

Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Portland Chamber of Commerce, requesting that first \$500,000 annual expenditure for embassies abroad be expended at cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Appropriations.

Also, resolutions of the Federation of Jewish Farmers of America, favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

Also, memorials of Board of Trade of Erie, Pa., and the Retail Merchants' Protective Association, of Mount Carmel, Pa., approving the request of the American Embassy Association to have the first \$500,000 annual expenditure under the Lowden bill for the acquiring in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States made at the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petitions of John Birnie, of Hoboken, N. J., and Joseph M. Price, of New York City, favoring parcels post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Resolution of the Ohio State Board of Commerce, of Columbus, Ohio, urging an amendment of the present incorporation tax law; to the Committee on Ways and Means.

Also, resolution of Franklin Lodge, No. 15, O. K. O. J., in regard to treaties now existing between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. THISTLEWOOD: Petitions of citizens of Cairo, Coulterville, and Marion, Ill., opposing parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Marion, Ill., favoring Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Memorial of Jewish citizens of Danbury, Conn., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Memorial of National Founders' Association, on present business condition of the country; to the Committee on Ways and Means.

Also, memorial of Trans-Mississippi Congress, against parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of National Federation Retail Merchants, for 1-cent postage on first-class mail; to the Committee on the Post Office and Post Roads.

Also, memorial of Massachusetts Association of Union Volunteer Officers of Civil War, for officers' retired-list pension bill; to the Committee on Invalid Pensions.

Also, petition of 275 medical men throughout the United States, for restoration of the Army canteen; to the Committee on Military Affairs.

Also, petition of the Syracuse Supply Co. and the Star Expansion Bolt Co., of New York City, in favor of 1-cent letter postage; to the Committee on Ways and Means.

Also, memorial of the Elmira (N. Y.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of members of the First Methodist Episcopal Church of Corning, N. Y., to prohibit the shipment of liquor into prohibition States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Resolutions of the Board of Trade of Providence, R. I., favoring suitable lights and a landing place in Point Judith Harbor of Refuge, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles H. Fryer, of Providence, R. I., favoring the Lincoln Memorial Road; to the Committee on Appropriations.

By Mr. WILLIS: Papers to accompany House bill 15446; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Massachusetts Association of Union Volunteer Officers of the Civil War, favoring passage of volunteer Union officers' retired-list bill; to the Committee on Invalid Pensions.

Also, memorial of National Academy of Design, favoring the site selected for proposed Lincoln memorial; to the Committee on the Library.

Also, petition of 275 medical men throughout the United States, favoring restoration of the Army canteen; to the Committee on Military Affairs.

Also, memorials of Zionist League of New York; Jewish Young Men's League; Congregation Chev Shalom; Hebrew Free School Association; and the P. F. Lynch Regular Democratic Association, all of Brooklyn, N. Y., remonstrating against the treatment accorded American citizens by the Government of Russia; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, December 13, 1911.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

COURT OF CUSTOMS APPEALS (H. DOC. NO. 301).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenditures of the appropriation for the maintenance of the United States Court of Customs Appeals for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL INSTITUTE OF AGRICULTURE (H. DOC. NO. 303).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report of the delegates of the United States to the General Assembly of the International Institute of Agriculture at Rome in May, 1911, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court in the following causes:

The vessels brig *Fanny* and brig *Hope*, John Gould, master (H. Doc. No. 292);

The vessel schooner *Nantasket*, Asa Higgins, master (H. Doc. No. 300);

The vessel schooner *Vandeput*, George Fitzhugh, master (H. Doc. No. 299);

The vessel sloop *Nancy*, William Hackett, master (H. Doc. No. 297);

The vessel brig *Success*, James Stone, master (H. Doc. No. 295);

The vessel ship *William Penn*, James Josiah, master (H. Doc. No. 291);

The vessel brig *Dolphin*, Samuel Topliff, master (H. Doc. No. 296);

The vessel brig *Nymph*, Charles Hardy, master (H. Doc. No. 294); and

The vessel schooner *Nancy*, John Lawson, master (H. Doc. No. 298).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2877) to amend section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary.

The message also announced that the House had passed a bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication from the deputy secretary of state of the State of Connecticut, transmitting a certified copy of a resolution adopted by the legislature of that State favoring the adoption of an amendment to the Constitution providing for the election of Senators by the people, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
SECRETARY'S OFFICE,
Hartford, December 12, 1911.

HON. JAMES S. SHERMAN,
President of the Senate, Washington, D. C.

DEAR SIR: I inclose herewith certified copy of resolution "Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people," passed by the General Assembly of Connecticut at its January session, 1911.

Yours, very truly,

MATTHEW H. ROGERS, Secretary.
R. J. DWYER, Deputy Secretary.

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1911.

Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people.

Resolved by this assembly, That the Congress of the United States is hereby requested to propose an amendment to the Constitution providing for the election of Senators by direct vote of the people.

Approved, June 28, 1911.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Matthew H. Rogers, secretary of the State of Connecticut and keeper of the seal thereof and of the original records of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford, this 12th day of December, 1911.

[SEAL.]

MATTHEW H. ROGERS, *Secretary.*

Mr. WATSON presented a petition of J. C. Caldwell Post, Grand Army of the Republic, Department of West Virginia, of Moundsville, W. Va., and a petition of Kelly Post, No. 111, Grand Army of the Republic, Department of West Virginia, of Preston County, W. Va., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Coal Operators' Association of Kanawha, W. Va., praying that an appropriation be made for the improvement of the Great Kanawha River in that State, which was referred to the Committee on Commerce.

Mr. MYERS presented a petition of sundry citizens of Heggsville, Mont., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the Black Hills Hebrew Congregation, of Deadwood, S. Dak., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan presented a resolution adopted by Local Lodges Nos. 3, 38, 92, and 181, United Brewery Workers' Union, of Detroit, Mich., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 80, Switchmen's Union of North America, of Grand Rapids, Mich., and a petition of Local Lodge No. 75, Switchmen's Union of North America, of Ludington, Mich., praying for the enactment of legislation to limit the number of men assigned to locomotives engaged in interstate traffic, which were referred to the Committee on Commerce.

He also presented a petition of the Retail Grocers and Butchers' Association of Lansing, Mich., and a petition of Local Lodge No. 75, Switchmen's Union of North America, of Ludington, Mich., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Saginaw, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of Local Lodge No. 139, Order of B'rith Abraham, of Detroit; of Local Lodge No. 118, Independent Western Star Order, of Detroit; and of sundry citizens of Frankfort, all in the State of Michigan, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Fremont, Ola, St. Louis, and Coopersville, all in the State of Michigan, remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WETMORE presented a petition of the Board of Trade of Westerly, R. I., and a petition of the congregation of Roger Williams Baptist Church, of Providence, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. SHIVELY presented a resolution adopted by the Commercial Club, of Terre Haute, Ind., praying for the ratification of unlimited treaties of arbitration between the United States and the other nations of the world, which was ordered to lie on the table.

He also presented memorials of Williams Post, No. 78, of Muncie; Marsh B. Taylor Post, No. 475, of La Fayette; Joseph R. Gordon Post, No. 281, of Indianapolis; and of John C. Fremont Post, No. 4, of Indianapolis, all of the Grand Army of the Republic, Department of Indiana, in the State of Indiana, remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Peru, Ind., remonstrating against

the enactment of legislation authorizing the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Peru, Ind., remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of the Baptist Young People's Union of the Sparta Baptist Church, of Moores Hill, Ind., and a petition of the congregation of the Mennonite Church of Berne, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a resolution adopted by the Association of the Seventy-fifth and One hundred and first Regiments Indiana Volunteer Infantry, at Kokomo, Ind., remonstrating against the removal of the markers and monuments upon Missionary Ridge, made by the Commission of the Chickamauga and Chattanooga National Park, and praying that this matter be thoroughly and fully investigated, that the truth of the history of this most remarkable charge shall be properly and correctly indicated by an accurate location of the markers and monuments, which was referred to the Committee on Military Affairs.

Mr. KERN presented a memorial of the congregation of the Seventh-day Adventist Church of Elmore, Ind., remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of Williams Post, No. 78, Grand Army of the Republic, Department of Indiana, of Muncie, Ind., remonstrating against the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Club of Terre Haute, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. NELSON presented a petition of the congregation of the First Baptist Church of St. Paul, Minn., and a petition of the congregation of the Presbyterian Church of Kasson, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Washington Presbytery, of Washington, D. C., and a petition of the International Reform Bureau, of Washington, D. C., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a resolution adopted by the Legislature of Connecticut, which was referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

STATE OF CONNECTICUT.

OFFICE OF THE SECRETARY,

General Assembly, January Session, A. D. 1911.

Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people.

Resolved by this assembly, That the Congress of the United States is hereby requested to propose an amendment to the Constitution providing for the election of Senators by direct vote of the people.

Approved, June 28, 1911.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Matthew H. Rogers, secretary of the State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 12th day of December, 1911.

[SEAL.]

MATTHEW H. ROGERS, *Secretary.*

Mr. BRANDEGEE presented petitions of sundry citizens of New Haven, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the congregations of the Methodist Episcopal, the Congregational, and the Presbyterian Churches of San Rafael, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Huntington Beach, Cal., praying that an appropriation be made for

the fortification of the harbor at Los Angeles, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of San Jose, Cal., remonstrating against the imposition of tolls on American vessels passing through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry members of the Fifth Regiment of the National Guard of California, praying for the enactment of legislation providing pay for the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. FLETCHER presented a petition of the Board of Trade of St. Petersburg, Fla., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

HOLIDAY RECESS.

Mr. WARREN, from the Committee on Appropriations, to which was referred concurrent resolution No. 21 from the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That when the two Houses adjourn on Thursday, December 21, they stand adjourned until 12 o'clock m. on Wednesday, January 3, 1912.

COURTHOUSE AT HELENA, ARK.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, and I submit a report (No. 144) thereon. I ask for the immediate consideration of the bill.

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

Mr. SMOOT. I would also like to have the report which I send to the desk printed in the RECORD.

There being no objection, the report this day submitted by Mr. SMOOT was ordered to be printed in the RECORD, as follows:

The Committee on Public Lands, to whom was referred S. 3436, beg leave to report as follows:

The purpose of this bill is to grant to the county of Phillips, in the State of Arkansas, lots 136, 137, and the north half of 138, in that part of the city of Helena known as old Helena, for the purpose of erecting thereon a county courthouse. The equity upon which the application for this grant is based is that in the year 1889 the citizens of Phillips County caused the owners of the lots named, together with the other half of 138 and lots 139 and 140, constituting an entire block in the city of Helena, to offer the same to the Government as the site for a post-office building at a greatly reduced price. That is to say, the Government paid \$3,750 and the citizens paid \$2,500 of the purchase price.

In the estimated value of the several lots constituting the block the amount paid by the Government was no greater than the value of the lots now reserved to her as the premises upon which the post-office building has been erected. This will appear from the communications of the Assistant Secretary of the Treasury, which are made a part of this report. It further appears that in consequence of threatened caving banks of the Mississippi River in front of the city of Helena the county courthouse was placed some distance back from the river, and at a point that has grown to be wholly inconvenient in view of the present development and growth of that city. The post-office building at Helena occupies the south end of the block composed of the lots in question. The north end thereof is wholly unoccupied. The erection of a county courthouse on the north end of the block will not only greatly improve the architectural attractiveness of the vicinity in which the post-office building is located, but it will result in greatly improving the streets, paving, and sanitary surroundings of the post-office building. The Government having been donated an interest in the block greater than it is now proposed to reconvey to the citizens of Phillips County, she will part with nothing which has cost her value if this grant is made, and as it is the purpose to devote the same to the erection of a public building fairly in keeping in cost and style with that of the post-office building, it is deemed to be a fair exercise of governmental generosity to return this parcel of land to the county for the purpose indicated, and the passage of the bill is accordingly recommended.

The matter of making this grant has been submitted to the departmental officers in charge of such matters, and the following letters have been written on the subject:

TREASURY DEPARTMENT,
Washington, November 7, 1911.

MY DEAR SENATOR: I hand you herewith a memorandum from the Supervising Architect discussing the situation at Helena, Ark., with respect to the land owned by the United States Government, which is self-explanatory.

I believe, with the Supervising Architect, that there is no need for sending an agent to Helena to report on the situation, as all necessary facts seem to be in hand here.

Respectfully,

R. O. BAILEY.

HON. JAMES P. CLARKE, Little Rock, Ark.

TREASURY DEPARTMENT,
November 7, 1911.

HON. R. O. BAILEY,
Assistant Secretary, Treasury Department.

MY DEAR MR. BAILEY: In reply to your note of the 6th, relative to and accompanying letter of the 2d from Senator CLARKE in regard to

the site for the Government building in Helena, Ark., I have to advise you as follows:

First. The property was not donated, the Government paying \$3,928.85 for the property in 1889.

Second. The property is 131.6 by 330.5 feet in size, with streets on two short sides and on one long side, and with a 24-foot alley on the other long side.

The present building occupies a space of 70 feet from the south side of lot and the full width. If one-half of the property was disposed of to the city it would leave a piece of property 131.6 by 165 feet, and this would permit of an addition to the present building of 55 by 100 feet, which would very nearly double the size of the building as at present constructed and still retain the 40 feet fire limit.

The population of the city was 5,189 in 1890, 5,550 in 1900, and 8,772 in 1910, or an average growth for 20 years of approximately 1,500 per decade.

There has never been any demand for more space in this town, and it would therefore seem that a provision of space that would allow twice the present area would be sufficient to provide for all the future requirements of Helena, and that the Government might very properly interpose no objection to the disposal of the north half of the property.

Third. I see no reason or necessity for an Inspector visiting Helena, as all of the data are on the files in this office.

Respectfully,

JAMES KNOX TAYLOR,
Supervising Architect.

TREASURY DEPARTMENT,
Washington, November 17, 1911.

HON. JAMES P. CLARKE,
Little Rock, Ark.

SIR: This department has the honor to acknowledge receipt of your letter of the 10th instant, regarding the proposed transfer of the north half of the block forming the Federal building site in Helena, Ark., to the city for a courthouse site.

Upon the receipt of your statement as to the strength of your recollection that some contribution had been made by the citizens of Helena toward reducing the cost of the Federal building site to the Government. I caused an examination to be made of the department's files touching this property for the period during which the site was acquired. It is found that the block was originally offered for a total of \$7,250. No action having been taken by the department upon these proposals, a modified proposal was submitted through Mr. C. R. Coolidge, of Helena, to accept \$3,750 for said block; the price to be divided as follows:

Jacks Real Estate Co., lot 140	\$1,500
B. R. Fitzpatrick, lots 136 and 137	750
Mary Lou Saint and John P. Moore, lot 138	750
C. P. Hanley and John P. Moore, two-thirds of lot 139	500
J. M. Oates, east one-third of lot 139	250

This offer was accepted and payment made for the several interests as above itemized. The balance of the amount heretofore stated as the cost of the site was expended for incidental expenses, such as traveling, advertising, recording deeds, etc.

The tabulation of cost of sites as published in the back of the Supervising Architect's annual report, from which the information sent you on the 7th instant was taken, is not sufficiently in detail to show whether the cost of a given site to the Government was to any extent reduced by a contribution from citizens. The examination of the correspondence however, discovered the following letter from Mr. James C. Tappan, attorney at law:

HELENA, ARK., August 24, 1889.

HON. C. C. WATERS,
United States District Attorney, Little Rock, Ark.

DEAR SIR: Acting for the parties who offer to sell their lots in this town to the Government for a public building, it would be proper to state that the price agreed upon by them in gross is \$6,250, of which \$3,750 are to be paid by the Government, as the deeds show. The balance (\$2,500) has been paid as a bonus by citizens, and is now deposited in bank (for which I hold the certificate) and will be paid over upon the Government accepting the deeds. These citizens are satisfied that the title is correct, and put up their money upon legal advice. I would add that within the last six months real estate has nearly doubled its value here. These lots would readily command at least \$10,000 at this time.

Yours, truly,

J. C. TAPPAN.

This letter contains all the information the department has been able to find concerning said contribution. From this communication it would appear that the original (aggregate) net price of \$7,250 was reduced to \$6,250, whereupon certain citizens (names not given) contributed \$2,500, and the owners then subscribed a farther amended offer to sell the whole block to the Government for \$3,750, which last offer was accepted.

It is noted that you appreciate that the transfer of any portion of this site to the city is a matter for congressional action, and the department trusts that this letter gives you the information you desire.

Respectfully,

R. O. BAILEY,
Assistant Secretary.

From these letters it would appear that after these lots have been granted to the county of Phillips, that ample space will be reserved to the Government for their present and future wants.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. WATSON:

A bill (S. 3727) granting a pension to Sarah J. Allen;

A bill (S. 3728) granting an increase of pension to Monroe McVicker;

A bill (S. 3729) granting an increase of pension to John W. Caplinger;

A bill (S. 3730) granting a pension to Taylor Hyre;

A bill (S. 3731) granting an increase of pension to William H. Chapman;

A bill (S. 3732) granting an increase of pension to Hillery A. McVicker;

A bill (S. 3733) granting an increase of pension to Jefferson Long;

A bill (S. 3734) granting an increase of pension to Albert Scroggins, sr.;

A bill (S. 3735) granting an increase of pension to Warner P. Price;

A bill (S. 3736) granting a pension to Ephrim Leasure;

A bill (S. 3737) granting an increase of pension to David W. Sowards;

A bill (S. 3738) granting an increase of pension to Andrew K. Spemer;

A bill (S. 3739) granting an increase of pension to William Lawson;

A bill (S. 3740) granting an increase of pension to Henry Stahl;

A bill (S. 3741) granting an increase of pension to Israel Dunlap; and

A bill (S. 3742) granting an increase of pension to Daniel Tracy; to the Committee on Pensions.

A bill (S. 3743) providing for the honorable discharge of Thomas B. Kirk; to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 3744) granting an increase of pension to Jacob Bowser (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 3746) granting an increase of pension to Christopher Miller (with accompanying paper); and

A bill (S. 3747) granting an increase of pension to Robert W. Cook (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 3748) granting an increase of pension to Daniel H. Grove; to the Committee on Pensions.

By Mr. NELSON:

(By request.) A bill (S. 3749) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The VICE PRESIDENT. The bill will be referred to the Committee on the Revision of the Laws.

Mr. HEYBURN. There is no Committee on the Revision of the Laws. The standing committee—

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. HEYBURN. I merely make the suggestion for the RECORD. The standing committee was abolished, relying upon the joint committee. The Senate took action for continuing the joint committee, but that action has not been considered by the House.

The VICE PRESIDENT. The reference of the bill, therefore, will be to the Committee on the Judiciary.

By Mr. NELSON:

(By request.) A bill (S. 3750) relating to procedure in United States courts; to the Committee on the Judiciary.

A bill (S. 3751) granting an increase of pension to Andrew Torguson; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 3752) directing that the charge of desertion standing against the name of George F. Stedman be removed (with accompanying papers); and

A bill (S. 3753) for the relief of Rear Admiral J. B. Milton, United States Navy, retired (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 3754) granting a pension to Albert Perkins Noble;

A bill (S. 3755) granting an increase of pension to Bertha B. Byrne; and

A bill (S. 3756) granting an increase of pension to Hannah F. Quartman; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3757) for the relief of the Eldredge Bros. Live Stock Co., a corporation; to the Committee on Finance.

By Mr. OLIVER:

A bill (S. 3758) for the relief of Paul G. Morgan (with accompanying papers); to the Committee on Claims.

A bill (S. 3759) granting an increase of pension to Braden Zeigler (with accompanying papers);

A bill (S. 3760) granting an increase of pension to John T. Creeks (with accompanying papers); and

A bill (S. 3761) granting an increase of pension to John McQuown (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3762) making an appropriation for the payment to the State of Oregon of an amount allowed by the Court of Claims in settlement of its claim for expenses incurred in raising volunteers for service in the Indian wars from 1862 to 1867, audited by the Secretary of the Treasury under the act of June 28, 1910; to the Committee on Appropriations.

A bill (S. 3763) granting a pension to Charles W. Clarke; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3764) to correct the military record of David S. Sink; to the Committee on Military Affairs.

A bill (S. 3765) for the relief of acting (volunteer) officers of the United States Navy in the Civil War; to the Committee on Naval Affairs.

A bill (S. 3766) granting a pension to Emma W. Paye (with accompanying papers);

A bill (S. 3767) granting a pension to Ethalinda Stewart;

A bill (S. 3768) granting an increase of pension to Cerelle Shattuck;

A bill (S. 3769) granting a pension to Sarah Ann Bradford;

A bill (S. 3770) granting an increase of pension to Andrew Reese;

A bill (S. 3771) granting an increase of pension to Eliza J. Noble;

A bill (S. 3772) granting an increase of pension to E. A. Whitney;

A bill (S. 3773) granting an increase of pension to Augustus G. Winslow;

A bill (S. 3774) to pension certain soldiers and nonenlisted men who served in the War of the Rebellion; and

A bill (S. 3775) granting an increase of pension to H. C. Ulman (with accompanying paper); to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 3777) granting an increase of pension to William B. Livingston;

A bill (S. 3778) granting a pension to John W. McAndrews (with accompanying papers);

A bill (S. 3779) granting an increase of pension to Daniel B. Waggoner (with accompanying papers);

A bill (S. 3780) granting an increase of pension to Rufus F. Thorne (with accompanying papers);

A bill (S. 3781) granting an increase of pension to James J. Williams (with accompanying papers);

A bill (S. 3782) granting a pension to Charles Pallard (with accompanying papers);

A bill (S. 3783) granting an increase of pension to John V. D. Price (with accompanying papers);

A bill (S. 3784) granting an increase of pension to Henry C. Fairchild (with accompanying papers);

A bill (S. 3785) granting an increase of pension to Henry Basemann (with accompanying papers);

A bill (S. 3786) granting an increase of pension to Gustavus A. Kindblade (with accompanying paper);

A bill (S. 3787) granting an increase of pension to Allen N. Perry (with accompanying papers);

A bill (S. 3788) granting an increase of pension to Thomas E. McMillan (with accompanying paper);

A bill (S. 3789) granting an increase of pension to Elmer Joseph (with accompanying papers); and

A bill (S. 3790) granting an increase of pension to Lorenzo Birch (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3791) granting an increase of pension to Frank Fischer;

A bill (S. 3792) granting an increase of pension to William A. Pierce;

A bill (S. 3793) granting an increase of pension to Levi J. Silverthorn;

A bill (S. 3794) granting an increase of pension to Willard M. Walker;

A bill (S. 3795) granting an increase of pension to John Ghastin; and

A bill (S. 3796) granting an increase of pension to Charles Hallbauer; to the Committee on Pensions.

By Mr. LEA:

A joint resolution (S. J. Res. 63) for the relief of the sufferers of the Briceville mine disaster; to the Committee on Appropriations.

TERMS OF DISTRICT COURT OF MAINE.

Mr. JOHNSON of Maine introduced a bill (S. 3745) to fix the time for holding the regular terms of the United States district court in the district of Maine, which was read the first time by its title.

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That after January 1, 1912, the regular terms of the United States district court in the district of Maine shall be held at the times and places following: At Portland, on the first Tuesday in April, on the third Tuesday in September, and on the second Tuesday in December; at Bangor, on the first Tuesday in June.

Sec. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

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

Mr. SMOOT. Mr. President, I have no objection whatever to the provisions of the bill, but I suggest to the Senator from Maine that when a bill is first introduced it is always referred to a committee. In my experience in the Senate I have never known a bill to be considered without reference to a committee. I do not think it will delay the bill very long if it is referred to the Judiciary Committee. It is upon that ground, Mr. President, that I object to its consideration, and only upon that ground.

Mr. JOHNSON of Maine. Very well; let the bill be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

RESTRAINTS AND MONOPOLIES IN INTERSTATE TRADE.

Mr. LA FOLLETTE submitted sundry amendments intended to be proposed by him to the bill (S. 3276) to further protect trade and commerce against unlawful restraints and monopolies, which were referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate \$125 a month for pay of the superintendent of the Arlington (Va.) National Cemetery, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$360 to increase the salary of Alanson D. Gaston, messenger in charge of the President's room, United States Senate, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OREGON AVENUE, CITY OF WASHINGTON.

Mr. BACON. I submit a Senate resolution for which I ask present consideration.

The resolution (S. Res. 165) was read, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate what authority of law, if any, exists under which the Commissioners of the District have undertaken to change the name of the street in the city of Washington heretofore known as Oregon Avenue, and to make in said report such recommendation as may be deemed proper in regard thereto.

Mr. BACON. Mr. President, I simply desire to say that I have conferred with the Senator from New Hampshire [Mr. GALLINGER], the chairman of the Committee on the District of Columbia, and the resolution meets with his approval.

Mr. GALLINGER. I will ask the Senator from Georgia if he will kindly withdraw the resolution until after I have had a little further interview with him on the subject.

Mr. BACON. Very well; I will let it lie on the table for the present.

Mr. GALLINGER. I meant to see the Senator this morning, but failed to do so.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

Mr. BACON subsequently said: After a conference with the Senator from New Hampshire, I will again ask for the present consideration of the resolution submitted by me.

The VICE PRESIDENT. The Secretary will read the resolution by title, it having been read in full.

The SECRETARY. A resolution relative to a change of name of the avenue known as Oregon Avenue, in the city of Washington.

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

The resolution was considered by unanimous consent and agreed to.

MALAMBO FIRE CLAIMS (S. DOC. NO. 148).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was

read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter addressed to me by the Secretary of War, dated December 9, 1911, with accompanying papers, in reference to the Malambo fire claims. This letter is self-explanatory, and the facts regarding these claims are fully set forth in Senate Document No. 858, Sixty-first Congress, third session.

I renew the recommendation contained in my message to the Congress dated March 3, 1911, that an appropriation of \$53,000 be made to settle these claims.

WM. H. TAFT.

THE WHITE HOUSE, December 13, 1911.

LAWS OF THE PHILIPPINE ISLANDS (S. DOC. NO. 149).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith copies of the laws enacted at the first session of the Second Philippine Legislature, and certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, December 13, 1911.

HOUSE BILL REFERRED.

H. R. 1. An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico was read twice by its title and referred to the Committee on Pensions.

COMMITTEE SERVICE.

Mr. DILLINGHAM was, on his own motion, excused from further service upon the Committee on Conservation of National Resources.

Mr. CRANE was, on his own motion, excused from further service upon the Committees on Cuban Relations and Public Health and National Quarantine.

THE AMERICAN TOBACCO CO. ET AL.

Mr. CUMMINS. Mr. President, my reason, and my only reason, for asking the indulgence of the Senate at this time is that the measure which I have proposed, or any other measure to accomplish the same object, to be effective must be passed within a very short period.

I do not intend to enter upon the details of the bill which I have introduced and which has been referred to the Committee on the Judiciary. Its form and its validity will be considered by that committee, and in both these respects, if it receives the approval of the committee, will be under consideration by the Senate on some future day. I confine myself to the general subject embraced by the bill. The thing sought to be accomplished is the review of the decree lately entered by the Circuit Court of the United States for the Southern District of New York approving the plan of reorganization or re-creation of the American Tobacco Co. by the Supreme Court of the United States.

The proposition which I shall hope to establish is that the welfare of the people of the country, the stability of the business of the country, and the needs of Congress imperatively require that this decree shall be reviewed by the Supreme Court of the United States in order that we may know definitely and finally whether with the antitrust law applied to the affairs of the American Tobacco Co. this decree is all that it will do for the people of the United States. It goes without saying that until the questions which are involved in it are considered by and determined by the final tribunal of the Nation there will continue to be that uncertainty with respect to the application of the law to business concerns that has heretofore vexed the minds of so many thoughtful men.

I will not—may I say in the beginning—decline to yield to any interruption, but I must be permitted to say that if I am not interrupted I will be very brief; if I am interrupted, no one can tell when I shall finish.

Every fact upon which I shall found my argument, every fact which I shall present as material to the consideration of this matter, is drawn either from the opinion of the Supreme Court of the United States in deciding the case originally or from the decree of the Circuit Court of the United States for the Southern District of New York and the plan of reorganization which became a part of that decree. I will not enter upon any disputed region of fact respecting these matters.

In July, 1907, the United States brought a suit in equity in the Circuit Court for the Southern District of New York against 29 individuals and 69 corporations, charging a violation, on the part of the individuals and the corporations, of both the first and the second sections of the antitrust law. That is to say, they were charged with having conspired and combined to effect a restraint of trade and to create a monopoly or with the attempt to create a monopoly.

You all understand that I must do this in a very general way, that I can only aver the general accuracy of my statements, because if I were to detain you to go into all the details of this vast aggregation, I would trespass upon your patience much longer than I intend to do.

The American Tobacco Co. owned a controlling interest in the voting stock of each of the following corporations: The American Snuff Co., the American Cigar Co., the American Stogie Co., MacAndrews & Forbes, and the Conley Foil Co. The corporations just named are the accessory defendants, as termed in the opinion of the Supreme Court of the United States. Either the American Tobacco Co. or the 5 companies named, which were controlled by the American Tobacco Co. through the ownership of stock, controlled 59 of the remaining corporations defendant and many other companies not named as defendants.

There were two foreign corporations made defendants. One of them, the British-American Tobacco Co., was owned almost entirely by the American Tobacco Co.; another, the Imperial Tobacco Co., with a very large capital, organized, I think, under the laws of Great Britain, with a part of its stock in the control or in the ownership of the American Tobacco Co., but less than a half of it.

The 29 individuals who were named as party defendants owned, at the time the suit was brought, a little more than one-half of the common stock of the American Tobacco Co. and were the chief men in the various enterprises of which the American Tobacco Co. was composed.

The beginning of this world-wide, tremendous combination was in 1890, when five establishments which manufactured practically nothing but cigarettes and smoking tobacco—95 per cent of the domestic output of the former and only 8 per cent of the output of the latter—formed the old American Tobacco Co.

I do not intend to trace the wonderful and mysterious path of these original incorporators into the aggregation which came before the courts in the case to which I have referred. I content myself with saying that in 1911 this combination or aggregation controlled and did the business of this country in the proportions which I shall read: Of the cigars, it did 13 per cent; of the cigarettes, 80 per cent; of the smoking tobacco, 75 per cent; of the plug tobacco, 80 per cent; of the fine-cut tobacco, 79 per cent; of snuff, 90 per cent; of little cigars, 93 per cent; of licorice paste—which is a necessary ingredient in plug tobacco—90 per cent; of tin foil, a proportion not disclosed accurately in the record, but a very large percentage. It had enlarged its business so that its net profits were more than \$30,000,000 per year. All this, mark you now, was controlled by the common stock or the common-stock holders of the American Tobacco Co., there being in its latter days about \$40,000,000 of stock known as common or voting stock.

It was this tremendous, almost inconceivably large, concern, with all its ramifications and relations, which the Supreme Court of the United States condemned as in violation of both the first and the second sections of the antitrust law. The condemnation is all summed up in one sentence of the opinion, which I shall ask the privilege of reading in your hearing. It is found on page 187 of volume 221 of the United States Reports:

Under these circumstances, taking into mind the complexity of the situation in all of its aspects and giving weight to the many-sided considerations which must control our judgment, we think, so far as the permanent relief to be awarded is concerned, we should decree as follows:

"First. That the combination in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and second sections of the antitrust act."

It was condemned, first, because this business, to the extent which I have described, was owned, controlled, managed, and operated through a single ownership or through the influence and power of the stockholders of the American Tobacco Co. The Supreme Court held that many of these subordinate, subsidiary, or, as some of them are termed, accessory companies, were also in and of themselves in violation of both sections of the antitrust law. That being the holding of the Supreme Court of the United States, the decree of the court below, namely, the circuit court in New York, was reversed. I intend now to read, so that you may have it freshly in your minds, the direction which the Supreme Court of the United States gave to the court below as a guide to the manner in

which its mandate should be executed, as to what should be done with this great aggregation thus brought together in the course of these years.

I pause here a moment, and a moment only, to say that while I do not complain of this assumption of authority upon the part of the Supreme Court of the United States, I am not in sympathy with it. I do not believe that it is any part of the proper jurisdiction and power of the courts of this country to enter upon a reorganization or re-creation of a corporation adjudged to be a criminal before the law. I hope, Mr. President, that the time is far distant when our courts, high as they are now in the confidence of the people, will undertake to manage or arrange the business affairs of the people of the land in advance and give those arrangements the stamp of their approval in the way in which it is suggested here; but, nevertheless, the Supreme Court of the United States did make the direction which I am about to read, and, as a good citizen, I bow to that direction as the final exposition of the law of the land.

That the court below—

I now read from the mandate of the Supreme Court—

That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with, and not repugnant to, the law.

I need read no more of the mandate, because it is this paragraph which the court below has attempted to execute, and it is the only part thereof with which we are at the present moment concerned.

The circuit court of New York again assumed jurisdiction of the case. It received evidence, as I am advised, and there was presented to it finally by the defendant corporations and individuals a plan of reorganization, and, with certain modifications, some of which were proposed by the Attorney General of the United States and were exceedingly wise and helpful. This decree was entered and the plan as thus modified was approved.

In order, Mr. President, that the opinions of the Circuit Court of the United States for the Southern District of New York approving the plan and making it the judicial expression of the reorganization of this combination, and in order that the plan itself may be of easy access to every Senator, I ask that these opinions and the plan which they approve be printed as a part of my remarks upon the subject.

The VICE PRESIDENT. In the absence of objection permission is granted.

[The matter referred to will be found at the end of Mr. CUMMINS'S speech.]

Mr. CUMMINS. It would serve no useful purpose if I were to enter into a long explanation of the details of this reorganization, but I can tell, I think, in a very few minutes what it really accomplishes. There are very many objections to the plan which I do not intend to mention, because I do not think they are so fundamental that they would require the somewhat unusual action which I propose.

This plan creates 5 new corporations and keeps alive 9 old corporations, so that the business formerly done and the property formerly owned by the aggregation to which I have referred, pass into the hands of 14 corporations. Eleven of those corporations are small affairs, comparatively. The great proportion of the business of the company and the great proportion of all of its assets pass into the hands of 3 immense corporations: First, the American Tobacco Co. itself, which is perpetuated but shorn of a portion of its property and with its capital stock diminished by the distribution of a part of the property to other corporations; second, the Liggett & Myers Tobacco Co.; and, third, the P. Lorillard Tobacco Co.

I want Senators to understand just what proportion of the business and of the property of the company falls into the hands of these three concerns, for while the others bear the same relation to the entire enterprise that the three do, yet they are rather obscure on account of the magnitude of the three which I have mentioned.

Remember, now, that the capitalization of the American Tobacco Co. when prosecuted by the United States was, I think, \$223,168,250. That was the entire capitalization at par of the American Tobacco Co. and which represented all of the property so combined and which the United States has, through its highest tribunal, condemned as in violation of law.

Now, let us see how it is divided. The American Tobacco Co. retains assets—that is, manufacturing properties—of the value of \$98,432,473.83; the Liggett & Myers Co. is to acquire property of the value of \$67,447,499; and the P. Lorillard Co. is to acquire property of the value of \$47,552,501, in the aggregate, \$213,432,473.83—about \$10,000,000 less than the entire

capitalization of the American Tobacco Co. at the time it was proceeded against by the United States.

Now, let us look for just a moment at the manner of the creation of these two new companies, because these are two of the new companies, and their relation to the American Tobacco Co. These two new companies, after having been invested with the title to the properties which I have described only in amount and not in terms, issue their preferred stock—I will not now deal with bonds—and their common stock to the American Tobacco Co. for the purchase price. The holders of the preferred stock of the American Tobacco Co. take the preferred stock, if they will, of the two new companies, and they take that stock in the same proportion in which they held the stock of the American Tobacco Co. The holders of the common stock of the American Tobacco Co. take the common stock issued by these two new companies in consideration of or as the purchase price of the property, and they take that common stock in the same proportion in which they held the stock of the American Tobacco Co. When this operation is complete, when it is all over, the stockholders—and I am now making no discrimination between preferred stockholders and common stockholders, for the preferred stockholders are given the right to vote in this reorganization—the preferred stockholders and the common stockholders of the American Tobacco Co. will hold the preferred stock and the common stock of the Liggett & Myers Tobacco Co. and the preferred stock and the common stock of the Lorillard Tobacco Co., and the men who now own the entire business will own these three companies and they will own these three companies in exactly the same proportion in which they now own the American Tobacco Co. There will be the same community of interest and the same proportion of ownership.

Mr. BORAH. Mr. President—

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

Mr. CUMMINS. I do.

Mr. BORAH. I desire to ask the Senator a question. If the state of facts which the Senator has presented exists, these four corporations would be carrying on business in violation of the Sherman law, would they not?

Mr. CUMMINS. The Circuit Court for the Southern District of New York says they will not exist in violation of the Sherman law. That is just the point of it all. I think they will.

Mr. BORAH. I was going to ask further what effect would the decree of the circuit court of New York have in case action should be brought against these four companies under the Sherman law? Would this decree be available as a defense?

Mr. CUMMINS. If the Senator from Idaho will permit me, I will not answer that question. I am inclined to think that it is one upon which lawyers will differ. I may suggest, however, that the Supreme Court said to the Circuit Court of the Southern District of New York: Take this great aggregation of properties and companies and re-create out of them all a series of corporations or of enterprises or of conditions that will be in harmony with the antitrust law. The circuit court of New York takes the properties and creates or approves the creation of a series of corporations which it adjudges to be in harmony with or a fulfillment of the decree of the Supreme Court.

Now, if the Supreme Court of the United States had jurisdiction to authorize the Circuit Court of the Southern District of New York to pass judicially upon the innocence or the guilt of the corporations thus created or re-created, it would seem to follow that its decree would be an adjudication as against the United States upon that point. But if the Supreme Court of the United States did not have jurisdiction to make an order of that sort—in other words, if it was rather an administrative duty that it was trying to perform than a judicial one—then the decree of the circuit court of New York would be no protection whatsoever against any subsequent prosecution. I do not want, however, if I can avoid it, to go into that subject, because to me it is with reluctance that I confront the possibility that our courts will enter upon such inquiries and attempt such reorganizations and re-creations as are found in this record.

