but one with which, in some respects, I do not agree.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. COX. What we are hearing now is simply a repetition of what we have heretofore heard when proposals to enter into agreements with another power have arisen.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Pennsylvania.

Mr. BOLAND. I take it the gentleman's philosophy is that building a tariff wall around our country, such as we had with the Smoot-Hawley tariff wall, is most disastrous to the farmers of the country.

Mr. COX. Of course, Mr. Speaker, I presume that is recognized by everyone who claims to have any familiarity at all with public events.

Mr. BOLAND. May I say for the gentleman's information that I come from the anthracite-coal fields, and that the Smoot-Hawley tariff wall was responsible for Canada, which was the great market for the anthracite industry, putting a tariff on our coal, with the result that we lost our entire market in Canada and this ruined the anthracite coal district.

Mr. COX. Mr. Speaker, as I remarked, there are those who make a calamitous outcry every time the question of entering into some sort of a trade agreement with another power arises. The past record of trade agreements ought to be a guide in the present instance. The 21 agreements which have been concluded should demonstrate that the fears generally have been unwarranted. It is true that some guarded concessions have been granted on agricultural products, but this was necessary in order to get greater advantages for some other branch of industry. However, our country has not been flooded with agricultural products.

Mr. O'CONNOR and Mr. BUCK rose.

Mr. COX. Let me yield first to the gentleman from Montana, and then I shall yield to the gentleman from California.

Mr. O'CONNOR. What was the purpose—and I direct this inquiry also to the gentleman from California—of holding the hearing with the idea in mind of reducing the tariff on agricultural products from the Argentine if it was not that of making it easier for the producers in the Argentine to get their products on the American market which would result in competition with the American farmer, who has to pay the taxes and who pays the cost of administration of this Government.

Mr. COX. Mr. Speaker, the question carries with it a reflection upon a department of the Government that is not justified.

Mr. O'CONNOR. Is it not a fact that that is the purpose of the hearing?

Mr. COX. There is no purpose to injure the farmer. The whole purpose is to improve his lot.

Mr. O'CONNOR. Would it not injure the American farmer if a larger amount of farm products of the Argentine came into the American market to compete with the products of the American farmer? Does it not follow as a matter of course that such a procedure would injure him?

Mr. COX. Nothing that has happened thus far in the hearings that have been held on the proposal to enter into an agreement with Argentina and nothing that has happened as a result of making the agreements with the other 21 powers with whom agreements have been made warrants even the remotest suspicion that agriculture will be put at a disadvantage as a result of the agreement now being negotiated.

Mr. O'CONNOR. May I make this observation, and then I am through. Of course, any lowering of duties results in

an increase in importations. The gentleman will agree with that statement.

Mr. COX. That might be true, yet there will be a corresponding lowering of the duties imposed by Argentina upon our own commodities, and this will mean there will be a greater flow of our domestically produced goods into that country. The gentleman will agree with that.

Mr. O'CONNOR. That is true.

Mr. COX. Perhaps imports would be increased but exports also would be increased. Our exports to Argentina have continuously been larger than our imports.

Mr. O'CONNOR. The gentleman will also agree that our exports are manufactured articles, perhaps articles we do not need and for which we have no use.

Mr. COX. Probably, to some extent, but the gentleman should keep in mind that we have in the years that have gone by exported many agricultural products to Argentina, and this trade has been considerable.

Mr. GORE and Mr. O'CONNOR rose.

Mr. O'CONNOR. If the gentleman will yield for one further observation——

Mr. COX. Let me yield to the gentleman from Tennessee, and then I will come back to the gentleman.

Mr. GORE. Much has been said about the domestic markets, but should it not also be borne in mind that the domestic market for domestic agricultural products is also the market of the workers in the manufacturing units?

Mr. COX. I thank the gentleman. That is an answer to the gentleman from Montana.

Mr. O'CONNOR. I realize that this is a sort of round-the-table business, but at the same time my contention on these trade agreements, particularly with countries that raise nothing but farm products, is that in being permitted to ship such farm products into this country in competition with our American farmer, he, the American farmer, cannot compete with them, and that fact is putting the American farmer at a disadvantage.

Mr. COX. Let the gentleman and myself understand one another. The gentleman means to say to the House that if he were in control of these negotiations he would never let in any commodity that in anywise might compete with any agricultural product of this country?

Mr. O'CONNOR. I will qualify what the gentleman states——

Mr. COX. Would the gentleman say that?

Mr. O'CONNOR. No; I will qualify what the gentleman states by saying that if my policy was such in the permitting of farm products to come into this country as to cause millions of acres of land in this country to remain idle, causing idle men and increasing the relief rolls, then I would change the policy. We should look after ourselves first.

Mr. COX. Mr. Speaker, let me answer the gentleman. A glance at the record that has been made under the agreements thus far set up will be helpful to the gentleman and to the country.

The imports that the Department of Agriculture classifies as competitive agricultural products amounted to $296,000,000 in 1932, at the bottom of the depression, and in 1938, the last full year for which data is available, these imports had increased to $477,000,000. In the meantime our agricultural exports increased from $662,000,000 in 1932 to $828,000,000 in 1938.

It is seen that the so-called competitive agricultural imports in 1938 were only 58 percent as large as our agricultural exports, which would be approximately the relationship between the years 1932 and 1930.

An examination of the income received by farmers in recent years should indicate that agriculture has not been injured by the imports. For example, the total cash income from the marketing of all farm products, exclusive of Government payments, was $4,606,000,000 in 1932 and $7,538,000,000 in 1938.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. COX. In just a moment.

The estimated income for 1939 is considerably above that of 1938.