I come back to my point. Here are three companies which will own and operate \$213,000,000 of property out of a total capitalization of the American Tobacco Co. of \$223,000,000. These companies are owned by exactly the same persons who now own the American Tobacco Co., and they will be owned in precisely the same proportionate interest. If it was unlawful for the American Tobacco Co., through these same men, guided by the same hand, directed by the same mind, to collect and concentrate the business of this country to the extent that it was so collected and concentrated, then it is manifest that to give the people three corporations controlled by the same hands, directed by the same minds, moved by the same purposes, is

giving them a stone when they ask for bread. It is keeping the word of promise to the ear and breaking it to the hope.

I do not want to be understood as unduly criticizing the decree of the Circuit Court of the United States for the Southern District of New York. I know there is a view held by very great men that such an organization as I have described is an innocent one and is not in contravention of the antitrust law. But that, I think, is not the opinion held by most students of the subject, and certainly not the opinion of the great mass of the people, who desire to be protected against just such power as resides in this sort of consolidation.

I go one step further. I have shown you what 3 of these companies are. There are 11 other companies. The interests which the American Tobacco Co. had in all the properties which are retained, and are to be operated by these 11 other companies, are divided also among the stockholders of the American Tobacco Co.; and these stockholders, sometimes including the preferred stockholders and sometimes not, will control, will manage and direct, the affairs of the 11 other companies precisely as they can and do and will manage the affairs of the American Tobacco Co. or the 3 large aggregations of which I have spoken. There is no separation of interest. The same people own the business who owned it before, and the only difference—I care not how it is analyzed, how it is arranged—is that it will be a little more inconvenient to achieve certain common results through the cooperation of 14 companies as they are now to be managed than as it was under the management of the American Tobacco Co.

It is true that there is the possibility that these stockholders may die, and their stock may go into hands that have not been intimate with or associated with the old management of the American Tobacco Co.; it is true they may sell their stock to other persons; some stockholders of the Liggett & Myers Co. may sell their stock to persons who have no interest in the American Tobacco Co. or the Lorillard Co.; but these are mere possibilities; and, if I understand the opinion of the Supreme Court and what it really intended should be done, it was that there should be such a separation, such a disintegration of these vast properties as would reasonably restore competition among the various parts into which it is to be disintegrated or separated, because it is the unreasonable—to use the word of the Supreme Court, and I do not quarrel with it—it is the unreasonable restraint of competition which the Supreme Court held to be the restraint of trade prohibited by the statute.

I do not want anybody to assume that I have any want of confidence in the Circuit Court of the United States for the Southern District of New York; I have no doubt this represents the real economic view of its members, and I have no doubt that the court believes its decree to be in harmony with or in pursuance of the mandate of the Supreme Court of the United States; but there is such a wide difference of opinion upon that point that it seems to me it would have been a great service to the American people if the Attorney General, instead of expressing his content with the plan thus adopted by the circuit court in its decree, had appealed from that decision to the Supreme Court of the United States in order that all of us might know, and know once for all, whether that plan is an embodiment of the remedy which the antitrust law gives to the people of this country against monopolies and restraints of trade.

I have no hostile feeling whatever against the Attorney General. I have no doubt that this decree represents his view of what the antitrust law does for the people. But he knows, and the whole Department of Justice knows, that we are looking to this case and its sister case—that of the Standard Oil Co.—as illustrations of what this famous law will do for the people of this country, and we are looking to the application of its provisions to the actual affairs of business in order to determine ourselves whether any additional legislation is necessary or is desirable. There is, as I think, an imperious demand for an appeal from this decree to the Supreme Court of the United States in order that it may look upon the plan and determine whether it is such a plan as it outlined in its mandate in reversing the case, for if it is, if the court of last resort tells the people of this country that the outcome of this case against the American Tobacco Co. is the outcome, and all the outcome, of the antitrust law as directed against trusts and monopolies, you will have no doubt whatsoever of the demand of the people that it be so amended that it will accomplish the high purpose its authors had in view when they submitted it to the country as their remedy for the evils then foreshadowed, but now fully understood and experienced.

Let us see now what happened. When this plan received some publicity in the newspapers the independent tobacco people all over the United States, in a dozen different States, became active and through their boards of trade and their commercial

organizations, through the attorneys general of Virginia, West Virginia, North Carolina, South Carolina, and I think Kentucky—I have the list here but may not remember it accurately—and through the governor of the State of Wisconsin came before the circuit court and said: "We object to this decree; that is, we ask leave to object to this plan, because it will not furnish us the deliverance that we believed would come from the application of the antitrust law to the American Tobacco Co." The court very graciously gave to these organizations, to these attorneys general and to the governor of the State of Wisconsin, as amici curiæ, leave to be heard. They were heard, and they presented both in brief and in oral argument very many objections to the decree which I have not mentioned at all, and could not mention within the limits that I have imposed upon myself.

It might be said that the Attorney General of the United States did not sympathize with most of the objections which were presented by these independent producers and manufacturers through these several agencies—at least he did not join them in making the objections.

Finally the court accepted some of the modifications proposed by the Attorney General and entered the decree. These people asked the circuit court in a variety of ways for the privilege of intervening, first, because they were pecuniarily interested in a broad way in the outcome; second, because the controversy involved so intimately and fundamentally the public welfare.

The circuit court declined to give them a right to intervene, and I think it did right in that respect. I do not believe that under the procedure as now recognized or provided by the statute these persons and organizations could legally intervene or that the court could give them the right to intervene in the proceeding.

Therefore, having been excluded from the circuit court of New York, and having been advised by the Attorney General publicly, because he published a statement throughout the borders of the United States defending this decree, this plan, and announcing his purpose not to appeal, but to allow it to stand as the final application of the antitrust law to the affairs of the American Tobacco Co., they came here and they presented to the Supreme Court of the United States a petition for leave to present an application for a writ of certiorari or mandamus or some other proper writ to bring the record of the circuit court to the final tribunal for review. The Supreme Court of the United States rejected the petition, and very properly. No one can criticize that court for refusing to allow these independents, through these agencies, to appear, for whatever may be the opinion of my brothers in the profession, I believe that the law as it now is affords no opportunity for these producers and manufacturers to intervene and bring the record to the Supreme Court upon appeal. And now, with this great fundamental, vital question decided by the circuit court of the State of New York, decided in a case which has everywhere been regarded as one of the landmarks in the administration and interpretation of the law, one of the cases by which we might be guided both in legislation and in the conduct of our business affairs, we have the question at rest, legally speaking, and we find ourselves utterly unable to secure the opinion of the Supreme Court of the United States, which all the people will accept as the interpretation of the law and proceed both in legislation and in business accordingly.

Mr. BACON rose.

Mr. CUMMINS. I can not understand why the Attorney General is not willing that somebody shall use the United States as a party complainant for the purpose of appealing, but for good and sufficient reasons undoubtedly to him he is not willing. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, I do not desire to interrupt the Senator from Iowa unless he is at a part in his argument where he can be interrupted without too much disturbing the thread of his thought.

As I understand the Senator's bill, it is to secure the right of appeal to third parties, and it is that he is now discussing. It occurs to me that there is a question of a more serious character than that. It was suggested by the Senator from Idaho [Mr. BORAH], and in further elaborating the thought which was expressed in that suggestion, if the Senator will pardon me just a moment, I will state it probably with a little more detail.

If the court had directed that the court below should dissolve the corporation and that it should divide and distribute itself or the property it had in such a manner that there might be organizations which would not be in violation of the law, the defendants in thus themselves making the distribution of the property and in the reorganization of subsidiary or independent separate corporations would have done so at their own risk.

In other words, if they had made separate corporations which did not harmonize with the spirit and letter of the antitrust law they could have been subsequently proceeded against, either one of them or all of them, as the case might be.

But, as suggested by the inquiry of the Senator from Idaho, when the Supreme Court directs the court below to itself supervise and approve of organizations which will be the result of the distribution of this property and of these various stocks, and so forth, and the organizations are thus perfected, it seems to me that they are outside of the power of the Government thereafter to proceed against them for the violation of the antitrust law, because they have the sanction of the court to an organization and a decree of the court to the effect, as to each corporation, that it is not an organization in violation of the law.

While I, of course, do not desire to criticize the wisdom of the Supreme Court, or to doubt it, it seems to me, if the direction has been given, as contended here, that it presents a very grave question, one superior to the question of the policy of permitting other parties to appeal in order that they may take part in the discussion of the question whether this, that, or the other plan of reorganization may be a proper plan. In that case it is of vital importance that such legislation shall be had, if it shall hereafter develop that one of these organizations is in itself in violation of the antitrust law by reason of that organization, that that decree of the court shall not be a barrier to the processes hereafter sought to be invoked for the purpose of the dissolution of the corporation thus organized and which may thus be found to be in violation of the antitrust law.

I thought I would take the liberty of suggesting to the Senator, in view of the very great importance of this matter, that either by an amendment to this bill or some other that particular point ought to be guarded and secured. If the bill introduced by the Senator should be enacted into law, it would simply give the opportunity for a greater number of parties to contribute their wisdom in the effort to solve the problem in the distribution of this property and of these various stocks into other corporations which would not be in violation of the law; but after they had so done and the Supreme Court had approved it there would still be the same difficulty—that here would be organizations made under a decree of the court that they were not in violation of the law, but that they were in harmony with the law—and, as we all know, in the evolution of the business of these corporations and in their management and the methods they might pursue, it would be utterly impossible to anticipate whether such organizations would or would not thereafter prove to be in violation practically of the antitrust law.

Therefore I think that the important thing to do—though I am not prepared now to say how far the legislation may go in such a direction—is to so guard it that even though a corporation is organized by a decree of the court that organization can thereafter be attacked and dissolved if it shall prove to be in violation of the antitrust law. I am not sure that legislation could reach the evil after such a decree of approval by the court.

Mr. BORAH. Mr. President—

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

Mr. CUMMINS. I do.

Mr. BORAH. I do not think it is fair to say, as often said in popular parlance, that the Supreme Court has authorized the creation of corporations, and I do not believe it is fair to say that it authorized much to be done which was done by the court below.

I want to read again, although the Senator has read the decree, that portion of the decree directing the action of the court below:

That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the corporation—

Now, that much of the decree is not an unusual decree at all. I apprehend you can find such a decree as that quite often in courts of equity; that is, the same principle and the same general direction.

And of re-creating, out of the elements now composing it, a new condition, which shall be honestly in harmony with and not repugnant to the law.

The Supreme Court does not intimate that they shall enter upon the work of creating corporations or sanctioning the existence of corporations, but they are to bring about a "condition" which is in harmony with the decision which the court has rendered; a thing which is very often directed to be done.

Mr. CUMMINS. Mr. President, pursuing the suggestion just made by the Senator from Idaho, I hope that no one has re-

ceived the impression that I believe the circuit court has carried out the direction or the mandate of the Supreme Court of the United States. On the contrary, I believe that the Circuit Court of the United States for the Southern District of New York has disregarded and has nullified the order of the Supreme Court of the United States.

I agree with the Senator from Idaho perfectly that there is nothing here which authorizes the circuit court in New York to do what it has done; and it is for the very purpose of having an opportunity to set aside what has been done in New York that I desire some one shall be given the opportunity to appeal from the decree. But if there be no appeal, then for all time to come this re-creation must stand as the application of the antitrust law to the affairs of this country.

I do not know whether, the circuit court having jurisdiction of the subject matter, on account of a mere departure of that kind from what I regard as the rule laid down by the Supreme Court, there would be any protection to this new, and I think still more vicious, combination or not. But I do not want to run the chance of any such thing as that. I can easily see how, if this company should proceed with an organization approved by the circuit court of the United States for that State, there would be very much reluctance on the part of any Attorney General or any other officer of the law to disturb it.

But passing all those questions, it does seem to me that the people of this country have a right—a high, sacred, imperious right—to the opinion of the Supreme Court of the United States upon this application of its mandate, and that the satisfaction expressed by the Attorney General in the decree that has been rendered ought not to be allowed to stand in the way of the right which I believe is possessed by the great body of the country. Therefore the bill which I have introduced and which is now before the Committee on the Judiciary asks Congress not to criticize the court in the least degree but to permit these independent producers, whose existence has been threatened and oftentimes imperiled by the power of this combination, to intervene, appeal, and ask the Supreme Court whether that decree is in harmony with its opinion.

Mr. BACON. Mr. President, before the Senator from Iowa takes his seat I should like to ask him a final question.

Suppose that is done, and, as necessarily must be the case, the Supreme Court comes finally to the conclusion that a certain form of organization, or a certain organization, if you please, is a legal organization and not in conflict with the antitrust law, the question I want to ask the Senator is this: Can the question of the legality of that organization ever thereafter be attacked, and can that organization thereafter ever be dissolved upon the ground that it is in conflict with the antitrust law?

Mr. CUMMINS. Mr. President, I will answer the question as best I can. I believe that the re-created or reorganized new combinations out of the aggregation known as the American Tobacco Co. do not present a judicial subject. I doubt whether any court, however high may be its station, has the power to approve or disapprove corporations or combinations growing out of this aggregation of the American Tobacco Co.; and if it were to attempt to approve or disapprove it might be true that if subsequently the re-created combination were proceeded against, and if it were to attempt to plead adjudication, the reply might be that the decree was without jurisdiction or authority; but, granting the subject matter is within the jurisdiction of the court, then I think the decree would estop the Government against any prosecution of the thing approved in the decree.

Mr. BACON. Mr. President, I quite agree with the Senator, but I want to call his attention to one difficulty, and that is this: The Senator says, in the first suggestion made by him, that the organization would not have the protection of the law and of the decree from the fact that a decree approving the organization would be the exercise of an unwarranted jurisdiction; but the trouble about that is that in this case, as I understand it, if the organization should be approved by the Supreme Court, when the propriety of that approval is to be tested, the very court which would assume that it is within its jurisdiction would be the court which would have to pass upon the question which challenged that jurisdiction.

Mr. CUMMINS. Precisely. We meet that trouble a great many times and in a great many ways. I want to say to the Senator from Georgia that I am wholly in sympathy with him with regard to the wisdom of any such procedure, and I will very gladly join him at any time in any appropriate legislation that will prevent our courts from exercising jurisdiction of that character.

Mr. President, I have submitted in this—I was about to say, brief way, but that might not be agreed to upon all sides—but in this rather meager way my views upon this subject. I have

done it solely that Senators may bear it in mind, may study what has been done, so that when the Judiciary Committee shall report upon the matter we may be better ready than we otherwise would be to take the subject up and dispose of it.

Mr. BACON. I should like to ask the Senator, who has given the matter careful investigation, if he understands that the Government did not appeal from the decree of the Circuit Court for the Southern District of New York, because those representing the Government were satisfied with the decree of the court in making this disposition?

Mr. CUMMINS. I can not quote his exact language, but in his public announcement the Attorney General says in substance that the decree of the circuit court approved this plan as wise; that the plan does consist with and is in harmony with the antitrust law; that when carried into execution it will create competition; and that it will bring about a condition that will be for the welfare of the people of the United States. In all that, of course, I disagree with him utterly, but that is the reason he gives for refusing to take an appeal to the Supreme Court.

APPENDIX.

[In the Circuit Court of the United States for the Southern District of New York. United States of America v. The American Tobacco Co. and others.]

OPINIONS OF THE COURT AND DECREE IN THE UNITED STATES V. THE AMERICAN TOBACCO CO. AND OTHERS, BEFORE LACOMBE, COXE, WARD, AND NOTES, CIRCUIT JUDGES.

OPINION OF CIRCUIT JUDGE LACOMBE.

In compliance with the directions of the Supreme Court we have heard the parties upon a plan proposed by the American Tobacco Co. for "dissolving the combination and for re-creating out of the elements now composing it a new condition which shall honestly be in harmony with and not repugnant to the law." The proposed plan was filed two weeks before this hearing, at which not only the parties but any persons interested who might wish to express their views as friends of the court were given opportunity so to do.

While the plan is correctly described as the proposed plan of the American Tobacco Co., since that corporation and the other defendants offer to carry it out, it should be remembered that in its present form the plan is the fruit of much discussion. For upward of two months successive conferences, in the presence of two or more members of the court, were had between the Attorney General and the counsel and representatives of the Tobacco Co. Objections of the Attorney General were followed by modifications of the plan, some of its most drastic provisions being inserted in order to meet or avoid his criticisms. When a point was reached where such adjustment of differences ceased to be practicable, a time was fixed for a hearing before the whole court upon the matters remaining in dispute. It was in the course of these conferences that a very material reduction of the holdings of the American Tobacco Co. was brought about. According to the plan as originally proposed it was to retain in its treasury, in addition to its working capital, sufficient to pay the outstanding bonds when they matured, about \$104,000,000. To this the Attorney General at once objected, insisting that the possession of this enormous amount of money over and above its capital invested in the tobacco business was fraught with possibilities of evil use, that it would be a standing menace to all competitors, and could not be tolerated. While not fully conceding the justice of this criticism, counsel for defendants promptly stated that they would undertake to eliminate it. After discussion of two different methods of so doing, which themselves presented other difficulties, defendants at the last conference submitted the present scheme, whereby half of the outstanding bonds would be bought up (and canceled) at a price in excess of their present value, thus insuring a willing surrender of them by present holders, and for the other half securities of the new companies would be offered on a basis of exchange which would insure acceptance of the offer. Since the plan was filed the market reports have given quotations of such bonds of the new companies "If and when." While such reports are possibly not competent evidence in the trial of a cause, they seem to indicate that if the present plan be approved a very brief period will suffice for the disappearance of substantially all the old bonds and the elimination from the treasury of the American Co. of the money or securities required to make them good at maturity. Thus the menace of holding an enormous amount of money, additional to what is legitimately used in the business of the American Co., will disappear. Upon the hearing committees representing a majority of the holders of both issues of bonds appeared and requested the court to approve the plan. Out of the entire two issues, amounting to over \$100,000,000, one holder only of ten 4 per cent bonds appeared to object on the ground that the terms offered for sale and exchange were not satisfactory to him. Inasmuch as he is under no obligation to accept the offer if it does not please him, and the security for his bonds, if the plan be carried out, will be ample, no modification of the plan is necessary to protect him or others similarly situated. A committee representing a majority of the preferred-stock holders also asked that the proposed plan be approved.

The plan contains very many provisions, necessarily so because of the intricate nature of the combination of corporations about to be disrupted. It would unreasonably extend this opinion to undertake to epitomize these provisions. An admirably clear summary of them has been filed by the proponents and may be considered as in the nature of a recital to this opinion. Besides distributing among its common-stock holders a large amount of the stock it now holds in other companies, the American Tobacco Co. will be split into three companies, which, with a fourth set free of control by the American Co. through such distribution of stock, will divide between themselves the property now owned and the business now done by the American Co. Each of these four companies will thus have a business which, in every branch of it, will fall materially below a percentage sufficient to control. There are similar disruptions among the accessory companies, for the details of which the plan or the summary may be consulted.

Some of those who have been heard in opposition insist that no plan is practicable; that in conformity with the statute as construed by the Supreme Court the only thing for this court to do is to seize the property through receivership and proceed to sell it. This proposition need not be discussed. Evidently the Supreme Court believed some plan was

practicable, or it would not have directed this court to inquire into the matter.

Upon the hearing other plans for dissolving and re-creating were submitted, plans not merely suggesting modifications of the one proposed, but differing widely from it in form and scope. One of them calls for a division into upward of 60 different companies. Others for a distribution of properties by specific allotments, as in the case of a partition of real estate. No time need be given to a consideration of any of these, since there is no suggestion that the defendants will adopt them. On the contrary, counsel for the defendants expressly stated on the argument that they would not undertake to carry them out. Presumably they think they might better take their chances at receiver's sale. This court has neither authority nor power to carry out and enforce any plan of readjustment without the cooperation of the owners of the property, the holders of these stocks and bonds. It would be a sheer waste of time, therefore, to consider any plan radically different from the one now before us. If we find this plan would not create the condition defined in the opinion of the Supreme Court, or if such modifications as we may require as a condition of giving our approval are not accepted by defendants, we must obey the mandate of that court, must seize the property and sell it at public auction, in appropriate and convenient lots, applying the proceeds of the sale to the payment of the debts, including the mortgages, or of such dividend thereon as the proceeds may allow, turning over the surplus, if any, to the owners of the equity.

The main objection to the proposed plan, an objection found in every document filed by those who were given permission to be heard and which seemed to be principally relied on by those who spoke, is what is referred to as "common-stock holding." For instance, under the plan two new companies, "Lorillard" and "Liggett & Myers," will be formed out of the American, which will itself, thus reduced in size, continue in existence. The same individuals, the present 1,800 or more common-stock holders of the American, will hold the entire common stock of each of the other two companies. A similar condition will exist with some, at least, of the other companies. It is contended that, although under such circumstances there may be potential competition, no real competition can exist. With this argument, or the reply to it, it seems to me this court is not concerned. In two recent cases (the Northern Securities and the Standard Oil) the Supreme Court found a combination of corporations to have offended against the antitrust act. As a result of such finding there was a disintegration of the combination. In each case the disintegration left the stock of the separate entities into which the group was split in the hands of the same body of individual stockholders. Since there was no disapproval of this method of disintegration indicated in either opinion, it would seem that the question whether or no common-stock holding is "repugnant to the law"—that is, repugnant to the antitrust act—has been settled for this court by controlling authority.

It is true that the Supreme Court did not enter into any discussion of this question of "common ownership," but its existence in both cases was so plainly manifest that it is difficult to understand how the court could have approved of the new arrangement unless it was satisfied that such arrangement did not contain the same vice as the old one which they held must be terminated. If this be so, discussion here of the question whether or not common ownership is within the prohibition of the statute would seem to be academic. This also seems to be the view of the Government, which does not discuss common-stock holding.

The next objection presented by those not parties who have been heard is directed to the size of the companies. As an illustration, it appears from the statistics submitted that of the total smoking-tobacco business of the country four companies will have the following percentages: American, 33.08; Liggett & Myers, 20.05; Lorillard, 22.82; Reynolds, 2.06. It is insisted that these large companies should be still further disintegrated. The plan is further criticized because each of these companies is described as "completely equipped for the conduct of a large tobacco business," whereas existing independent concerns are none of them so equipped; and it is argued that there can be no effective competition until the several concerns which are to carry forward the business of the trust are put into the same condition as to size and equipment as now prevails among existing independent concerns. It is further contended that no company engaged in the plug-tobacco business should be allowed to take over any cigarette or cigar business; that a company taking a cigarette business should not take over any smoking-tobacco, plug, or cigar business, and so on. That there should be a rearrangement of factories and brands, an intricate subject, which is fully discussed in a report from the Bureau of Corporations filed at the hearing. Manifestly, the minutest fragments into which the old combination is split and the more they are prohibited from conducting business as other companies are free to conduct it, the less will be their ability to compete with such other companies. This whole line of argument deals with the economics of the tobacco business. No doubt the novel problem presented to this court is connected with questions of economics as well as with questions of law. But this is a court of law, not a commerce commission, and the legal side of the proposition would seem to be the controlling one. The true way to state the problem, as I understand it, is this: Assume that a group of corporations engaged in some business which comes within the domain of interstate commerce is charged before the Supreme Court with violation of the antitrust act. Assume that they are organized as the companies provided for in this plan will be, that they are similarly capitalized, that the business they do is similar in amount and similarly distributed, that their stock is similarly held, with the natural temptation to cooperate which such common-stock holding may be calculated to induce but are also curbed and restrained from yielding to such temptation as these companies will be by the injunction which will accompany our approval of this plan—a permanent injunction binding all defendants in this suit and their privies and all new companies created under the plan and their privies. Would the Supreme Court hold that the condition thus presented was "repugnant to the law"; that is, repugnant to the antitrust statute? A long and careful study of the last two deliverances of that court (in the Standard Oil case and in this case) has convinced me that its answer to that question would be in the negative. I may be wrong in interpretation of its deliverances—if so, it will not be for the first time—but since such is my conviction there would seem to be no necessity for discussing, on its economic side, a question already settled by controlling authority.

Leaving for the moment the objections and suggestions of persons not parties, those of the Attorney General may be next considered. He does not attack the general features of the proposed plan, with its division of the business controlled by the old company among 14 companies, nor does he contend that "common-stock holding" is in and by itself an infraction of the antitrust statute. His suggested modifications are directed mainly toward providing such safeguards for the

future that the 14 companies may not so conduct their operations as to violate the provisions of the statute. He requests that the following conditions to any approval of the plan submitted be imposed. Presumably the more convenient way to impose most of such restrictions would be by injunctive provisions incorporated in the final decree.

1. That during a period of not less than five years no one of the corporations among which the properties and businesses now in the combination are to be distributed shall have any officer or director who is also an officer or director in any other of such corporations. This suggestion is approved.

2. That the plan be so modified that the principal company shall dispose of and, when the disintegration is complete, shall not retain any of the stocks of any of the accessory companies, and each of the accessory companies shall dispose of all of the stocks held by it of the principal and of each of the other accessory companies held by it.

The general proposition here advanced is sound and is approved, but the last clause seems to be already provided for and there is probably an exception or two necessary to be made in the first clause, by reason of the rights of outstanding stockholders not connected with the American Tobacco Co. Counsel can probably agree as to a phraseology which will conform more especially to the facts.

3. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall, during the same period, retain or employ the same agency for the purchase of tobacco leaf or other raw material, or for the sale of tobacco or other products, as that of any other of such corporations.

There should be a change of phraseology in this and some of the other requests. It is not entirely clear whether the prohibition is directed to all the 14 companies or only to a part of them; it should apply to all. After the words "agency for the purchase" there should be added the words "in the United States." This request, with such modifications is approved, and counsel may agree on a phraseology which will cover any possible exceptions arising from the allotments in the plan.

4. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall retain or employ the same clerical or other organization, or occupy the same office or offices as any other of the said corporations.

This is approved, with modifications similar to those indicated as to the request next above.

5. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall retain and hold capital stock in any other corporation, any part of whose stock is also retained and held by any of the other of the corporations among which such properties and businesses are to be distributed, or shall purchase or acquire any stock in any other of such corporations.

This is approved, but should contain an exception, upon which it is understood counsel are in accord in the single case of the Porto Rican Leaf Tobacco Co. Counsel may agree upon the phraseology to be inserted in the decree.

6. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall, during a period of five years, directly or indirectly acquire any stock in any one of the others of said corporations, or purchase or acquire the property or business, or both, of any other of said corporations.

With a change of phraseology which will make this applicable to all the 14 companies this request is approved. A similar request is found among those submitted by other objectors, with an additional clause forbidding any one of these 14 companies "from making loans or otherwise extending credit to any of the others." This suggestion is a proper one, and may be embodied in the Attorney General's request.

7. To the end that the 29 individual defendants in this suit shall not increase their control over any of the corporations among which the properties and businesses now in the combination are to be distributed, pursuant to the plan, that such defendants be severally enjoined from, at any time within five years from the date of the decree, acquiring, directly or indirectly, the legal or equitable ownership of any amount of stock in any one of said corporations in addition to the amounts which they will respectively hold if and when the plan shall have been carried out as proposed.

This is approved, but the phraseology should be modified, as already indicated.

Upon the argument the Attorney General stated that he would be willing to substitute "three years" for "five years." Such change seems desirable; it would probably result in a more rapid distribution of present holdings. There should also be a proviso excepting from the operation of this prohibition any and all sales and purchases by these 29 individuals inter sese, the phraseology of which counsel may agree upon.

It may not be a wise public policy to make it easy for foreigners to take over the control of the British American Co., with its large and growing business in foreign countries, notably in South Africa and the Far East, now in American hands. That is what would probably happen if the 29 defendants be prohibited from increasing their holdings of that stock. We do not undertake to determine this question of public policy, which is one for the consideration of the executive branch of the Government. It is sufficient to say that a further exception of the shares of that company from the operation of this paragraph would not, in our opinion, make the plan repugnant to the law.

8. That the preferred stock of the American Cigar Co., aggregating in book value \$2,530,216.69, held by the American Snuff Co., and the stock and bonds of American Tobacco Co., held by the American Snuff Co., referred to on page 11 of the plan (footnote A) (see decree, p. 43 hereof), be sold or otherwise disposed of within one year instead of three years, as proposed in the plan, with leave to defendants to apply to the court to extend such period for not more than two years.

There seems to be no good reason for modifying the plan in this particular.

9. That in the distribution of the properties and businesses now held in the combination pursuant to the plan of disintegration, no corporation shall be allowed to acquire property, tangible or intangible, which would invest it with as much as 40 per cent in volume or in value of any particular line of the tobacco business.

This is substantially what the plan now provides. The few instances in which the 40 per cent limitation is exceeded result from inherent difficulties of distribution, which it seems impracticable to eliminate. These instances are so few and the excess in each instance so small as to be fairly negligible. The request is denied.

10. That the stock of the Liggett & Myers Tobacco Co. and P. Lorillard Co., provided to be in accordance with the plan, be deposited with the Guaranty Trust Co. of New York, as the agent or depository of this court in this cause, for the purposes specified in the plan, and that at the end of the period designated the court make an order for their further disposition. That in the meantime no voting right with respect

to such stock shall be exercised, except as the court may from time to time order.

All of this is already sufficiently provided for in the plan.

11. That all covenants in any way restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products should be rescinded by the affirmative action of the respective parties thereto who are parties to this suit.

This is approved, except that there should be a proviso excepting certain foreign business, the phraseology of which counsel may agree upon.

12. That the action proposed in subdivision C of the plan on page 6 (see decree, p. 38 hereof) terminating certain covenants be amplified so as to include like action with respect to all covenants not only concerning the tobacco business, but any other business which is in any way embraced in the combination.

This is approved. We understand the proposed plan as so providing in spirit if not in letter.

13. That all contracts or covenants between the American Tobacco Co., or any other companies in the combination, and the British-American Tobacco Co., giving to the latter company the exclusive right to manufacture or sell brands belonging to any of the companies in the combination be rescinded or otherwise terminated.

The brands thus sold passed to the purchaser for a valuable consideration under an executed contract. The request is denied.

The fourteenth request deals with the United Cigar Co., a subject which will be treated separately infra.

The Attorney General further asks for a comprehensive injunction to be incorporated in the final decree providing—

"That the defendants named in the petition, their respective officers, directors, agents, servants, and employees, be forever enjoined and prohibited from continuing or carrying into further effect the combination adjudged illegal by the Supreme Court, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products, among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either—

"1. By causing the conveyance of the physical property and business of any of the corporations among which the properties and businesses now in the combination are to be distributed to any other of said corporations; by placing the stocks or any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

"2. By making any express or implied agreement or arrangements together or one with another like those adjudged illegal by the Supreme Court in this cause relative to the control or management of any of said corporations, or the price or terms of purchase, or of sale, of tobacco or any of its products, or the supplies of other product dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco, or its product or supplies or other product dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations, in respect either to customers or localities; or by any of such corporations doing business directly or indirectly, under any other than their own corporate respective names; by refusing to sell to any jobber any brands of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it; or

"3. By the British-American Co. and the Imperial Co. employing a common agent for the purchase of leaf tobacco in the United States, or by either of said two companies uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf."

The clause in the latter part of subdivision 2 as to each company doing business under its own corporate name should be made more specific, especially in view of the requests of other objectors that tobacco products should be sold only under the name of the owner. There should be nothing in the decree destroying the value of a brand or altering the classification of products in the records of the Internal-Revenue Bureau. Counsel may agree upon a modified phraseology to avoid any such difficulty, leaving the 14 companies to pursue all ordinary methods prevailing in the tobacco business.

The clause as to refusing to sell to any jobber should be reconstructed so as not to prohibit any of the 14 companies from methods of business which are open to and practiced by all their competitors. Counsel may agree to a phraseology which will formulate this expression of opinion.

Clause 3 should be amended by adding the words "within the United States."

With these modifications, the entire section providing for injunctions is approved.

Returning, now, to the requests of the various other objectors, we find that nearly all of them are covered by those of the Attorney General or have been already disposed of by the discussion of the general features of the plan. Among those not so disposed of are noted requests that the 14 companies be enjoined—

A. From giving away or selling at or below the cost of manufacture and distribution any of its products; from giving rebates, allowances, or other special inducements to purchasers or users; and from refusing to sell to any jobber any special brand he may require.

The record in this case shows that these are the common methods of the tobacco business, practiced by all alike. It is only by giving away samples or by offering on favorable terms, irrespective of cost, that new brands of tobacco products can be introduced or old brands extended into new territory. All other companies are free to employ these methods, which are obnoxious to no statute, and there is no reason why the 14 companies should be forbidden to do so. This request is denied.

B. From espionage on the business of any competitor, from bribery of employees of such competitors, and from obtaining information from any United States revenue official.

Why any one individual or corporation engaged in this business may not acquire such information as he or it can legitimately obtain from private or public sources as to the business of a competitor we fail to see. When illegitimate methods are proved they may be dealt with. This request is denied.

C. That every independent or other person interested should, in the event of any alleged violation of the injunction, have liberty to

apply to the court for protection and for such action as may appear to be appropriate.

The result of such a provision would be to overwhelm the court with a multitude of applications, mainly frivolous. Anyone who feels aggrieved should take his complaint to the Attorney General, who will winnow the wheat from the chaff. If he finds substance in any allegation he can bring it before the court. This request is denied.

D. It is requested that the majority stock of the Lippert Scales Co., now owned by the R. J. Reynolds Tobacco Co., be sold, "with an injunction against any present stockholder in the Reynolds Co., in the American Co., or any of the allied companies, from purchasing at such sale." A similar request for a sale, under like restrictions, is made as to the stock of five other companies now owned by the American Tobacco Co.

This request is denied for reasons set forth infra in discussing the disposition of the stock of the United Cigar Stores Co.

E. The attorney general of the State of New York suggests that the proposed plan may violate the antimonopoly laws of this State. He does not indicate in what respect it will do so.

We think it unnecessary to make any investigation on the line suggested. Our approval of this plan will not secure to these 14 companies immunity for violation of the laws of this or of any other State.

Referring next to the defendant, the Imperial Tobacco Co., the Attorney General asks that the plan shall include provisions terminating all executory contracts or agreements between the Imperial Tobacco Co., on the one hand, and the American Tobacco Co. and the British-American Tobacco Co. and each and every of the corporations parties defendant hereto, on the other; and also a provision enjoining the said American Tobacco Co. from uniting with the British-American Co. in the employment of a common agent for the purchase of leaf tobacco in the United States, and from uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of leaf tobacco or any of the products of tobacco.

These provisions, of course, should be restricted to such as affect trade or commerce between the States or between the United States and foreign countries. We understand that the proposed plan in substance so provides; but if there be any doubt as to its doing so, counsel may agree on the form of amendments which will insert these provisions.

The disposition of the United Cigar Stores Co. has been discussed by most of the objectors. Those who represent the independents insist that it shall be split up into separate concerns "preferably 10."

It is not one of the so-called accessory companies, and the Supreme Court has not directed that it be disintegrated. Upon the trial much testimony was taken as to this company, and the question whether or not it was a combination obnoxious to the provisions of the antitrust act was carefully examined. We reached the conclusion unanimously that it was not. A succinct statement of our reasons for reaching that conclusion will be found in Judge Cox's opinion (164 F. R., 700).

We therefore dismissed the bill as to that company. The Supreme Court, however, held that we erred in so doing, solely because the American Tobacco Co. had bought and held two-thirds of its capital stock, which brought it into the general combination. Under the proposed plan all this stock held by the American Tobacco Co. is to be distributed to its own common stockholders, and the sole ground upon which the Supreme Court reversed this court is thus removed. The situation will then stand, as to all other grounds, as it did before, and we see no reason to change the opinion expressed on the original hearing. No new evidence is offered, except to the fact that it has, in the interim, largely increased the number of its stores. Such increase, however, leaves it in control of less than 4 per cent of the entire business in which it is engaged. The request to disintegrate it is denied.

The Attorney General does not ask that it be disintegrated. He has, however, argued at length and with much earnestness that the continued growth of this enterprise affects the small retail dealer, who is without capital to compete with it, and applies to the Government to protect him. There may come a time when the growth of this company or the methods by which such growth is stimulated may bring it within the prohibition of the statute. But that time has not yet come, and the only request the Attorney General, in response to appeals for aid, has formulated is this:

That the stock of the United Cigar Stores Co. be sold and distributed to parties other than the 29 individual defendants or others of the common stockholders of the American Tobacco Co., to the end that the corporation be entirely separated from any connection with the corporations to which the properties and businesses now in the combination are to be distributed.

We have no power to grant any such request. The antitrust act carefully enumerates the penalties for a violation of its provisions—fines, imprisonment, injunction against continuing to transact interstate business, treble damages to all persons injured by an unlawful combination, seizure, and forfeiture of property in course of interstate transportation. These are certainly ample to enforce obedience. By confiscation of property in transit and injunction against continuance in interstate business an offender may be put out of active existence into a state of paralysis as helpless as dissolution. It might be said that to these penalties the Supreme Court has added another, a qualified confiscation of property not in transit by receivership and forced sale.

Nowhere, however, is there any authority for the proposition that this court may seize the property of private persons, who may have offended against the statute and sell it under conditions which would preclude the holder of the title or the owner of the equity from bidding at the sale so as to compel the purchaser to pay a reasonable price for it, or from buying it himself if no one else will pay full value for it. That is confiscation; none the less so because the proceeds of such a sale, after paying outstanding debts and expenses, are to be turned over to the owner. Until Congress shall expressly give such power to this court, or until some obscure language in its grant of power shall be construed by the Supreme Court as in effect conveying such power, this court is not prepared to assume that it possesses any such authority. The request is denied.

The Ludington Cigarette Machine Co., which has a decree for an accounting against the Anagyros Co., has applied for relief. The stock of the last-named company is by the plan to be transferred to P. Lorillard Co. The Ludington Co. asks for the insertion of a provision which will secure it against any resulting difficulty on such accounting.

Provision should be made in carrying out the plan for keeping intact the books and records of the American Tobacco Co., its present constituents, and branches, so that they shall be available and subject to examination to the same extent as at present in suits for accounting and other existing litigation.

The Attorney General further requests that there should be reserved to the Government the right at any time within five years from date

of entry, to apply to the court for other and further relief upon a showing that, as a matter of fact, such plan has not resulted in creating a new condition which shall be honestly in harmony with and not repugnant to the law.