All major agricultural groups of producers have participated in these increases.

I now yield to the gentleman.

Mr. H. CARL ANDERSEN. I am a farmer myself, and may I ask why you do not compare, as the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] did, those 12 years, including 1932, with the past 7 years? Why pick out one year?

Mr. COX. That might be done with profit.

Mr. COFFEE of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. COX. In just a second.

It will be remembered that during the period of 1930 to 1932, the Hawley-Smoot tariff was in operation. During 1938, the trade-agreements program was in effect. Instead of a promised period of prosperity following the Hawley-Smoot Act, the cash income from the marketing of all crops fell by $1,912,000,000 and the income from marketing of livestock and livestock products dropped by $2,423,000,000. Income derived from the marketing of meat animals fell by $1,322,000,000, and income derived from marketing of dairy products declined by $640,000,000 between 1932 and 1938.

The income received from the marketing of all crops increased by $1,273,000,000 and the income received from the marketing of livestock and livestock products was increased by $1,659,000,000. Income from the marketing of meat animals rose by $1,022,000,000 while income derived from marketing of dairy products rose by $407,000,000.

I now yield to the gentleman from Nebraska.

Mr. COFFEE of Nebraska. I think it should be pointed out that our exports of meat products have fallen materially. Between 1925 and 1929 our average annual exports of pork products amounted to over 1,000,000,000 pounds a year, but due to a series of droughts our exports of pork products fell to practically nil. We have not had a surplus in this country, but we are gradually accumulating a surplus again, and I want to point this out to the gentleman. Beginning in 1922 our exports of agricultural products amounted to approximately 50 percent of our total exports.

Since that time we have gradually been dwindling our agricultural exports, and our nonagricultural exports have been increasing. In other words, agriculture furnished approximately 50 percent of our total exports in 1922, and during the first 9 months of 1939 our agricultural exports accounted for only 18.6 percent of our total exports.

Mr. COX. Permit me to ask this question. Was not the loss of foreign markets to cotton largely responsible for that?

Mr. COFFEE of Nebraska. The loss of cotton was one of the items that accounted for a great deal of the shrinkage. We have lost our foreign markets, however, for wheat, and also for pork products. In fact, more attention should be paid to developing more markets for agricultural products, and less attention should be paid to facilitating the exportation of our industrial productions, at the expense of agriculture.

Mr. BUCK. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. BUCK. Let me call attention to this. The total amount of agricultural exports in 1938 was $827,000,000. The total amount of all exports for 1938 amounted to $1,591,000,000, which shows we are still over that 50 percent the gentleman was talking about, and the decrease for 1939 is unquestionably due to the unsettled conditions of foreign countries.

Mr. COFFEE of Nebraska. The gentleman's figures would indicate that agriculture furnished over eight hundred million.

Mr. BUCK. And that is over one-half.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. HOOK. I agree with the gentleman that the only way that we are going to be able to retain our world markets is through reciprocal-trade agreements. However, we must be very careful under the most-favored-nation clause. For instance, in this Argentine proposal, in the matter of cheese,

Argentina exports only what is known as the Italian type of cheese, and that is now manufactured in the United States. Argentina exported only $101,000, or about 1,000,000 pounds, but under the most-favored-nation clause Italy herself exports around about 26,000,0000 pounds, and if the proposed agreement for a reduction from 7 to 4 cents is made to Argentina, under the most-favored-nation clause Italy would get the benefit of that reduction on 26,000,000. I think that should be watched very closely under the most-favored-nation clause.

Mr. COX. I thank the gentleman.

Mr. DWORSHAK. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. DWORSHAK. The gentleman a short time ago made a very serious accusation against the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] and the gentleman from Massachusetts [Mr. TREADWAY], because he alleged they invoked partisanship in their opposition to the proposed tariff reductions on agricultural products under the Argentine treaty. Does the gentleman similarly accuse members of his own party, a score of Senators and Representatives from his own party, who appeared last week at the hearings of the Committee for Reciprocity Information, for vigorously protesting against a reduction in the agricultural tariffs?

Mr. COX. I do not accuse anybody. If there is any exception to the remark I made with reference to the political complexion of the addresses of the gentlemen from Minnesota and Massachusetts, I gladly withdraw it.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. O'CONNOR. I just want to make one more observation. I ask the gentleman to read the Republican platform promulgated by the national convention in 1932 and the Democratic platform promulgated by the national convention in 1932 and reaffirmed in 1936 on the part of both major political parties. If he does so, he will find that both parties pledged themselves to the American farmer, that they would reserve as far as possible the American market to the American producer. That was done on behalf of both major political parties in 1932 and in 1936. We owe to the farmer the duty of carrying out that pledge.

Mr. COX. And I am satisfied the State Department in endeavoring to carry forth this trade-agreement program, is undertaking to fulfill that promise.

Mr. HOOK. On the question of the type of testimony given before the Tariff Commission, the proposals at that time were submitted for the purpose of giving facts to the Tariff Commission. I happen to have appeared down there, and merely facts should have been presented. I thought while I was listening there that I was listening to political campaign speeches. It was a question of policy instead of facts.

Mr. COX. I dare say the gentleman is correct.

Mr. COFFEE of Nebraska. Would not the gentleman favor restoring to Congress that power which we have delegated, to the extent of ratifying these trade agreements, at least?

Mr. COX. Let me say in reply to the gentleman, the gentleman knows something of the way I feel toward the suggestion that Congress delegate any of its constitutional powers to others. I know, however, that the lesson of experience teaches that we cannot set up trade relations with other powers in a manner to do justice to all, and particularly to agriculture, through a congressional-made tariff. We have had those. The most recent is the Smoot-Hawley tariff bill. Does the gentleman find anything in the Smoot-Hawley Tariff Act that is of comfort to him or to agriculture?

Mr. COFFEE of Nebraska. There are certain phases of it, while I will agree that the Smoot-Hawley tariff bill as a whole was not an advisable measure.

Mr. COX. Even with Argentina alone, it brought our exports down from $210,288,000 in 1929 to $31,288,000 in 1932.

Mr. COFFEE of Nebraska. But would not the gentleman think it would be the proper function of Congress to at least ratify those trade agreements; that is, provide for ratification in the Senate, inasmuch as all other countries must ratify the agreements?

Mr. COX. I hope the gentleman will not take me into that field. It might have been well if Congress had attached that condition, in legislating. I do not know. I think, however, it would have meant that we would have had no tariffs except Congress-made tariffs, and they have proven failures.

Mr. RAYBURN. In other words, one man in the Senate might for 12 months hold up the ratification of any of those trade agreements?

Mr. COX. That is a very pertinent objection to the suggestion.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. BATES of Massachusetts. Does the gentleman feel we ought to develop this foreign trade at the expense of some particular industry, which involves 75 percent of the population of our communities?

Mr. COX. I do not. I think that imports will be better adjusted to conditions in this country as the result of the setting up of these agreements, and that no single commodity will have to take the brunt of heavy imports of competitive goods.

Much criticism has been directed toward the Canadian agreement. In spite of the alleged ill effects of the Canadian agreement on our cattle-raising industry and the comparatively large imports during this year, its representatives as late as October 18 admitted that the condition of the cattle industry were prosperous. The prices for cattle on September 15, this year, were above parity, and that is more than can be said for many other important agricultural products.

As I have heretofore stated, I represent a State and district which is largely agricultural and naturally am sympathetic to the cause of agriculture. We should not forget that agriculture generally has lost out in almost every congressional tariff revision of the past. We hope, and believe—and the record seems to show—that in the present reciprocity program agriculture has more to gain than lose. I can agree, however, with what the gentleman from Kansas [Mr. HOPE] said before the Committee for Reciprocity Information when he recently appeared before that body relative to the proposed agreement with Argentina. He said, in part:

> I think there are probably some agricultural commodities upon which there are excessively high rates just as there are some industrial commodities upon which the rates are excessive. Perhaps adjustments are needed.

In this reciprocity program the administration, under Secretary Hull, has set up an interdepartmental committee whose duty and responsibility it is to look into the manifold factors necessary for a proper adjustment of tariffs. The proposed agreement with Argentina is under that very process at present. It would be impossible now to indicate with any degree of accuracy the scope and nature of the tariff reductions which this Government will be able to make in the trade agreements now under consideration.

These matters are determined in the light of the information submitted by interested parties in public hearings. Whatever concessions are made, they will be, judging by the past, for the purpose of promoting the economic welfare of our Nation as a whole through the expansion of markets at home and abroad. The experience of previous negotiations should be assurance that every care will be exercised to avoid injury to our domestic producers.

In connection with these expressed fears, I want to point out the following statement which should have a calming influence from the notice of intention to negotiate with Argentina:

> The inclusion of any product in this list does not mean that a concession with respect to it will necessarily be granted. The concessions to be granted are not decided upon until after interested parties in the United States have been given full opportunity to present information and views in writing and orally. In the case of many of the products included in this list it may be that no concession will be made; it may be that the existing

import duty will merely be bound, without reduction; it may be that only a part of a given tariff classification, as set forth in the list, will be affected by the agreement; or it may be that a concession, if made, will be limited as to the quantity of the product to which, or the season during which, the concession is applicable.

Just how has agriculture fared in comparison with industry in the concessions obtained and granted? A larger proportion of agricultural than of nonagricultural exports from the United States is covered by the trade-agreement concessions. Farm products making up nearly one-half (46.9 percent) of this country's total farm exports in 1937 are affected by concessions made by foreign countries in trade agreements. Slightly less than one-fourth (24 percent) of the nonagricultural exports are of concession items.

Because many important agricultural export commodities of the United States, such as cotton and some foodstuffs, have in the past encountered relatively few excessive import barriers raised by foreign countries, a considerable proportion of the concessions that have been obtained for these products have taken the form of binding or guaranteeing the continuation of duty-free entry of our exports, or of relatively low tariffs already in effect.

The following table shows the percentages of 1937 export products covered by the various categories.

Percentages of United States exports on which trade-agreement concessions have been obtained (1937 basis)

	Agricultural products	Nonagricultural products	Total products
	Percent	*Percent*	*Percent*
Reductions in duty and other mitigations of barriers	12.9	14.4	14.0
Bindings of existing treatment	34.0	9.9	15.8
Total concessions	46.9	24.3	29.8

On the basis of the 1937 figures the United States has, in trade agreements, guaranteed the continued free entry of nearly two-fifths—38.9 percent—of its total agricultural imports. This country has also bound existing tariff rates on 1 percent of its total agricultural imports.

Thus the United States, in trade agreements, has granted actual tariff reductions on items which, in 1937, made up only about one-seventh—14.6 percent—of its agricultural imports. In this category nearly one-half was accounted for by Cuban sugar. Until the outbreak of the present European war imports of sugar were controlled entirely by quotas imposed under legislation other than tariff laws.

Excluding Cuban sugar, only 8 percent of the total agricultural imports in 1937 were of commodities on which tariffs have been lowered under trade agreements.