It is not apparent that this court has the power so to do. Had it not been for the mandate of the Supreme Court, it might be questioned whether a Circuit Court of the United States had any jurisdiction to re-create a new group of corporations out of the elements into which a preexisting group of corporations had been split or to formulate a plan or method according to which individuals, natural or corporate, were to be invited to invest money and embark in business. All such questions are, of course, resolved for us by the decision of the court of last resort. But neither in its mandate nor in its opinion is there any warrant for the conclusion that this court is to prescribe the temporary terms of a *modus vivendi*, with power to reassemble five years hence—ourselves or our successors and survivors—and modify those terms, while in the interim by purchase or exchange of these bonds upward of \$100,000,000 worth of property shall have changed hands irrevocably. The only function assigned to us is to consider any proposed plan—which responsible parties engaged to carry out—and approve or reject it. In the event of rejection the only alternative is injunction, receivership, and sale. The time limit fixed in the mandate, six months and possibly two more, precludes any other construction of its terms.

Circuit Judge Ward concurs.

OPINION OF CIRCUIT JUDGE COXE.

I approve of the proposed plan, not because I think it perfect but because it is the best plan attainable. Perfection is impossible. The condition existing before the illegal combination was formed can not be restored; it has gone beyond the hope of recall. The plan which we have sanctioned eliminates the objectionable features prohibited by the antitrust act and permits no unreasonable or unlawful restraint of trade. In short, were the various corporations which the plan authorizes organized for the first time to-day, they would not be within the letter or the mischief of the statute. We have endeavored, while punishing the guilty defendants—corporations and individuals—to remember that the rights of many innocent bondholders and shareholders are at stake and should be protected as far as is consistent with a complete compliance with the requirements of the law. The plan disintegrates the combination, destroys the monopoly, and liberates trade, but it accomplishes all this without a wanton destruction of property.

I have been impressed with the evident intention of counsel representing the various defendants to accept without reservation the result of the litigation and faithfully to carry out the plan, not only in letter but in spirit as well. Many suggestions have been advanced by counsel representing persons not parties to the suit which from an economic or ethical viewpoint are important. When, however, it is remembered that we are acting only under the command of the Supreme Court, limited as to scope and time, it will be seen how powerless we are to make conditions favorable to the so-called "independents" when we can exact no reciprocal obligations from them. We are to ascertain and determine upon "some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law." This we can do, and when it is done our commission ends. The consideration which has the greatest weight with me is that no one has proposed a better plan, the only alternative offered being the appointment of a receiver—a receiver for corporations solvent and prosperous. I agree with the Attorney General that such a calamity should be avoided, except as a last resort. It is impossible to forecast the disaster which would follow such a step. It would wreck a flourishing business upon which an army of employees are depending for a livelihood, it would unsettle trade, and it would punish with equal severity the innocent and the guilty. More than this, I am by no means convinced that it would not produce the very evil which this action was instituted to destroy. A receiver can dispose of the property in his hands only by a judicial sale to the highest bidder, who will take title sanctioned by a decree of the court creating the receivership. In the present case the men best equipped to make this bid are the very men who now control the condemned corporations. It is surely possible, if not probable, that the property might thus come under their control with a title which will render them immune from further prosecution. For these reasons, thus briefly stated, I think that the plan, with the amendments directed by this court, should be adopted.

OPINION OF CIRCUIT JUDGE NOYES (CONCURRING).

The Supreme Court of the United States, after finding the illegality of this combination, placed the duty upon this court of hearing the parties "for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law."

And the Supreme Court added these words:

"In view of the considerations which we have stated, we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property."

By these directions this court is required to enter into the examination of questions economical as well as legal, and to depart from the function of determining existing controversies to the decision of the legality of future proposed action. The duty imposed is extraordinary, because the Supreme Court in imposing it was dealing with an extraordinary situation.

The question was as to the relief to be afforded. A decree forbidding corporate stockholding would have been inadequate, because the combination was largely based upon property ownership. Original conditions could not be restored. Immediate extreme measures would have inflicted irreparable injury upon innocent interests. It was necessary to provide a method for determining in advance whether a proposed plan of disintegration would harmonize with the law, and hence the direction to this court.

The magnitude and varied nature of the assets of the combination, the extent of its liabilities, the ramifications of its business, and the complexity of its affairs would make our duty difficult if we were required merely to apply rules of dissolution and re-creation prescribed by the Supreme Court. But from the very intricacy of the case there are no rules. We are left without a guide to turn a condition in violation of the law into a condition honestly in harmony with it. The only measure of the extent of rehabilitation required is the object to be attained. The evils found to exist alone indicate the measures required to meet them.

If, then, we approach the performance of our duty without an appreciation of the complexity of the problem and of the difficulties under which the formulators of any plan must labor, we will not go far. If we are not satisfied with a substantial compliance with the law, if we

strain after the ideal and put aside the practicable, it will be easy to bring on a receivership with its attendant losses to innocent investors. But that result was what the Supreme Court was solicitous of avoiding, and I think it intended that we should recognize the problem presented to us as a very practical one to be disposed of in a practical way. Moreover, in the performance of our duty we owe much to the Attorney General, who, while always insisting upon the rights of the public, and by such insistence bringing the plan into its present shape, has, nevertheless—as it has seemed to me—felt that he, too, owed a duty to protect innocent interests and not to cause ruin and disaster by forcing extreme measures which might, even from the public point of view, in the end produce no better results than those at hand, and possibly infinitely worse.

Taking up the plan, we know at the outset that it is an honest one. It has been built up almost in our presence, and, whatever question there may be as to its merits, there is none of the good faith of its authors nor of the ability and conscientiousness with which they have performed their tasks.

The present combination has vast capitalization and assets. The corporations of the plan will have large capitalization and assets. Whether that is an objection should be considered.

The Supreme Court did not condemn the combination on account of the great amount of property which it had acquired. Indeed, it must now be accepted that magnitude of business in and of itself does not constitute unlawful monopoly, at least up to the point where economy of production and management are thereby promoted. There must be something more—some unlawful or oppressive act or purpose in acquiring the business or after its acquisition—to come within the condemnation of the statute. But it can not be denied that there is an enormous inherent and collateral power incident to the holding by a single corporation of vast assets which no group of individuals, although having similar possessions, could obtain. There is such a potentiality of monopolization that a court in striving to bring about a condition in harmony with the law should hesitate to approve the existence of a producing corporation having vast assets not necessary for the work of production. Consequently, when it appeared in the formulation of this plan that the American Tobacco Co. was to receive from the other corporations over a hundred million dollars in cash and securities which it was required to hold to meet its indebtedness, but which it did not need in its business, the plan, notwithstanding many valuable features, seemed unacceptable. But, meeting the objections of the Attorney General, a way was found, as shown in the plan, of appropriating those funds to the payment of debts so that the readjusted American Co.—still the largest of all—will possess some one hundred millions of property, mostly working assets and brand values, as compared with the three hundred millions it formerly held. In view of modern commercial conditions, I think that the court should make no objection to the mere size of the corporations of the plan.

Taking up the question, then, whether the plan gives effect to the statute, the answer, as we have seen, depends upon whether it remedies the conditions found to violate the statute, and it is necessary to turn to the decision of the Supreme Court to find out those conditions.

Without examining the decision in detail, it is sufficient here to say that the court found, broadly, the combination to be in restraint of trade within the first section and an attempt to monopolize and a monopolization within the second section, of the statute. In particular, the court found among the bases for its conclusions (a) covenants of vendors and others binding themselves for long periods not to compete with the combination; (b) the absorption of the control of corporations supplying the elements essential to the manufacture of tobacco products and other corporate stock holding; (c) the existence of controlling "power in the hands of the few"; (d) the obtaining of control of the tobacco trade by wrongful and oppressive acts, agreements, and arrangements.

Obviously the evil of restrictive covenants must be met by the termination of such covenants, and that is accomplished by the plan. It provides for the abrogation of all covenants made by vendor corporations, partnerships, or individuals not to engage in the tobacco business and for the termination of foreign restrictive covenants.

The evil of controlling the production of the elements essential to tobacco manufacture must be met by requiring the tobacco manufacturing corporations to be disconnected from the production of such elements. This seems to be fairly accomplished by the plan. The shares held by the combination in the corporation manufacturing tin foil and the voting shares held in the corporation manufacturing licorice are to be distributed. When that is done none of the tobacco manufacturing companies of the plan will have any legal domination over the production of those essentials. So the evil of corporate stock holding is met by divesting the American Co. of any interest in the snuff business, in the retail cigar business, and of its shares in other important corporations.

The evils pointed out by the Supreme Court growing out of the existence of power in the hands of a few to control the combination must be met by the destruction of such power. This power had its basis in the holding of a majority of the voting shares of the American Co. by the individual defendants in this suit. It is proposed to destroy this power by giving the preferred stock of the American Co., which has heretofore had no voting rights, full voting power, by creating voting rights in the preferred shares of other corporations and by so distributing shares that, in the language of the petition:

"No small group of men, nor even the 29 individual defendants in the aggregate, will own the control of any of the principal, accessory, or subsidiary companies defendant, and the control of the American Tobacco Co. itself and of the new companies to be formed will be vested in a body of more than 6,000 stockholders."

In addition to these provisions this court, at the instance of the Attorney General, will guard against the acquisition by the defendants of control in the future by enjoining them from increasing their aggregate share holdings.

With this additional provision I think the requirement that power of control be taken out of the hands of the individual defendants sufficiently met. It is true that while shorn of legal control they will own substantial minority interests in the different corporations, and that in the practical workings of the affairs of a corporation a minority interest, through the inaction of the majority, may often control it. But the control of a corporation lies in the majority of its shares, and if we see that the legal control of these corporations is placed in other hands than those of the defendants, I think that we go far enough. In my opinion we are not called upon to guard against the possible failure of the majority to exercise its power.

The next inquiry is whether the plan fairly meets the evil of obtaining control of the tobacco trade by oppressive tactics as well as the broad conclusion of illegality. And my opinion is that it does in case, but only in case, the state of monopoly found to exist is ended by a

division of business and a state of reasonably competitive conditions established.

This is the state of monopoly which now exists: The American Co., either directly or through its ownership of stock in other corporations, controls the manufacture of 75 per cent of the smoking tobacco manufactured in the United States; 80 per cent of the plug tobacco; 79 per cent of the fine cut; 80 per cent of the cigarettes; 13 per cent of the cigars; 90 per cent of the snuff; and 93 per cent of the little cigars.

Broadly speaking, the proposed plan of disintegration is to divide the tobacco business among four corporations, no one of which is to have a controlling interest therein. When the disintegration is accomplished the business will be so distributed that no company will have substantially over 40 per cent in volume or value of any particular line. Furthermore, I am satisfied that there is to be a fair distribution of brands as well as of business.

Without examining the details of the plan, it is enough to say that careful study of it has convinced me that in so far as the distribution of business is concerned, sufficient has been done to end the state of monopoly and to establish reasonable competitive conditions. If practicable, it might have been more desirable to divide the business into a greater number of parts. But as the plan stands it can not, in my opinion, be said that any one of the corporations will have such preponderating influence in the tobacco industry as to give it power to control the market either as manufacturer, seller, or purchaser. The possibility of future acts of oppression is to be guarded against by a comprehensive injunction.

This brings us to the final question, which is whether the fact of common-stock holding is a material objection to the plan.

Obviously common ownership in the shares of the various corporations can not well be avoided. Each stockholder of the American Co. has an undivided interest in its property remaining after the payment of its debts. When its assets are distributed among stockholders, each is entitled to his proportionate share. When such distribution takes the shape of corporate shares, the necessary result is a common ownership of stock in different corporations. I am not convinced that in the absence of statutory authority any division by valuation and allotment could be effected, and if legally possible it is evident that the complicated conditions which would necessarily arise in carrying it out would render it impracticable within the time prescribed by the Supreme Court for the disintegration of this combination.

The objection to mutual stock holding is not that competition is eliminated in principle. Potential competition necessarily exists. The same conditions do not continue indefinitely. Stockholders die and estates are divided. Differences of opinion upon values lead to sales and exchanges. Potential competition with an open market must fairly end in real competition. But the objection is to present and not future conditions, and from an economic point of view I have always thought it entitled to serious consideration. Manifest difficulties must attend the establishment of real competition between different corporations having the same body of stockholders. In the case of small corporations having few stockholders who directly participate in their management they would be perhaps insuperable. They would decrease in proportion to the increase in the size of the corporations and the separation of the stockholders from the active management of their affairs until, as I view it, in the case of the disintegration of a corporation having vast assets and a very large number of scattered stockholders they would be so minimized as hardly to warrant consideration even from an economic standpoint.

That which has made me pause in the present case is the concentrated common-stock holding of the individual defendants, but after careful consideration I have reached the conclusion that the objection should not operate to prevent the acceptance of the plan, but should call for most rigorous measures of injunctive relief to keep the various corporations apart, independent and free from connections or arrangements to prevent competition. In reaching this conclusion I am influenced by the proposition stated at the outset, that we should take care that we do not by seeking the ideal reject the practicable and put in peril innocent property interests, and I am controlled, as I view it, by the decisions of the Supreme Court in the Northern Securities and Standard Oil cases. It is impossible for me to read those decisions without being convinced that the Supreme Court in remanding this case to us did not intend that we should reject a plan upon the ground of pro rata distribution. I am also influenced, if not controlled, by the position taken by the Attorney General, the representative of the party plaintiff in the cause.

So, taking the plan as a whole, with the essential measure of injunctive relief proposed by the Attorney General, I think that it meets the principal evils pointed out in the opinion of the Supreme Court, that it brings about a condition fairly in harmony with the law, and that it is the duty of this court to approve it as the best solution possible under all the circumstances of a very difficult practical problem.

In conclusion: The extent to which it has been necessary to tear apart this combination and force it into new forms, with the attendant burdens, ought to demonstrate that the Federal antitrust statute is a drastic statute which accomplishes effective results; which, so long as it stands on the statute books, must be obeyed, and which can not be disobeyed without incurring far-reaching penalties. And, on the other hand, the successful reconstruction of this organization should teach that the effect of enforcing this statute against industrial combinations is not to destroy, but to reconstruct; not to demolish, but to re-create in accordance with the conditions which the Congress has declared shall exist among the people of the United States.

I concur in the opinion of Judge Lacombe, and fully approve his disposition of the subjects not considered in this opinion.

[In the Circuit Court of the United States for the Southern District of New York.]

THE UNITED STATES OF AMERICA, PLAINTIFF, V. THE AMERICAN TOBACCO CO. AND OTHERS, DEFENDANTS.

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States, and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition, which shall be honestly in harmony with and not repugnant to the law, but without unnecessary injury to

the public or the rights of private property." And this cause having come on to be finally heard pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein (except United Cigar Stores Co., the Imperial Tobacco Co. (of Great Britain and Ireland Ltd.), and R. P. Richardson, Jr., & Co., Inc.), filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City; and thereafter, to wit, on the 19th day of October, 1911, the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) filed a petition.

At the time and place aforesaid, the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the plan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel, and certain of the modifications of said plan included in the answer of the plaintiff not being opposed by the proponents of said plan, and others of said modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing;

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan, as modified by the consent of the parties or through the action of this court as aforesaid, is as follows, to wit:

A.—DISSOLUTION OF AMSTERDAM SUPPLY CO.

Amsterdam Supply Co. is a company engaged in the business of purchasing, for a commission or brokerage, supplies, other than leaf tobacco, its principal customers being defendant corporations herein. It has \$235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of \$127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assets into cash and distributing them to its stockholders.

B.—ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Under the contracts of September 27, 1902, the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States; the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co. agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland and the United States. Under the provisions of these contracts British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco Co., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products, be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (a) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (b) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constituting in effect a conveyance of the brands and trade-marks used for the countries in which they were so used by each of said companies as aforesaid.

C.—ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination, be terminated so that all such covenanters shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

D.—DISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.: The Conley Foil Co. has a capital stock of \$825,000 at par, all of one class, of which the American Tobacco Co. owns \$495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin Foil & Metal Co., which has a plant in St. Louis. The value of the output for the year 1910 of the Conley Foil Co. was \$1,780,526.85, with a net profit of \$273,299.82, and the Johnston Tin Foil & Metal Co. had an output for the year 1910 of the value of \$676,520.05 and net profits of \$66,255.16. On December 31, 1910, the Conley Foil Co. had tangible assets (excluding its securities of the Johnston Tin Foil & Metal Co.) of \$1,215,321, and the Johnston Tin Foil & Metal Co. had assets of the value of \$379,802.11. The Conley Foil Co. has a surplus exceeding the value of the securities of the Johnston Tin Foil & Metal Co.

It is proposed that the Conley Foil Co. cancel the bonds of the Johnston Tin Foil & Metal Co. held by it, to wit, \$100,000 par value, and distribute to its stockholders its holdings of stock of the Johnston Tin Foil & Metal Co., to wit, 3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foil Co., will participate in this distribution, and will in turn distribute its dividend, as well as its stock in the Conley Foil Co., to its common-stock holders as hereinafter set forth.

(2) MacAndrews & Forbes Co.: MacAndrews & Forbes Co. is a company having a common capital stock of \$3,000,000 at par, of which the American Tobacco Co. owns \$2,112,900 at par, the balance being held by persons not defendants nor connected with defendants (except less than 3 1/2 per cent of the common stock held by R. J. Reynolds Tobacco Co.), and \$3,758,300 at par of 6 per cent nonvoting preferred stock, of which the American Tobacco Co. holds \$750,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the production of licorice paste, with two plants—one at Camden, N. J., and the other at Baltimore, Md. It had tangible assets December 31, 1910, of the value of \$5,683,824.89 (including \$2,118,448.36 licorice root, with plants for its collection in foreign countries), and its sales for the year 1910 were of the value of \$4,427,023.44. MacAndrews & Forbes Co. succeeded to the business of MacAndrews & Forbes, a partnership, who were pioneers in this country in the production of licorice paste, and who had, for many years before any acquisitions of other business and before they had any connection with the other defendants herein, more than 50 per cent of all the licorice-paste business of the United States.

It is proposed that a new corporation be organized, called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co., with the assets used therein and in connection therewith, of a total value of \$1,000,000, and the brands of licorice paste manufactured in said Baltimore plant; that it issue in payment therefor, with the good will connected therewith, \$1,000,000 at par of 7 per cent preferred nonvoting stock and \$1,000,000 at par of common stock; that MacAndrews & Forbes Co. distribute the common stock of the J. S. Young Co. as a dividend to its common-stock holders, charging the amount thereof to its surplus account; that MacAndrews & Forbes Co. offer to its preferred-stock holders proportionately to exchange the 7 per cent preferred stock of the J. S. Young Co. at par for their preferred stock of MacAndrews & Forbes Co.; that so far as the preferred stock of MacAndrews & Forbes Co. is thus exchanged, it be retired; that so far as this preferred stock of the J. S. Young Co. is not forthwith thus exchanged, MacAndrews & Forbes Co. be enjoined from using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the J. S. Young Co.; and with the further provision that on or before January 1, 1915, the whole of this preferred stock of the J. S. Young Co., not theretofore taken out of the treasury of MacAndrews & Forbes Co. by exchange as aforesaid, be disposed of by MacAndrews & Forbes Co.

This would give to MacAndrews & Forbes Co. a licorice business, including Spanish licorice and powdered goods, of the net selling value, based upon the year 1910, of \$2,514,184.64, of which \$2,214,127.51 arise from sales of one brand, to wit, the old "Ship" brand. The J. S. Young Co., upon the basis of the business for the year 1910, would have an output of the net selling value of \$1,201,100.86.

The American Tobacco Co., being a holder of the common stock of MacAndrews & Forbes Co., will participate in the distribution above provided and will in turn distribute its dividend, as well as its stock in MacAndrews & Forbes Co., to its common-stock holders as hereinafter set forth.

(3) American Snuff Co.: American Snuff Co. is a manufacturer of snuff. It holds all of the stock of De Voe Snuff Co., to wit, \$50,000 at par, and one-half, to wit, \$26,000 at par, of the stock of National Snuff Co. It owns no other interest in any company manufacturing or selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co., and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash and book accounts for the two vendee companies, this would leave the three companies equipped as follows:

Tangible manufacturing assets.

American Snuff Co.	1 \$5,075,969.72
George W. Helme Co.	4,969,000.40
Weyman-Bruton Co.	3,691,588.20

Sales value during 1910.

American Snuff Co.	\$5,520,422.15
George W. Helme Co.	4,494,556.66
Weyman-Bruton Co.	4,297,486.71

Net income.

American Snuff Co.	1 \$1,591,280.49
George W. Helme Co.	1,259,280.98
Weyman-Bruton Co.	1,293,759.39

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of \$4,000,000 at par of 7 per cent voting preferred stock and \$4,000,000 at par of common stock. American Snuff Co. will thus receive the \$16,000,000 at par of these stocks into its treasury, and will distribute to its common-stock holders, as a dividend, the common stock aggregating \$8,000,000, to be charged to its surplus account. American Snuff Co. will offer to its preferred stock holders proportionately to exchange these 7 per cent preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stock of American Snuff Co. as is thus exchanged will be retired. As to so much of the preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. as is not forthwith thus exchanged, American Snuff Co. be enjoined from voting it, or using it to exercise, or otherwise exercising or attempting to exercise, influence, or control over the George W. Helme Co. or the Weyman-Bruton Co.; and on or before January 1, 1915, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. not theretofore taken out of the treasury of American Snuff Co. by exchange as aforesaid to be disposed of by American Snuff Co.

¹ American Snuff Co. holds securities not connected with the snuff business, to wit: Stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value \$2,530,216.63, upon which American Snuff Co. received in interest and dividends during the year 1910, \$176,680. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co. to be temporarily held by it. It also owns all, to wit, \$100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated.

The American Tobacco Co., being a holder of the common stock of American Snuff Co., will participate in the distribution above provided, and will, in turn, distribute its dividends as well as its stock in American Snuff Co., including that to be acquired from P. Lorillard Co., to its common-stock holders as hereinafter set forth.

(4) American Stogie Co.: American Stogie Co. is a corporation whose only asset is all of the issued stock of Union-American Cigar Co., which latter company has cigar factories located at Pittsburgh, Allegheny, Lancaster, and Newark. Its total production, based upon business for the year 1910, is only 1.58 per cent of the entire production of cigars in the United States in volume, and, as these petitioners believe, about the same percentage in value. American Stogie Co. has \$976,000 at par of 7 per cent cumulative preferred stock, of which American Cigar Co. owns \$40,000 at par, and none of the other defendants own any; it has \$10,879,000 at par of common stock, of which American Cigar Co. owns \$7,303,775 at par, and none of the other defendants own any. There are accumulated and unpaid dividends on the preferred stock to the amount of \$399,000 as of December 31, 1910.

It is proposed that American Stogie Co. dissolve, with leave granted to the trustees in dissolution to either convert the assets into cash, and distribute them among the stockholders according to their rights, or to effect such reorganization as they may be able to effect, provided that in either event there shall be a separation into at least two different ownerships of the factories and businesses now owned and operated by Union-American Cigar Co. If the dissolution is followed by a conversion of the assets of American Stogie Co. into cash, American Cigar Co. will take such cash as it may receive into its treasury; if it receives upon such dissolution securities of cigar-manufacturing concerns, it will distribute such as a dividend to its common-stock holders, to be charged to its surplus as hereinafter set forth.

(5) American Cigar Co.: American Cigar Co. is a manufacturer of cigars. It has various factories of its own, and it owns all or a part of the stock of several companies engaged in the manufacture of cigars, all of which companies have been organized by it and which have received from it conveyances of part of its business, operating in this way as separate corporations for trade purposes. Among these companies is Federal Cigar Co.

American Cigar Co. also owns a part of the stock of Havana Tobacco Co., which controls factories manufacturing cigars in Habana; and a part of the stock of Porto Rican-American Tobacco Co., engaged in the manufacture of cigars and cigarettes in Porto Rico; and half of the stock of Porto Rican Leaf Tobacco Co., engaged in growing tobacco in Porto Rico. American Cigar Co. itself uses large quantities of Porto Rican grown leaf. Neither American Cigar Co. nor any of the companies in which it is interested, except Havana Tobacco Co. and Porto Rican-American Tobacco Co., is engaged in the manufacture of cigars outside of the United States.

American Cigar Co., including with its production the production of companies of which it owns in whole or in part the stock, has, in volume, based on the business for the year 1910, 13.36 per cent of the cigar business of the United States, and in value, as your petitioners believe, substantially the same percentage. Havana Tobacco Co. has, directly or indirectly, control of 24.06 per cent of the total production of cigars in Cuba, 46 per cent of the total exportation of cigars from Cuba to all countries of the world, including the United States, and 38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it, and thus disintegrate its business, as follows:

(a) That it sell to the American Tobacco Co. for cash its stock, being all thereof, of Federal Cigar Co., at a fair price, to wit, \$3,965,616.05.

(b) That it sell to the American Tobacco Co. for cash the stock it owns of Porto Rican-American Tobacco Co., to wit, \$657,600 at par, at a fair price, to wit, \$350 per share, or \$2,301,600.

(c) That American Cigar Co. dispose of any interest in American Stogie Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogie Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common-stock holders out of its surplus the securities which it receives upon the dissolution of American Stogie Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. from American Cigar Co. are to be disposed of by the American Tobacco Co. as hereinafter set out.

E.—DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT.

(1) *Immediate distribution of stocks:* The American Tobacco Co. will buy from P. Lorillard Co., for cash at par, the 11,247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common-stock holder of P. Lorillard Co. and by way of dividends, 34,594 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common-stock holders by way of dividends, and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Cigar Co., as hereinbefore set forth, or bought by it from P. Lorillard Co., as just hereinbefore set forth, or received by it by way of dividends from any of the accessory companies defendant, as hereinbefore set forth, to wit: American Snuff Co. common stock; American Snuff Co. preferred stock; George W. Helme Co. common stock; Weyman-Bruton Co. common stock; MacAndrews & Forbes Co. common stock; J. S. Young Co. common stock; the Conley Foll Co. stock; the Johnston Tin Foil & Metal Co. stock; R. J. Reynolds Tobacco Co. stock; Corporation of United Cigar Stores stock; British-American Tobacco Co. (Ltd.) ordinary shares; Porto Rican-American Tobacco Co. stock; American Stogie Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogie Co.).

Including the amount to be paid to American Cigar Co. and P. Lorillard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which therefore do not affect the surplus of the American Tobacco Co., never having been set up on its books, these securities had a book-value as of December 31, 1910, of \$35,011,865.03. The earning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is \$9,860,410.76, though not all thereof was distributed as dividends.

(2) *Deferred disposition of stocks:* The American Tobacco Co. will sell or otherwise dispose of, or distribute by way of dividends to its common-stock holders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities: British-American Tobacco Co. (Ltd.) nonvoting preference shares; the Imperial Tobacco Co., of Great Britain and Ireland (Ltd.), ordinary

shares; Corporation of United Cigar Stores bonds; MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co. the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise, or otherwise exercising or attempting to exercise, influence or control over the said companies which issued the said securities, respectively, and from gaining possession of any of the said companies by buying in at a foreclosure had under any of the securities for any default with respect thereto or otherwise.

F—SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co. and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses and capital stocks of tobacco-manufacturing corporations, as follows:

TO LIGGETT & MYERS TOBACCO CO.

Liggett & Myers branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected therewith.

Spaulding & Merrick, a company of which the American Tobacco Co. owns and has always owned all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes, at Richmond, Va., and the brands connected therewith (this does not include the brand "Sweet Caporal," made partly there and partly at New York).

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Catlin branch of the American Tobacco Co., a factory at St. Louis engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co. owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of cigarettes at San Francisco; of this corporation the American Tobacco Co. owns 90 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

Pinkerton Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio; of this corporation the American Tobacco Co. owns 7 1/2 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co., at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco at Durham, N. C.; principal cigarette brands, "Piedmont" and "American Beauty"; principal smoking tobacco brand, "Duke's Mixture."

Two little cigar factories located, the one at Philadelphia and the other at Baltimore, branches of the American Tobacco Co.; principal brand, "Recruits."

TO P. LORILLARD CO.

All the rights of the American Tobacco Co. in the present P. Lorillard Co., to wit: All the common stock and \$1,596,100 at par out of a total issue of \$2,000,000 of 8 per cent preferred stock; it is contemplated that as a part of these reorganizations the Lorillard Co., as at present constituted, be wound up and the new company be organized, taking over assets of the P. Lorillard Co.

S. Anagyros, a company engaged in the manufacture of cigarettes, in which the American Tobacco Co. owns all the stock, and of which it has always owned all the stock.

Luhrman & Wilbern Tobacco Co., a company engaged in the manufacture of scrap tobacco (a kind of smoking tobacco), of which the American Tobacco Co. owns, and has for many years owned, all the stock.

Philadelphia branch B, at Philadelphia, Wilmington branch B, at Wilmington, Penn Street branch, at Brooklyn, Danville branch B, at Danville, and Ellis branch B, at Baltimore, branches of the American Tobacco Co., manufacturing little cigars, the principal brand being "Between the Acts."

Federal Cigar Co., a company all of whose stock is, and has always been, owned by American Cigar Co., but which, as hereinbefore provided, is to be purchased for cash by the American Tobacco Co.

Each of these conveyances to include proper and adequate storage houses, leaf tobacco, and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co. The American Tobacco Co. has securities issued and outstanding as follows:

6 per cent bonds.....	\$52,822,650
4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.).....	51,354,100
6 per cent preferred stock.....	78,689,100
Common stock.....	40,242,400

The American Tobacco Co., in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds, which it assumed, amounting to \$78,689,100, but it has purchased on the market and retired \$27,335,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus. The 6 per cent bonds and 4 per cent bonds aforesaid are what are ordinarily known as debenture bonds, and are issued under a trust indenture which imposes a general charge on the property, income, and earnings of the company in favor, first, of the 6 per cent bonds, and, second, of the 4 per cent bonds. The American Tobacco Co., after the reduction of the surplus through the acquisition by it of 4 per cent bonds aforesaid, had on December 31, 1910, a surplus of \$61,119,991.63, which will be increased by the surplus earnings of the current year. The distribution of securities herein provided for to be forthwith made would diminish the said surplus by \$35,011,865.03, the book value of securities to be so distributed. This book value is less than actual value, but in view of the fact that none of the assets of the American Tobacco Co. are overvalued, the advance of the book value of the securities to be distributed as hereinbefore set forth to their actual value would operate at the same time to increase the surplus of the company, and so its surplus, after such distribution, would

remain just the same as though the advance to actual value had not been made on the books of the company.

The properties to be conveyed to the Liggett & Myers Tobacco Co. and P. Lorillard Co., based upon conditions as of December 31, 1910, the last completed year, including in such conveyances the proper and proportionate storage houses, leaf tobacco, supplies and materials, and cash, but without anything for value of brands, trade-marks, formulae, recipes, and good will, but including stocks of companies, are of the value of \$30,607,261.96 to Liggett & Myers Tobacco Co. and \$28,091,748.86 to P. Lorillard Co. So far as these conditions shall be changed before the day of the conveyance, any deficiency is to be made good in cash, so that these two companies will have said amounts in tangible assets as aforesaid, useful, and such as have been used, in the manufacture of the brands to be conveyed to them, respectively, and cash. The American Tobacco Co. will be left with tangible assets, including stocks of companies employed in manufacturing tobacco and its products, cash, and bills and accounts receivable of the value of \$53,408,498.94 as of December 31, 1910. The profits earned during the year 1910 on the brands and businesses to be conveyed by the American Tobacco Co. to Liggett & Myers Tobacco Co. amounted to \$7,468,172.02, and the profits on the brands and businesses to be conveyed by the American Tobacco Co. to P. Lorillard Co. amounted to \$5,264,729.38.

It is proposed that the value of the brands, trade-marks, recipes, formulae, and good will to be sold to each of these companies be determined by their earning capacity, based upon the results for the year 1910, so that each shall have an earning capacity of 11.02 per cent per annum upon its total property, including both tangible property and brand value and good will. Upon this basis the consideration to be paid by the Liggett & Myers Tobacco Co. will be \$30,607,261.96, value of tangible assets as above stated, and \$36,840,237.04, value of brands, trade-marks, recipes, formulae, and good will, making a total of \$67,447,499; and the consideration to be paid by the P. Lorillard Co. will be \$28,091,748.86, value of tangible assets as above stated, and \$19,400,752.14, value of brands, trade-marks, recipes, formulae, and good will, making a total of \$47,552,501. The brands, trade-marks, recipes, formulae, and good will of the American Tobacco Co. on December 31, 1910, were of the book value of \$101,324,964.07. The payments for brand value, etc., to the American Tobacco Co. to be made by Liggett & Myers Tobacco Co. and P. Lorillard Co., as aforesaid, makes an aggregate of \$56,300,989.18, and would thus leave the book value of brands, trade-marks, recipes, formulae, and good will retained by the American Tobacco Co. at \$45,023,974.89, which, added to the \$53,408,498.94 of tangible manufacturing assets to be retained by the American Tobacco Co., will make the total book value of manufacturing property to be retained by that company \$98,432,473.83, upon which its earnings, based upon the results for the year 1910, would be \$11,369,809.82, or 11.55 per cent.

The Liggett & Myers Tobacco Co. and the P. Lorillard Co. would pay for these conveyances, therefore, the aggregate as aforesaid, to wit:

Liggett & Myers Tobacco Co.....	\$67,447,499
P. Lorillard Co.....	47,552,501

Aggregating..... 115,000,000

or each with its earnings on the business for the year 1910 so capitalized that said earnings represent 11.02 per cent upon the capital.

Liggett & Myers Tobacco Co. and P. Lorillard Co. will issue securities to cover such capitalization in the aggregate as follows: To an amount equal to one-half of the outstanding 6 per cent bonds of the American Tobacco Co., that is, \$26,441,325 at par in 7 per cent bonds; to an amount equal to one-half of the outstanding 4 per cent bonds of the American Tobacco Co., that is, \$25,677,050 at par in 5 per cent bonds; to an amount equal to one-third of the outstanding preferred stock of the American Tobacco Co., that is, \$26,229,700 at par in 7 per cent cumulative voting preferred stock, which, upon liquidation of the company, shall be paid at par with accrued unpaid dividends before any amount shall be paid to common stock, with balance of assets distributable ratably to the common stock, and the balance of said \$115,000,000, that is, \$36,651,925 in common stock. The 7 per cent bonds and the 5 per cent bonds to mature at the time fixed, respectively, for the maturity of the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. now outstanding and to be issued under an indenture of substantially like tenor and terms with the present indenture of the American Tobacco Co. under which its 6 per cent bonds and 4 per cent bonds were issued. The 7 per cent bonds to have priority in charge over the 5 per cent bonds in the same way that the 6 per cent bonds of the American Tobacco Co. have priority of charge over the 4 per cent bonds. Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.
7 per cent bonds.....	\$15,507,837	\$10,933,488	\$26,441,325
5 per cent bonds.....	15,059,589	10,617,461	25,677,050
7 per cent preferred stock.....	15,383,719	10,845,981	26,229,700
Common stock.....	21,496,354	15,155,571	36,651,925
Total.....	67,447,499	47,552,501	115,000,000

All of these securities of the Liggett & Myers Tobacco Co. and the P. Lorillard Co. to be turned over to the American Tobacco Co. in payment of the purchase price for the factories, plants, brands, and businesses and capital stock of tobacco manufacturing corporations so to be conveyed to Liggett & Myers Tobacco Co. and P. Lorillard Co., respectively, as hereinbefore set out.

These securities will be disposed of by the American Tobacco Co. as follows:

The common stock will be offered for cash at par to the holders of the common stock of the American Tobacco Co. in proportion to their holdings, and any not purchased by the person thus entitled thereto shall be sold to persons other than the individual defendants, to the end that such offer of common stock of the two new companies to the common-stock holders of the American Tobacco Co. shall not be used by the individual defendants to increase their ownership therein beyond the proportion of their holdings of the common stock of the American Tobacco Co.

To each holder of the 6 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation and to give in exchange therefor, as to one-half thereof, new 7 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of \$120 and accrued interest for each \$100 face value of the bonds.

To each holder of the 4 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation, and to give

In exchange therefor, as to one-half thereof, new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof, cash at the rate of \$96 and accrued interest for each \$100 face value of the bonds.

To each holder of the preferred stock of the American Tobacco Co. an offer shall be made to acquire one-third of his stock for cancellation in exchange for an equal amount at par of Liggett & Myers Tobacco Co. and P. Lorillard Co.

On account of the larger capitalization of the Liggett & Myers Tobacco Co., as compared with the P. Lorillard Co., each class of the new securities will issue in the proportion of 58.65 per cent thereof of Liggett & Myers Tobacco Co. securities and 41.35 per cent thereof of P. Lorillard Co. securities. The stocks will be issued in shares of \$100, and coupon bonds in denominations of \$1,000, and registered bonds in larger denominations, and in denominations of \$100 and \$50, and in actual issue fractions will be eliminated.

The common stocks of the two companies aforesaid are to be sold as above set out prior to March 1, 1912, with three years to be allowed for the retirement of the bonds and preferred stock of the American Tobacco Co., as above set out. Pending such, the said 7 per cent bonds, 5 per cent bonds, and 7 per cent preferred stocks of the Liggett & Myers Tobacco Co. and the P. Lorillard Co., together with an amount in cash, or in securities owned by the American Tobacco Co., at their book value, or partly in cash and partly in such securities, equal to the amounts required if all such sales and exchanges are made, will be deposited with the Guaranty Trust Co. of New York, the trustee in the indenture under which the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. are issued, as the agency to effect the purchase and exchange. Such deposit will be made, not to secure nor create a trust fund for the bonds, but for the purpose of sequestering and taking from the control of the American Tobacco Co. the securities and cash so deposited. During the time of such deposit the securities shall be in the name of as well as in the custody of said trust company, with any voting rights attaching thereto, but the American Tobacco Co. shall receive from the trust company all dividends and interest collected by it on account of such securities; and the American Tobacco Co. shall have the right at any time and from time to time to sell, at such price as it may determine, and direct the delivery of any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), the consideration therefor to go into the hands of said trust company; or to withdraw any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.) for the purpose of distribution among its common-stock holders, if its surplus at the time permits; or to substitute other securities of like book value for the securities so deposited (except as to the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.); or to alter the relative proportion of cash and securities, it being the intent of this provision that there shall be sequestered from the control of the American Tobacco Co. all the securities of the Liggett & Myers Tobacco Co. and P. Lorillard Co., and an additional amount of cash or other securities equal, upon the purchase basis aforesaid, to the value of the 4 per cent bonds and the 6 per cent bonds of the American Tobacco Co. at the time outstanding. At the end of the three years, if there are any of such securities of the Liggett & Myers Tobacco Co. or P. Lorillard Co. in the hands of such trust company undisposed of by such exchange as aforesaid, then the American Tobacco Co. shall apply to this court for an order as to the disposition thereof. Nothing contained in this provision, and nothing done under this provision, shall be construed as providing for the creation of, or as creating, any lien or security on anything deposited with the trust company in favor of the 6 per cent bonds or the 4 per cent bonds of the American Tobacco Co., outstanding or otherwise.