I believe we ought to look at the proposed agreement with Argentina in the light of American solidarity. It will be recalled that last spring Col. Frank Knox, candidate for Vice President on the Republican ticket in 1936, made an extended tour of various South American states. After his visit to Argentina, Mr. Knox said:

To sell American products abroad, we must buy what some of our foreign customers have to sell. You cannot always sell and never buy in foreign markets. * * * The largest single export item of Argentina is linseed. We use far more linseed oil than we produce. We could take all of Argentina's linseed and still be short about 60 percent of our needs. We could admit linseed free from duty. It would be a great aid to Argentina and would help us.

We require large quantities of quebracho extract, the wood from which tanning extract is made. We could take most, if not all, of this from Argentina. We use far more hides than we produce. A modification of the tariff on hides is both feasible and desirable. We import wool from abroad. A part of our foreign supply might well come from the pampas of Argentina.

I do not know that I agree with Colonel Knox in all of his statements, and I know many of my colleagues on both sides do not agree with him, but I have presented them to indicate that our reciprocity program is not necessarily a partisan program. Many other outstanding Republicans support this phase of our foreign policy.

We might explore to advantage our present trade position with the Latin American Republics. Taking Argentina alone during the 15-year period from 1924 to 1938, we sold to that country $1,542,600,000 worth of merchandise. In turn we bought $1,055,700,000 worth from it. Although too much stress should not be placed on a mere balance, we sold nearly a half billion dollars' worth more than we bought. During that period we sold to Argentina comparatively large quantities of such agricultural products as apples, rice, tobacco, and eggs.

Tabulations recently issued by the Division of Regional Information, United States Department of Commerce, show that in 1938, 64.5 percent of the total exports and 74.5 percent of the total imports of 20 Latin American countries went to and came from 6 countries, namely, the United States, Germany, the United Kingdom, Japan, France, and Italy. The relative share of each of these countries in Latin American trade is given in the following table:

Value of trade of 20 Latin American countries with selected countries, 1938

[Thousands of United States dollars]

	Exports to—		Imports from—	
	Value	Percent of total	Value	Percent of total
United States	553,006	31.5	497,195	35.8
Germany	181,683	10.3	238,170	17.1
United Kingdom	279,890	15.9	169,748	12.2
Japan	23,237	1.3	38,178	2.8
France	70,423	4.0	48,759	3.5
Italy	26,155	1.5	43,546	3.1
Total 6 countries	1,134,394	64.5	1,035,596	74.5
Total all countries	1,758,014	100.0	1,390,531	100.0

These figures reveal that from the purely material side the United States has an opportunity to develop permanent, profitable, and friendly commerce with South American countries. It is not a question of launching a campaign to oust others, in trade rivalry, from those markets. The present European war has eliminated much of the European competition and the trade of South America is literally being dropped into our laps, whether we like it or not. The position of leadership in trade is being made rather easy for us. We are the world's greatest creditor nation as well as the world's greatest source of raw materials; we have the facilities for carrying on world commerce. We ought to survey this general field and view the proposed agreement with Argentina in that light. We ought to look at the picture as a whole. The proposed agreement with Argentina is 1 in a series of more than 20. I recall that when the agreement was being negotiated with the United Kingdom about a year ago, representatives of many manufacturing industries expressed fear similar to that now being expressed by agriculture. They looked upon the proposed agreement with the United Kingdom as sacrificing the interests of the manufacturers for the interests of agriculture. It is true there were some concessions granted on manufactured products for the benefit of agriculture. Important concessions were also obtained for the direct benefit of agriculture in the United Kingdom agreement. I am glad to say, however, that the fears of the manufacturers have not materialized. Of course, war conditions may have affected the concessions of that agreement in both directions. The worst fears expressed have not happened in agreements thus far negotiated. I think those of us who continue to support trade agreements have been justified in our position.

The following excerpt from a Republican newspaper, which has not always supported the trade-agreements program, expresses the spirit of my remarks here today:

Of course, no tariff treaty, no matter how carefully framed, would please everybody. In that respect a tariff treaty is precisely like an ordinary tariff law. But cannot there be more unity than there now is, between Democrats and Republicans, about the general purpose and effects of the reciprocal-trade program?

At the present time we should indicate an open-minded determination to establish beneficial trade relations with Latin America. The area of new negotiations should be expanded when possible. The experience of the past 5 years

should not now be jettisoned. The negotiations in progress with such countries as Argentina, Venezuela, Uruguay, and Chile are a part of this vital effort to maintain solidarity on the American Continents. We now have an opportunity to place the trade relations between this country and some of the important nations to the south on a basis of greater mutual advantage. This can be done to the undisputed benefit of both sides, and at the same time to strengthen the ties of friendship and good will in the Western Hemisphere. These factors are vitally important to our common security in a world now harassed by war.

POISON GAS

Mr. H. CARL ANDERSEN. Mr. Speaker, it is agreeable with the other gentlemen, who have kindly consented that I may have 1 minute at this time, providing there is no other objection.

The SPEAKER pro tempore. Is there objection that the gentleman may proceed for 1 minute?

There was no objection.

Mr. H. CARL ANDERSEN. Mr. Speaker, for the past 18 years, having a brother in the veterans' hospital at St. Cloud, Minn., it has been my duty to go there two or three times a year to visit him. I see him and some 700 other boys there, most of them in that institution, if you please, because of poison gas and shell shock, a grim reminder of the last World War. Today I am deeply shocked by the action of the body at the other end of the Capitol, wherein an embargo against the exportation of poison gas was refused by a vote of 54 to 36. I repeat, I am deeply shocked that any parliamentary body in this world would vote to ship poison gas, of all things, out of this Nation, of all nations, supposedly a free, peace-loving Nation, dedicated to the preservation and not to the destruction of mankind. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under special order heretofore entered, the gentleman from Montana [Mr. O'CONNOR] is recognized for 30 minutes. The Chair understood that the gentleman from Georgia [Mr. COX] had consumed 10 minutes of the time of the gentleman from Montana.

Mr. O'CONNOR. That is correct, Mr. Speaker. I gave the gentleman the time, as I was having a very interesting discussion with the gentleman.

NEUTRALITY

Mr. O'CONNOR. Mr. Speaker, we have heard some very fine speeches today on the question of neutrality and the question of trade agreements.

As the Representatives from Montana are very modest, diffident, and backward about asking for time [laughter], I feel that I want to carry on that habit or practice. Therefore I am not going to take the time that has been so generously given me by the Members of the House, and with the consent of the gentleman from Texas [Mr. RAYBURN], I move that the House do now adjourn. [Applause and laughter.]

The SPEAKER pro tempore. There is another special order.

The gentleman from Pennsylvania [Mr. CORBETT] is entitled to recognition for 20 minutes.

Mr. CORBETT. Mr. Speaker, I might have agreed with the gentleman's motion to adjourn, but I believe he will appreciate some of the information that may be made available to him here.

I recognize that there have been a great many speeches made on this floor, both today and other days, on the subject of neutrality, and I do submit that possibly we will have something a little different to present at this time.

There has been much loose and unsubstantiated talk about the purposes and effects of the Jeffersonian embargo and nonintercourse acts. Therefore and with no other immediate interest than historical accuracy, I here propose to discuss these two measures and the causes of the War of 1812.

The study which I have made is not complete, nor has all of the data been exhausted, but it is based on the best secondary authorities available and should prove quite sufficient to inform the Congress as to the studied conclusions of the majority of the recognized historians of the period.

After a very brief portrayal of the background we will turn specifically to the embargo and nonintercourse acts and then to the causes of our second war with England.

In 1792 a war broke out in Europe that was to involve England and the continent almost continuously from then until 1815. Our young Republic, guided by the wise neutrality proclamation of President Washington, enjoyed from 1792 till about 1806 perhaps the most prosperous times in its history. Our commerce in particular grew by leaps and bounds. Following the renewal of hostilities in 1803, and particularly after 1806, American shipping was increasingly caught in the cross-fire of Napoleon's continental system and England's blockade policy. These two systems were embodied primarily in Napoleon's Berlin and Milan decrees and successive orders in council promulated by the British Government.

These acts and the flagrant violations of our neutral rights gave us abundant provocation for war, but the United States was not prepared for war. Furthermore, Jefferson and later Madison were essentially pacifistic in their outlook. They sought to find some means short of actual conflict to secure the treatment that we as a sovereign power were entitled to.

The Embargo and Nonintercourse Acts were their replies to blockade and interference with American rights, and they had the support of the great majority of the Republican Party which controlled Congress during the period. These measures may best be accounted for by the desire of Jefferson and his colleagues to exert economic pressure upon the belligerents by depriving them of our goods which they sorely needed. Although Jefferson did recognize the fact that the embargo would safeguard our shipping from seizure, it seems clear that Jefferson and the Republicans looked upon it primarily as an economic sanction, as a means of bringing about the observance of our neutral rights without going to war. There is abundant evidence to support this thesis and the preponderance of historical opinion subscribes to it.

Fundamentally it appears that Jefferson had been a firm believer in the efficacy of a policy of economic coercion from Revolutionary times. He remembered the effect of the nonimportation policy in 1767–70 in securing the repeal of the Stamp Act and the Townsend Acts. Between 1789 and 1794 Madison, largely at the instigation of Jefferson, three times proposed in Congress commercial retaliation against Great Britain. The report on commerce, prepared while Jefferson was Secretary of State, was less definite as to an embargo but advocated commercial reprisals against European powers guilty of discriminating against American trade. So the acts of 1806–12 represented the evolution of a theory which Jefferson had been developing over a period of several decades.

But let the historians tell the story.

On July 16, 1810, after Jefferson had retired from office and the embargo had been repealed, he wrote Henry Dearborn:

> I have ever been anxious to avoid a war with England unless forced by a situation more losing than war itself, but I did believe we could coerce her to justice by peaceable means; and the embargo, evaded as it was, proved it would have coerced her, had it been honestly executed. (Paul L. Ford, editor, The Works of Thomas Jefferson, XI, 144.)

Henry Adams, the leading historian of the Jeffersonian period, has the following to say about Jefferson's policy in 1806:

> He believed implicitly in the efficacy of commercial restrictions; he thought the Nonimportation Act a better guaranty of good treatment than the best treaty ever made and was quite ready to try the experiment of such a measure against England. (Henry Adams, History of the United States During the Second Administration of Thomas Jefferson, vol. I (vol. III of series), 411.)

As to the Nonintercourse Act of April 18, 1806, Edward Channing states:

> The law was plainly designed as a club to be used by the American negotiators in London. (Edward Channing, A History of the United States, IV, 357–358, IV, 358.)

Claude G. Bowers, a former distinguished keynoter at a Democratic National Convention and an apologist for and

defender of Jefferson, also concurs with the historians just cited. He has written:

Jefferson was hopeful that the closing of the American market, if rigidly enforced, would soon drive England to terms without the drawing of the sword. (Claude G. Bowers, Jefferson in Power, pp. 453–454.)

Need more be advanced to prove that the Jeffersonian Embargo and the Nonintercourse Acts were economic sanctions—weapons forged as instruments of offense against the crippling policies of England and France rather than neutrality measures? If more evidence is needed that these laws were part of a commercial struggle as distinct from armed conflict, I have that evidence here and will gladly submit it.