G.—VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co. the preferred stock will be given full voting rights.

H.—CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with \$3,000,000 of common stock, all of which is owned by the American Tobacco Co., and \$2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds \$1,596,100 at par, and there is held by others \$403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is an 8 per cent preferred stock with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding \$403,900 of preferred stock that they be given an opportunity to take at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock, the holders of said \$403,900 of said present preferred stock will be offered stock of the new company at the rate of \$114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of \$403,900 preferred stock on that basis, to wit, \$114.25 in new 7 per cent preferred stock for each \$100 of said stock, amounting to \$461,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the P. Lorillard Co. there is included only such part of the earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co., and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

(2) American Snuff Co. manufactures and sells a brand of snuff called "Garrett," which has a large sale in the southern and southwestern sections of the country. Originally this brand was manufactured at Yorklyn, Del., and in part packed in Philadelphia. Several years ago American Snuff Co. determined, on account of freight-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Memphis, Tenn., and that the factories at Yorklyn, Del., should be given up to the manufacture of other brands. It has yet, though, been unable to produce in Clarksville, Tenn., goods similar to the goods heretofore and now made by it at Yorklyn, Del., although the experiment is still in progress, and with hope of success. Under the plan hereinbefore outlined the brand "Garrett" snuff is allotted to American Snuff Co., and the factories other than one factory at Yorklyn, Del., are allotted to George W. Helme Co. Your petitioners pray that in the approval and adoption by this court of this plan American Snuff Co. and George W. Helme Co. be permitted to manufacture brands the one for the other for a period not exceeding one year from March

1, 1912, each company paying to the other as consideration for such manufacture the cost thereof plus 5 per cent. The necessity of paying 5 per cent above cost is sufficient inducement to each company to manufacture its own goods as soon as American Snuff Co. is able to manufacture "Garrett" snuff of the requisite character and kind in its Clarksville factory, thus leaving the Yorklyn factories, other than No. 5, for the manufacture by the George W. Helme Co. of its own brands.

This court having heard the parties as directed by the Supreme Court of the United States, it is further ascertained and determined, and ordered, adjudged, and decreed that said plan hereinbefore set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause, and will re-create out of the elements now composing it a new condition which will be honestly in harmony with and not repugnant to the law and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinbefore set forth be, and it is hereby, approved by this court, and the defendants herein are respectively directed to proceed forthwith to carry the same into effect.

The necessities of the situation, in the judgment of this court, require the extension of the period for carrying into execution said plan to a further time not to exceed 60 days from December 30, 1911.

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants as adjudged herein in violation of the act of Congress approved July 2, 1890, either:

1. By causing the conveyance of the factories, plants, brands, or business of any of the 14 corporations among which the properties and businesses now in the combination are to be distributed, to wit, The American Tobacco Co., Liggett & Myers Tobacco Co., P. Lorillard Co., American Snuff Co., George W. Helme Co., Weyman-Bruton Co., R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.), Porto Rican-American Tobacco Co., Mac Andrews & Forbes Co., J. S. Young Co., The Conley Co., The Johnston Tin Foil & Metal Co., and United Cigar Stores Co., to any other of said corporations, by placing the stocks of any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause relative to the control or management of any of said 14 corporations, or the price or terms of purchase or of sale of tobacco or any of its products or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco or its products or supplies or other products dealt with as aforesaid by any of the parties hereto which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause, or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization, or keeping the same office or offices, as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations: *Provided, however*, That this prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.), by Weyman-Bruton Co., and British-American Tobacco Co. (Ltd.).

5. By any of said 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it: *Provided, however*, That in case of a subsidiary corporation the controlling corporation shall cause the products of such subsidiary corporation which are sold in the United States and bear the name of the manufacturer, to bear also a statement indicating the fact of such control.

6. By any of said 14 corporations refusing to sell to any jobber any brand of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it: *Provided, however*, That this prohibition shall not be construed to apply to what are known as "combination orders" under which some brand or product may be offered to a jobber or dealer at a reduced price on condition that he purchase a given quantity of some other brand or product.

It is further ordered, adjudged, and decreed that during a period of five years from the date hereof, each of said 14 corporations hereinbefore named, its officers, directors, agents, servants, and employees, are hereby enjoined and restrained, as follows:

1. None of the said 14 corporations shall have any officer or director who is also an officer or director in any other of said corporations.

2. None of said 14 corporations shall retain or employ the same agent or agents for the purchase in the United States of tobacco leaf or other raw material, or for the sale in the United States of tobacco or other products, as that of any other of said corporations.

3. None of said 14 corporations shall directly or indirectly acquire any stock in any other of said corporations, or purchase or acquire any of the factories, plants, brands, or business of any other of said corporations, or make loans or otherwise extend financial aid to any other of said corporations.

The provisions of this decree shall apply only to trade and commerce in or between the several States and Territories and the District of Columbia, and trade and commerce between the United States and foreign nations.

It is further ordered, adjudged, and decreed that British-American Tobacco Co. (Ltd.) and the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) shall not act as agent for each other, nor employ a common agent, for the purchase of leaf tobacco in the United States, and neither of said two companies shall unite with any of the said 14 corporations among which the properties and businesses now in the com-

mination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf in the United States.

It is further ordered, adjudged, and decreed that each of the 29 individual defendants in this suit be enjoined and restrained from at any time within three years from the date of this decree, acquiring, owning, or holding, directly or indirectly, any stock, or any legal or equitable interest in any stock in any one of said 14 corporations, except British-American Tobacco Co. (Ltd.), in excess of the amount to which he will be entitled under the provisions of the plan when the same shall have been carried out as proposed as the present owner of the amount of stocks in said several companies shown by the affidavits of said several defendants filed herein on the 16th day of November, 1911: *Provided, however*, That any of said defendants may, notwithstanding this prohibition, acquire from any other or others of said defendants, or in case of death from their estates, any of the stock held by such other defendant or defendants in any of said corporations.

It is further ordered, adjudged, and decreed that the new companies whose organization is provided for in the plan hereinabove set forth, to wit: Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., shall, after their formation and by appropriate proceeding, be made parties defendant to this cause and subject to the provisions of this decree and bound by the injunctions herein granted.

It is further ordered, adjudged, and decreed that any party hereto may make application to the court for such orders and directions as may be necessary or proper in relation to the carrying out of said plan, and the provisions of this decree.

It is further ordered, adjudged, and decreed that the costs of this action shall be paid by the defendants other than R. P. Richardson, Jr., & Co. (Inc.), as to whom the suit has heretofore been dismissed, and the payment by the defendant, the American Tobacco Co., of the reasonable costs and counsel fees of the committees organized for the protection of the 6 per cent bonds, 4 per cent bonds, and preferred stock of the American Tobacco Co. is hereby approved.

It is further ordered, adjudged, and decreed that the defendants, the American Tobacco Co., MacAndrews & Forbes Co., American Snuff Co., and each of them and their and each of their officers, directors, servants, agents, and employees, be severally enjoined and restrained, as in said plan set forth, from voting stocks, exercising influence or control over other companies or gaining possession of other companies through the use of securities temporarily held by them, respectively, under said plan in each and every case in which it is provided in and by the said plan that any of said three last-named defendants shall be so enjoined.

It is further ordered, adjudged, and decreed that such books and papers of the defendants, the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. v. S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants, respectively, until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

November, 16, 1911.

E. HENRY LACOMBE,
Circuit Judge.
ALFRED C. COXE,
Circuit Judge.
H. G. WARD,
Circuit Judge.
WALTER C. NOYES,
Circuit Judge.

Mr. HEYBURN. Mr. President, I do not intend to enter upon any extended consideration of the question of the right of appeal to the Supreme Court of the United States from such an order of the court below, refusing to permit an intervention, but the bill which the Senator from Iowa [Mr. CUMMINS] has presented seems to move upon the assumption that the Supreme Court of the United States denied its jurisdiction to allow a review of this decision. I think that assumption is not well founded. The United States Supreme Court did not deny its jurisdiction; it refused to exercise it.

The judicial power vested in the Supreme Court is defined in section 2 of Article III of the Constitution of the United States. That power Congress has no authority to deal with; it can neither add to it nor take from it. Congress, however, is authorized by the terms of that section to confer certain appellate jurisdiction upon the Supreme Court of the United States, both as to law and fact, with such exceptions and under such regulations as Congress shall make.

I am not in sympathy with the manner in which the Tobacco case was disposed of; but when we are asked to enact a law authorizing parties specifically named to appeal who have not the right of appeal prior to the enactment of that law, we open a very dangerous field, for Congress might be continually importuned to allow parties not parties to a proceeding to exercise a right which they might not exercise under the law as it existed at the time of the rendering of the decree or the decision by the Supreme Court. That would be dangerous. We would probably be annoyed throughout future years by applications of this kind. No special legislation should ever be enacted that would be retroactive in its effect. If any persons were unfortunately in a position to be injuriously affected by a decision of the Supreme Court of the United States because of the condition of the law at the time the question arose, that is a condition over which Congress should not attempt to exercise any jurisdiction.

We legislate for the future; it may be five minutes in the future or a number of years; but we can not legislate so as to affect the rights of property as they exist under the law

five minutes before the changing of the law. I think the courts would hold we have not the power to enact the provisions of this bill. The judgment has become final under the law as it existed at the time the judgment was rendered and under the law as it exists now. A court of equity is invested with the right to allow parties to interpose in litigation where their interests are to be affected by the result of that litigation, but you can not compel them to exercise that equitable discretion in any particular manner. They have exercised it in this case, not in accordance with the views of the Senator from Iowa and perhaps not in accordance with the views of a great many others, but, having exercised it, it is not competent for Congress to enact a law now conferring a status upon those parties whose rights have already been passed upon.

The Supreme Court says, in conformity with a principle so well established as not to be open to controversy, that the parties now seeking the right to come into court were not parties to the action. Congress is now asked to establish a status for parties who were not parties to the proceedings. If those persons have been injured in their property rights, Congress can not either add to or take away those rights, but the courts are open to them. Merely because a certain officer of the Government declines to act, does not prohibit these parties from obtaining the redress to which they may be entitled under the law; but we can not pass a law that would give them any greater rights than they had when that judgment was rendered. We can not pass a law that will compel the chancellor to exercise his equitable jurisdiction or his conscience in any particular way. It has been exercised; the court has spoken; and it happens to be the court of last resort. I do not think it is within the power of Congress to enact such a bill.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 14, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 13, 1911.

The House met at 12 o'clock noon.

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

Eternal and ever-living God, our heavenly Father, to whom we are indebted for life and all things and to whom we are responsible for all our acts, hear our petition and look down upon us with compassion, and pardon, we beseech Thee, our sins of commission and omission which are without number; create within us clean hearts and a right spirit that we may strive earnestly henceforth and forever to do Thy will as revealed in the life and character of the world's great Exemplar, our Lord and Master. Amen.

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

ORDER OF BUSINESS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to submit a request for unanimous consent for the present consideration of the following order, setting aside a day for eulogies on the late Senator STEPHEN B. ELKINS.

Mr. ROBINSON. Mr. Speaker, I will ask the gentleman from West Virginia to withhold that for a moment, as I desire to request unanimous consent for a change of reference of three bills—the bill H. R. 252, the bill H. R. 45, and the bill H. R. 4112—which have all been referred to the Committee on Public Lands, when, as a matter of fact, the Committee on Indian Affairs has jurisdiction of them.

Mr. MANN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This being Calendar Wednesday, is it in order to ask unanimous consent for the consideration of anything except the call of the calendar, unless the House has dispensed with Calendar Wednesday under the rule?

The SPEAKER. The gentleman from Illinois is correct. The only thing that can intervene is a privileged matter.

Mr. HUGHES of West Virginia. Mr. Speaker, I will state for the information of the gentleman from Illinois that I simply desire an order to be made fixing a day for eulogies on the late Senator STEPHEN B. ELKINS.

Mr. ROBINSON. Mr. Speaker, I desire that the change of reference to which I referred shall be made.

The SPEAKER. That will be made. Did the gentleman from Illinois reply to the request of the gentleman from West Virginia?

Mr. MANN. Mr. Speaker, I shall not make any objection if the Chair desires to entertain the request, but it seems to me that under the order we should proceed with the consideration of business in order on Calendar Wednesday.

REQUEST OF GERTRUDE M. HUBBARD.

The SPEAKER. This is Calendar Wednesday, and the business in order is the consideration of bill H. R. 9833, to accept and fund the bequest of Gertrude M. Hubbard. When the House adjourned on last Wednesday the question was on ordering the previous question on the bill and amendments thereto to final passage. The question will be taken on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. [After a pause.] The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

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

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SLAYDEN. Mr. Speaker, I demand a division.

The House proceeded to divide.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-one Members are present—not a quorum.

Mr. MANN. Mr. Speaker, I take it that under the rule, the question being submitted, we should now proceed to a call of the roll on the passage of the bill.

Mr. SLAYDEN. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The Chair had put the question to the House and a viva voce vote had been taken when I made the point of no quorum; and, as I recall the rule, it provides for a vote on a roll call.

Mr. SLAYDEN. On the passage of the bill.

The SPEAKER. Let us see what the situation was; the Chair has almost forgotten. On the aye-and-no vote the Chair announced that the noes seemed to have it, and the gentleman from Texas [Mr. SLAYDEN] demanded a division. The call of the House goes without any motion. The doors will be closed, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. FULLER. Mr. Speaker, many of us here do not understand what this bill is, and I ask to have it reported by title.

The SPEAKER. This is a call of the House, and the vote is taken on the bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard. This is the bill which the gentleman from Texas [Mr. SLAYDEN] had up last Wednesday.

The question was taken; and there were—yeas 181, nays 132, answered "present" 4, not voting 71, as follows:

YEAS—181.

Adair	Copley	Garrett	Hughes, W. Va.
Aiken, S. C.	Cox, Ohio	Gillett	Humphrey, Wash.
Ainey	Crago	Godwin, N. C.	Humphreys, Miss.
Ansberry	Crumpacker	Goeke	Jackson
Anthony	Cullop	Goldfogle	Kahn
Ashbrook	Curley	Good	Kennedy
Austin	Dalzell	Graham	Kent
Ayres	Danforth	Green, Iowa	Kindred
Bartlett	Davidson	Greene, Mass.	Kinkaid, Nebr.
Bates	De Forest	Gregg, Pa.	Kinkead, N. J.
Blackmon	Dent	Gregg, Tex.	Kitchin
Bowman	Difenderfer	Guernsey	Knowland
Brantley	Dodds	Hamill	Knowlton
Brown	Donohoe	Hamilton, W. Va.	Lafferty
Browning	Draper	Hammond	Lamb
Buchanan	Dupre	Hanna	Langham
Burke, Pa.	Dwight	Harrison, Miss.	Langley
Burke, S. Dak.	Dyer	Harrison, N. Y.	Lee, Pa.
Burleson	Ellerbe	Hartman	Lever
Butler	Estopinal	Hawley	Linthicum
Byrnes, S. C.	Evans	Hay	Littlepage
Calder	Farr	Heald	Littleton
Cannon	Finley	Heflin	Lobeck
Cantrill	Flood, Va.	Henry, Conn.	Longworth
Carlin	Fordney	Henry, Tex.	McCall
Carter	Foss	Higgins	McCoy
Cary	French	Hinds	McGillcuddy
Clark, Fla.	Fuller	Holland	McHenry
Clayton	Gardner, Mass.	Howland	Mann
Connell	Gardner, N. J.	Hughes, Ga.	Martin, S. Dak.
Conry	Garner	Hughes, N. J.	Moon, Tenn.

Morgan	Redfield	Smith, J. M. C.	Tuttle
Mott	Rees	Smith, Tex.	Underhill
Murdock	Reyburn	Sparkman	Underwood
Murray	Richardson	Stanley	Utter
Needham	Roberts, Mass.	Steenerson	Wedemeyer
O'Shaunessy	Roberts, Nev.	Sulzer	Whitacre
Parran	Rodenberg	Sweet	White
Patten, N. Y.	Rothermel	Talbot, Md.	Wickliffe
Patton, Pa.	Rucker, Colo.	Talcott, N. Y.	Wildor
Payne	Scully	Taylor, Ohio	Wilson, N. Y.
Peters	Sells	Thayer	Wood, N. J.
Pickett	Sharp	Thistlewood	Young, Mich.
Plumley	Slayden	Tilson	
Porter	Slomp	Towner	
Pray	Sloan	Turnbull	

NAYS—132.

Akin, N. Y.	Faison	Lenroot	Relly
Alexander	Ferris	Lindbergh	Robinson
Allen	Fitzgerald	Lloyd	Roddenberry
Anderson, Minn.	Floyd, Ark.	McGuire, Okla.	Ruby
Barnhart	Foster, Ill.	McKellar	Rucker, Mo.
Bathrick	Fowler	McKenzie	Russell
Beall, Tex.	Francis	McKinley	Saunders
Bell, Ga.	Gallagher	McKinney	Shackleford
Bingham	George	McMorran	Sheppard
Boehne	Glass	Macon	Sherwood
Booher	Goodwin, Ark.	Madden	Sisson
Bulkeley	Gray	Maguire, Nebr.	Small
Burgess	Griest	Malby	Smith, Saml. W.
Burke, Wis.	Gudger	Martin, Colo.	Speer
Burnett	Hardy	Matthews	Stedman
Byrns, Tenn.	Harris	Mays	Stephens, Nebr.
Callaway	Haugen	Moore, Pa.	Stephens, Miss.
Campbell	Helgesen	Morrison	Sterling
Candler	Heim	Morse, Wis.	Stone
Catlin	Hensley	Moss, Ind.	Sulloway
Claypool	Houston	Nelson	Switzer
Cline	Howard	Norris	Taylor, Ala.
Collier	Hubbard	Nye	Taylor, Colo.
Cooper	Hull	Oldfield	Thomas
Daugherty	Jacoway	Padgett	Volstead
Davenport	Johnson, S. C.	Page	Webb
Denver	Jones	Palmer	Willis
Dickinson	Kendall	Pepper	Wilson, Ill.
Dickson, Miss.	Konop	Post	Wilson, Pa.
Dies	Kopp	Prouty	Witherspoon
Dixon, Ind.	Korbly	Raker	Woods, Iowa
Doughton	La Follette	Randell, Tex.	Young, Kans.
Edwards	Lee, Ga.	Rauch	Young, Tex.

ANSWERED "PRESENT"—4.

Fornes	Legare	Levy	Olmsted
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NOT VOTING—71.

Adamson	Driscoll, M. E.	Lewis	Rouse
Ames	Esch	Lindsay	Sabath
Anderson, Ohio	Fairchild	Loud	Sherley
Andrus	Fields	McCreary	Simmons
Barchfeld	Focht	McDermott	Sims
Bartholdt	Foster, Vt.	McLaughlin	Smith, N. Y.
Berger	Gould	Maher	Stack
Borland	Hamilton, Mich.	Miller	Stephens, Cal.
Bradley	Hamlin	Mondell	Stephens, Tex.
Broussard	Hardwick	Moon, Pa.	Stevens, Minn.
Covington	Hayes	Moore, Tex.	Taggart
Cox, Ind.	Hill	Pou	Townsend
Cravens	Hobson	Powers	Tribble
Currier	Howell	Prince	Vreeland
Davis, Minn.	James	Pujo	Warburton
Davis, W. Va.	Johnson, Ky.	Rainey	Watkins
Doremus	Lafean	Ransdell, La.	Weeks
Driscoll, D. A.	Lawrence	Riordan	

So the bill was passed.

The Clerk announced the following pairs:

Until December 14:

Mr. JAMES with Mr. OLMSTED.

Until after holiday recess:

Mr. STEPHENS of Texas with Mr. MILLER.

Mr. LEGARE with Mr. LOUD.

Mr. RAINEY with Mr. FAIRCHILD.

Mr. SABATH with Mr. MICHAEL E. DRISCOLL.

Mr. HARDWICK with Mr. McLAUGHLIN.

Mr. BORLAND with Mr. HAMILTON of Michigan.

Mr. DOREMUS with Mr. SIMMONS.

Until further notice:

Mr. SIMS with Mr. ESCH.

Mr. LINDSAY with Mr. LAWRENCE.

Mr. DAVIS of West Virginia with Mr. LAFEAN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RANSDALL of Louisiana with Mr. CURRIER.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. COVINGTON with Mr. BARCHFELD.

Mr. HAMLIN with Mr. BARTHOLDT.

Mr. COX of Indiana with Mr. FOCHT.

Mr. FIELDS with Mr. DAVIS of Minnesota.

Mr. HOBSON with Mr. FOSTER of Vermont.

Mr. McDERMOTT with Mr. WARBURTON.

Mr. SHERLEY with Mr. HILL.

Mr. SMITH of New York with Mr. VREELAND.

Mr. POU with Mr. WEEKS.

Mr. MOORE of Texas with Mr. MOON of Pennsylvania.

Mr. TOWNSEND with Mr. HAYES.

Mr. WATKINS with Mr. McCREARY.

Mr. ROUSE with Mr. MONDELL.
Mr. LEWIS with Mr. PRINCE.
Mr. DANIEL A. DRISCOLL with Mr. HOWELL.
For the session:

Mr. FURNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum having appeared further proceedings under the call are dispensed with and the Doorkeeper will open the doors. This is Calendar Wednesday and the Clerk will call the roll of committees, beginning with the Committee on the Library.

CALENDAR WEDNESDAY.

The Clerk proceeded with the call of the committees.

POSITIONS IN CIRCUIT COURT.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I desire to call up the bill S. 2877.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2877) amending section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary.

Be it enacted, etc., That section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary be amended by adding at the end of said section the following:

"Provided, That no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit court jurisdiction."

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is entitled to one hour.

Mr. CLAYTON. Mr. Speaker, this bill passed the Senate without objection and comes to the House with the unanimous support of the Committee on the Judiciary. It adds a proviso to section 67 of the act approved March 3, 1911. I have not a copy of that section before me, but the code, which will go into effect January 1 next, stipulates that no person related in certain degree of consanguinity or affinity to the judge shall be appointed clerk. Of course, we know that under this judiciary act, effective January 1, all the circuit courts are abolished and the district courts succeed them. Clerks will have to be appointed for the district courts. The code which will then be in operation, without amendment, would prevent any man who is related within certain degree by affinity or consanguinity to the district judge from being appointed clerk. This proviso says:

Provided, That no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit-court jurisdiction.

It so happens that it has been called to the attention of the committee that there are two cases, at least, and maybe no more, in the United States—one in Georgia and one in Florida—where the clerk of the circuit court has filled the position long and acceptably, and in nowise owes his appointment as circuit clerk to the district judge, and yet the clerk is related in a prohibitive degree to the district judge. For instance, the attention of the committee was called to the condition in Georgia by the gentleman from Georgia [Mr. BARTLETT] and the other gentleman from Georgia [Mr. BRANTLEY]. The clerk of that court was appointed many years ago by Circuit Judge Pardee, and the clerk will now be legislated out of office on the 1st day of January, unless this proviso is added to section 67 of the act of March 3, 1911. He is ineligible, unless the section of the code referred to in the bill is amended, because he is related, as I have said, in the prohibitive degree, by affinity, to Judge Speer, the district judge there. The bar, and many people of the district where this circuit clerk resides, and of which he is circuit clerk, desire his reappointment or appointment as clerk of the district court as it will be constituted after January 1. I am told that a similar case exists in Jacksonville, Fla., where the clerk is related to District Judge Locke, who did not make the appointment, and under the general law, without this provision, he would be ineligible to appointment, and the public who are concerned in this matter directly desire the reappointment of that clerk under the new order of things on January 1.

Mr. SULZER. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. SULZER. I understand this bill has already passed the Senate unanimously, and that it has an unanimous report from the Committee on the Judiciary of the House?

Mr. CLAYTON. It has. And the gentleman from Georgia [Mr. BARTLETT] can make any further explanation if it is so desired.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] yield to the gentleman from Pennsylvania [Mr. MOORE]?

Mr. CLAYTON. I do.

Mr. MOORE of Pennsylvania. Would the passage of this amendment involve extra compensation to the district clerk serving in the capacity of circuit clerk?

Mr. CLAYTON. Not at all. It would merely relieve the ineligibility of two men, I believe, and permit their appointment.

Mr. MOORE of Pennsylvania. I am in favor of the bill, but wanted to know if it involved additional expense.

Mr. CLAYTON. It involves no additional expense whatever. It permits those who now hold the office and who are related to the judges in the prohibited degree to be appointed by the district judge after the 1st of January. But it would not make any man eligible for appointment who comes within the prohibited degree who is not now a clerk.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Yes; I yield to the gentleman from Georgia.

Mr. BARTLETT. Just a minute or two.

Mr. CLAYTON. As much time as the gentleman may desire to use—five minutes or more, if the gentleman likes. I yield five minutes to the gentleman from Georgia, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] is recognized for five minutes.

Mr. BARTLETT. Mr. Speaker, this is a Senate bill, which passed at the last session of Congress by unanimous vote and has been unanimously reported by the Committee on the Judiciary to this House. Section 67, if I recall the number aright, of the bill to revise and codify the laws of the United States—the "Judiciary Title"—which was passed at the last session of the last Congress, provided that no person should be appointed to any office in the courts of the United States who was related to the judge thereof by affinity or consanguinity in the degree of first cousin. I do not recall how the section was placed in the bill, whether by amendment offered on the floor of the House or whether it was in the bill as reported from the Committee on Revision of the Laws; but I think it was offered as an amendment. Without suggesting that the provision in its policy is not wise, but rather concurring in the suggestion that the provision is a wise one for the future, it happens that there were probably two instances called to the attention of Congress since the passage of that bill which were not called to its attention at the time the bill was adopted. If they had been called to the attention of Congress, in all probability the exception would have been made which is provided by this bill; at least an effort to make an exception would have been made at the time.

There have been two cases to which my attention has been called and directed—I know of but two positively—where the clerk of the United States court is related to the district judge. I am not familiar with the facts except in connection with the case in my own judicial district, the southern district of Georgia. When attention was called to it an effort was made to remedy it, so as to enable the judge hereafter not to appoint anybody related to him in the degree named, but wherever a case exists to permit a clerk already in office, not to be appointed, but to be eligible to appointment.

Now, to refer to the case that exists in my own judicial district, I may say that we have a clerk there who has been in office for 22 years, the brother-in-law to the district judge. That clerk does not owe his appointment, and never did owe it, to his brother-in-law, the district judge, but was appointed clerk by the circuit judge, Judge Pardee; and I do not exaggerate when I say, from personal knowledge and from the almost unanimous indorsement of the bar of that district and the unanimous indorsement of the bar of the city where the gentleman resides and where he is familiarly known, that he has been as efficient, faithful, and as polite and courteous an official and clerk as I have known. So far as I am concerned, I bear testimony here to the official efficiency and high personal character and integrity of that clerk. I also have in my possession, some of which I will incorporate in the RECORD, a great number of testimonials, letters, and indorsements of the members of the bar and of business men and of ministers of various denominations in that city who know him.

Now, I have, as I said, no personal interest in the matter. My interest is to endeavor to prevent an injustice being done to a worthy gentleman and an experienced and efficient officer.

Mr. HARDY. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. BARTLETT. Yes; in a minute.

So far as I am concerned, I am anxious to see that no injustice shall be done to this clerk or to others similarly situated, not to say that he shall continue in his office; that is not the bill; but the bill is simply the prohibition of this section which prohibits his appointment on account of his relationship to the

present judge shall not prevent his appointment as clerk of the new district court.

Mr. HARDY. The question I wanted to ask the gentleman is this: This bill as it stands does not select any particular locality?

Mr. BARTLETT. No; it does not.

Mr. HARDY. Then it is in the line of antinepotism generally, is it not?

Mr. BARTLETT. I did not catch the gentleman's question.

Mr. HARDY. That is, it opposes the appointment of relatives by public officials?

Mr. BARTLETT. The original section, I apprehend, had that purpose in view.

Mr. HARDY. Is not that the substance and effect of this bill?

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Does the gentleman desire to occupy further time? If so, I yield five minutes more to the gentleman from Georgia.

Mr. BARTLETT. I thank the gentleman. Mr. Speaker, I do not desire to say anything further, except that this bill is not in the interest of nepotism, but simply permits these men to hold their offices in the event they are appointed. That is all. It is not only fair and just, but in the interest of the public, in that it will secure the continuation of the services of a tried, experienced, and faithful clerk who has so discharged his duties as to merit the approval of the bar of the court in which he has long acted as clerk and of the citizens amongst whom he has resided. I present the following of the many letters indorsing this bill:

MACON, GA., November 4, 1911.

Hon. C. L. BARTLETT, Macon, Ga.

DEAR SIR: It has been called to our attention that our fellow citizen, Mr. Cecil Morgan, is liable to lose his position with the United States courts simply because of his being the brother-in-law of Judge Emory Speer.

While we understand from others that he is thoroughly qualified to hold his position, we have personal knowledge of his many sterling qualities as a private citizen connected with many of our leading business enterprises.

We respectfully but earnestly urge you to exercise your best efforts toward securing the passage of such congressional legislation as will insure the retention of this valuable citizen in his present official employment.

Respectfully,

Rev. THOS. D. MADDEN, S. J.,
Pastor St. Joseph's Catholic Church.
Rev. JOHN S. BUNTING,
Rector Christ Church.
Rev. P. W. ELLIS,
Pastor Centenary Methodist Episcopal Church, South.
Rev. RUTHERFORD E. DOUGLAS,
Pastor First Presbyterian Church.
Rev. E. C. DARGAN,
Pastor First Baptist Church.

MACON, GA., June 2, 1911.

Hon. CHARLES L. BARTLETT,
Washington, D. C.

MY DEAR BARTLETT: Cecil Morgan tells me that he has written you about protecting the present incumbents in the clerk's department in the United States courts where they are efficient and satisfactory. He has shown me the suggested amendment to the judiciary act, which will give such protection.

I simply send you this brief letter to say that I know Morgan intimately, both in his official work and personally. I have found him to be a man of independent character and absolutely incorruptible. He is besides both prompt and capable. I do not know a better clerk in any of the courts, State or Federal. He is my neighbor, as you know, and I am very fond of him.

As I recall all past legislation where changes have been made in offices and matters of that sort, we have always tried to protect the satisfactory incumbents. I think Morgan is entitled to this protection, for he fully deserves it, and I hope you will be able to help him.

Faithfully, yours,

A. L. MILLER.

The writer was for years judge of the superior court of the Macon circuit and a prominent attorney and practitioner in the courts.

MACON, GA., June 5, 1911.

Hon. CHARLES L. BARTLETT,
House of Representatives, Washington.

DEAR JUDGE: Mr. Cecil Morgan has requested me to write you in regard to the matter about which he has been communicating with you as to amending the new civil code so as not to debar him from holding office on account of his relationship to the judge. Mr. Morgan is, as you know, a most efficient officer, and I should very much dislike to see his connection with the court severed, and if an amendment can be drafted which will allow him to retain his connection with the clerk's office I am quite sure it will give general pleasure to all those who have dealings with the court.

However, I wish to add that I think provision 67 of the act is a most valuable one, and I would not lend my indorsement to have anything done which would weaken or strike from the act this very wise provision.

Most sincerely, yours,

T. S. FELDER.

The writer is at present the attorney general of the State of Georgia.

CENTRAL OF GEORGIA RAILWAY COMPANY,
Macon, Ga., November 24, 1911.

Hon. C. L. BARTLETT, Macon, Ga.

DEAR SIR: It has been called to my attention that due to a recent bill introduced and passing Congress one of our fellow citizens, Mr.

Cecil Morgan, is liable to lose his position with the United States courts, one that he has filled for over 22 years; and from the best information I can get from those that are in position to know, his services have been entirely satisfactory to both the court and others who have come in contact with him, and he is thoroughly qualified to hold this position.

I also learn that through the efforts of Senator BACON an amendment has been introduced, providing that no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit-court jurisdiction, and that it now remains for this amendment to pass the House.

I respectfully, but earnestly, urge you to exercise your best efforts toward securing the passage of such congressional legislation as will insure this valuable citizen the retention of his present official employment, and I feel safe in saying that this will meet the hearty approval of your many railroad friends.

Yours, respectfully,

W. H. FETNER.

Mr. CLAYTON. Does the gentleman from Illinois [Mr. MANN] desire some time?

Mr. MANN. Will the gentleman yield to me 10 minutes?

Mr. CLAYTON. Certainly. I ask the gentleman to wait one minute, to let me make a brief statement, then I will yield to him.

Mr. MANN. Certainly.

Mr. CLAYTON. Section 67, which this bill proposes to amend, is in the following language:

No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to the judge of such court.

The proviso which this bill carries adds to that section this language:

Provided, That no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit court jurisdiction.

The bill changes the section of the code which I have just read by permitting such a person at present employed—that is, a person within the prohibited degree of affinity or consanguinity in his relationship to the judge—to be appointed clerk of the district court under the reorganization, if I may so term it, of the Federal courts. Now, I yield to the gentleman from Illinois 10 minutes.

Mr. MANN. Mr. Speaker, this bill ought to be entitled "A bill declaring that Congress is in favor of enacting laws but against enforcing them."

Here is a proposition, adopted less than a year ago, providing that the judge of the Federal court shall not be permitted to appoint his first cousin an officer of the court. It seems to me a wise and salutary provision, adopted because of the abuses which had crept in. It is now proposed to relieve these abuses from the prohibition of this salutary provision by a special enactment. If, in the opinion of Congress, it is improper for the Federal judge to appoint his first cousin to be clerk of his court, why should we turn right around and say that he may do so as to those who are now benefiting by the abuse which existed in the past? If this is not a wise and salutary provision, then we ought to repeal the section which prohibits the appointment of first cousins. If we are opposed to a Federal judge appointing his first cousin a clerk of his court, then we ought to enforce the law.

I suppose the distinguished Judiciary Committee will soon be bringing in some antitrust legislation making strong restrictions, but followed up by a provision, "This shall not apply to any existing evil or any existing trust." If the evil exists, let us enforce the law. If there is no evil, then repeal this provision of the law. No one can justify the passage of a law to prohibit a thing as wrong and then the exemption of those who are now benefited by the wrong.

I accept in good faith the statement of my distinguished friend from Georgia [Mr. BARTLETT] as to the character of one of the men who would be benefited by this act. I have no doubt that the cousin of a Federal judge anywhere in the country can obtain the indorsement of a great many people in his locality urging his appointment; but if for reasons which seem to be manifest it is the policy of the law that the Federal judge shall not be permitted to be biased in the selection of the employees of his court, and if we maintain a law prohibiting the appointment of first cousins of judges at all, then I am in favor of applying the law to the evil that now exists, if it be an evil. I do not know how many this would affect. Nobody else knows. Two have made it known that it would affect them. Doubtless all the employees in the courts of the country have not been canvassed to see whether they are first cousins of judges. Federal judges are human, like other people. They are just as apt to make appointments for personal reasons of favoritism as we would be.

It should be the policy of the country to uphold the dignity of the Federal bench, to guard against the possibility of favoritism on the part of the judges because of close kinship. I am opposed to declaring in one breath that the Federal bench

shall be preserved from the charge of this favoritism and in the next breath declaring that they may exercise it in particular cases.

Mr. CLAYTON. Mr. Speaker, unless somebody else desires to say something I will ask for a vote.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; the bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is, 'Shall the bill pass? The question was taken; and on a division (demanded by Mr. MANN) there were 63 ayes and 34 noes.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. There is no quorum present. The Door-keeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. All those in favor of the passage of the bill will say "aye" and those opposed will say "no."

The question was taken; and there were—yeas 194, nays 89, answered "present" 4, not voting 101, as follows:

YEAS—194.

Table listing names of members in the Yeas category, including Adair, Aiken, S. C., Alexander, Allen, Ansberry, Ashbrook, Austin, Ayres, Bartlett, Beall, Tex., Berger, Booher, Brantley, Brown, Bulkley, Burgess, Burke, Pa., Burke, Wis., Burnett, Butler, Byrnes, S. C., Byrnes, Tenn., Calder, Campbell, Candler, Cantrill, Carlin, Carter, Clark, Fla., Claypool, Clayton, Collier, Conry, Cox, Ohio, Cullop, Curley, Dalzell, Dapgherty, Davis, W. Va., Dent, Dickinson, Dixon, Ind., Dodds, Donohoe, Doughton, Dupre, Edwards, Ellerbe, Estopinal, Evans, Faison, Ferris, Finley, Fitzgerald, Flood, Va., Floyd, Ark., Foss, Foster, Ill., Fowler, Francis, French, Gallagher, Gardner, N. J., Garner, George, Glass, Godwin, N. C., Goeke, Goldfogle, Graham, Gray, Gregg, Pa., Gudger, Hamill, Hamilton, W. Va., Hammond, Harrison, Miss., Harrison, N. Y., Hay, Heald, Heflin, Henry, Tex., Hensley, Higgins, Hinds, Hobson, Holland, Houston, Howland, Hubbard, Hughes, Ga., Hughes, N. J., Hughes, W. Va., Hull, Humphreys, Miss., Jacoway, Jones, Kendall, Kindred, Kinkaid, Nebr., Kinkead, N. J., Kitchin, Knowland, Konig, Konop, Korbly, Lafean, Lafferty, Langley, Lee, Ga., Lee, Pa., Lever, Linthicum, Littlepage, Lobeck, Longworth, McCall, McCoy, McDermott, McGuire, Okla., McHenry, McKellar, McMorrin, Macon, Maguire, Nebr., Martin, Colo., Mays, Mondell, Moon, Pa., Morgan, Morrison, Moss, Ind., Murray, Needham, Nye, Oldfield, O'Shaunessy, Padgett, Page, Palmer, Parran, Patten, N. Y., Pepper, Peters, Pickett, Plumley, Porter, Raker, Rauch, Redfield, Rees, Reilly, Richardson, Roberts, Mass., Robinson, Roddenbery, Rothermel, Rubey, Rucker, Colo., Rucker, Mo., Scully, Slayden, Slomp, Small, Smith, N. Y., Sparkman, Stephens, Nebr., Sterling, Sulloway, Sweet, Taggart, Talbott, Md., Talcott, N. Y., Taylor, Ala., Taylor, Ohio, Thayer, Tison, Turnbull, Tuttle, Underhill, Underwood, Utter, Vreeland, Watkins, Webb, Wedemeyer, Weeks, Whiteacre, White, Wickliffe, Wilson, N. Y., Wilson, Pa., Young, Mich., Young, Tex.

NAYS—89.

Table listing names of members in the Nays category, including Alney, Akin, N. Y., Anderson, Minn., Anderson, Ohio, Anthony, Barnhart, Bathrick, Bowman, Browning, Buchanan, Burke, S. Dak., Burleson, Callaway, Cary, Catlin, Cooper, Davidson, De Forest, Denver, Dies, Draper, Dwight, Dyer, Focht, Fordney, Fuller, Gardner, Mass., Good, Green, Iowa, Greene, Mass., Griest, Hanna, Hardy, Harris, Hartman, Haugen, Helgesen, Helm, Henry, Conn., Hill, Humphrey, Wash., Jackson, Kahn, Kennedy, Kopp, La Follette, Langham, Lenroot, Lindbergh, McKenzie, McKinley, McKinney, Madden, Malby, Mann, Martin, S. Dak., Morse, Wis., Mott, Nelson, Patton, Pa., Prince, Prouty, Reyburn, Roberts, Nev., Rodenberg, Russell, Sells, Shackleford, Sherwood, Sisson, Sloan, Smith, J. M. C., Smith, Tex., Stedman, Steenerson, Stephens, Cal., Stephens, Miss., Stone, Sulzer, Taylor, Colo., Thomas, Townner, Volstead, Wilder, Willis, Witherspoon, Wood, N. J., Woods, Iowa, Young, Kans.

ANSWERED "PRESENT"—4.

Table listing names of members in the Answered "Present" category: Legare, Olmsted, Sharp.

NOT VOTING—101.

Table listing names of members in the Not Voting category, including Adamson, Ames, Andrus, Barchfeld, Bartholdt, Bates, Bell, Ga., Bingham, Blackmon, Boehne, Borland, Bradley, Broussard, Cannon, Cline, Connell, Copley, Covington, Cox, Ind., Crago, Cravens, Crumpacker, Currier, Danforth.

Table listing names of members in the right column, including Davenport, Davis, Minn., Dickson, Miss., Difenderfer, Doremus, Driscoll, D. A., Driscoll, M. E., Esch, Fairchild, Farr, Fields, Foster, Vt., Garrett, Gillett, Goodwin, Ark., Gould, Gregg, Tex., Guernsey, Hamilton, Mich., Hamlin, Hardwick, Hawley, Hayes, Howard, Howell, James, Johnson, Ky., Johnson, S. C., Kent, Lamb, Lawrence, Levy, Lewis, Lindsay, Littleton, Lloyd, Loud, McCreary, McGillicuddy, McLaughlin, Maher, Matthews, Miller, Moon, Tenn., Moore, Pa., Moore, Tex., Murdock, Norris, Payne, Post, Pou, Powers, Pray, Pujio, Rainey, Randell, Tex., Ransdell, La., Riordan, Rouse, Sabath, Saunders, Sheppard, Sherley, Simmons, Smith, Saml. W., Speer, Stack, Stanley, Stephens, Tex., Stevens, Minn., Switzer, Thistlewood, Townsend, Tribble, Warburton, Wilson, Ill.

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. BELL of Georgia with Mr. CANNON.

Until further notice:

Mr. POU with Mr. MURDOCK.

Mr. SAUNDERS with Mr. SPEER.

Mr. STANLEY with Mr. NORRIS.

Mr. RANDELL of Texas with Mr. PRAY.

Mr. SHEPPARD with Mr. SAMUEL W. SMITH.

Mr. SHERLEY with Mr. PAYNE.

Mr. POST with Mr. SWITZER.

Mr. MCGILLICUDDY with Mr. THISTLEWOOD.

Mr. LOYD with Mr. MATTHEWS.

Mr. LITTLETON with Mr. MCCREARY.

Mr. LAMB with Mr. HAWLEY.

Mr. JOHNSON of South Carolina with Mr. GUERNSEY.

Mr. HOWARD with Mr. GILLETT.

Mr. GOODWIN of Arkansas with Mr. KENT.

Mr. GARRETT with Mr. FOSTER of Vermont.

Mr. COX of Indiana with Mr. CRUMPACKER.

Mr. DICKSON of Mississippi with Mr. FARR.

Mr. CONNELL with Mr. COPLEY.

Mr. CLINE with Mr. BINGHAM.

Mr. BOEHNE with Mr. BATES.

Mr. BLACKMON with Mr. AMES.

Mr. ROUSE with Mr. CRAGO.

Mr. MOON of Tennessee with Mr. WILSON of Illinois.

The SPEAKER. On this question the yeas are 193, noes 90, present 3. The yeas have it, and the bill is passed. A quorum is present, and the Doorkeeper will open the doors.

On motion of Mr. SLAYDEN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STEPHENS of California for eight days, on account of trip to Panama.

The SPEAKER. The Clerk will proceed with the call of committees.

TREATY BETWEEN RUSSIA AND THE UNITED STATES.

Mr. SULZER (when the Committee on Foreign Affairs was called). Mr. Speaker, I call up House joint resolution 166, providing for the termination of the treaty of 1832 between the United States and Russia, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 166, providing for the termination of the treaty of 1832 between the United States and Russia.

Resolved, etc., That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

Mr. SULZER. Mr. Speaker, the joint resolution just read by the Clerk of the House of Representatives speaks for itself and demands the abrogation of the Russian treaty concluded in St. Petersburg in 1832, because for nearly half a century Russia has persistently refused to abide by its terms and recognize passports of American citizens without discrimination.

Treaties between nations should be free from ambiguity regarding the rights of their respective citizens to visit and sojourn in the country of each other, and should admit of no discrimination in favor of some citizens and against other citizens of either of the high contracting parties. It is customary among the nations of the world to recognize without discrimination the passports of each, when duly issued and authenticated, to their respective citizens who desire to travel in other countries.

The question now before the Congress of the United States regarding this "Russian passport question" resolves itself into this: Has Russia by the treaty of 1832 agreed to recognize American passports without discrimination?

To determine the matter it is necessary to read the provision in the treaty of 1832 between the United States and Russia. Article I of that treaty reads as follows:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside.

This provision of the treaty seems to be plain and clear, and gives citizens of the United States—

the right to sojourn and reside in all parts of Russia in order to attend to their affairs, and they shall enjoy the same security and protection as natives of the country wherein they reside.

A treaty is the supreme law of the land, and Mr. Justice Field, of the United States Supreme Court, laid down the construction of treaties in *Geofroy v. Riggs* (133 U. S., 271), in which he said:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intent of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction, words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

The treaty with Russia regarding the rights of our people to travel and sojourn in Russia is clear and explicit. By virtue of its terms I am certain that no discrimination can be made against any American citizen desiring to visit Russia on account of race or religion; and when Russia makes this discrimination she violates the treaty and perpetrates an act unfriendly to the people of the United States. We can not tolerate this injustice to some of our citizens, this violation of treaty stipulations, this race prejudice, and this religious discrimination. It is foreign to the fundamental principles of our free institutions and contrary to everything for which civilization stands at the dawn of the twentieth century.

We assert that the Government of the United States has carefully lived up to its treaty obligations with Russia. We have granted to every Russian coming to this country all the rights stipulated in the treaty, irrespective of race or religion. That is our construction of the treaty of 1832 and demonstrates the intention of the United States Government in its conclusion.

American citizens should have the same rights to visit and sojourn in Russia that Russian citizens have to visit and sojourn in the United States. If they do not, then the treaty is violated and it ought to be abrogated.

The refusal of Russia to recognize American passports on account of race and religion is a clear violation, in my judgment, of the treaty, and the remaining question is one of remedy only.

The first duty of our Government is to protect the rights of its citizens at home and abroad. All that is required on the part of the United States is a firm determination to do its duty to all its citizens, to do it at all times, and to do it in all places. The seal of the United States on a certificate of citizenship should render it valid and make it acceptable by all countries at its face value throughout the entire world. Our guarantee should be good.

All argument based on the possible financial injury that may be done to those Americans who have business interests in Russia dwindles into mere nothingness when we consider that human rights and national honor are at stake. It is confidently believed that American citizens will not listen with equanimity to any suggestion which places the dollar above the man. Who can be patient when, under existing conditions, we are compelled to record the ignominious fact that during the past summer the proprietor of one of the most influential Jewish newspapers published in New York, who expressed a desire to go to Russia, was refused visé of his passport by the Russian consul at New York, but had no difficulty in procuring such visé from the Russian consul in London?

Diplomacy of the highest order has been employed in vain to bring about a change of policy on the part of the Russian Government. Both of the great political parties of this country, ever since 1904, in their national platforms declared that it is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and have pledged themselves to insist upon the just and equal protection of all of our citizens abroad, and have declared themselves in favor of all efforts tending to that end. They have further pledged themselves to insist upon the just and lawful protection of our citizens at home and abroad and to use all proper measures to secure for them, whether native born or naturalized and without distinction of race or creed, the equal protection of our laws and the enjoyment of all rights and privileges open to them under the covenants of our treaties of friendship and commerce.

On October 19, 1908, Senator Roor, then Secretary of State, in a letter to Mr. Jacob H. Schiff, referring to the same subject, declared that our Government had never varied in its insistence upon equality of treatment for all American citizens who seek to enter Russia with passports, without regard to creed or origin, and that the administration had repeatedly brought the matter to the attention of the Russian Government and urged the making of a new treaty for the purpose of regulating the subject. The communication concludes:

We have but very recently received an unfavorable reply to this proposal, and we have now communicated to Russia an expression of the desire of this Government for the complete revision and amendment of the treaty of 1832, which provides for reciprocal rights of residence and travel on the part of the citizens of the two countries. We have expressed our views that such a course would be preferable to the complete termination of the treaty, subjecting both countries to the possibility of being left without any reciprocal rights whatever, owing to the delay in the making of a new treaty.

Seven years have passed since both political parties have made these declarations of principle; three years have passed since this pointed statement of our State Department, and yet conditions are exactly the same as they were 40 years ago, there has been absolutely no progress in negotiation, the efforts of diplomacy have proven futile, and the same discrimination among our citizens continues.

There has thus been inflicted, and continues to be inflicted, a shameless affront upon the honor of our country and upon the integrity of American citizenship. The insult is not upon the individuals as to whom there has been discrimination, but against the entire body of American citizens, because a wrong done to one in his capacity as a citizen is a wrong inflicted upon every citizen.

Our Government has been extremely patient and remarkably resourceful, yet there is nothing to indicate that anything can be accomplished by a continuance of the methods thus far employed. Russia believes that our Government has not been serious and that its efforts have been ceremonial rather than real. The time has come at last when more decisive action is required, otherwise there will be good reasons for asserting that certain classes of our citizens who have been singled out by Russia are under civil disabilities with the implied sanction of our Government.

From a careful and an unprejudiced investigation of all the circumstances in this controversy, it seems evident to me, and it must be apparent to every sensible and fair-minded person, that when the treaty with Russia was concluded it was the intention of Russia and the United States that the rights granted by Article I of that treaty should extend equally to every citizen of this country without discrimination of any kind whatsoever.

This being so, it is self-evident from the record in the case that Russia has for years continually violated this provision of the treaty by refusing to recognize passports granted to American citizens on account of race or religion.

This is not a Jewish question. It is an American question. It involves a great principle. It affects the rights of all American citizens. Russia not only refuses to recognize American passports held by Jews on account of their race or their religion but she also refuses, when she sees fit, to recognize American passports held by Baptist missionaries, Catholic priests, and Presbyterian divines, on account of their religious belief.

The Government of the United States declares as a fundamental principle that all men are equal before the law regardless of race or religion, and makes no distinction based on the creeds or the birthplaces of its citizens in this connection, nor can it consistently permit such distinctions to be made by a foreign power. We solemnly assert, and must maintain, that the rights of our citizens at home or abroad shall not be impaired on account of race or religion.

Not the religion, nor the race of a man, but his American citizenship is the true test of the treatment he shall receive and the rights he shall enjoy under the law at home and abroad. This is fundamental. We must adhere to it tenaciously.

Freedom of religious belief—the right to worship our Maker according to the dictates of our conscience—is one of the corner stones of our broad institutions, and so jealous of this liberty were the fathers that they wrote in the Federal Constitution:

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

We must maintain this great principle of religious freedom inviolate forever.

Mr. Speaker, what action should the Congress of the United States take in this matter? I have given much thought to this inquiry and have finally concluded that the best thing we can do to remedy this injustice to American citizens is to serve the usual official notice of 12 months on Russia that we desire to abrogate the treaty of 1832, and that at the expiration of the notice, given in accordance with the terms of the treaty, it shall be null and void.

We must be true to the great principles of justice and freedom and equality on which our Government is founded. We must not connive at the discrimination of any American citizen on account of his race or his religion or permit any foreign power to discriminate against him for these reasons. To do so belittles our dignity, is an insult to every American, and makes our boast of equal rights to all a hollow mockery.

Russia must recognize American passports without discrimination on account of race or religion, or the Russian treaty should be abrogated. Our self-respect demands it. The memories of the past dictate it; our hope for the future commands it. No other course is open to the United States, and for this Government to submit longer to the violation by Russia of the treaty is a humiliation to our sense of justice and to our love for our fellow man that merits the condemnation of every patriotic citizen in America.

We are a patient and a long-suffering people where the question involved does not touch us on our tenderest spot—our pocketbooks; but the patriotic awakening has come at last, and with it a keen realization of the affronts we have suffered for years at the hands of a Government notorious for its lack of human sympathy.

This is not a partisan question. It is an American matter. In a dignified way we say to Russia we give you the official notice provided for in the treaty to abrogate the same, because you have violated it—because it is obsolete—and we want to negotiate a new treaty with you in harmony with the spirit of the times; and we say to all the world in calmness and in deliberation, the Government of the United States puts human rights above commercial gain in writing treaty contracts with the powers of the earth.

Mr. Speaker, this joint resolution introduced by me has been unanimously reported from the Committee on Foreign Affairs of this House, and I congratulate my colleagues on the committee for their expedition and their broad-minded patriotism in the matter. Behind this resolution is an overwhelming case of treaty violation, as conclusive in its details as it is incontrovertible in its proofs.

Nevertheless, in adopting to-day this resolution to abrogate the Russian treaty we but follow precedent. We do nothing new, nothing startling, nothing offensive. We assert a fundamental principle, act advisedly on a vested privilege, declare that human rights are more important than commercial rights for the welfare of a free and a progressive people, and invoke the impartial judgment of every liberty-loving and right-thinking citizen in our country on the justification of our action in the premises.

The press and the pulpit, the bench and the bar, the Jew and the Gentile, the poor and the rich, the weak and the powerful, the Catholic and the Protestant throughout patriotic America demand that the Russian treaty be abrogated. The people are aroused about the matter as they never have been before over the question, and the time for action by the Congress has come.

There can be no arbitration of this elemental principle of our Government; there must be no more delay; the matter must be settled now and for all time, and a new treaty hereafter negotiated in which Russia can find no loophole to enable her in the future to discriminate against any American citizen on account of race or religion; a new treaty that will be up to date; that will be in harmony with the twentieth century; that will be in sympathy with human rights; that will not override our Federal Constitution; that will not violate our national ideals; and that will not dishonor the virtue and the integrity of the passports of our splendid and intelligent and patriotic American citizenship. [Long and loud applause.]

Mr. Speaker, I ask unanimous consent to print in the RECORD a few letters from distinguished citizens, which I intended to read, but could not for lack of time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letters follow:

133 EAST THIRTY-FIFTH STREET,
New York City, December 7, 1911.

Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: It is impossible for me to accept the invitation you tender me to come to Washington and be present at the hearing before the Committee on Foreign Affairs next Monday. Even were I to come there is little that I could say. It has all been said and said repeatedly and effectively.

The resolution which you have introduced seems to me to go directly to the point, with no waste of words, no disjointedness in argument, and no disguise of purpose.

The question is not at all a racial one, although projected by Russia's racial discrimination. It is of no present significance whose passports it is that Russia falls to honor or how many or how few of such dishonored passports there may be. One such, issued in due form, if unrecognized by her, and persistently unrecognized, is a breach of international contract and an insult not only to the United States Government, but to every individual citizen under that Government. It is to this individual sense of wrong that is due the intense feeling that now prevails. Our national dignity suffers by our indefinite submission to Russia's pertinacious discourtesy and contumely. There is a point at which national forbearance not only ceases to be a virtue but commences to become a condition of self-stultification, and at that point we seem to have already arrived.

The present situation affords us the opportunity to teach Russia a lesson in the art of modern civilization, and it is her ignorance and inappreciation of that art that renders appropriate a more decisive and drastic method of dealing with her than might be allowable were she standing at a level with the more advanced nations with whom such terms as treaty, compact, probity, and honor carry a significance of which Russia appears to be altogether inappreciative.

I believe, sir, that the adoption of the resolution introduced by you, looking to the abrogation of the existing treaty with Russia, will afford immense satisfaction not only to our Jewish friends but to the great mass of American citizens.

Yours, respectfully,

C. H. PARKHURST.

NEW YORK, December 8, 1911.

Hon. WILLIAM SULZER,
Chairman of the Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: I am unfortunately unable to go to Washington and be present at the hearing which your committee will grant, on the 11th instant, on the resolution which you have introduced to abrogate the Russian treaty.

I sincerely trust that joint resolution No. 166, providing for the termination of the treaty of 1832 between our country and Russia, will be unanimously approved by your committee. In my opinion, it is absolutely useless to temporize any longer over the passport question. For the past 40 years Russia has ignored the protests of our State Department, and the time has now arrived when all American citizens who are proud of their citizenship should rise up and force Russia either at once to recognize the provisions of the treaty of 1832 or that the Government of the United States give summary notice of its abrogation. It does not appear to me to be a religious question, but an American question, and one of right, honesty, and patriotism. It is abhorrent to the true American doctrine of equality that any country should discriminate against any class of American citizenship, and all the more shameful in view of that explicit protection afforded under the terms of the treaty. All the efforts of diplomacy and the vigorous protests heretofore made have been of no avail. American citizenship must now be vindicated and notice given to Russia that we will no longer permit the violation of our treaty obligations. The present situation is disgraceful, and as an American citizen—not only as a Jew—I appeal to all members of the Committee on Foreign Affairs and to our honored House of Representatives for justice. Let us not place material interests above those of fair dealing, righteousness, and justice.

It appears to me that the suggestion offered to submit the question at issue to an international court of arbitration would be humiliating to the dignity and honor of our country. There is nothing to arbitrate; it is a question of enforcement of the treaty or of its abrogation.

I take this opportunity of thanking you for the noble and persistent fight which you have made on behalf of all loyal citizens. I feel convinced that your committee will favorably report the resolution and that the bill will pass both Houses of Congress.

Very truly, yours,

ISAAC N. SELIGMAN.

1822 GLENWOOD ROAD,
Flatbush, N. Y., December 9, 1911.

Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
Washington, D. C.

MY DEAR MR. SULZER: I am sorry that I can not appear in person before your committee to speak in favor of the resolution providing for the termination of the treaty of 1832 between the United States and Russia. Thirteen years ago I first published my book, *Justice to the Jew*. I believe I was the first Gentile voice, in my profession at least, to make a plea for justice to the Jew. There is no new argument that can be made at this late day against the passage of your resolution. My contention has always been that this is not a Jewish but an American question. All we ask is that Russia shall do for all our citizens what we are doing for all theirs—justice and a square deal. The American people justly demand as much and consistently can not, will not, be satisfied with less.

Very sincerely, yours,

MADISON C. PETERS.

CHICAGO, December 9, 1911.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: Replying to your letter of the 6th instant, I wired you as follows:

"I regret my inability to comply with your request to appear before Committee on Foreign Affairs next Monday.

"All I would say will doubtless be far more ably presented by others who will attend.

"A vital principle is at stake, in which every self-respecting American citizen is deeply interested.

"I earnestly hope the resolution will pass."
The foregoing message is by no means formal or perfunctory, since I do, indeed, regret my inability to be there, even though I could not and did not add a word or thought to the able presentation of the question which will surely then be made.

My law partner, Mr. Adolf Kraus, president of the Independent Order of B'nai B'rith, returned this morning from a visit to Washington and New York, and said that while he found it impossible for him to remain, Mr. Louis Marshall, of New York, is expected to express the sentiments of this order or, perhaps more particularly, those of its president.

I very much appreciate the deep interest you take in this question. It should bring you the lasting gratitude of not only citizens of Jewish extraction, but citizens of all classes, whatever their origin, who believe that American citizenship is something more than an idle abstraction.

I thank you for your very kind and flattering letter, and with assurance of highest esteem, I am, as ever,
Very sincerely, yours,

SAMUEL ALSCHULER.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs.

MY DEAR SULZER: I had expected to be at the hearing Monday, but am detained in New York by an unexpected lawsuit. I am very sorry. As a former member of the Foreign Affairs Committee, may I express the hope that the abrogation resolution will be promptly reported? We have waited long enough for justice from Russia.

Yours, very truly,

WILLIAM S. BENNET.

MEN'S CLUB, ST. PETER'S CHURCH,
Niagara Falls, N. Y., December 5, 1911.

HON. WILLIAM SULZER.

DEAR SIR: At a meeting of the men of St. Peter's parish, held December 4, 1911, the resolution concerning the treaty with Russia was presented and unanimously passed in the words which your committee suggested in your communication dated November 29.

Yours, most truly,

REV. PHILIP W. MOSHER.

COLLEGIATE ZIONIST LEAGUE.
Resolution.

The following resolution was unanimously adopted at the meeting of the Collegiate Zionist League, held at 1578 Lexington Avenue, New York City, N. Y., on December 3, 1911:

Whereas for more than a generation passports issued by our Government to American citizens have been openly and continually disregarded and discredited by Russia in violation of its treaty obligations and the usage of civilized nations.

During all that time administration after administration, irrespective of party, has protested against this insult and humiliation, and Congress has on repeated occasions given emphatic expression to its resentment of the strain imposed upon our national honor. Diplomacy has exhausted itself in ineffectual effort to bring relief, for which a new generation is impatiently waiting.

The citizenship of every American who loves his country has in consequence been subjected to degradation, and it has become a matter of such serious import to the people of the United States, as an entirety, that this condition can no longer be tolerated. Be it therefore

Resolved, That as a body of citizens having at heart the preservation of the honor of the Nation, joining in generous emulation with all other citizens to elevate its moral and political standards and to stimulate an abiding consciousness of its ideal mission among the nations of the earth, that our Representatives in Congress give their support to the resolution now pending in Congress, introduced by Mr. SULZER, of New York, providing for the termination of the treaty of 1832 now existing between the United States and Russia, to the end that if treaty relations are to exist between the two nations it shall be upon such conditions and guaranties only as shall be consonant with the dignity of the American people. Be it further

Resolved, That a copy of this resolution be forwarded to the Congressmen of our respective districts and the Senators of our State.

E. M. FRIEDMAN, President
ISAAC ROSENGARTEN, Secretary.

NATIONAL GERMAN-AMERICAN ALLIANCE
OF THE UNITED STATES OF AMERICA,
Philadelphia, Pa., December 2, 1911.

To the Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: Protesting against the action of the Russian Government in not recognizing the passports of American citizens of the Jewish persuasion, the convention of the National German-American Alliance, held at Washington, D. C., October 6-10, 1911, decided to request Congress to declare null and void the treaty of this country with Russia of 1832.

The following resolution was adopted unanimously:
Resolved, That the nonrecognition of the American passport by the Russian Government on account of the religion of the holder thereof is violative of the treaty of 1832, and therefore Congress be petitioned to pass the Sulzer resolution to abrogate said treaty.

Respectfully submitted,

ADOLPH TIMM, Secretary.

CHICAGO, December 5, 1911.

Congressman SULZER,
House Committee on Foreign Affairs,
Washington, D. C.

MY DEAR MR. SULZER: Your efforts to secure the protection of American citizens when abroad is most commendable, and all good citizens earnestly wish they may be richly successful.

It is not our Jewish citizens alone, however, who need protection while in foreign lands, as it is not an uncommon thing to read of a naturalized American citizen's arrest and detention and subjection to indignities from his failure to render military service in foreign countries. Indeed, I have a case in point just now of a young man brought from France when about 4 years old, and now an American citizen by virtue of his father's naturalization, as he claims, who has been deterred from making a business trip to France by the threat of the French consul to have him arrested and detained for military duty unless he pays the sum of about \$160 to purchase his release; and the

Secretary of State and the President each recognize the position of the French representative as lawful and proper. This is nothing more than laying down the principle that a foreigner must purchase his right to become an American citizen from his previous sovereign, or purchase the right to protection as an American citizen while in foreign lands. Both as an American citizen and as a lawyer I have been protesting against this position and its recognition, and I sincerely trust that the House and Senate Committees on Foreign Affairs will take the question of the protection of American citizens everywhere up and require our officials to see that American citizenship is an unpurchasable right and a guaranty of freedom from attack or insult and protection in liberty wherever God's sunshine falls upon him.

While the abrogation of the treaty with Russia is being considered the rejection of the proposed treaty with France, because of her refusal to recognize American naturalization, should also be considered.

For your information I will say that I have heretofore called the attention of Senator CULLOM, chairman of the Senate committee, to this case, and am assured that he is disposed to take any appropriate action to accomplish the desired end.

Thanking you in anticipation for your attentions, I am, with great respect,

Very truly, yours,

JOHN GIBSON HALE.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the House take a vote at 5 o'clock this afternoon.

The SPEAKER pro tempore (Mr. LEVY in the chair). The gentleman from New York [Mr. SULZER] asks unanimous consent that the House take a vote upon this resolution at 5 o'clock this afternoon.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what the suggestion is as to the division of time between now and 5 o'clock and whether we will have any right to amend the bill?

Mr. SULZER. I would say to the gentleman from Illinois that I would be very glad to divide the time. There are a number of gentlemen on that side and this side of the House who desire to be heard. I think we can get through by 5 o'clock this afternoon. I have no objection to the gentleman offering amendments at that time.

Mr. MANN. Well, how much time has the gentleman consumed now?

The SPEAKER pro tempore. The gentleman has consumed 20 minutes.

Mr. MANN. Then that would mean the two hours and a half until 5 o'clock, counting from now. That would be three hours altogether, including the time consumed by the gentleman from New York. Does the gentleman want to give us one hour and a half on this side?

Mr. SULZER. I would be very glad to.

Mr. MANN. I would prefer to have some one on our side from the Committee on Foreign Affairs control the time on this side.

Mr. KENDALL. I favor the resolution.

Mr. MANN. That does not make any difference.

Mr. SULZER. I propose to divide the time with the gentleman from Iowa.

Mr. KENDALL. The senior Republican member of the Committee on Foreign Affairs is not here now. What is the proposition of the gentleman from New York?

Mr. SULZER. That we divide the time equally between the two sides, an hour and a half on each side.

Mr. MANN. At the end of that time amendments may be offered without further consideration?

Mr. SULZER. There is no objection to that.

Mr. KENDALL. That will be satisfactory. I suggested, Mr. Speaker, that I am in favor of the resolution for this reason, that—

Mr. SULZER. That makes no difference—

Mr. KENDALL (continuing). If there are gentlemen on this side or on the other who are opposed to the resolution, it seems to me to be right that they should have some time.

Mr. MANN. Of course it is understood why the gentlemen on the two political sides of the House should have control of time in that way. But on a matter of this kind all parties should receive fair consideration. I know that will be the case with the gentleman from Iowa.

Mr. McCALL. Mr. Speaker, I do not know how I shall vote on this resolution. It will depend on developments in the course of debate. But it seems to me there should be some latitude allowed in discussing the resolution from different points of view. I am willing, however, to trust the gentleman to give fair recognition.

Mr. KENDALL. If I have control of the time, I will undertake to give the gentleman from Massachusetts a fair opportunity.

The SPEAKER pro tempore. The gentleman from New York [Mr. SULZER] asks unanimous consent that general debate be limited to three hours, one-half to be controlled by the gentleman from New York and one-half controlled by the gentleman from Iowa [Mr. KENDALL], and that at the end of that time a vote be taken.

Mr. MANN. And that at the end of that time it shall be in order to offer amendments.

Mr. SISSON. Mr. Speaker, reserving the right to object, I want to know whether or not the time the gentleman from New York [Mr. SULZER] has consumed shall be counted in that three hours? Does he mean the debate shall run three hours from now?

The SPEAKER pro tempore. Three hours from now.

Mr. SISSON. I have no objection if it is three hours from now.

Mr. MANN. The gentleman himself would not ask for 20 minutes more time for his side than he would be willing to accord to this side. I am perfectly willing to give to anybody all the time he desires, as much so as anybody else is.

Mr. SISSON. Of course the gentleman always is. I have no objection to the arrangement if it means three hours from this time.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that all Members may have leave to print on the pending joint resolution for a period of five legislative days.

Mr. MANN. For the present I shall object to that request.

Mr. KENDALL. Does the gentleman from New York mean that those who speak on this resolution shall have five legislative days in which to print, or those who want to speak?

Mr. MANN. Everybody.

The SPEAKER pro tempore. Objection is made.

Mr. SULZER. Mr. Speaker, I will renew the request a little later on. Now I yield five minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, the persistent refusal of Russia to recognize American passports borne by Jews violates the spirit of the treaty of 1832, by which the United States and Russia each guaranteed the citizens of the other reciprocal rights of travel and sojourn.

Regardless of treaty relations, in this day of advancement and enlightenment religious persecution of American citizens should not be acquiesced in by the United States. Equality of rights and privileges for all law-abiding American citizens should be demanded and secured by our Government from every nation from which amicable relations are obtained. If existing treaties are in the way or prevent the consummation of this end, the treaties should be speedily abrogated. Genius and energy are rapidly breaking down the barriers of distance, languages, and customs. They are dispelling the shadows of ignorance and intolerance which have darkened the pathway of humanity through all the ages. The ends of earth are being drawn together. The age of oppression has passed. Liberty is the birthright of every American.

The treaty of 1832 guaranteed to American citizens the same rights while traveling or stopping in Russia as the Russians themselves enjoy. This guaranty runs to all American citizens and does not warrant the exclusion of anyone under local Russian regulations. Our Government recognizes neither caste nor class among law-abiding citizens. Notwithstanding the provisions of the treaty, every American who wishes to enter Russia is asked by the Russian consul in this country, "What is your religion?" If the answer discloses that the citizen is a Jew, or if he declines to state his religion, his passport is dishonored. This is especially reprehensible in view of the treaty of 1832, designed primarily to promote commerce between the two countries. The United States has always honorably complied with our part of the compact. Russia has not done so during the last 40 years, but has refused to recognize her treaty obligations, and has denied to Jewish-American citizens, no matter how honorable, how distinguished, or how useful they may be, recognition as American citizens. This is true, even though the Jew is American born and has never lived in Russia or owed allegiance to her authority.

With the oppression of Jewish citizens of Russia the United States is not directly concerned, and we can only interest ourselves from a humanitarian standpoint. We may well wish that the oppressions and persecutions which have long characterized Russia's treatment of her Jewish citizens might be terminated. Concerning citizens of the United States our attitude must be one of dignified resentment when any nation seeks to oppress or dishonor them. The sublime doctrine of equality under the law lies at the basis of all that is glorious in our history. The preservation of our institutions requires that we maintain this principle inviolate.

If Russia discriminates against an American citizen because he is a Baptist, a Methodist, a Presbyterian, or a Catholic, our indignation is augmented. Our Government should not submit to it. Russia's course is emphatically a discrimination on account of religion. It is a continuance of the age-long persecu-

tion of the Jewish race, and arises only from prejudice and intolerance. The United States Government owes the obligation, not to the Jews alone, but to every American citizen, to promptly redress the wrongs inflicted by Russia in disregarding the equal rights of Jews as American citizens. Diplomacy has failed in this, as it is failing in many other things.

DIPLOMACY

as we comprehend it is antiquated and well-nigh useless. It is, in part at least, a relic of the period when means of communication were few and when the knowledge of events was transmitted slowly and imperfectly. A special ambassador charged to negotiate immediately a new treaty emphatically recognizing the rights of Jews to travel and sojourn in Russia on equal terms with all other American citizens should be dispatched at once to the Russian Government. If this effort proves unavailing, all relations should be discontinued as a rebuke to the intolerance and injustice with which the Russian Government has insulted us. For 40 years we have submitted to indignities; for 40 years we have satisfied ourselves with complaints. For more than a generation we have awaited patiently the slow-moving hand of the diplomat.

I am not unmindful of the importance of thus rebuking Russia; neither do I overlook the difficulties that arise. It is desirable, of course, to maintain amicable relations with all nations of the earth. We do not contemplate or invite warfare. Nothing of the kind can result from the passage of this resolution. We have the right to terminate the treaty under its terms. It is also true that, Russia having refused to observe her obligation under the treaty, we may justly abrogate or rescind it, even if the treaty contained no such provision. Russia needs our cooperation more than we need hers. Keeping in mind every event in American history with which Russia has been connected and recognizing her efforts to aid us in times of need, it must not be forgotten that we have paid our every obligation in good faith. The first duty of this Government is to preserve its honor and to protect its citizens. Diplomacy has wasted half a century and accomplished nothing. The modern diplomat is chiefly a representative of commercialism, inspired by the spirit of the trader rather than by that of the patriot. He is the representative of a quasi aristocracy which finds little recognition in our institutions. Commercial considerations are of importance, but they are secondary to the principles of patriotism.

THE JEWISH RACE.

When I contemplate the history of the Jews and their achievements I am both amazed and inspired. Centuries ago persecution ostracized them, scattered them over the face of the earth, and made them a people without a country. The Jews have become citizens of the world. How potent their moral influence! In every age and in every land they have stood for liberty, law, order, loyalty, progress, and patriotism. Endurance of hardships and the practice of temperance have given the Jews a physical vigor unequalled perhaps by that enjoyed by another people. Their obedience to the law and respect for the customs of society are proverbial. Homicides and other crimes of violence are rare among them. If success in trade has too frequently attended them and the desire for gain has been unduly developed, may it not be due to the prejudice and persecution which has denied them opportunity in many spheres of activity?

They are an example of a people whose vital racial characteristics have remained unaltered by an everchanging environment. What hardships have they not experienced. How persistently have they faced oppression and endured outrages. How certainly have they carried into every climate their tireless activity and ceaseless toil. How definitely have they borne the visage, the mental astuteness, and enjoyed the commercial prosperity that characterized their great ancestor, Abraham.

Wars have destroyed their temples; persecution has ridden close behind them in every land. In spite of it all their synagogues have arisen in every habitable locality. The incense of sacrifice burns continually on their altars. The Jews are a mighty force for progress and commercialism.

The obligation of our Government to protect its citizens in the enjoyment of their rights is as great to the humblest as to the most exalted. This is the primary principle always to be remembered. The time has come when we must act decisively. We must teach Russia the value of her own contract and the sacred right of every American citizen to equal security wherever he bears the evidence of his citizenship. The American passport will thus become a badge of honor. [Applause.]

Mr. SULZER. I yield five minutes to the gentleman from Ohio [Mr. SHARP].

Mr. SHARP. Mr. Speaker—

I have long believed that this day must come and rejoice that I have lived to see it. My hope is that it will prove the dawning day of a great act of international justice.

At two different periods, extending somewhat over three years in all, I have resided at the Russian capital—first in the years 1854 and 1855 and last during the years 1892, 1893, and 1894. I have had occasion to observe the growth of a system in that country which has inflicted, and continues to inflict, upon the United States not only injustice but dishonor.

By the treaty of 1832 between the United States and Russia equal rights were guaranteed fully and explicitly to all Russian subjects by the United States and to all American citizens by Russia, without distinction of race or religion; yet for nearly half a century this solemn guaranty has been violated by Russia constantly and, indeed, I think I may say without exaggeration, contemptuously. Jews and Christians have both suffered from this; it has borne at times as severely, though never so frequently, upon American and Christian ministers as upon Jews in general.

Mr. Speaker, these words were uttered by the Hon. Andrew D. White, former ambassador from this country to Russia, one who has stood preeminently high in both the political and educational affairs of this country. I submit that such words would not idly fall from the lips of such a great man and experienced diplomat without due and careful consideration.

I may say further that the same sentiments were echoed by many other distinguished men of the country who spoke with him at the great Carnegie Hall mass meeting recently held in New York under the auspices of the National Citizens Committee. There was a general consensus of opinion that the time for action was now. It seems to me—and I regret very much that the time of debate is so limited that I can not go more extensively into the subject, but can merely mention some of the salient points—it seems to me the situation is quite beyond the point of argument. Briefly stated, the whole case must resolve itself into two questions—first, as to how best to act in this emergency; second, what effect will it have when we do act?

I do not know how I can give better expression as to the manner in which we should act than to quote briefly from a former American minister to Turkey, one of the nationality that has been so bitterly persecuted in Russian lands, Mr. Oscar Straus, our former most honored representative to Turkey. I regret very much that I have not before me a copy of the hearings that we had before our Committee on Foreign Affairs a few days ago. They are not yet printed, and I will have to take the liberty of quoting from memory as well as I can. Let me narrate in substance a very interesting incident, which made a great impression not only upon my mind, but, I think, as well upon the minds of the other committeemen present. Mr. Straus told of a scene that took place one day during his second mission in Constantinople, when, by the fiat of the Turkish Government, a number of Americans—teachers, I believe, in American schools and colleges—and with them, also, a number of British subjects, had been denied internal passports enabling them to return to their former posts, schools, and so forth, in the interior. Without such passports they could not have the protection of that Government en route and would be in danger of their lives. They naturally made an appeal to the only representative of the United States present, Ambassador Straus. He hearkened to their appeals, and in that true and manly spirit that ought to characterize and actuate every American citizen he promptly said to the Sultan: "If the Turkish Government will not consent to their safety here I will, and I will give them an order of safe passport to any part of the Empire that they may wish to enter, and they may return to their former dwelling places in peace and out of danger. If any harm comes to them you will have to answer to my Government for the consequences."