Now let us turn to a consideration of the causes of the War of 1812. At the outset it must be pointed out that neither the embargo which expired in 1809 nor the Nonintercourse Act nor Macon's bill No. 2 were important causes. In fact, they were not causes at all. Soon we shall see that they might possibly have prevented the war had they been maintained.

I should also note that despite 2 years of professional research in the period of American history under discussion I have yet to find an authoritative statement which says that the Jefferson-Madison policy of economic sanctions was a cause of the war. In fact, I never saw or heard that statement in any form, substantiated or otherwise, until last September 21, when the Congress was reconvened in extraordinary session.

However, let us not be content with the absence of evidence. Let us see what the historians think caused that war.

J. H. Latane writes in A History of American Foreign Policy:

June 1, 1812, President Madison laid before the Congress a full statement of our grievances against England. They included the impressment of American seamen, the hovering of British cruisers within our territorial waters, the insolent conduct of officers in searching American vessels, the illegal blockade and restrictions upon American commerce established by the orders in council, the attempt to dismember the Union, and, finally, the intrigues with the Indians of the Northwest. (J. H. Latane, A History of American Foreign Policy, p. 143.)

S. J. Bemis, in A Diplomatic History of the United States, on page 156 declares:

It must be said at this place that the question of neutral rights could not alone have caused the War of 1812. The maritime constituencies of the Union voted against it. * * * A study of the debates and vote in Congress shows most of the navigating interests voting nay, and the interior, particularly the whole frontier in a great crescent from Vermont to Louisiana, voting aye. * * * War offered the opportunity of quelling these Indian conspiracies forever and at the same time, so the western "war hawks" thought, a conquest of Canada. On the other hand, the Southern and Southwestern States united with the rest of the West for war because they hoped that it would bring to them a conquest of Florida from Great Britain's feeble ally, Spain. The War of 1812, therefore, was finally caused by a western expansionist urge rather than solely by the just grievances of neutral rights and impressment.

We should remember that the new Congress which convened on November 4, 1811, contained 70 new Members, most of whom were young men and most of whom have always been classified as "war hawks." Henry Adams, in volume VI, page 123, the works previously quoted, records that the "war hawks," Clay, Calhoun, and the rest—

Bent on war with England, they were willing to face debt and probable bankruptcy on the chance of conquering Canada and carrying the American flag to Mobile and Key West.

Channing, on page 447 of his book, lists another factor. He points out that—

Monroe came into office (as Secretary of State) with a serious and firm conviction that the American Government must resent the usage it had received by an appeal to arms. These opinions he held forth day and night and was more responsible than anyone else for the declaration of war.

Allen Johnson, in volume 15 of The Chronicles of America, page 208, points out an interesting factor to consider, but one which is not fully subscribed to by historians generally. I read from his book:

The personal question which thrust itself upon Madison at this time was, indeed, whether he would have a second term of office. An old story, often told by his detractors, recounts a dramatic incident which is said to have occurred just as the congressional caucus of the party was about to meet. A committee of Republican Congressmen headed by Mr. Speaker Clay waited upon the President to tell him that if he wished a renomination he must agree to recommend a declaration of war. The story has never been corroborated; and the dramatic interview probably never occurred; yet the President knew, as everyone knew, that his renomination was possible only with the support of the war party. When he accepted the nomination from the Republican caucus on the 18th of May he tactily pledged himself to acquiesce in the plans of the "war hawks." Some days later an authentic interview did take place between the President and a deputation of Congressmen headed by the Speaker, in the course of which the President was assured of the support of Congress if he would recommend a declaration. Subsequent events point to a complete understanding.

All of these authoritative statements indicate one thing clearly, namely, that the Embargo and the Nonintercourse Acts did not involve us in the War of 1812. But we are not yet through. Let us regard how nearly they succeeded in keeping us out of that war. As a matter of mere chronology, the English Government acquiesced on June 17, 1812, and suspended the operation of the orders in council just 24 hours before the United States declared war. In truth, Castlereagh had announced on June 16 that they would be suspended. But let us again turn to those who know.

Turning to the work of Professor Bemis, I read from page 157:

Because of their failure to prevent war, Jefferson's expedients have long since been the laughingstock of historians. It is only fair to concede that if an Atlantic cable had existed in 1812 there might today be extolled everywhere by amiable and philosophical lovers of peace as an effective and bloodless remedy for the gravest international difficulties. The vote in Congress showed only a small majority for war. It is quite likely that had the impending repeal of the orders in council been known in Washington the declaration of war would not have carried the Senate.

Henry Adams, writing again of Jefferson in volume IV, page 464, concludes:

Yet he clung with more and more tenacity to the faith that his theory of peaceable coercion was sound; and when, within a few months of his death, he alluded for the last time to the embargo, he spoke of it as a measure which persevered in a little longer, we had subsequent and satisfactory assurance would have effected its object completely.

Turning once more to Allen Johnson, page 212, he states:

It is one of the bitterest ironies in history that just 24 hours before war was declared at Washington, the new ministry at Westminster announced its intention of immediately suspending the orders in council. Had President Monroe yielded to those moderates who advised him in April to send a minister to England, he might have been apprised of that gradual change in public opinion which was slowly undermining the authority of Spencer Perceval's ministry and commercial system. He had only to wait a little longer to score the greatest diplomatic triumph of his generation; but fate willed otherwise. No ocean cable flashed the news of the abrupt change which followed the tragic assassination of Perceval and the formation of a new ministry. When the slow-moving packets brought the tidings, war had begun.