That was a bold stand to take, and the authority of it was immediately questioned by the Turkish Government; Russia's attitude in similar cases was cited as a precedent to uphold their contention, but without avail. At half past 1 or 2 o'clock the following morning Mr. Straus was awakened in his room to receive a message hurriedly sent to him from the Sublime Porte, which stated in substance that at a council of the Turkish ministers just held late that evening they had unanimously agreed to what Mr. Straus had ordered, and that every possible protection would be given to the Americans. [Applause.]

We have there a concrete illustration of how the strong, manly, and forceful stand of our representative compelled the full recognition of the rights of American citizenship abroad, and if this House and the Senate will adopt the same course in reference to dealing with Russia I believe the result will work out in identically the same manner. All we wish to do with the Russian Government to-day is to let it know that we mean business, and there will be no trouble whatever. If we temporize in this matter, if we further await the dilatory and indecisive tactics of a diplomacy which, no matter how willing it may be, has not yet during the past 30 years produced any tangible results, we shall accomplish nothing. I do not desire for a moment to indulge in unjust or harsh criticism of our Government, but I believe thoroughly that if we are to secure the rights not only of Jewish but of every other American citizen

nothing will be half so potent as to pass this resolution to-day by such an overwhelming vote that it will be notice to the world that the rights of an American citizen must be respected, no matter on what part of the earth he may dwell. [Applause.]

Not in many years has our Government had such an opportunity to assert—yes, and protect, if necessary—the inviolability of American citizenship, no matter in what country those rights are threatened, as it now has in its dealings with the Russian Government. Not since the beginning of our national existence will the refusal of this Government to insist upon the full observance of those rights be considered so lacking in courage.

Recognizing the achievements, the patriotism, and commendable domestic character of the Jewish people in our land, it is incredible to me how a civilized nation could deny to such people the fullest measure of political rights and freedom. How many pages descriptive of the industrial and financial development of our great American cities would have to be filled with the part played in such work by its Jewish people if a faithful narrative of their achievements were recorded? What part in the helpful and effective work of our charitable organizations, our civic improvements, and our commercial advancement has this class of our citizens played in the past?

Indeed, the work of this class of men in such varied fields of enterprise as journalism, banking, and humanitarianism may well furnish an inspiration for the American youth of whatever creed or nationality.

As to the other phase of the problem—what effect will the passage of this resolution have upon the Jewish people now living in Russia—let me say that some of the ablest and most thoughtful men who have been championing this measure—some of them former Russian subjects—have been questioned, and they have all agreed that whereas the conditions could not be any worse on the Jewish subjects now residing in Russia—and there are 5,000,000 of them—they believed that the moral effect of such action by the greatest Government on the face of the earth at this time would be widespread and of potent effect. We know that other foreign powers to-day are in very much the same position in regard to Russia as our own Government in securing recognition for their citizens sojourning in that country. Our cause maintained would at once be their cause, and a world-wide sentiment would demand a better treatment of Russia's Jewish people. So I believe the best way to bring about this remedy, not only for the Jew abroad, but our own citizens, is the passage of this resolution, for which I will most cheerfully vote. [Applause.]

Mr. GOLDFOGLE, as Speaker pro tempore, assumed the chair.

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Speaker, my sincere desire is that this resolution may pass this House without a dissenting vote. In making this statement I presume that I have as little direct political interest in the resolution as any man on the floor of the House, because there are very few Jews who live in my district.

But this question is broader than the question whether a man is or not a Jew. This question involves the right of an American citizen to travel into any country and feel that he has the absolute protection of the Government of the United States. If we shall continue this policy of not permitting our citizens to feel that when they shall leave the United States to travel into any country they will not have that entire protection that every other citizen of the United States is entitled to, then the guaranty of equality of citizenship under our Constitution is sounding brass and tinkling cymbals.

I do not believe that the Russian Government, under the strict terms of this treaty, although they have so construed it, have the right to exclude a Jew as such, because the treaty itself, while not as broad, perhaps, as it ought to be, in express terms requires a very strained construction to reach the conclusion under the treaty that is reached by the Russian Government and by their representatives here in Washington.

I recall that a few months ago I went to the Russian Legation to get a passport of a cotton merchant who was a Jew, in my district, viséed so that he might transact business in Russia. After a good deal of delay I was shown to one higher in authority than the one who usually grants the passport, and I was positively declined the permission on the ground that the merchant was a Jew. I called his attention to the fact that under the treaty itself, putting the strictest construction upon it or as broad as you please, that this man was a merchant that had clients in Russia and desired to transact the business with them; and after a good deal of hesitation the passport was finally viséed.

This is the first experience I have had in going to a consul or any party who has the right to pass upon passports to get

permission for an American citizen to travel, because every other nation in the world would honor the passport without its being viséed.

But the fact that the Russian Government denies this right to Jews who are citizens of the United States should cause every man in the Government to pledge himself to the extent of his property or his life to guarantee to the humblest citizen of any race equal rights wherever civilization has planted its staff. [Applause.] No citizen of the United States ought to feel the humiliation that these people must feel when they make application for permission to travel in foreign countries. [Applause.]

If that rule had applied to the Anglo-Saxon, if it had applied to the Irish, or any other people than to the Jew, it would long since have been decided that an American, irrespective of his religion, would either have the right to travel without question or that right denied to all Americans; there would have been some understanding between the United States and the Government of Russia of a definite kind.

My view of the matter is that since these American citizens, who are Jews, are being persecuted purely on account of their religion, it is our duty to guarantee to every citizen the right to travel freely and worship God according to the dictates of his own conscience, as it was intended from the foundation of our Government. [Applause.] Our policy should be that when an American has the right to travel in a country, all Americans should enjoy that right equally. The American Jew is simply asking for himself what Russia gives to all other Americans. He is asking simple justice. Nothing more. I shall vote to give it to him. An American citizen who does not give his entire and hearty support to this resolution, it seems to me, falls far short of that duty which every citizen owes to another under the Constitution and under the flag. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. LEGARE], my colleague on the committee.

Mr. LEGARE. Mr. Speaker, if I were asked which of all my worldly possessions I treasured most I would say my right of American citizenship. If asked the greatest humiliation that could befall me, I would say the deprivation of that right. When, therefore, 5,000,000 of the citizenship of my country, through their chosen representatives and through memorials and otherwise, say to me, "We are being deprived of this right guaranteed to us by the fundamental laws of our land," my every sympathy is theirs, and my every sense of justice demands of me that I aid in righting the wrong from which they are suffering. If it were possible to accomplish the desired end, to achieve success through diplomatic channels and without severing the cordial relations existing between this country and Russia for nearly 80 years, it would be far from my desire that this House should exercise its power of abrogating a treaty. But for more than 40 years eight Presidents and a greater number of Secretaries of State have tried and failed. Not only have they tried in vain, but in trying they have merely accomplished the undesirable result of forcing Russia into a position from which she can not now recede without reversing her position absolutely.

Let us understand the situation fully. In 1832, after considerable negotiation and mainly through the aid of Count Nesselrode, without whose assistance no agreement could ever have been reached, we entered into an agreement with Russia, known as a treaty of commerce and navigation. This treaty was broad in its provisions, and we find in it the following reciprocal clause:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

It was a treaty of commerce and navigation, but I shall confine myself to this one article or clause, inasmuch as it is the only one violated by our foreign neighbor and the one specific article that brings this resolution into the House for your consideration, except to say that, in my opinion, if any other clause of the treaty relating purely and solely to commerce or to navigation had been violated to our detriment, either Russia would have made prompt amend or the then presiding Executive of our country would have promptly abrogated the treaty with the assistance of this House.

For, strange as it may seem, we have fallen into the mercenary habit of placing the rights of property above human rights and the rights of citizenship. For more than 30 years Russia fulfilled all her obligations and lived up to the letter and spirit of this agreement. But when the domestic policy of

the Empire became one of oppression and hardship and cruel wrong to its Jewish subjects, and these subjects began in vast numbers to seek new homes in this land of liberty and freedom, she became alarmed and began the passage and enforcement of laws against expatriation. They wanted to stop this tide of immigration. They adopted every manner and means at their command, and finally this subterfuge in regard to the treaty in question.

What, then, is their manner of evading and violating the treaty? It is this: Under the terms of the agreement inhabitants of this country may visit Russia, may sojourn and reside in all parts of her territory and enjoy the same security and protection as natives of that country, "on condition of their submitting to the laws and ordinances there prevailing." Now, then, because of this language it is contended that Jews are subject to the laws of Russia governing those of the Jewish faith and must submit to the laws and ordinances prevailing as to Jews. And, by the way, this also applies to Catholic priests and missionaries. We—that is to say, those of us who are in favor of the passage of this resolution—contend that he enters Russia not as a Jew but as an American citizen. He goes there stripped of all impediment, and not as Jew, gentile, or Greek, but clothed with the sacred rights of citizenship awarded him by the most humane and liberty-loving country on the face of the globe. They have no right or authority for this humiliating inquisition as to religious beliefs, for the language of the treaty clearly states he shall enjoy the same security and protection as the native of Russia, meaning, of course, the security and protection given to all her citizens, and not to any one class or creed.

Let me say to you that in effecting this treaty we were represented by James Buchanan; it was sent to the Senate by President Jackson, and confirmed by the unanimous vote of 40 Senators. Do you suppose for a single instant that so great a statesman and diplomat as Buchanan would have placed in a treaty anything which would differentiate between the citizens of this country? Can you believe it possible that a President like Jackson and 40 Senators of the old school, men whose every utterance proclaimed them believers of absolute freedom, who loved the very name of liberty and regarded the rights of citizenship as sacred and inviolable; is it possible, I say, that these men could have recognized that citizenship was composed of many parts and that there should be a distinction between the Jew and the Catholic and the Protestant? I think not. But hear what Buchanan himself has said upon this subject, and I read to you his utterances, using his exact language on several occasions. In 1845, while Secretary of State, in a letter to Mr. Rosset, he says:

The fact of your having become a citizen of the United States has the effect of entitling you to the same protection from this Government that a native citizen would receive.

On another occasion we find the following statement made by him:

The Government of the United States affords equal protection to all our citizens, whether naturalized or native, and this department makes no distinction between the one and the other in granting passports.

But it is contended by Russia that she denies to her Jewish citizens the right of expatriation; that once a Russian he is always a Russian; and that when he returns to Russia, in spite of his American passport, he is still a Russian subject, and therefore subject to her laws. Let us, then, consider this phase of it. Let us see what our Government has to say about it; let me read to you what Congress had to say about expatriation, what this body has guaranteed to the citizens of our making, whether they come from Russia, Germany, France, or elsewhere—I read to you from the Revised Statutes of the United States, sections 1999, 2000, and 2001:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States, which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper

to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

When Congress in the exercise of its lawmaking power spoke that language, it advertised to all the world there should be no differentiation of her citizens at home or abroad, and it is for us to make good to-day the guaranty of freedom and equality of citizenship contained in those words. Clearly have I shown you that when Russia differentiates between the citizens of this Republic because they were formerly her subjects, she violates the treaty. The next question is, Does she do this? The answer is, Yes. She not only refuses the right of entry to foreign-born citizens, but refuses it to those immigrating to our shores from other countries and who have never been within her borders. She refuses it to our native-born citizens of the Jewish faith, and she refuses it to Catholic priests and missionaries, whether native or foreign born. And, most humiliating of all, she honors and visés the passport of a citizen of other powers, like Germany or England, regardless of religious faith, while she refuses to honor ours. Every passport issued by our State Department is accompanied by a circular calling attention to Russia's attitude in regard to Jews, and when the citizen of Jewish faith takes his passport to the office of the Russian ambassador for visé he has placed before him a printed list of questions, among them, "What is your religion?" Think, gentlemen of the House! Here in this land of liberty and freedom, where we know no difference in the grade of citizenship, where we heed no cry of creed or faith, where all men are supposed to be born free and equal, here within sight of the dome of the Capitol of our country, our citizenship is subjected to this humiliating inquisition by the representative of this beaucratic government and in direct violation of the solemn and sacred treaty rights obtained 80 years ago. One Harry Cutler applied for a passport. Let me say to you that Mr. Cutler is one of the leading citizens of the State of Rhode Island. He is in every respect a man. I would call him a typical American citizen. Big hearted, big brained; morally, mentally, and physically perfect. Rhode Island honored herself by making him a member of her house of representatives. The militia of that State did credit to itself by electing him lieutenant colonel of the National Guard.

The mayor of his city acted wisely in appointing him commissioner to visit foreign municipalities for the purpose of making investigation as to municipal forms of government. He received his passport from the Secretary of State's office, also the usual notice as to Jews. Cutler went to the Russian ambassador, asked for a visé, and was handed the usual blank form which he filled out in all particulars save the answer as to his religious belief. He was too proud to submit to the humiliation. He was one of our leading business men; he held offices of trust awarded him by his fellow citizens of this land of his adoption, and above all else he was an American citizen, and he refused to submit to the degradation and consequently never got his visé. But that is not all—Cutler did not come here of his own accord. While yet a lad in Russia there came to his family rumors of a pending massacre of Jews. Christian friends placed emblems of Christian faith on the Cutler home and offered to hide the family in cellars in their fields until the massacre was over. The elder Cutler kissed his wife and little ones good-bye and went away to his place of business never to be seen again by any member of his family. Was he imprisoned in the wilds of Siberia? They do not know. Was he massacred? They do not know. Is he alive? Still they do not know. This they do know, he never escaped, because he was a loving husband and a devoted father, and he would have come back to them. And they also know they were hurried out of the country and forced to flee to America. He reached here 27 years ago. He was still a lad. He gained the goal of his ambition, namely, citizenship, when he became of age, and he has reached other goals and attained other distinctions. But what is citizenship worth if it is coupled with humiliations. How can a man be proud of being an American citizen if he is not as good as a Russian Cossack? I mention this particular case, although there are hundreds, because I wish to impress upon you the true condition of affairs. Here is a man driven from the Russian Empire in his infancy; fleeing from the maddened Russian mob, from fire and rapine and torture and murder, with the bayonet and torch and bloody massacre in his rear, and freedom, liberty, and peace in front of him. He comes to this country, attains his citizenship only to be told by Russia that he can not come back because he had no right to leave there, but should have remained in the face of persecution and hardship. That they still regard him as a subject of Russia in spite of the fact that he is one of the foremost citizens of our land. That he can not go back to Russia in spite of his being an American citizen and holding the passport of these United States. How long. Oh! how

long will we permit this humiliating dignity to be perpetrated upon our citizens?

To me one of the darkest features of this question is the stand which our Government has taken. It "dissents" but practically admits its helplessness. It complains feebly and yet informs every humble citizen applying for passport that it is powerless to protect his rights. If I am correct in my contention, then our Government, in acquiescing quietly to the outrage, is practically aiding and abetting Russia in this atrocity; is particeps criminis to the wrong being done her own citizens.

Would Great Britain permit it? Would the German Empire tolerate it? Not in a single instance. If Russia is correct, then we are bound by treaty to a doctrine inconsistent with every principle and policy of our own republican form of government. A doctrine founded on a false interpretation of our Constitution and in dire contrast to the history of American diplomacy. She is either right or wrong. If wrong, then there can be no question as to the rectitude of our position when we terminate all treaty relations. If right, then there is all the more reason and necessity of ridding ourselves of a relationship so radically repugnant to our principles of government and so obnoxious and unjust to a large portion of our people.

Some say it is a grave matter and we should go slowly. It is a grave matter, one of vital importance; but the real gravity of the situation is the slowness with which we have gone about it. Is not 40 years a sufficient time for even Russian diplomacy? Many a man against whom this treaty operated has lived out his time and been gathered to his reward while waiting. Children have grown to manhood and womanhood, and young men have grown old since the first date of this contention, and a new generation of men have grown up and are at the helm of Government, and still these people are waiting patiently for the rights that are theirs. Yes; waiting patiently to have you take from their necks this yoke of humiliation and degradation. They have waited with all the patience of the traditions of their people. How long do you suppose this condition would have lasted if it had applied to Presbyterians, Baptists, and Methodists and this form of Russian hatred and animosity had been directed against these denominations? How long if it had been directed against the German Americans of these United States? Did you ever stop to consider the fine qualities of Jewish citizenship? Did you know that they have large associations formed expressly for the purpose of taking the Jewish emigrant in charge immediately upon his entrance into this country and teaching him to read and to write and to speak the English language, and at the same time indelibly impress upon him all the best there is of American ideas and principles and laws, or, in short, to make a citizen of him? Do you know that they have large societies operating in every part of the Union—societies whose sole purpose it is to see that none of their race become charges upon the public? How many Jews have you ever seen begging alms on the streets? Is it not true that you rarely ever see a Jewish criminal?

Did you ever stop to think that the major portion of the Holy Bible, that greatest of all law books, was recorded by Jews? That Saul of Tarsus, afterwards known as Paul, he whom Almighty God in His omnipotent wisdom saw fit to strike down on his way to Damascus and to make temporarily blind that He might use him to spread the gospel throughout the land—that he, the greatest preacher the world has ever known and whose name and teachings and preachings reverberate from every pulpit in every civilized country to-day—did you ever stop to think that he was a Jew? David, the mighty King of Israel, successful as a warrior and successful as a ruler; in fact, one of the greatest rulers ever known to man, was a Jew. Solomon, considered to be the wisest man the world has ever known, was a Jew. Moses, who led his people out of captivity and laid down upon tablets of stone those Ten Commandments which are beacon lights to the rectitude of our conduct and steer us to the goal of the hereafter, and which are the fundamental principles on which all the laws of civilized nations are founded, was a Jew. And so, too, in this day of modern civilization. Many of our greatest judges, and lawyers, and doctors, and teachers, and merchants, and preachers, and legislators, are Jews. But why belittle the question? Why discuss this feature which should have no bearing upon the issue? The very foundation stone of American citizenship is that principle which places us all upon the plane of equality and knows no creed. We look to the man and not to his creed and nationality. The sole question for consideration is, Shall we wait longer? Shall we abide our time and await further action on the part of our Government? Listen! In 1903 the Republican Party placed the following plank in its platform:

We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly coun-

tries, and we declare ourselves in favor of all proper efforts tending to that end.

In accepting his nomination for the Presidency, Mr. Taft, among other things, said:

The position which our country has won under Republican administrations before the world should inure to the benefit of everyone, even the humblest of those entitled to look to the American flag for protection, without regard to race, creed, or color, and whether he is a citizen of the United States or of any of our dependencies. In some countries with which we are on friendly terms distinctions are made in respect to the treatment of our citizens traveling abroad and having passports of our Executive, based on considerations that are repugnant to the principles of our Government and civilization. The Republican Party and administration will continue to make every proper endeavor to secure the abolition of such distinctions, which in our eyes are both needless and opprobrious.

And again in August of the same year he wrote the following letter to Mr. Jacob Schiff, of New York City:

HOT SPRINGS, VA., August 11, 1908.

MY DEAR MR. SCHIFF: I have your kind letter of August 3, and thank you for your congratulations upon my speech of acceptance. You can count on my giving special attention to the passport business should I be intrusted with the mandate of power.

Very sincerely, yours,

WM. H. TAFT.

In a speech made at Brooklyn the same year he used the following language:

No American passport should be subject to investigation beyond the certificate itself as to citizenship. I wish to say that nothing will appeal to me if I am elected more than the duty of devising ways and means to make an American passport cover every American citizen the world over. But you must not misunderstand me. I promise to use every effort on my part. How far I can succeed depends upon the future. Every effort is being made now, and what I desire to emphasize is the sincerity of the promise in the Republican platform.

Just two weeks after this, in New York City, he said:

But that national prestige must be used not only for the benefit of the world at large, but for the benefit of our own citizenship, and therefore as we gain in international prestige we ought to assert our insistence that our passports certifying our citizenship should secure to every man, without regard to creed or race, the same treatment, the same equality of opportunity, in every nation on the globe. Now, this is not a matter with respect to which promises of immediate accomplishment can be made, but of this you can be certain—that if you commend the administration of Theodore Roosevelt by electing a Republican administration to succeed his, that administration will continue to press that question until the certificate contained in an American passport shall have the effect that it ought to have.

And once more did the President, during his carefully prepared inaugural address, reiterate these promises which had been made by his party and himself before the election. Now, I presume these promises were honestly made and in good faith, and, such being the case, I must conclude every possible effort has been made to carry them out, and that after three years of honest effort, aided by the very able and distinguished Secretary of State, it has all resulted in failure. It seems to me, therefore, there is nothing left for Congress to do, and it is incumbent upon us to act and act promptly, decisively, and unanimously.

Have we the power? Undoubtedly.

The precedents are there in plenty.

As early as 1798 Congress abrogated treaties with France. A treaty with Belgium was terminated in 1858, and another was terminated with the same country in 1875. The treaty with Brazil was terminated in 1841, with Chile in 1850, and another with Great Britain terminated in 1871—and also with Mexico, "Ottoman Porte," Peru, Venezuela, and other countries.

In fact, there can be no question of our power to abrogate. Our courts have held, and properly so, that treaties are merely contracts and may be amended, modified, or annulled at any time. In the *Head Money* cases (112 U. S. Stat., 598) the court used the following language:

In short, we are of opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

Now, then, I have shown you that this treaty, entered into with good faith by our Government, is being violated; that we have done all in our power to enforce its terms; that we have plead in vain; that there is nothing left but abrogation; and that Congress has the power to abrogate. Is there any reason why we should longer continue in this attitude of submission and humiliation? It has been suggested it would injure us commercially, and we should not rudely cast away our Russian business. I can best answer this question by quoting from a letter of Judge Sulzberger to President Roosevelt upon this subject. He said:

The commercial disadvantage to us of the expiry of the treaty of 1832 is not appalling. International trade, like all trade, is not in its bulk based on favoritism but on mutual interest. We can not sell what Russia does not want, nor do we buy what we do not expect to use advantageously for ourselves. The laws of commerce will in the end prevail over mere fancies or momentary estrangements.

But suppose we do lose Russian trade by our action in this matter; what does the few millions of trade with Russia amount to when considered in connection with the vast number of millions represented by the earning capacity of the Jewish population of this country? And, after all, what does any or all of it amount to when considered in connection with the honor, integrity, and dignity of these United States? Let us abrogate this treaty. Let us teach Russia that an American citizen is to be respected the world over, and at the same time advertise to the world that we know no difference in our citizenship, but still cling to the traditions of our fathers and revere all of those old principles of theirs, which place us upon a plane of equality regardless of birth and creed.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. STEDMAN].

Mr. STEDMAN. Mr. Speaker, to preserve inviolate the obligations imposed by a treaty, to sacredly carry out engagements honestly made and entered into, regardless of the result, is the code of morality of all governments in this age of civilization. In truth, in every age the observance of the sanctity of treaties has been confined to no one nation or people. Few governments have been willing to defend a violation of good faith. For what rights will be held inviolate if truth and the honor of one's country are sacrificed to policy, self-interest, and gain? It would justly and properly be offensive to the Members of this House if a suggestion should be made which contemplated the violation in spirit of any treaty entered into by this Republic, whose life depends upon the education, morality, integrity, and virtue of all its people.

May the day never come when this Government shall forget its pledged faith to any nation. So mighty is the force of public opinion that the instances have been rare where any people holding an honorable position among the nations of the world have deliberately violated the sanctity of a treaty.

I can recall no instance of more flagrant and inexcusable breach of the terms of a treaty by one of the contracting parties than will be brought to the attention of this House by the resolution now pending.

During the administration of Andrew Jackson, James Buchanan was sent as United States minister to Russia. On December 18, 1832, the treaty which is now under consideration was signed by Buchanan representing this country and by Nesselrode representing Russia. On February 22, 1833, it was forwarded by President Jackson to the Senate and five days thereafter was agreed to by a unanimous vote. On May 11, 1833, ratifications of the treaty were exchanged. Until after 1865 no serious question was ever raised as to the true interpretation of the treaty, when Russia claimed such a construction of the first article of the treaty as could be recognized by no citizen of this country who values its institutions and loves its renown.

Article 1 of the treaty of 1832 with Russia reads as follows:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Russia has violated the treaty by construing that part of article 1 which says that the inhabitants of the respective States—

Shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce—

to mean that American citizens of Jewish faith are subject in Russia to the same restrictions that Russia imposes upon Russian inhabitants of Jewish faith, by declining to permit American citizens of Jewish faith to sojourn and reside in Russia in order to attend to their affairs and to enjoy the same security and protection as non-Jewish native Russians, and by refusing to honor American passports issued to American citizens of Jewish faith.

In accordance with this construction Russia has required its consuls within the jurisdiction of the United States to interrogate American citizens as to their race and religious faith and has denied to Jews authentication of passports to be used in Russia. For more than a third of a century Russia has followed a policy based upon this construction of the treaty, a construction which utterly ignores a fundamental right of American citizenship, a construction which, so long as it is tolerated and acquiesced in, is an insult not only to every Jew who dwells within the borders of this Republic and claims by

right of citizenship its privileges and blessings, but to each and every one of its citizens regardless of his race, his ancestry, his blood, or his religion, a construction which disregards the right of freedom of religious belief, a fundamental doctrine to which this Government is pledged, and which it will never surrender so long as its Constitution is respected and obeyed and the admonitions of our fathers revered.

Where can authority be found for such a construction of the treaty? It will be found alone in the selfish policy of Russia, which has characterized that Government in its official intercourse with other nations, and which has become both historic and infamous.

In the Constitution of the United States, paragraph 3, Article VI, it is provided:

The Senators and Representatives before mentioned and the members of the several State legislatures and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Then an amendment to the Constitution provided that—

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

The rule of interpretation of treaties has been distinctly and clearly set forth by the Supreme Court of the United States in *Geofroy v. Riggs*, 133 U. S., 271:

It is a general principle of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

There is no rule of interpretation applicable to treaties or to private contracts which would authorize either of the parties thereto to make exception by construction. None such can be found. *Society for Propagation of Gospel v. New Haven*, 8 Wheaton, 464, 488, 489. *Rhode Island v. Massachusetts*, 12 Peters, 722. These authorities were cited by Louis Marshall, Esq., in an admirable address delivered before the Council of American Hebrew Congregations, in New York, January 13, 1911. Others to the same effect could be readily presented for your consideration.

In no line or word of the treaty can be found warrant for the belief that it was ever intended that discrimination should be permitted against any class of American citizens.

In construing the treaty due regard must be had for surrounding conditions at the time of its execution. The strict letter of our Constitution and the spirit of our institutions were well known to both contracting parties, and it is impossible to conclude that they supposed or intended that the privileges of the treaty could be denied to the citizens of either country because their religious faith was not acceptable to the country which they desired to enter.

In Kent's Commentaries this language is used with reference to the construction of treaties:

Treaties of every kind are to receive a fair and liberal interpretation according to the intention of the contracting parties, and are to be kept with the most scrupulous good faith. Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts.

It is past belief that the United States would give to all Russian citizens the right to travel and sojourn in our territory, whereas American citizens of a certain religious faith were denied the right to travel and sojourn in Russia. Who will say that James Buchanan, our minister at St. Petersburg, ever negotiated a treaty with an exception in it which deprived those of Jewish faith of the rights accorded by the treaty to all other classes of American citizens? What think you Gen. Andrew Jackson, the President, would have said to such a proposition? His remarks would have doubtless been entertaining, if not gentle and polite. The history of the negotiation with reference to this treaty will show conclusively that the question of the Jewish faith, afterwards interjected by Russia, was a mere pretext, and at the time the treaty was executed was not in the minds of either of the contracting parties. Any official of this Government connected with the negotiation of this treaty who should have been so derelict in his duty as to have allowed just cause for such a misconstruction as is now and has been for nearly 40 years placed upon it by Russia would have merited and received the universal scorn and contempt of his countrymen.

The proper construction of this treaty, and one from which this Government has never deviated, was declared by the Committee on Foreign Affairs of this House in 1892—in words

which find a responsive echo in the hearts of the entire American people:

Our Government can make no distinction based on creeds or birth-places of its citizens, nor can it permit such distinction to be made by foreign powers. Not the religion nor race of a person but his American citizenship is the grand test of the treatment he shall receive and the rights he shall enjoy in other countries.

The practical construction placed upon this treaty by both parties from the time it was executed for a period of nearly 30 years, affords the highest evidence of their intention and removes any doubt as to the meaning of its terms, if any honest doubt ever actually existed.

From 1832 to 1860, except in a few sporadic cases, no question was raised by Russia as to the validity of American passports given to Jews, and legal ingenuity will search in vain for any justification of the violation of the treaty such as has existed notoriously since 1865.

In 1881, Hon. James G. Blaine, Secretary of State, addressed a letter to Mr. Foster, our minister to Russia, explaining the views of the American Government in the following language:

It would be, in the judgment of this Government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the Empire might operate to hinder an American citizen, whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts which, under Russian law, may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme, and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their confirmed judgment that where a treaty creates a privilege for aliens in expressed terms it can not be limited by the operation of domestic laws without a serious breach of good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens of another State exists, the law governing natives in like cases is manifestly inapplicable.

In the case of Kutner, concerning whose religious faith the Russian Government made inquiry, Mr. Blaine's already great reputation was advanced by the following statement made by him:

In reply, the representative of the United States was instructed that in conveying the inquiry of the Imperial office to Mr. Kutner the Department of State found itself unable to interrogate him as to the religion professed by him, inasmuch as the Constitution of the United States prohibits the application of any religious test whatever in respect to our citizens. In dealing with all this class of cases the department has scrupulously abstained from taking official cognizance of the religious faith of any citizen. It can not inquire into it as a fact and it can neither affirm or deny that an individual holds a particular creed.

This statement, so admirable in sentiment and so in accord with the genius of our institutions, together with his letter to Mr. Foster, was worthy of his great ability. Neither has ever been successfully answered by the Russian Government and never can be.

Every Secretary of State since 1860 has repudiated and disavowed in unmistakable language and terms the construction placed upon the treaty by Russia, and has declared that it was the intention of the United States that all its citizens should receive equal treatment without any discrimination.

To one and the same effect have been the statements made by Mr. Cassius M. Clay, our minister to Russia, in 1867, by Messrs. Evarts, Bayard, and Olney, Secretaries of State.

Time and again has this House passed resolutions expressive of its views in favor of equal treatment of all its citizens under the treaty of 1832 with Russia. In 1909 both Houses of Congress passed the following resolution:

Resolved, etc., That the President of the United States be, and is hereby, directed to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision that the honoring or viséing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

Nor has public sentiment been quiet under the monstrous wrong which for so many years has been perpetrated against one class of our people on account of their religious faith. In response to popular sentiment, which has been deeply aroused by the insolent and unwarranted conduct of Russia toward American citizenship in connection with this treaty, both the great political parties of this country have spoken in no uncertain terms.

In 1904 the Republican national convention embodied in its platform these words:

We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and we declare ourselves in favor of all efforts tending to that end.

In 1904 the Democratic Party, in its national convention, declared in part as follows:

We demand that all over the world a duly authenticated passport issued by the Government of the United States to an American citizen shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

Memorable words, worthy to be read in the platform of the great party which is now and forever will be ready to maintain inviolate the honor and glory of American citizenship.

Why stand we here idle? How long shall our patience be abused? How long shall a fundamental principle of this Republic—a star of hope, of rest, of promise to the weary in many lands—be ignored and trampled upon by Russia under the hideous pretext afforded by a false, illegal, and unwarranted construction of a treaty so plain in its terms that he who runs may read?

The day and the hour have come when this burlesque should be ended. Too long already, far too long, has the affront to our Government, to its self-respect, to its dignity, to its honor, been allowed.

This House owes a duty to the whole American people, not to the Jew alone, for it is not a Jewish but an American question. The resolution should pass promptly, without a dissenting voice. When the honor of our country is at stake, when the integrity of its citizenship is assailed, we are neither Democrats nor Republicans; we are all Americans, and forget for awhile questions of party strife and party advantage.

The treaty of 1832 with Russia should be denounced, put an end to, and in pursuance of that purpose the 12 months' notice which is required should be immediately given.

Speaking for myself, I would go further. The treaty of 1887 should be denounced also, and the six months' notice required for ending that agreement, which refers to extradition, which is of benefit to Russia and of little or no interest to us, be also immediately given. Let Russia—and not alone Russia, but the entire world—know that no nation from the rising to the setting sun can negotiate or have a subsisting treaty with this Government which fails to give all its citizens the same rights and privileges, regardless of their religious faith.

I have seen it stated that the denunciation of the treaty of 1832 with Russia would cause some financial loss to this country. I am informed that our exports to Russian and imports from Russia for the year 1910 aggregated less than \$40,000,000. If the figures given be correct, it is safe to say that the profits derived from this traffic would not exceed \$5,000,000. Suppose the profits were \$500,000,000. Is any American citizen willing to barter the blessings of this free land, which belong to all of its children alike, for any price sufficient even to satisfy the dream of avarice?

But it has been said by some that the contention with reference to passports as involved in the treaty of 1832 is a question which involves the rights of Jews alone. It is not true. It involves American citizenship and all that it implies in its broadest sense. If, however, it were a Jewish question alone, who can be found to say that our duty to denounce this treaty is in the slightest degree less imperative as a question of national honor? When American citizenship is assailed by an unjust, illegal, and unwarranted denial of rights under a treaty to any class of citizens on account of their religious faith, what is the difference whether the religious faith thus assailed be that of the Presbyterian, the Methodist, the Catholic, or the Jew?

Who is this Jew whose rights as a citizen we are asked to ignore and disregard? Amongst our people he has ever been a conservative force. He has never attempted to disturb existing conditions. His influence has been healthful, and his life has been distinguished for charity, benevolence, and philanthropy.

His record compares well with any other class anywhere. The history of no race of men, from the early dawn of time, is so full of wonderful events; is so connected with the advance of civilization; is so gilded with strange romance; is so blessed with heroic memories; is more closely allied with the highest truths of science. No race has contributed more to the civilization, prosperity, and happiness of humanity or has survived so much suffering without a surrender of manhood.

Persecution and oppression have enobled the character of this people, and they have been led thereby toward greater efforts for moral and intellectual growth. Suffering is necessary to purify both individuals and nations. No man or woman ever reached the high degree of excellence to which their nature might aspire unless exalted by sacrificial fire, and these people, more than any other in the world's history, have exemplified this great truth.

Forty centuries have witnessed their struggle. In spite of dispersion and oppression, which robbed them of the simplest

rights of man, the very right to live, the development of their intellectual life has been continuous, and has preserved for other nations the foundation and basis of morality. They have furnished names renowned as philosophers, musicians, sculptors, and scientific physicians.

They have preserved a community of faith and ideas founded on an intellectual and moral life, which has ever distinguished them and has made them an example for the civilized world. If there be heroism in endurance, in patient fulfilment of duty, in earnest endeavor for good, then Jews have lived heroic lives. In our own land they have proved themselves worthy of American citizenship in its broadest sense and all that it implies. Nor shall they be robbed of its blessings unless this Congress forgets its duty and fails to uphold one of the fundamental principles of government which is the glory of our common country.

Has Congress the legal right and power to enforce the provisions of the pending resolution? No respectable lawyer, who has given careful investigation to the question, will say to the contrary.

But it is suggested that the condition of the Jews who live in Russia might be made worse. Impossible. The Jew has fought for his existence against the Egyptians, Assyrians, Babylonians, and Romans, but through all the dreary ages of his wandering and his suffering he has never met brutality and cruelty so completely personified as in his Russian tormentor. Or, again, the American Jew might never be allowed in the future to visit Russia. The Jew who has any great desire to enjoy the hospitality of Russia and its people, ought to have but one home—the lunatic asylum.

What, then, is the benefit to be derived from the abrogation of the treaty of 1832 with Russia? The everlasting joy and happiness which come to all who dare to do right and keep faith with their conscience. The enthusiastic fervor which will rejoice the heart of every patriot who loves the institutions of his country when he knows that national honor and integrity have been sustained and have triumphed after a long fight against the wiles and stratagems of cunning and duplicity.

The adoption of the Sulzer resolution is demanded by the highest sense of duty. The treaty of 1832 with Russia should be abrogated at once, unhesitatingly, joyously, and gladly by the united vote of all. Such action will ring like an electric shock around the world, carrying to every American citizen, whether Jew or Gentile, wherever he may be, on land or sea, the glad tidings that the Republic still lives with the glory of its citizenship undimmed, unstained, unrivaled, and without a price. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, the question at issue in the resolution before the House is not a new question. It is a question upon which so much has been written and said that there is probably no Member of the House who is not familiar with its every detail or who needs either information or advice regarding it. For a generation liberty-loving American citizens have been protesting in vain against a situation which to every man who loves America and who believes in her greatness, has been intolerable. I do not therefore propose to make a long and detailed statement of the situation in all its historical phases, but simply wish to express as fully and as deeply as I can the feelings of one American citizen to whom this question is a deep, vital, and, if I may be permitted to say so, a personal question.

Mr. Speaker, I know of no greater honor that can be bestowed upon any man in the whole wide world than the honor of being an American citizen. Thousands of angry bayonets; thousands of precious lives; hundreds of bloody battle fields have wrested the priceless boon of equal citizenship from the jealousy and power of despotism, and if to-day we are not obliged to fight for citizenship, we are at least obligated to retain that citizenship in all its original power and glory. It is this citizenship, Mr. Speaker, that has been, is, and unless some strong measure be adopted, will continue to be menaced by the action against which we so earnestly and solemnly protest. Unless the American citizen shall be accorded the absolute protection of his country wherever he may travel his standing as a citizen must be impaired even in his own country.

It has been the policy of the United States of America from the very beginning of her existence as a Nation to confer the right of citizenship, with all its privileges and powers, not only upon those who were born within her borders, but to any and all who may come from far-off lands to seek protection under the Stars and Stripes. They have come to us, the oppressed and downtrodden, the poor as well as the wealthy and intelligent when they felt a longing to live in a country where, in the words of the immortal Jefferson, "all men are created free and

equal," and under the inspiring influence of our social and political life they have been amalgamated into a citizenship which is equal, aye, superior to that of the proudest cities and states that history knows.