Finally, let us consult James Truslow Adams. He declares on page 66 of his History of the United States:

Jefferson had "kept us out of war," but at a price which the people were unwilling to pay, and his hope of showing Europe that, instead of armed action, there are "peaceable means of repressing injustice by making it the interest of the aggressor to do what is just and abstain from future wrong" had proved vain. It is impossible to say whether he might have been successful had the people stood by him, not engaged in smuggling, and had kept their ships at home. The Federalists who blamed him most were the worst offenders in undermining his policy, and in any case he underestimated that preference for profit to patriotism, which is always in evidence in every crisis and which a statesman has to allow for.

Perhaps that last statement will bear repetition:

He underestimated that preference for profit to patriotism, which is always in evidence in every crisis.

Thus we could go on heaping fact on fact, but all this should be enough to prove that the Embargo and Nonintercourse Acts were in no way analogous to our present Embargo and Neutrality Acts in purpose. It should be enough to prove that these economic sanctions of Napoleonic times were not the causes of the War of 1812. It should be enough to prove that the Jeffersonian Embargo and Nonintercourse Acts came very close to preventing an unnecessary war and came very close to establishing a new instrument of national policy as a substitute for throat cutting. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

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

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARTIN J. KENNEDY]?

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker and Members of the House, today throughout the Nation, in the mind of every surviving member of American wars and in the minds of American parents, there is a feeling so intense because of the neutrality issue that fist fights occur between old friends and former war buddies. It would appear that most discussions on neutrality are ended in a heated and frequently bitter controversy.

How can we keep out of war? Will the lifting or the retention of the embargo provision answer that question? That is the problem of the hour and the problem which rests heavily upon the people of America at this time. The membership of the House knows how much I abhor war and love peace, for the reason that I have on numerous occasions presented arguments and offered resolutions aiming at keeping America out of war. The thought of bloodshed for no purpose, which is war, is sickening to me and something against which we all revolt.

My colleagues, at this very minute America is faced with another kind of war even more sinister in its effects because it is destroying the morale and traditions of our beloved country. I refer to communism. I cannot remain silent while this menace spreads its filthy tenacles around this country that we all love and prepares for it a fate more dreadful than on the field of battle.

Daily we read of the activities of our congressional investigating committee, and from the testimony before that committee we learn of traitorous characters that were forced to flee from their respective countries through fear of death. "America for safety" was their slogan. They came to America with only a sneer for Old Glory and not an ounce of gratitude in their whole carcass. Some of them came here not to escape political oppression but as "missionaries of hate" determined to sabotage our institutions and to spread a gospel foreign and treacherous among our children. In addition to poisoning the minds of the youth of our country, they have tried to create a state of unrest among our working men and women. Yes, they have done even worse. The ships of our Navy have been damaged by sabotage, and American factories, so vital to our national defense, have been constantly endangered by these treacherous leeches. Their disciples have found their way into the Government "white collar" organization, as well as among our soldiers and sailors.

In spite of all the harm that has been done, nothing apparently has been done to correct the situation. Our courts seem helpless to deport them and our officials seem reluctant to prosecute them, but all the while they continue to do their dirty work, using the pulpit, radio, and the press. My boy and yours, and yours, and yours, Members of the House, are being slowly indoctrinated with these poisonous ideas of social life, religion, and government, just as the least intelligent of of our workers are being lead away from the principles of American democracy. God pity us that a sizeable number of our more intelligent citizens have gone over to this communistic program of destruction.

In the parade of witnesses before the House Committee Investigating Un-American Activities, have been some of the most contemptible creatures our liberal naturalization laws allow to be called citizens. They have brazenly told the committee that they would refuse to fight for America and they have admitted being engaged in espionage work against the best interests of our country. For their testimony, in which they admitted committing perjury and other capital crimes, they have been loudly praised in many quarters.

Earl Browder, head of the Communists in the United States and now under indictment in the Federal court for perjury as well as other Communists, have admitted that they traveled on falsified passports to Russia so that they could bring back to this country specific directions from that devil Stalin.

We are constantly receiving mail that is distinctly communistic propaganda. There seems to be no limit to the finances or gall of the individuals who are directing this campaign.

I have received recently from this same Browder a copy of a speech he made recently in Philadelphia. He said that Americans who want to keep out of this war should be in a position to understand and sympathize with the determination of the Soviet Union not to be used as a cat's-paw for one or another imperialist camp to pull its chestnuts out of the fires of war. Then he adds:

> But the Soviet Union has done much more than merely keep out of the war. Without engaging in a war it has been able to accomplish what all the rest of the world confessedly failed to do. It drew the line far from its own borders beyond which Nazi aggression dared not go. It even was able to force the Nazi military machine to retire and to redeem more than half of that Poland which the British-French Governments, with all their paper guaranties, had cast to the Nazi wolves. The Red Army marched. The Red Army marched into western Ukraine, White Russia, and Poland.
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> Our American newspapers leaped to the defense of Chamberlain like a pack of well-trained hunting dogs. They leaped forward without a second's hesitation; they knew all the answers in advance. They didn't have to think a single moment before they began to vilify the Soviet Union, brand the march of the Red Army into western Ukraine, White Russia, and Poland on its mission of liberation and protection, as a "partnership in aggression" with the Nazi aggressors. But already, before the month of September is over, when war has been going on less than a month, through all the howling of the dogs of reaction, the truth forces its way through for all the world to see.
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> The most rabid anti-Communists in America, who happen to have family connections in Poland, are publicly praying that their relatives may find themselves in the area occupied by the Red Army. American newspapermen in Rumania are forced to note in their dispatches that refugees who fled across the border before the advance of the Nazi armies, returned immediately to Poland when they learned that the Red Army had come.
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> Behind the Red Army lines the peasant masses, long among the most exploited and oppressed in Europe, are fulfilling their age-long dream of undisputed possession of the land. It is their land for the first time in history. The quarter-of-a-million-acre estate of Prince Radziwill was one of the first to be distributed among the landless peasants. That is why they are so profoundly angry with the Soviet Union and the Red Army. They are angry because they know that this news that the land is being distributed to the men who dig the land and who raise the crops, that news they can't stop from spreading like wildfire throughout Europe and the rest of the world, especially throughout eastern Europe. The peasants are getting their land, and no censorship and no blockade can stop that news from penetrating over the world. And let us not forget that eastern Europe, as well as central Europe, including Germany, rests upon the foundation of a land-hungry and exploited peasantry, who are going to learn this news and are going to watch for the day, which is coming soon, when they can do the same thing in Germany and eastern Europe.