Upon this principle of equality and liberty—a principle as firm as the Rock of Ages—our country has endured for over a century, increasing in power and prosperity, while throughout the world thrones have fallen, dynasties have died, and nations have been eliminated from the map of the world. The right to naturalize foreign-born citizens, Mr. Speaker, was never granted willingly to this country, but was paid for by the expenditure of priceless blood and treasure. The bloody War of 1812 with Great Britain was largely the result of England's refusal to consider the rights of naturalized British subjects, but the principle triumphed, and in every civilized country of the globe, but one, it has come to be recognized that section 1999 of the Revised Statutes of the United States is, in deed and in fact, good and sound international law. We plead to-day, Mr. Speaker, that the principle shall continue to prevail; that the brave tars who fought under Commodore Perry at Lake Erie, the gallant followers of Jackson at New Orleans, and the countless heroes who bled and died shall not have died in vain.

PASSPORTS.

In glancing over the passport question it sometimes appears strange that, although the treaty between Russia and this country was made in 1832, it was not until 1865 that any question arose between the United States and Russia as to the interpretation of the terms of the first article of the treaty. But by that time the attitude of the Russian Government in Russia itself had changed toward her Jewish subjects, and because, forsooth, Russia changed her attitude generally toward a large number of her own subjects, she, with an entire disregard of every possible dictum of international law, insisted that a friendly country, who had no sympathy with such a policy, change its entire attitude to suit her internal policy.

After 1865, for 12 years or so, a few cases came up, probably only a few, because it was not so general for people to travel abroad in those days. But in 1880 the question became acute, and after that time there was a long series of protests by brilliant Secretaries of State of both political parties, among them James G. Blaine, Thomas F. Bayard, Richard Olney, and others, who protested vehemently against Russia's iniquities. Numerous resolutions in both branches of Congress of the United States show plainly that the temper of the American people was being aroused to this intolerable situation, and it has finally culminated in the resolution which is before the House to-day. It is difficult to understand how there can be, or ever could have been, any question as to the right or the justice of the protest we voice to-day in the matter.

And while it is not my intention to reflect upon the patriotism or statesmanship of anyone who has reached the high honor of being Secretary of State, it is still a fact that in recent years little has practically been done through the channels of diplomacy to impress the Russian Government with the importance of this question, and I fear very much that if it had not been for the persistent resolution and patriotic endeavors of the large and influential body of American citizens nothing would have been accomplished. I wish I had the time to go deeply into the history of the many iniquities that Russia has practiced in this matter, but I believe that to most people who have studied the question at all, the record is so well understood and Russia's guilt so well established that it is hardly necessary to call witnesses to prove the case.

I am loath to believe, Mr. Speaker, nor am I ever ready at any time to impugn the motives of any man or set of men, and I would dislike to believe, what has been said more than once, that "commercial interests are back of any opposition to the proposed abrogation of our treaty with Russia." We are a commercial nation; we are a nation of business people, and we are striving and will keep on striving to conquer the markets of the world.

But, Mr. Speaker, deep in the hearts of every American citizen there is a sentiment stronger than any business sentiment, and I believe I voice the sentiment, not only of every man in this House, but of the majority of the men of America, when I say that in any question of public policy our Americans are never ready to place the dollar above the man.

Even if it were a fact that the only ones who had suffered were Americans who belonged to the Jewish race it would still be a vital question for all America. For, while the Anglo-Saxons, Irishmen, Frenchmen, Germans, and Scotchmen, and all the other races have helped to make this country the great and glorious country that it is, I certainly feel safe in saying what no fair-minded man can gainsay who has studied the history of his country, that the Jew has contributed his full share toward

the development of this country and the fulfillment of its imperial destiny, and, Mr. Speaker, that history goes very far back.

There is a picture on the Senate side of the Capitol Building illustrating the recall of Columbus to the court of Ferdinand and Isabella from whence he had gone discouraged and disheartened at the cool reception he had received. His recall to the court was made at the suggestion of a Spanish Jew, and the expedition that discovered America was financed by Jewish gold. The first white man who stepped upon the soil of the New World was a Jewish sailor. Through all the history of our colonies we find evidences of the thrifty, industrious, and intelligent Jew. One of the first great merchants of the eighteenth century was Aser Levy, who traded with the Indians and of whom it may be proudly said by his descendants that he was actually worshiped by the red men for his fair and just dealings with them. As soon as the bright spirit of liberty dawned on the New World among the first to join the ranks of the liberty-loving men of 1776 were hundreds of American Jews. The nonimportation act of 1765, which was really the first organized movement in the agitation for separation from England and was the forerunner of the glorious Declaration of Independence, contained 10 Jewish names, amongst which I may be pardoned for stating with some pride was that of a great-grandfather of mine. The list may be extended, Mr. Speaker, until the mere mention of the names would take too long. But in every walk of life, in every State in the Union, there are Jewish names that shine with the luster of a patriotic honor and dignity unexcelled by any other race.

Soldiers whose valor was tested on many a bloody battle field; statesmen whose wisdom has helped to build many an important enactment; judges and jurists of unparalleled legal ability; merchants of unimpeachable integrity; scholars and artists; and above all the large number of Jews in humble walks of life; millions of law-abiding, industrious, thrifty, and moral citizens who rear their families, take care of their poor, honor their parents, and love and venerate the flag under which they live. And it is these people, Mr. Speaker, against whom a prejudiced despotism has for years directed its injustice.

It makes no difference to them whether the man was born here or whether he was naturalized. Colleagues of mine on the floor of this House, men whom large constituencies of intelligent American citizens have sent to represent them in the greatest legislative body in the world; judges who have been elevated by the votes of American citizens to that exalted position on the bench; these are the people who Russia treats almost as though they were criminals and outcasts.

I believe, Mr. Speaker, the day of these iniquities has almost passed. I believe that to-day it is not alone the four or five million people of the Jewish blood in this country, but that back of them are 90,000,000 sturdy American citizens who are ready to say in no uncertain tones to the whole world, and to Russia in particular, that an American citizen is an American citizen wherever he may go, from the North to the South Pole and all the way around the Equator, absolutely certain that in all his journeys the protecting folds of the Stars and Stripes are a better armor and a stronger breastplate than ever before to shield him from injustice.

Believing this, Mr. Speaker, we cheerfully submit our case to the sense of justice and patriotism of the American people as they are represented here to-day in the House of Representatives of the United States. [Applause.]

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, the resolution for the abrogation of our treaty with Russia, which comes before us for adoption, is one in which many citizens of the city of Baltimore in particular and the State of Maryland in general are largely interested.

We have with us in the city of Baltimore many Jewish citizens who are men of great prominence, men of great ability, men of great wealth, who are great artisans, toilers, and workers, which has been of wonderful and material help in making Baltimore one of the leading cities of the Atlantic seaboard. Not only are our Jewish citizens successful people in business, financial, and commercial lines, but we find them interested in all charities, in all works, in all enterprises, regardless of creed or race, tending to the uplift of our people and the upbuilding of our city.

We do not, however, in the city of Baltimore and in the State of Maryland, look upon this question as a Jewish question; we look upon it in the broader sense as an American question—as a question which involves one of the very principles upon which our Government is founded. Not only does Russia refuse to those of Jewish extraction visé to the passports issued by

this Government, but Catholic priests, clergymen of other denominations, missionaries, and persons of that class are likewise discriminated against.

In Maryland we pride ourselves upon religious freedom. It was in that Commonwealth that religious freedom, the right to worship God according to the dictates of one's own conscience, was first declared, and its promulgation on the banks of the St. Marys River, not far from this, the capital of our country, is a matter of history. That declaration of religious freedom permeates all parts of this country, and, I might say, the very remotest corners of the globe. So to Maryland and its citizens the question of religious freedom is one of vital importance. Baltimore has been for many years the home of that great premier American cardinal and the head city of the Catholic Church. Likewise it has been the home of many clergymen and teachers of other denominations, all of whom are firm believers in that early principle of religious toleration enunciated when the State was but a small province.

America is regarded by the world at large as a country of great resources; not only the resources of wealth and property, but resources of brain, muscle, inventive genius, and the like, and it seems to me un-American that we should stand by idly and see any of our citizens refused the visé of their passports by a Government which has entered into a treaty with the United States, the terms of which are so plain that they admit of no other construction than that our citizens and inhabitants shall have equal right to travel and sojourn in Russia without regard to race or creed and with a full guaranty of protection under the law.

I hope to see the day when a man bearing the passport of our Government can proudly boast that he is an American citizen, and will receive the same consideration and scrupulous respect for his rights given in olden days to the man who could with pride declare, "I am a Roman citizen." When we fail to insist upon that protection to which every American citizen, regardless of his race or creed, is properly entitled, we are not living up to the principles enunciated in that great and hallowed document known as the Constitution of the United States, under whose extended wings the oppressed from every nation of this world have sought protection and reared their homes. [Applause.]

Mr. Speaker, it has been my pleasure to travel through the various countries of Europe, including Russia. On one of these journeys I met a gentleman of the Jewish race who hailed from Philadelphia. We formed quite a friendship, becoming of mutual assistance to one another, particularly so as he spoke several languages. When we reached the city of Stockholm, not thinking of his race or creed, I said: "Why do you not go on to Russia?" "I do not know that I would be admitted there," was the reply.

My own passport had been viséed in London, my race and creed being satisfactory to the Russian consul, but there at Stockholm I was compelled to part from my American friend, a man who was as much entitled to the protection of this country and who had as much right, as an American citizen, to be allowed to travel and sojourn in Russia as I had. [Applause.]

And so I say, Mr. Speaker, since Russia has for more than 40 years, under one pretext or another, discriminated against certain classes of our citizens and has persisted and still persists, despite our repeated and vigorous protests, in refusing them equal rights under this treaty, which is the law of the land, it is now the bounden duty of Congress to pass this resolution giving notice of our intention to abrogate the treaty of 1832, and I sincerely hope that this resolution will pass.

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I have listened to this debate with profound interest. Certain classes of native-born and naturalized citizens of the United States are denied by Russia the right to sojourn and travel within her borders.

Does anyone for a moment question the fact that our people would never have entered into this treaty had Russia openly avowed at the time of the making thereof the construction which she now places upon the treaty? Under no circumstances would we to-day make with Russia, or with any other country, a treaty which avowedly permitted such discriminations as Russia now makes and claims she has the right to make against certain classes of our citizens. This being the case, the treaty, as misconstrued by Russia, should, and of right ought to be, terminated.

It has been said that if the treaty is abrogated our commercial relations with Russia will be affected. But our commerce with Russia is insignificant compared to the great volume of our trade with the rest of the world. Russia only furnishes 1½ per cent, I think it was stated before the committee.

But, Mr. Speaker, I shall vote in favor of this resolution because I do not think that the question is, "How much will it cost us in dollars and cents to do what is right," but rather "How much will it cost us if we fail to adhere to the principles upon which this Government was established."

This age is given over largely to commercialism, but I do not think that we have lost entirely the higher and patriotic sentiments handed down to us by our forefathers. [Applause.]

I want to read here a paragraph from the able address of Hon. Rufus B. Smith, president of the Cincinnati Bar Association, delivered recently on this subject:

The question is whether we propose to be true to one of the great principles of this Government, or whether we are to barter it away for a mess of pottage? Are we to place the dollar above the man? Are we to consent to a stigma being placed on American citizenship if only we can make a few dollars out of it, or are we to say to the world that every citizen of honest character and good report shall receive equal treatment at the hands of foreign nations, and that an insult to one class is an insult to all?

Every great movement in the world has been led by some man or men or by some people or nation who placed principle above material considerations. This very Nation grew out of a revolution which refused to pay a small stamp tax because its payment involved a great principle.

Emerson has somewhere said that in the course of time the whole world moves around to the man who stands true. If this aphorism is true of men, it is true of nations, which are but aggregations of men. But whether true or not, let us be true to ourselves and our principles, and true to those among us upon whom it is sought to place an undeserved stigma, and let the consequences take care of themselves.

The passport question to Russia is generally regarded as a Jewish question, but it is not entirely so. For not only the Jew, but also Catholic priests and Protestant missionaries are excluded from Russia.

This, therefore, is not solely a Jewish question, for the Jews are not the only people who are discriminated against. Clergy of all denominations are discriminated against and have been for the past 30 years. A Catholic bishop, of Scranton, Pa., was, only a few years ago, prohibited from entering Russia for only a two days' visit.

But, Mr. Speaker, I do not urge this action on the ground that it is a Jewish or a Catholic or a Protestant question. I make the appeal for the reason that here is involved a question of American citizenship. I make the appeal on the ground that Russia, in violation of and by misconstruction of the treaty, discriminates against some American citizens.

I say, let the treaty be abrogated. Let the notice issue—and if, as a result of such notice, Russia declines to enter into a supplemental treaty by which the rights of all American citizens are recognized without regard to their religious beliefs, then, I say, every consideration that should appeal to an American demands that this treaty be terminated.

If such a course is followed, its moral effect can not be estimated, for, quoting again from Judge Smith, "no nation can afford to affront the enlightened moral sentiment of the world." [Applause.]

Mr. KENDALL. Mr. Speaker, I hope I do not underestimate the serious importance of the action which the House, by this resolution, is invited to adopt this afternoon. It always is a grave matter when one great State considers the termination of friendly connections with another, and I think that in this exigency we would not be justified in calculating the advantage or disadvantage, the propriety or impropriety of severing our relations with Russia if the circumstances were not so persuasive as they are.

But unless the Government of the United States has alienated all the virility which it possessed at its organization it will compel Russia to discontinue her discriminations against American citizens of Jewish extraction or it will summarily suspend all treaty relations with the Empire of the Czar. The situation we are assembled to consider is aggravated beyond endurance and its adjustment can not be further postponed without a confession of our own utter impotency. We have forborne until forbearance has ceased to be a virtue. We have delayed until dilatoriness has come to be a crime. The indignities of which we complain are not embraced in a single outrage perpetrated in an isolated instance. They constitute a series of humiliations extending through a period of nearly two score years, which, when thoroughly comprehended, have been generally condemned. The legislatures of 19 sovereign States have urged that the national authority be asserted. The pulpit, the press, the platform, all the influential organs of public opinion in our land have insisted that the dignity of the Republic be maintained. The people themselves, with undivided voice, from ocean to ocean, have decreed that American citizenship shall be vindicated in the exercise of all its constitutional prerogatives, here and everywhere. Both the great political parties have spoken on the subject. The Republican national convention at Chicago in 1908 announced:

We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the

unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and we declare ourselves in favor of all proper efforts tending to that end.

The Democratic national convention at Denver in the same year declared:

We pledge ourselves to insist upon the just and lawful protection of citizens at home and abroad and to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of law and the enjoyment of all rights and privileges open to them under our treaties; and if, under existing conditions, the right to travel and sojourn is denied to American citizens, or recognition is withheld from American passports on the ground of race or creed, we favor prompt negotiations with the Governments of such countries to secure the removal of these unjust discriminations. We demand that all over the world a duly authorized passport, issued by the Government of the United States to an American citizen, shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

But more than three years have elapsed, and no substantial redress has been accomplished. We have petitioned, and our petitions have been answered by evasion. We have remonstrated, and our remonstrances have been defeated by subterfuge. We have protested, and our protests have been avoided by deception. The time for petition is gone. The day for remonstrance is past. The hour for protest is ended. The moment for decisive action has arrived, and we are here to register the ultimatum of an aroused electorate that simple justice shall be enforced from Russia in her attitude toward the American Jew. [Applause.]

In 1832 we entered into a solemn convention with Russia, containing, among others, the following stipulation:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

For half a century that provision was faithfully observed by the Russian Government, but since 1882 it has been persistently, notoriously, and defiantly violated by the autocracy of the North. For 30 years that Government has refused to recognize official passports issued by our State Department, when presented by a Jew, no matter how successful in business, no matter how celebrated in literature, no matter how distinguished in affairs, no matter how eminent in citizenship he may have been. And this is an infamy to which we will not further submit.

Of course, Mr. Speaker, we in this country recognize no distinction in respect to race or creed or religion.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. KENDALL. Well, I yield for a question, but I am going to be limited in time, I think.

Mr. MOORE of Pennsylvania. Will the gentleman tell the House something of the evidence presented before the Committee on Foreign Affairs in regard to the failure of Russia to observe its treaty obligations with respect to the Jews?

Mr. KENDALL. The difficulty is that Russia insists upon a construction of the present treaty that no American citizen with any pride in his citizenship can assent to. Now, the gentleman, I think, is inquiring about concrete instances of exclusion.

Mr. MOORE of Pennsylvania. I thought the gentleman might tell us what the evidence was—what information the committee had before it as a basis for bringing in the resolution.

Mr. OLMSTED. If the gentleman will permit me to ask him a question before answering that—

Mr. KENDALL. I yield.

Mr. OLMSTED. That is, whether, in your judgment, as a result of the hearings by your committee there has been a plain, willful, intentional, and manifest violation of the treaty by Russia, or a misconstruction of it?

Mr. MOORE of Pennsylvania. I think, in answer to that question, we may all have our belief in regard to it, but we have not had a concrete statement from the committee.

Mr. KENDALL. I will give a concrete instance. If this treaty means that an American citizen of Jewish or Catholic or Protestant faith shall be guaranteed the right to enter the territory of Russia, then Russia has been guilty of a palpable violation of its provisions.

If it means that Russia may reserve to herself the authority to exclude a certain class of citizens and admit a certain other class, and that in pursuance of that right Russia has excluded Jews, Presbyterian divines, Catholic priests, and Baptist missionaries, then Russia's construction of that treaty has been correct and she is not in default. Now I go to the question

suggested by the gentleman from Pennsylvania, and it is a very pertinent question. Has there been in fact an exclusion? Has Russia insisted upon this discrimination against Jews because they are Jews? The record in this case as submitted by the Committee on Foreign Affairs is full of information and enlightenment on that subject. This is not a new question which confronts the Congress at this hour. The State Department has been in correspondence with the department of foreign affairs in Russia for 30 years in an effort to induce that department to promulgate an order which would relieve the Jews of this country from the discrimination which has prevailed. Here is one instance of abuse: We had before the Committee on Foreign Affairs Mr. Harry Cutler, of Providence, R. I. He is a gentleman of Jewish extraction. He is now a manufacturer in the city of Providence; has been, I think, for three terms a member of the General Assembly of the State of Rhode Island; and is a lieutenant colonel on the governor's staff. I assume he is a man of standing and responsibility and credit in the community in which he resides. About a year ago the governor of Rhode Island appointed him as an agent of that State to travel through European countries with the representatives of the Boston Chamber of Commerce for the purpose of soliciting business and establishing friendly commercial relations with the traders of the Old World. Mr. Cutler concluded, in pursuit of his appointment, to visit Russia, although that was not in the itinerary of the proposed junket. He applied to the State Department and secured a passport under the authenticity of the United States Government.

Now, when an American citizen applies for a passport he must furnish his age, his height, his weight, and other certain personal characteristics of himself, but no interrogatory is submitted to him in reference to his creed or his religion. And so a passport in proper character was issued to Mr. Cutler, this manufacturer, this American citizen, this responsible business man in the city of Providence. He went to New York City, because it is a rule of the Russian Government that no passport from any country will be recognized until it is viséd by a Russian consul. So Mr. Cutler, armed with his passport, approached the consul at New York City and presented it, and the consul asked him his name, his age, his religion, and upon Mr. Cutler's refusal to disclose the fact that he was a Jew the consul refused to visé his passport. It developed in the inquiry before the Committee on Foreign Affairs that Mr. Cutler's father had disappeared at the time of the Russian massacres; that he, with his mother, had escaped to this country when he was of the age of 9 years; and that he has grown to manhood in this country. He has become a naturalized American citizen, and I take it a very creditable one, too, from his appearance and from his history. The consul general at New York City informed Mr. Cutler that since he had not obtained permission from the Russian Government to expatriate himself he was still amenable to the regulations Russia imposes upon her subjects—

Mr. FOWLER rose.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. KENDALL] yield to the gentleman from Illinois?

Mr. KENDALL. I will yield for a question.

Mr. FOWLER. Is that the first instance in which the question of religion had been demanded?

Mr. KENDALL. That is one of the most recent instances.

The men who secured our independence, the men who adopted our Constitution, the men who established our nationality, understood that a free government permanently to survive must guarantee to every citizen acknowledging allegiance to its flag all the rights, privileges, and immunities enjoyed by any other citizen, irrespective of race or religion. Auxiliary to that proposition, it has become fundamental with us that a loyal citizen of the Republic is entitled to its beneficent protection abroad as well as at home, and that, too, whether he be Catholic or Protestant, Jew or Gentile, Christian or Atheist. These salutary principles were embodied in the treaty to which I have referred in language so unmistakable that its import is not susceptible of misconstruction. But Russia for three decades has arrogated to herself the right to exclude from her territory certain citizens of our country solely because of their Jewish faith. This condition is intolerable, and a mere recital of the facts ought to be sufficient to command immediate action. Our Hebrew fellow countrymen are vitally interested in the matter; but, after all, it is not so much a Jewish question as it is an American question. When a citizen of the great Republic, fortified with a passport issued by his Government, and intent upon a legitimate mission, is impudently denied entrance into the domain of the Czar simply because he is a Hebrew, not merely the 2,000,000 worthy, intelligent, and patriotic Jews of America are affronted, but every citizen of the Commonwealth is insulted. [Applause.]

A passport issued by our Government to one of its citizens, authorizing him to enter a foreign country, is silent as to his race or sect or creed, because our Constitution prohibits all religious tests. But under an international usage, which has been observed for many years, this passport must be approved by the consular officers of the country to be visited. When such document is submitted to a representative of the Cossack Government, whether in Boston, or Chicago, or New York, or Washington, his first inquiry is, "What is your religion?" If the answer discloses that the prospective traveler is a Jew, he is insolently disallowed admission into the territory of Russia. When the attention of the United States was first directed to this mischievous inquisition the indignation of our Government expressed itself in no uncertain terms. As long ago as 1893, upon the refusal of a Russian consul general to indorse the passport of Mrs. Minnie Lerin on the ground that she was of the Jewish faith, our Secretary of State communicated with the Russian minister of foreign affairs as follows:

His Majesty's Government surely can not expect the United States to acquiesce in the assumption of a religious inquisitorial function within our borders, by a foreign agency, in a manner so repugnant to the national sense. I can not but surmise that some strange misapprehension exists in that regard in the mind of his Majesty's Government.

This was a noble declaration, for it implied that our Government would resist to the uttermost the unwarranted action of the Russian official. But Russia replied in the following brief and conclusive note:

The consul general acted in accordance with instructions from his government.

And from that day to this the Russian Government has continued its ignominious examination into the religious opinions of American citizens desiring to sojourn temporarily within its domain. If we tolerate this iniquity longer we can not escape the responsibility of an acquiescent partnership in every recurring outrage as it is inflicted in the presence of the world. [Applause.]

Mr. FOWLER. Will the gentleman yield?

Mr. KENDALL. For one more question.

Mr. FOWLER. Did Russia comply with the terms of the treaty at about the time or some time afterwards, or has she always made this discrimination?

Mr. KENDALL. I think there was no disagreement with Russia as to what this treaty imported until the massacres began, in about 1880, and since that time the whole attitude of the Russian Government has modified itself. There is a very interesting, philosophical speculation concerning the reasons for that, which I have not time to enter into now, but it is bottomed upon the proposition that in 1832 Russia had the hope that a federation of European States might be effected, of which she should be the paramount power, and at that time she had no design to persecute any part of her citizenship.

Now, this Cutler case and the Levin case are only two of scores that are available.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman let me call his attention to a case?

Mr. KENDALL. How much time have I occupied, Mr. Speaker?

Mr. MOORE of Pennsylvania. I am sure if the gentleman will give us one or two or three of these concrete cases he will thereby convince the House more quickly than in any other way. Is he familiar with the case of Louis J. Horowitz?

Mr. KENDALL. That is not the case I had in mind. I will be glad if the gentleman will cite that case when he takes the floor in his own time.

Now, there is in New York City a Jewish paper published by a gentleman whose name I have forgotten, and I am not certain I could pronounce it even if somebody suggested it to me; but all the people whom I have heard speak of him testify to his high standing and responsibility. I believe it is said that the Jewish paper of which he is the proprietor has the largest circulation of any paper in the world. This man undertook to go to Russia. He procured his passports and presented them and the Russian consul general here in the city of Washington—in the very shadow of this Capitol—refused to visé his credentials on the ground that he was a Jew. Well, he appealed—as, of course, he ought to have done—to Congressman SUTZER, and that gentleman took the matter to the State Department, and the President of the United States, as I understand it, interested himself in the matter; and still all the splendid authority of this Government cooperating was not able to extort from the Russian bureaucracy the admission of that Jew into Russian territory. He was not excluded because he was a bad man or a vicious man or an immoral man, but because on account of the accident of birth he happened to be a Jew. He is an American citizen and is proud of his citizenship. [Applause.]

This discrimination, however, is not confined to Jews. The Russian Government has assumed to extend its inquisitorial power against Catholic priests, and we had an instance of it before the committee the other day. Father Hogan, of Scranton—

Mr. BOWMAN. H-o-b-a-n, of Scranton, one of the most distinguished and exemplary—

Mr. KENDALL. Prelates—"prelates" is the word—in the country. [Laughter.] And he undertook to procure passports and visit Russia, but was denied admission to that country because he was a Catholic priest.

The Rev. Dr. McLeod the other day, when he was before the Committee on Foreign Affairs, recited numerous instances—or it may have been while he was speaking in private conversation—where Presbyterian divines who desired to visit Russia for the purpose of prosecuting their missionary work have been denied admission to that territory. They are American citizens. If this treaty does give them the right of entrance into Russia and Russia has refused to recognize that right, then this treaty ought to be revoked and abrogated. If the treaty does not give them the right, then it still ought to be revoked and abrogated.

Mr. SMALL. Mr. Speaker, will the gentleman answer this question? I find on page 6 of the report—

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from North Carolina?

Mr. KENDALL. I will yield, but I will not undertake to answer the question unless I can.

Mr. SMALL. On page 6 of the report is what purports to be a quotation from article 1. I have not heard it read to the House, and therefore I will read it. It says:

On condition of their submitting to the laws and ordinances there prevailing, and particularly the regulations in force concerning commerce.

Mr. KENDALL. Oh, yes.

Mr. SMALL. I desire to ask if the Government of Russia contends that her action in excluding these citizens is justified by that condition in the article of the treaty?

Mr. KENDALL. Russia originally advanced that proposition, but when Mr. Bayard was Secretary of State he so completely demolished that contention that it has not been insisted upon lately.

Mr. FERRIS. Will the gentleman yield for a short question?

Mr. KENDALL. I will.

Mr. FERRIS. In the judgment of the gentleman, has the State Department exhausted every resource within its power to accomplish the patching up of this affair?

Mr. KENDALL. The State Department, through administrations of the party to which the gentleman belongs and through administrations of the party to which I belong, has worked for 40 years, and the last information we had from the State Department was that the subject was being given "careful and serious consideration."

Mr. DIFENDERFER. By a commission.

Mr. KENDALL. The Russian Government claimed for a while that the controversy had been submitted to a commission, but upon inquiry it developed that the commission which had been considering the matter had gone out of existence about six years ago without any report having been made and without any results having been reached.

It is said that we are liable to lose something of profit in the way of commerce if we terminate this treaty, but our trade with Russia amounts to only 1.02 per cent of our foreign commerce. It is unthinkable that a great power like Russia will submit to be isolated among the nations of the world because she establishes religious creed or belief as one of the conditions upon which she admits people into her territory. Consequently no difficulty will be experienced in negotiating another treaty. While I am not a prophet, I make this prediction: That if the United States Government proceeds to abrogate this treaty, she will be joined by England, France, and Germany, and the other enlightened nations of Europe, because the conduct of Russia has become a reproach to the humanity of the world. [Applause.] Mr. Speaker, we have exhausted our resources.

Cleveland and Roosevelt and Taft have not succeeded by diplomatic intercourse in exacting from the Czar's Government the consideration to which our people are obviously entitled. We must now resort to the only weapon remaining in our arsenal. As a member of the House Committee on Foreign Affairs, I have studied the subject as diligently as I am capable of doing, and I have arrived at the conclusion that if we can not compel a correction of the sinister injustice which I have described we must terminate at once all amicable relations with the Russian Government.

We do not demand relief for the Jew because he is a Jew, but because he is an American citizen whom we are under

the most imperative obligations to protect equally in Brooklyn and in St. Petersburg. I do not recapitulate the contribution he has rendered to the civilization of the world. His career in every avenue of activity has been resplendent beyond comparison. In art, in music, in science, in literature, in philosophy, and in statesmanship his achievements have been phenomenal. Wherever he has established his domicile he has performed his full duty as son, brother, father, neighbor, soldier, and citizen. [Applause.] He is moral, industrious, and law-abiding. He has been execrated and persecuted and banished, but he will not surrender the faith of his fathers. He has been the victim of prejudice, ignorance, and brutality, but he will not recant his ancient beliefs. In our own country, with equal opportunities, he has challenged his gentile brother to a fair field with no favors, and he has distinguished himself at the bar and in the cabinet, on the bench and in the legislature. In trade and commerce, in finance and industry, he is almost dominant. In education, in journalism, in philanthropy, his record is magnificently creditable. In every variety of useful and honorable endeavor he has attained a distinction which can not be disputed or disparaged. He appreciates the incomparable advantages of American citizenship and is devotedly attached to our Government. In every conflict in which the Republic has engaged he has enlisted at the beginning, and has been discharged only after every armed enemy of his country has unconditionally capitulated. [Applause.] What is the duty of the American Republic in this emergency? In my judgment, it is to abrogate the treaty with Russia at once. [Applause.] Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has consumed 32 minutes.

Mr. FOWLER. Mr. Speaker, I would like to ask the gentleman from Iowa one more question.

Mr. KENDALL. Very well; although I do not like to occupy all the time.

Mr. FOWLER. I want to ask if Russia has offered any other reason for this discrimination other than the religious creed?

Mr. KENDALL. I will say that Russia is reticent about advancing any reason for her discrimination, but the judgment of civilized mankind is that religion is the only reason she could assign. [Applause.]

I now yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, the questions put by me to the gentleman from Iowa [Mr. KENDALL] a moment ago were intended to draw out what I believed to be the crux of this entire situation. What is the cause for the revocation of the treaty of 1832? The report of the committee is interesting as a literary and historical document. The statement of the chairman of the committee, the gentleman from New York [Mr. SULZER], was extremely eloquent and took high ground, but what were the concrete reasons that actuated the committee in framing this report and proposing to pass a resolution so drastic in its effect?

I inquired about the case of Mr. Cutler, of Providence, R. I. It happens that I know that gentleman full well and understand his story. It is substantially, with some of the harrowing details left out, just as the gentleman from Iowa narrated it. I called attention to the case of Mr. Horowitz, and the gentleman from Iowa was not prepared to tell in full about that case; but I have it before me in a letter addressed by one of the most eminent Jews in the United States, Judge Mayer Sulzberger, of Philadelphia, president of the American Jewish Committee, to the Secretary of State, the Hon. ELIHU ROOR, in June, 1908. Information was called for by the State Department upon this very point. The Secretary of State, who had been in diplomatic relations with Russia, desired to have a cause for the action contemplated, and asked for the reason for the revocation of the treaty. In his reply to that request Judge Sulzberger gave concrete examples, and the Horowitz case was one. In my time I intend to read what Judge Sulzberger told the Secretary about this case. This will help the committee to understand what actuated the committee's report. In this letter Judge Sulzberger said:

Mr. Louis J. Horowitz came to this country at the age of 15, about 18 years ago, and is a citizen of the United States. He is the vice president of the Thompson-Starrett Co., the corporation which built the great station of the Pennsylvania Railroad Co. at Washington, D. C. During the past four years he has been actively connected with the said company and is now the virtual head of its business department.

On March 30, 1908, being about to go to England on business, he determined to visit his birthplace in Russia, and at the same time to go to St. Petersburg for the purpose of investigating various matters connected with the proposed contract between the Russian Government and his company regarding the construction of a passenger depot. Having sailed for England on March 31, 1908, in a hurry, he requested the company's local manager at Washington to secure his passport and mail it to him. His representative learned that there were difficulties, and

therefore retained Messrs. Penfield & Penfield to attend to the securing and validating of the passport.

On April 1, 1908, Judge Penfield presented the passport at the Russian Embassy at Washington, was asked whether Mr. Horowitz was a Jew, replied in the affirmative, and the visé was refused.

In consequence of this refusal Mr. Horowitz returned home without visiting Russia.

It should be explained that Judge Penfield, to whom reference has just been made, was for a long time Solicitor of the State Department. He had been the adviser of the Secretary of State upon these very questions. He was known to the diplomatic service. Therefore, when he made the application on behalf of Mr. Horowitz and was refused by the Russian Embassy, it would seem conclusive that the Russian Government itself was responsible. The query in this and other cases, we are informed, was substantially this: "Is he a Jew?" And the answer is, "If he is a Jew, he can not be admitted to Russia." I do not think we can stand for this religious discrimination in the United States. [Applause.]

I am sorry my five minutes will not permit me to go more fully into the subject, but before closing I desire to say that those of us who are familiar with the progress made by Russian Jews who come to the United States have every desire to see them fairly treated and to have them enjoy all the privileges of American citizenship. It is certainly not just that we should permit any foreign nation to discriminate against them merely because of their religion. They came flocking into this country, many of them in fear and in terror, because of oppression elsewhere. They are industrious, and in the second generation broaden out into useful, energetic citizens. In fact, there is no class of our people who seize with more avidity the opportunities offered by the common schools than the Russian Jew. I would have been glad if the committee had been able to give us more concrete examples of the abuse to which the Russian treaty has been subjected, but I am willing to take their word for it that the evidence warranting a revocation of the treaty is sufficient, more especially as it comes with the indorsement of such eminent Jewish Americans as the former Secretary of Commerce and Labor, Mr. Oscar S. Straus; Judge Mayer Sulzberger, of Philadelphia, president of the American Jewish committee; Mr. Louis Marshall, of New York; and others. Their statements, as well as the conclusions of the committee, are borne out by the information which comes to me from many citizens of Philadelphia, who have no desire that we shall become embroiled in any controversy with Russia, but who believe that we should regard humanity and the rights of man as superior to whatever commercial advantages we may have with a foreign power. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. COOPER], a member of the committee.

Mr. COOPER. Mr. Speaker, gentlemen have asked me, in conversation within the last 15 minutes, why some administration of our National Government within the last 40 years has not abrogated this treaty, evidently supposing that as a President begins the negotiations which end in a treaty, he or any succeeding President would have power to abrogate the treaty. In reply to such inquiries it is necessary only to call attention to the following provision of Article VI of the Constitution of the United States:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

As by the Constitution a treaty becomes a law, and not only a law but a supreme law, it can not with reason be claimed that the President—an executive—has any authority to abrogate such a law. Do gentlemen believe that any President is at fault because this treaty has not been abrogated? For 40 years Presidents have been in vain endeavoring to induce Russia to do justice to American citizens under the treaty; but will any gentleman now assert that a President of the United States has concentrated in him such power as that, in his discretion, he can repeal what the Constitution of the United States declares to be the supreme law of the land?

In addition to the specific instances of wrongdoing toward citizens of the United States cited by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Iowa [Mr. KENDALL], I have here a statement of another, which occurred as long ago as the year 1880, when these outrages first really began to attract attention in this country and throughout the world. This was the case of a Hebrew of the name of Pinkos, a merchant in St. Petersburg, who was expelled from Russia for no other reason than that he was a Jew.

Strong official protest was made by William M. Evarts, one of the most distinguished men who ever served the Nation as

Secretary of State. June 28, 1880, in a letter to our minister, John W. Foster, Secretary Evarts said:

In reply I have to observe that in the presence of this fact, that an American citizen has been ordered to leave Russia on no other ground than that he is the professor of a particular creed or the holder of certain religious views, it becomes the duty of the Government of the United States, which impartially seeks to protect all its citizens, of whatever origin or faith, solemnly, but with all respect to the Government of His Majesty, to protest.

Again he said, in 1880, in another letter:

If the meaning of this is that a citizen of the United States has been broken up in his business at St. Petersburg simply for the reason that he is a Jew, rather than a believer in any other creed, then it is certainly time for this Government to express itself as set forth in the instruction above mentioned. It should be made clear to the Government of Russia that in the view of this Government the religion professed by one of its citizens has no relation whatever to that citizen's right to the protection of the United States, and that in the eye of this Government an injury officially dealt to Mr. Pinkos in St. Petersburg, on the sole ground that he is a Jew, presents the same aspect that an injury officially done to a citizen of Russia in New York, for the reason that he attends any particular church there, would to the view of His Majesty's Government.

This doctrine was reasserted and that protest supplemented in a communication by one of the ablest men the public life of the United States has ever known, James G. Blaine. When Secretary of State, that illustrious man, on July 29, 1881, in a letter to Mr. Foster made vigorous reference to the treatment of Jews in Russia, and what he said furnishes a complete answer to another question put to me in conversation within the last few minutes, and also suggested here on the floor. I refer to the suggestion that as the local law of Russia discriminates against Jews who are inhabitants of that country, that therefore Russia has the right, regardless of the treaty of 1832 with the United States, to discriminate against Jews who are American citizens. See how Secretary Blaine disposes of this contention:

These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their concurrent judgment that where a treaty creates a privilege for aliens in express terms, it can not be limited by the operation of domestic law without a serious breach of the good faith which governs the intercourse of nations.

A treaty is only a contract between two great aggregations of individuals called nations. If two private individuals enter into a contract with each other and one of the conditions of the contract is that it may be terminated upon notice given by either of the contracting parties, the giving of such notice terminates the contract, and the other party has no ground of complaint. This is true also as to treaties and the parties to them. Moreover, it is not to be tolerated that while the contract is in existence one party shall so construe its provisions as to work an outrage upon the other. Here we have a treaty between the United States and Russia which Russia so construes as to shock the feelings and the sense of justice of every true American and to violate one of the fundamental, vital principles upon which the Republic of the United States of America is established.

As Americans we declare that a Baptist may be an American citizen, a Catholic may be an American citizen, a Presbyterian may be an American citizen, a Quaker may be an American citizen, a Jew may be an American citizen, and yet Russia says that she has a treaty with this Nation which, properly construed, gives her the right, in her discretion, to exclude from her domain any American citizen merely because he is a Baptist, a Quaker, a Catholic, a Presbyterian, or a Jew.