What would happen, I ask you fair-minded persons, if an American went to one of these "ism" countries and sought to wash himself of past sins by a confession? Rascals that have not the courage to go back where they came from but who come here and are received with certificates of citizenships.

I am sure that almost every Member of this House read the recent stories in the Saturday Evening Post by a General Krivitsky, a former Soviet military intelligence chief, who fled to this country for his life. They were enthralling articles, probably true. But I ask you, colleagues, why should such a person be allowed the sanctum of our country?

There was a Maurice Malkin, who told of fabulous espionage activities, admitted a prison record for "slugging." Another fine American.

Then there was a Ben Gitlow, deposed head of the American Communist Party. He told of forged passports, counterfeiting of American money, other crimes against the United States. But he said he quit the organization and was thus washed of his sins.

It does not take a thief to catch a thief, any more, Members of the House. Our excellent Federal Bureau of Investigation has demonstrated that. There is no more room in municipal police departments for such characters.

But who do we find as chief investigator of the Un-American Committee? Mr. J. B. Matthews. Check up on his past record and his brazen attempts now to chase down his former comrades.

Just the other day, the committee questioned a former member of the Communist Party, guarded by a police escort who brought him here from a prison cell in North Carolina. He said that the Communist had gone away down to North Carolina to foment a textile strike to promote a Communist organization. He is serving a sentence from 17 to 20 years for conspiracy to murder a police officer at Gastonia.

Almost at the same time, the Ford Motor Co. expelled 51 Russian experts, who had been given the courtesy of the plant ostensibly to study manufacturing methods. But they really sought to steal plans.

Mr. Speaker, and Members of the House, let us think seriously of this situation. War means death, crippled bodies, and dependents which this Government will forever support.

But this dreadful spread of communism is even worse to consider. It seems the destruction of religious freedom, of economic safety, political parties—the ruin of democracy.

It is not necessary to review the alliance of Russia and Germany. Hitler is more frightened than ever in his life. Well he might be. When Stalin is ready to take over, Germany is doomed. Not from bullets, but communism.

Now is the time for us to take steps. We have a wonderful organization within the Department of Justice, the Federal Bureau of Investigation. But best of all, Mr. Speaker and Members of the House, we have the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Spanish-American Veterans and, too, there are still a number of those glorious old soldiers of the Civil War who could wield a cane with plenty of vigor. Every one a proven patriot, and every organization solidly united toward the eradication of this danger.

These veterans have demonstrated their patriotism. They have posts scattered throughout the country, and there is no finer group or more vigilant men and women who are anxious, even eager, to meet this insidious threat to the tradition of America. They despise these "isms." Turn them loose with the best wishes of this Congress. But let us put some teeth in laws to care for these filthy Communists, and then offer to these war veterans the full assistance of that splendid organization, the Federal Bureau of Investigation.

Do this, and over night these rascals will take to cover. I propose that Congress invite these organizations to enlist themselves for the duration of the war against communism.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 28 minutes p. m.) the House adjourned until tomorrow, Friday, October 27, 1939, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDAY:

H. R. 7601. A bill to amend section 907 (c) of the Revenue Act of 1936; to the Committee on Ways and Means.

By Mr. HAVENNER:

H. J. Res. 393. Joint resolution authorizing negotiations for the acquisition of certain territory in the Western Hemisphere; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PACE introduced a bill (H. R. 7602) for the relief of Emory N. Jenkins, which was referred to the Committee on Military Affairs.

SENATE

FRIDAY, OCTOBER 27, 1939

(Legislative day of Wednesday, October 4, 1939)

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

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

Almighty God, creator and preserver of all things visible and invisible: We give Thee thanks for those things which no man has seen or can see, yet have reality for us, as suggested by things which are seen and do appear. We bless, Thee, O God, for that which is known only to the pure in heart, which transcends mere human knowledge; give to us this day an open vision and the inspiration that comes of character and grows in us as we grow in life and being. May it be ours to think and say and do only such things as shall be pleasing unto Thee and shall promote the safety, honor, and welfare of the people of the United States and amity and peace among the nations. Grant that more and more we may find kinship with the large and loving soul of Him in whom Thou didst reveal the fullness of the Godhead bodily, who came that we might have life and have it more abundantly, Jesus, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, October 26, 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 Chief Clerk called the roll, and the following Senators answered to their names:

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

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 VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

SEPTEMBER REPORT OF THE R. F. C.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of September 1939, including a statement of loan and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of the Young People's Forum Committee, Mary Hardman, chairman, praying that the United States call a conference of representatives of the nations to take steps to stop the war in Europe, so as to bring about an effective peace, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the West Texas County Judges and Commissioners' Association and city officials at Lubbock, Tex., favoring the redistribution and reallocation of W. P. A. funds so as to increase the quotas and amounts available for relief of the unemployed in drought-stricken agricultural areas such as west Texas, which was reported to the Committee on Appropriations.