Mr. Speaker, while this is not a subject to be considered with passion, it is one nevertheless that we are in honor bound to treat with firmness and in the true spirit of American liberty. So long as the Congress of the United States tolerates this shameful discrimination against one class of our citizens because of their religious faith, the Congress itself is a party to the discrimination, and a party to it for one of only two possible reasons—either because we have grown indifferent to the great question of human rights or because, fearing a possible loss of trade, we have decided to put the dollar before the man.

But there will be no serious loss of trade. It appeared from testimony before the Committee on Foreign Affairs, the witness being a man of large intelligence and high character, Mr. Strauss, former minister to Turkey and earlier a member of President Roosevelt's Cabinet, that our annual trade with Russia is only about 1.2 per cent of our total foreign trade. Are we willing to have any nation deny to American citizens, because of their religious faith, the right to be respected as American citizens lest we lose a little trade? Are we so sordid as that?

But Russia will not stop her trade with us if we do away with the present treaty. This Government abrogated a treaty with Belgium, as it did also treaties with other countries, and there was no ensuing loss of trade or lessening of friendship.

This treaty of 1832 expressly provides that the United States may give a year's notice and abrogate it—

Mr. MOORE of Pennsylvania. Will the gentleman permit a question?

Mr. COOPER. Yes.

Mr. MOORE of Pennsylvania. The gentleman is well versed in these matters by reason of his long service upon this committee. Will he kindly tell us whether it is his opinion that the treaty—

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may put this question to the gentleman from Wisconsin.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. KENDALL. Mr. Speaker, I yield a minute to the gentleman to enable him to answer the question.

Mr. MOORE of Pennsylvania. I thank the gentleman. I want the opinion of the gentleman from Wisconsin on this point, and I know by reason of his long experience upon the committee that the House will respect it—whether the treaty of 1832 is just as binding upon Russia as it is upon the United States in regard to religious beliefs?

Mr. COOPER. I have no doubt of it.

Mr. MOORE of Pennsylvania. Then, the gentleman thinks this contract is just as binding to-day upon Russia as it is upon the United States?

Mr. COOPER. Why, certainly.

Mr. KENDALL. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, it is a very important question that is presented by the pending resolution, and I regret that I do not bring to its decision that degree of information which its importance deserves. It is certainly a question which every Member of this House should approach with an open mind. I have only just had a chance to read the very able report made by the chairman of the Committee on Foreign Affairs, but I have had no opportunity to know the position of Russia upon the questions that are raised by the resolution. The contention in favor of the abrogation of the treaty was very ably presented to the committee by one of the best lawyers at the American bar, Mr. Marshall, of New York. The other side was not represented and we can only conjecture what might have been said in that regard.

The debate up to this point has presented two grounds for abrogating the treaty. One ground is that it should be abrogated as a matter of policy, that it should be abrogated in the exercise of the right which was reserved by the treaty itself. The other ground is based in the resolution in terms upon the statement that Russia has violated the treaty.

Those two questions are very distinct. I am of the opinion that if the treaty means what gentlemen say it means, it should be abrogated as a matter of policy if it can not be amended, and up to this time diplomacy has not availed to do that. But thus far I do not think that a case has been clearly made out in the debate that Russia has been guilty of violating the treaty.

I followed with great care the eloquent speech of the gentleman from Iowa [Mr. KENDALL], and I did not understand him to assert that Russia had violated the treaty. It occurred to me that there is a question whether these two high contracting parties, the United States and Russia, did not reserve the rights of exclusion by general immigration laws. We certainly have exercised that right in this country. All inhabitants of Russia can not come here freely under the treaty, according to the construction which you place upon it against Russia, for our laws exclude some of them undoubtedly.

I think we should be very careful about asserting in this resolution that we are abrogating it because Russia has violated the treaty, unless it is fairly and openly shown that she has violated it.

Russia is a great and powerful nation. She has always been friendly to this country. We are by this resolution entering the domain of international politics, and we should hesitate to express in the Congress of the United States the decision that Russia has violated the treaty unless it is clear that she has done so.

I believe if the proposed abrogation is to be based upon the proposition that Russia has violated the treaty, the question presents a fair subject for international arbitration. The report of the gentleman from New York [Mr. SULZER], as I said, is a very able one, but it has in it something of the old spirit which would not brook any other method than war in the settlement of international disputes. It seems to me at

this particular crisis, when our country is embarking upon one of the great policies of all time, when we see her taking the lead in attempting to settle differences between nations by international arbitration, we should invoke that method in a case like the present one. If we propose to base our action on the bad faith of Russia, or on her failure to live up to this ancient agreement, we should propose that she go into a high court of justice where she may be heard. It is a question of the performance of a contract between two nations, and if arbitration can not be resorted to in such a case when can we ever invoke it?

Mr. KENDALL. Will the gentleman yield?

Mr. McCALL. I will yield.

Mr. KENDALL. Does the gentleman from Massachusetts think that the United States Government could afford to submit the question involved here to arbitration?

Mr. McCALL. I say that the United States Government can afford to submit to arbitration the question whether Russia has violated her contract with us.

Mr. Chairman, the cry of the jingo from the time of the Roman Empire down to the present day has been the loud-swalling phrase "Civis Romanus sum"—"I am a Roman citizen." I am an American citizen, as if the terror of our name, as if the greatness of our power should determine the rights of individual citizens. If you approach these international questions in such a spirit, you will never have arbitration whenever the rights of an American citizen are concerned. We shall come before the world in the arrogance of our strength and declare that it is beneath the dignity of America to arbitrate questions concerning rights which her citizens may have under treaties. If we are to lead the nations in the paths of peace, we are beginning badly.

If we propose arbitration and Russia refuses, the moral victory will be with us and we can still abrogate. If she accepts, and gentlemen are right, the decision will be ours and there will come to this persecuted race the glory of having caused a signal triumph for international justice. And if the court decides that our construction of the treaty is not correct, we may then proceed to give the required notice and terminate it.

Mr. COOPER. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. COOPER. Suppose that Russia has properly construed the treaty, and under it she has a right to exclude American citizens on the ground of their religious faith, whatever it may be, is the gentleman from Massachusetts willing that that treaty should remain?

Mr. McCALL. I think I stated I believed in that case that the treaty should be abrogated. I divided the discussion into these two parts. Let me now read from the report of the committee upon the point I was just discussing:

Let there be no parleying about arbitration. There is nothing to arbitrate. We can not permit the subjects of monarchies, whose concepts, traditions, and prejudices, whose political interests and alliances, whose fundamental views as to citizenship vary from ours, to interpret that treaty.

That same difficulty will arise as to any question affecting the United States. We will have to submit it to arbitration by subjects of monarchies, and there would, therefore, be no international arbitration to which we could be a party upon the principle laid down in the report.

Mr. Speaker, my sympathies are with this brilliant race. Centuries ago its nationality was destroyed in Palestine. It was dispersed over the face of the globe. The laws of almost all nations have discriminated against it; and yet it has shown such marvelous vitality that it has made for itself a proud place. It is to-day one of the most powerful elements in great States in this Union. I should be willing to take any steps in reason to protect the rights of such a people.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. McCALL] has expired.

Mr. McCALL. My conclusion is, that I think this is a fair case to be submitted to arbitration, and I regret that the committee has not made provision for it.

Mr. KENDALL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER pro tempore. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Speaker, any statement that the gentleman from Massachusetts [Mr. McCALL] makes upon this floor, any opinion that he may advance, is entitled to the highest consideration. But, in spite of what he has said, I am convinced that upon this question the time for arbitration has gone by and the time for action come. [Applause.]

I fully realize that this is a heroic remedy that we are about to adopt. But it ought not to be considered that what we may do is intended in any way as an affront to Russia. Russia has

been for more than half a century a good and valued friend of this Republic. We are by no means unmindful of that, but this question is above and beyond friendship. It is a question of national honor. We can not continue to bear with equanimity a condition under which any nation, no matter how greatly we may esteem her, shall persist in discriminating between American citizens who bear their country's credentials. It is repugnant to the very principles upon which our Government rests that a man's religious beliefs should determine whether or not he may visit or sojourn temporarily within the bounds of any friendly country. Yet this condition now exists, and the question is whether we are justified in neglecting any means, however drastic, to correct it. Apparently we have exhausted every other method but the one we now propose. Diplomacy has been pushed to the extreme limits and without success. We have been patient, Mr. Speaker, but patience has ceased to be a virtue. We can no longer continue to plead. We must act.

I fully realize the seriousness of this step, but I, for one, am prepared to take it, because I believe that the question involved is above dollars and cents, above political expediency. It is above all other considerations, except only human rights and national honor. [Applause.]

Mr. KENDALL. Mr. Speaker, how much time did the gentleman consume?

The SPEAKER pro tempore. The gentleman from Ohio used four minutes.

Mr. LONGWORTH. I yield back to the gentleman the balance of my time.

Mr. KENDALL. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. I would like to have that additional minute.

Mr. KENDALL. I have promised it to another.

Mr. NYE. Mr. Speaker, the gentleman who has taken his seat says that diplomacy has completed its work, and there is nothing further that can be done. I should be inclined to question that. I am afraid that our Government has too much in the foreground the questions of commerce, trade, material prosperity, and power, rather than humanity and the rights of the oppressed and the poor who are under our flag and deserve protection wherever they go. This may be true or not. I would, however, put this resolution upon the ground of policy, as the gentleman from Massachusetts [Mr. McCALL] suggests. It seems to me that by the terms of the treaty either party can terminate it upon one year's notice, and it seems to me it would be more diplomatic, and more in keeping with the spirit of good will and friendship that we seek to cultivate in this country and show forth to the world, simply to say to Russia that we are compelled to give this notice; not asserting—for I do not think it would accomplish anything—that Russia has violated it, but putting it upon the ground that we are unable to give the treaty the same interpretation, and in view of the persistent interpretation given by Russia we feel compelled to give the notice and to abrogate the treaty. That would seem to me to be the wiser and the better course for a great Nation like this.

I will not undertake to say, and do not know, whether there has been an actual violation of the treaty or not. I know that for many years we have been complaining of the outrageous treatment which our citizens have received in their attempts to travel abroad and sojourn in that country. It seems to me, Mr. Speaker, that while we should be firm, and should make this remonstrance one that would be heard all over the world, at the same time we may frame our language more diplomatically, and thus leave less occasion for a breach between these two great powers. I, therefore, think there should be some modification of the language of the resolution. With the spirit and the purpose of it I am in most hearty accord. I believe that this is an age in which humanity, in which sympathy, in which brotherhood, should be placed always to the front; that we speak to-day for people who have been outraged and wronged; and we want to speak in a spirit that will be effective. It is not always the spirit of aggression, it is not always the spirit of combativeness, that wins in these great fights. For myself, if it were alone a question of whether the treaty has been violated or not, I believe that it might well be submitted to arbitration, as the gentleman from Massachusetts [Mr. McCALL] suggests.

But this is unnecessary. We have the right to serve notice on Russia that we will no longer submit to her interpretation of the treaty, and that the rights of our citizens shall be defended and protected wherever they may be. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, I should like to have read from the Clerk's desk, for information, an amendment which I shall offer at the proper time.

The SPEAKER pro tempore. The Clerk will read it for the information of the House.

The Clerk read as follows:

Page 1, line 12, after the word "religion," strike out all of lines 12 and 13, page 1, and lines 1, 2, and 3, page 2, and insert in lieu thereof the following:

"That the Government of Russia, by refusing, on account of race or religion, to honor American passports duly issued to American citizens, has placed upon the treaty between the United States and Russia, concluded at St. Petersburg, December 18, 1832, a construction at variance with the principle herein declared."

[Applause.]

Mr. OLMSTED. Mr. Speaker, the object of that amendment is to eliminate the charge contained in the resolution of the violation of the treaty. It is unnecessary for us to charge a violation of the treaty of 1832 with Russia, for we have the right, under the treaty, to give notice of our intention to abrogate it, and of that I am heartily in favor.

My honored friend from Massachusetts [Mr. McCALL] has argued that the question as to the violation of the treaty is one that may well be submitted to international arbitration. If the correctness of that proposition be conceded, nevertheless there is no necessity to submit to arbitration the question of abrogating the treaty of 1832 with the Government of Russia. By the very terms of Article XII it may be abrogated upon one year's notice. This resolution gives that notice. I shall vote in favor of the resolution. An American citizen is an American citizen, whether he be Jew or Gentile, Presbyterian or Methodist, Roman Catholic or Episcopalian, black or white. We can not consent that any American citizen shall be discriminated against because of race or religion. It is unquestioned that the Russian Government does so construe the treaty of 1832 as to permit of such discrimination. This resolution says that the—

Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

I am in accord with that sentiment. My amendment proposes that we shall abrogate the treaty, because Russia has so construed the treaty by refusing to honor American passports duly issued to American citizens of the Jewish faith. It is charged also that similar discrimination has been made against Presbyterian and Methodist ministers and Roman Catholic priests. We abhor such discrimination between American citizens, and therefore propose abrogating the treaty. It is unnecessary to charge a violation of the treaty. Whether or not the treaty has been violated is a question of construction. As the treaty is construed by able lawyers it has been violated. It is, however, not essential to make in this resolution any charge concerning which there can possibly be any difference of opinion. We all agree that we do not like the construction put upon it by the Government of Russia in refusing, on account of race or religion, to honor American passports issued to American citizens.

It is clearly within our authority to abrogate the treaty upon one year's notice, and that, either with or without my amendment, this resolution proposes to do. It makes it the duty of the President to forthwith give the Government of Russia the requisite notice. I had hoped that through the ordinary channels of diplomacy Russia might have been brought to see that we could not countenance such discrimination against any class of American citizens, and agree to its discontinuance. I still hope that within the period of notice an amicable adjustment may be reached, but, if not, then the effect of this resolution will be to abrogate the treaty entirely, and, whether my amendment prevails or not, the resolution will have my vote.

Mr. KENDALL. Will the gentleman from New York [Mr. SULZER] use some of his time now?

Mr. SULZER. Yes. I yield to the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I sincerely hope that the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] to change the language of the unanimous report that comes to us from the Foreign Affairs Committee will not be adopted, because I do not believe it is wise that we should have any mistake about the purpose that is actuating the Members of this House in the adoption of this resolution. I believe we are going to vote for it. I know that I am going to vote for it, because we want to terminate the treaty; not because of any considerations of policy, but because some of us, and a vast majority I believe, have come to the deliberate conclusion that there have been violations of this treaty by the Russian Government; and I am sorry, indeed, that the only voice that has

been raised on this floor in this debate against the proposition that there have been such violations is the voice of the venerable Member from Massachusetts, my colleague [Mr. McCALL]. I realize full well the force of the compliment made by the Member from Ohio [Mr. LONGWORTH] that the House listens when Mr. McCALL speaks, and I join in that compliment; but I regret, indeed, that he has raised his voice against the proposition that there have been violations of the treaty. I have read the report of the hearings before the Committee on Foreign Affairs, and I suppose he has done so. If he has read that report and has read there the words of the gentleman from New York [Mr. GOLDFROGLE], who is now in the chair as the Speaker pro tempore of the House, he must have come to the conclusion that that gentleman, who has given much of time, thought, and study to this matter for nearly 10 years, has presented such evidence of violations that no open mind could refrain from indorsing the wisdom of a termination of the Russian treaty.

If he has considered, too, the words of the chairman of the Foreign Affairs Committee, who has presented this report to this House, he must conclude that the evidence contributed by that gentleman [Mr. SULZER] is almost overwhelming. The gentleman from Massachusetts [Mr. McCALL] has on more than one occasion during my brief membership here paid splendid compliment to his colleague on the Ways and Means Committee, Mr. FRANCIS BURTON HARRISON of New York. He has styled Mr. HARRISON a Member whose words might well be considered by men regardless of party ideas or party differences, and I join in that compliment. Let me call the attention of the gentleman from Massachusetts [Mr. McCALL] to page 101 of the report of the hearing. He will find there the statement of the gentleman from New York [Mr. HARRISON], who tells that committee, not what somebody told him, but tells the committee, as I hope he will tell this House, the experiences that he had in Russia, and the instances of violations of the treaty that he himself witnessed and learned about during his sojourn in that country.

Mr. Speaker, I sincerely hope there may be no mistake as to the position of the Commonwealth of Massachusetts on this matter. I should hesitate, indeed, to take issue with my colleague on most propositions as to what the sentiment of the State might be, but let me remind this House that during the session last summer I introduced for consideration a memorial sent by both branches of our legislature, memorializing Congress on this very proposition, and expressing as the sentiment of Massachusetts that action should be taken in this matter by this Congress.

Let me remind my colleague that a meeting is to be held in Boston, originally scheduled to take place in Faneuil Hall tonight, but has been postponed for a fortnight, when the governor of Massachusetts, the mayor of the metropolitan city of Boston, a former Member of this body, and a number of eminent citizens will gather together in that old temple of liberty to give expression anew to the principles fought for so conspicuously by the early citizens, and I have no doubt that we shall be memorialized again by those who may attend this meeting that we may take speedy action.

The gentleman refers to jingoes and jingoism. Russia has refused to recognize passports of this country, issued to certain citizens, for 40 years, according to the evidence presented to the Committee on Foreign Affairs. The matter has been before Congress since 1902, when Judge GOLDFROGLE first introduced a resolution requesting information about it. The Committee on Foreign Affairs presents without dissent the pending resolution, and I submit that the unanimous committee report ought not to be styled the work of jingoes. Oh, no; those of us who advocate the abrogation of this treaty simply insist that American passports shall not be dishonored in the future as they have been in the past. We are not jingoes, but rather are we reminded of the words of the poet:

A man convinced against his will
Is of the same opinion still.

We insist that the case has been made out by the proponents of the legislation, and we insist further that the only reason that no evidence was presented to the committee against the proposition was because there was no word that could be spoken by a true American in opposition to the alternative proposition of "national honor or immediate abrogation," contained in the resolution reported to-day by Chairman SULZER. [Applause.]

[Mr. MURRAY asked and obtained leave to extend his remarks in the RECORD.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY. Mr. Speaker, when a man learns positively that an agreement or contract made by him with another man

is being constantly broken by the other man he does not debate long as to the abrogation of that agreement. He generally acts without hesitation when convinced that the other fellow is not keeping his word.

When a nation that has made a treaty with another country learns on proof positive that the other country is breaking the provisions of that treaty it should not hesitate to take steps to have the abuses promptly corrected or the treaty abrogated.

The United States and Russia have had a treaty for years in regard to passports. This country has faithfully lived up to that treaty; Russia has not. It has discriminated against the passports of certain American citizens who have attempted to visit Russia, and that discrimination has been on account of racial and religious prejudices. This country has sat supinely for nearly half a century and allowed its citizens and its own dignity as a great nation to be insulted by the bureaucrats of the Czar.

It has made protests that have been futile. They have been thrown into the diplomatic wastebasket with as little consideration and ceremony as thousands of men and women have been thrown into Siberian cells by the same power.

The abuse has continued, and because it has been allowed to go on Russia has become more arrogant in its treatment of visiting Americans. It is time the Russian bear was given a jolt that will make it realize that Uncle Sam is in training, has at last been aroused, and proposes to stand up for the rights of his people. If that is jingoism, make the most of it.

This matter is not one that concerns American citizens of any particular race or creed. It is not a matter of Jew or gentile. It is a matter that has to do with American citizenship, which has been discredited by Russia. Patience has long since been exhausted and longer submission to the insolence is unbearable. [Applause.]

In the name of American manhood; in the name of national honor and dignity, outraged by the treatment to which citizens of this country have been subjected, this treaty should be abrogated and Russia and all other countries shown that the great American Republic can be aroused to the defense of its citizens at home and abroad.

The time for talking to and palavering with Russia on this matter is passed. There has been too much talk and palaver. Now is the time for action, and that action should be this abrogation to prove to Russia that we mean business. [Applause.]

Mr. KENDALL. Mr. Speaker, suppose we have an arrangement that any Member who speaks on the question may be granted leave to extend his remarks in the Record without his getting consent of the House each time.

Mr. SULZER. Mr. Speaker, this is a very important matter, and the time is limited. A number of gentlemen have asked me if I would not ask unanimous consent that all Members may have leave for five legislative days to print upon the proposition. I trust the gentleman from Illinois will not object.

Mr. MANN. Mr. Speaker, we have not limited the time. I am perfectly willing to sit here and discuss the proposition the rest of the week.

The SPEAKER. Is there objection to the request that every Member have five legislative days within which to print on this proposition?

Mr. MANN. Mr. Speaker, for the present I object.

The SPEAKER. The gentleman from Iowa [Mr. KENDALL] asks unanimous consent that all Members who speak or have spoken on this proposition have leave to extend their remarks in the Record. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GRAHAM. Mr. Speaker, I think it is a great blot on our national escutcheon that we should have a treaty with any nation administered in such a way as to recognize a distinction between American citizens on the ground of their religious belief. It seems to me a gross inconsistency. The Constitution of the United States recognizes and provides for an absolute equality of all citizens before the law, and it denies Congress the right to enact any legislation preferring one religion to another. This provision of the Constitution is given practical application at home, and it is recognized, as far as I am aware, by every nation except Russia.

It is claimed by that country that our treaty with them accords to American Jews only such rights as Russia accords to its own citizens of that faith.

Under that interpretation of the treaty, American citizens of Jewish faith are denied rights which are conceded to other American citizens and are practically prohibited from visiting or traveling in Russia.

If the treaty really means what Russia contends that it does, if it discriminates between the rights of American citizens,

giving to some rights which are denied to others, then it ought to be promptly abrogated.

If, on the other hand, it means what we contend it does—that is, that it provides equal rights for all American citizens—and Russia will not consent to fairly carry out such provisions, in that event also, it ought to be promptly abrogated. We can not compel Russia to accept a fair interpretation of the language of the treaty, but we can and ought to decline to continue the treaty relation with her, unless she will give fair construction to its terms and discontinue her attempt to force us into the position of violating our own fundamental law.

Our diplomats have repeatedly endeavored to induce the Russian Government to abandon their contention that the treaty was originally intended to discriminate against Americans who were Jews or members of some other religious body.

What hope is there for any change in the attitude of the Russian Government in the premises? There certainly appears to be none, and if there is no hope in that regard, what is our duty? Should we give our assent to the continuance of an international agreement which puts us in the ridiculous attitude of violating a most important provision of the Constitution of the United States? Shall we, by assisting in the enforcement of this treaty, admit that we recognize a difference in the rights of American citizens because of their religious opinions? Surely we can not afford to do that. We can not afford to admit that any class of citizens are beyond the pale of the Constitution and are not entitled to its protection, and if we can not induce Russia to consent to the granting of equal rights to all American citizens who happen to sojourn in that country, we can at least save our self-respect by withdrawing from the treaty arrangement, thus putting on the same plane all of our citizens regardless of distinction.

It is quite unnecessary, Mr. Speaker, indeed it is beside the question, to remind you that men of the Jewish faith constitute a very considerable and a very important element in our population, and that in the professions, in law, in medicine, in art, in science, in literature, in business, and indeed in all lines of activity they reach the highest eminence. But it is not alone the prominent and the successful the Constitution was ordained to protect; it was intended to cover the poor and the lowly as well as the rich and the powerful, and if it is to continue a living, vital force it must protect all its children alike. It may be true that the Jews who are citizens of Russia are not as enlightened as might be desired, but it is also probably true that the Jews of to-day in Russia have much to complain of, just as the Jews in the rest of Europe had just ground for complaint in the centuries that have passed. Like other races, Jews have faults, but they have also virtues, many virtues, as a race. To the discredit of the Gentile world, it may be said that many of their faults, nay most of them, can be attributed to the treatment they received from their Gentile brothers. Some of them sometimes exhibit traits of character which are not desirable, but most of these, if not all of them, have been developed by centuries of Gentile persecution. How eloquently does Sir Walter Scott express this thought through the mouth of the Jewish maiden, Rebecca, one of the grandest feminine characters in all fiction, in her reply to the Templar, Bois-Guilbert, when he cast reflections upon her race:

"Thou hast spoken the Jew," said Rebecca, "as the persecution of such as thou art has made him. Heaven in ire has driven him from his country, but industry has opened to him the only road to power and to influence which oppression has left unbarred. Read the ancient history of the people of God, and tell me if those by whom Jehovah wrought such marvels among the nations were then a people of misers and usurers! And know, proud knight, we number names amongst us to which your boasted northern nobility is as the gourd compared with the cedar—names that ascend far back to those high times when the Divine Presence shook the mercy seat between the cherubim and which derive their splendor from no earthly prince, but from the awful Voice which bade their fathers be nearest of the congregation to the Vision. Such were the princes of the house of Jacob; such were the princes of Judah; now such no more! They are trampled down like the shorn grass and mixed with the mire of the ways."

If the Jewish people of Russia are not as enlightened and elevated as they might be, their condition is not chargeable to themselves, but to their oppressors. If they are poor and illiterate, it does not lie in the mouths of those who made them so to taunt them with their poverty and illiteracy.

But in the Jews who live in Russia we have only a humanitarian interest. In people of that faith who are American citizens we have a present, active, and abiding interest, for they are our people. Their rights are as sacred as our own and are necessarily bound up with our own. That man who is willing to see his neighbor's rights ignored and trampled on can not hope to long preserve his own, and this matter involves not merely the right of the Jew, or the right of the Catholic, or the right of the Methodist, or of any other body; it involves the right of every American citizen under the Constitution.

From whatever aspect I look at this question I reach the same conclusion, and that is that every day this treaty remains in force we continue guilty of a base violation of our organic law and that we can only save our self-respect by its prompt abrogation.

Mr. SULZER. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I am heartily in favor of the resolution which is now pending before the House, which I believe is in response to the demand not only from the people directly interested, but in response to the sentiment which exists and pulsates in the heart of every American citizen. The fundamental principles upon which this great Government was founded were equal rights to all of her citizens and that each should have the same opportunity before the law and that his rights should be upheld. Therefore, whenever there is any discrimination, no matter what it may be, as to our citizenship by any foreign country, it should appeal and does appeal to every American heart to see that the wrong perpetrated upon that citizen should be promptly corrected. We know well that the citizens especially involved in this matter are among those citizens who are patriotic, who are progressive, and who in every community in which they live stand for law and order and for the sentiments for which America is honored and beloved. Therefore, they should not be excluded from any country when they simply stand up and contend for their conscientious convictions as I contend for mine and as you contend for yours. Whether it be Baptists, Presbyterians, Methodists, Catholics, Jews, or others who are excluded, nobody feels a greater wrong is done one than the other, because in this country, thank God, every man can worship the Creator under his own vine and fig tree in accordance with the dictates of his own conscience [applause], and whenever you take that right away from the American citizen you take away from him a right which was secured to him by the forefathers at the foundation of the Government. [Applause.] The resolution ought to be, and I hope will be, unanimously adopted.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HAMILL].

[Mr. HAMILL addressed the House. See Appendix.]

Mr. PETERS. Mr. Speaker, the resolution now before the House touches on a matter of so great importance, and one on which the situation so urgently demands immediate action, that I rise to add my voice to those who demand its prompt passage, and urge that this House, in no uncertain terms, show its approval of the resolution which the Foreign Affairs Committee has now introduced, with its favorable recommendation, for our consideration.

The resolution itself, after affirming that it is a fundamental principle that the rights of the citizens of this country shall not be impaired because of race or religion, expresses the belief that the present treaty with Russia should be terminated at the earliest possible time, and declares that the treaty shall be of no further force and effect after the expiration of one year from the date of the notification of the passage of this resolution, and charges the President with the responsibility of communicating such notice to the Russian Government.

TREATY OF 1832.

This treaty, negotiated with Russia in 1832, is in existence to-day, and, though no previous steps have been taken to abrogate its terms, for over 40 years the United States Government has protested against practices of the Russian Government under it, and could its interpretation by that Government have been anticipated the sturdy patriots who negotiated it would have been the last to have assented to its terms.

During the first 30 years of the treaty there arose between the United States and Russia no question as to the interpretation of the first article of this treaty. The comparatively favorable attitude of the Russian Government toward its Jewish subjects, however, changed about 1865, and with that change there was read into the terms of this agreement by the Russian Government modifications which it is safe to say never entered the minds of either of the parties to the original agreement.

Up to 1880 occasional cases furnished opportunity for vigorous protests by various Secretaries of State against the interpretation which Russia had placed on the treaty, but since that time the situation has been modified and is now even less in accord with our views. The rights of American citizens were most energetically stated by Mr. Blaine at the time he was Secretary of State, and the point he then made was vigorously pressed during the administrations of President Cleveland by both Mr. Bayard and Mr. Olney, as well as by our minister to

Russia, Mr. Breckenridge. The practice of subjecting to a religious inquisition all Americans bearing American passports, the Russian Government was informed, was not to be tolerated by our institutions, and "the continuance in such a course, after our views had been clearly but considerably made known, may trench upon the just limits of consideration."

The views presented by Mr. Blaine and sturdily maintained by Mr. Cleveland's administration were adhered to by all succeeding Secretaries until the year 1905, and that these views were supported by public approval is verified by many resolutions and reports of committees from 1879 to 1909, particularly the report of the Foreign Affairs Committee to the House of Representatives given on April 6, 1892.

Following the accession to office of Mr. Root there seemed to be a much less vigorous position taken by this country, and it is perhaps to this apparent slackening of our interest that we owe the uniform lack of attention which the Russian Government has given to our protest.

AMERICAN PASSPORTS REFUSED.

The facts before the committee have admitted of no question. An American citizen is obliged to submit his passport to the Russian consul, and he is then required to state his place of birth, whether or not he has been a subject of any other country, and what is his religion. Not only has Russia refused to recognize American passports held by Jews on account of their race, but also has refused to recognize American passports held by Catholic priests, Baptist missionaries, and Presbyterian divines on account of their religious beliefs.

The situation as it is presented shows that the United States is not only justified, but, to be consistent with its own national traditions, it is required to terminate this treaty with Russia. There can be no question that Russia has interpreted the treaty in a manner to which we can not assent. Article I of the treaty gives by its own terms to the citizens of the United States the right "to sojourn and reside in all parts of Russia in order to attend to their affairs, and they shall enjoy the same security and protection as natives of the country wherein they reside."

TREATY SUPREME LAW OF THE LAND.

A treaty becomes a supreme law of the land, and it is beyond question determined that it should be interpreted as tending to carry out the intent of the contracting parties. The United States Supreme Court says, in *Geofroy v. Riggs* (133 U. S., 271), in an opinion of Mr. Justice Field:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intent of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

The action to be taken by this country should be immediate. Although this question was first raised in 1865 and although our country has pursued its representations since 1880, we have failed to gain any consideration for them. The Russian Government apparently takes our representations with little seriousness, and it is only by this more vigorous action that we can impress on them the necessity for immediate consideration of this subject.

There can be no question that we have a perfect right to end the treaty, and that Congress has the right to do so has been long established by precedent. As early as 1798 Congress abrogated treaties with France. Both in 1858 and in 1875 treaties with Belgium were terminated, as well as treaties with Brazil in 1841, Chile in 1850, and at various dates with Great Britain, Mexico, Turkey, Venezuela, and other countries.

PUBLIC SENTIMENT.

Both political parties in our country in their last platforms have planks asserting in unmistakable words the demand "for our Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries" and the responsibility for the United States "to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of law and the enjoyment of all rights and privileges open to them under our treaty."

This question is not Jewish; it is American. A great principle is involved in it. The fundamental principle of our Government is to guarantee to all our citizens, whatever may have been their birthplace or whatever may be their religion, absolute equality. Russia, in seeking to segregate them, starts an inquisition in this country into the subject of religion and pro-

poses on American soil to ask such a question and on the answer to make a distinction in the treatment of American citizens.

JEWISH RACE.

The history of the Jewish race is one of wonderful achievement. By their perseverance they have stemmed a tide of persecution which would have annihilated any of less vigorous nationality. Now the protection of the United States guarantees them a field for unmolested development. I have many friends among the Jewish people, friends many of whom I have never met and may never know; but I am not speaking in this case from individual friendship, but from a sense of justice and patriotic duty due to every citizen of our Nation. Many of my friends spring from different races and differ in their religious views, and I trust never to see a question raised in this country based on race or based on religion. Whether Catholic, Protestant, or Jew, I find them no less loyal to me as friends and no less loyal as citizens in their affection for our common country. We are one and all a united people—united by the strongest bonds of citizenship and national love—and as such we should stand equally for every American citizen and allow no limitation of respect or of rights on account of religion to be shown by a foreign country to any American fellow citizen.

The voice of Massachusetts has never failed to be raised for the oppressed. Last spring her legislature passed a memorial on the subject of this resolution, and I presented it to Congress. No longer ago than the commencement of this session of Congress a committee from the city of Boston came to Washington to urge on us this action. Public opinion demands full respect for our citizenship.

The act we especially object to in this instance is that an American citizen on American soil can be subjected to an inquisition by any foreign official on the subject of his religion, an inquisition absolutely against the principles of American liberty, and which would not be tolerated for a moment by any official of our own country. Can one imagine the indignation which would arise in this country if anyone should seek to limit the rights of our citizens on account of religious belief? Can one, then, tamely permit the officials of another country to question our American citizens on this subject and for this and no other reason limit their privileges?

We have waited patiently, too patiently, perhaps, for Russia to give heed to our demands. It is from no act of unfriendliness to the Russian people, but to be true to our own traditions that we now take the only step left to us to bring for our rights immediate consideration, and, acting entirely within our rights, we propose to end a treaty where it is impossible for us to accept its attempted interpretation. [Applause.]

Mr. KONIG. Mr. Speaker and gentlemen of the House, the resolution now before us presents a broad and fundamental and yet a most simple and a most thoroughly established principle of American policy.

We are not concerned with Jew or Gentile, but we are concerned wholly and solely with the rights and privileges of American citizens. A Pole, a Bohemian, an Italian, a German, an Irishman, a Jew, when once he swears allegiance to our Constitution and renounces the land of his birth becomes thenceforth an American citizen; he is no longer a Pole, a Bohemian, an Italian, a German, an Irishman, or a Jew, but he is an American citizen, and as such he is entitled to all the rights and privileges of American citizenship. The most fundamental right of an American citizen is the right to worship his God as he sees fit. Take this from him and you take from him the very essence of his citizenship. Infringe on the Jewish American's right to complete religious liberty and you rob him of his Americanism. Permit that right to be infringed upon and you are recreant to the one mission which above all others this great Nation of ours has to perform.

Whenever a foreign power may see fit to respect and recognize the American citizen as such it must be made to understand that it can only do so upon the condition that it shall respect and recognize that inherent right of American citizenship—the right to religious liberty. There can be no such thing as a recognition of American citizenship and an insistence upon racial or religious distinctions. Wherever there is such an insistence there is a refusal to recognize the most essential of all the attributes of American citizenship. If a man's religious liberty be questioned, his Americanism is questioned.

The resolution before this House calls for the abrogation of the treaty of 1832 with Russia. By that treaty Russia bound herself to give full faith and credit to passports in the hands of American citizens. The treaty makes no mention, and being a treaty to which the United States is a party it could make no mention, of religious distinctions. The evidence is conclusive that Russia has refused and now refuses to honor passports in the hands of Jewish Americans. Russia has violated its treaty

obligations. Through long drawn out diplomatic negotiations, carried on most patiently for many years, our State Department has tried by every fair, honorable, and honest means to have Russia comply with the treaty and to honor, as under the treaty it is bound to honor, the passports of any and all Americans, whether they be Jew or Gentile. But she has refused and still refuses to recognize the passport when in the hands of a Jewish American.

Diplomacy has failed and failed miserably. Are we powerless? Are we, my friends, without remedy? Turn back the pages of American history and you may read what has been the remedy in other times when the national honor has been at stake and diplomacy has failed to provide a remedy.

How did John Adams, in the very infancy of our country, answer the insolent demand of the French commissioners for a bribe? He met it by calling George Washington back from private life and placing him in command of the American Army.

What, in Jefferson's time, was the answer to the Tripolitan pirates' demand for more tribute? "Millions for defense, but not one cent for tribute."

How to enforce the rights of the American citizen abroad was shown to us by the Martin Koszta incident in Franklin Pierce's administration. A Hungarian who fled to America when he failed in the attempt to have Hungary separated from Austria, declared his intention of becoming an American citizen; he returned to Turkey on private business and was there seized by the crew of an Austrian vessel lying in the Turkish port. His release was demanded and refused, whereupon the captain of the sloop of war *St. Louis*, which was then in the Turkish port, demanded his release by 4 o'clock in the afternoon, threatening to open fire if it were not granted, and he was released by 4 o'clock. To the complaints of the Austrian and Turkish Governments our Secretary of State Marcy answered that the captain had done the only right and proper thing possible under the circumstances.

What Harrison was ready to do in the Samoan Island troubles, what Cleveland was ready to do in the dispute over the Venezuelan boundary to uphold the honor and dignity of our Government, is fresh in the memory of all of us.

My friends, in the past no nation has been too big, and none has been too small, for us to leave pass unchallenged any affront by it to our national honor and dignity. Though America has not strutted about among the nations of the earth like a bully with a chip upon his shoulder, it has never failed to notice an intended insult to its national honor, and, noticing the insult, it has never failed to procure satisfaction. An individual wanting in self-respect were better dead and a nation wanting in self-respect were better numbered among the nations whose histories have been written and forgotten. Our fathers have taught us to hold most sacred and inviolate our national honor. From them we have received an unsullied fame, and ours is the duty to maintain that fame and to transmit it in all its glory to our posterity. America has ever been ready to arbitrate its difficulties, but when the language of diplomacy has failed and the national honor has been involved it has not feared to use language more forcible than can come from the mouth of man.

The intelligence, the patriotism, the Americanism of the American people demand that the Jew shall receive every right and privilege guaranteed him by our Constitution and our laws. Before our law the Jew and the Gentile is neither Jew nor Gentile, but he is an American citizen; and, as such, whether he be Jew or Gentile, he can claim, and it is our duty to see that he shall receive, every right and privilege that goes with American citizenship.

By every principle and tradition of our Government we would be barred from being a party to a treaty which involved religious distinctions; and if in the first instance we would be barred from being a party to such a treaty, so we are likewise barred from continuing to remain a party to a treaty after the other party to it persists in making such distinctions under it. Russia, in violation of the treaty of 1832, has discriminated against the Jewish American because of his religion; and it is therefore the right of the humblest Jew in our land to demand that Russia shall be made to observe that treaty, and if she will not observe it, then that the treaty shall be annulled. And in this just, proper, and American demand he shall have my vote. Mr. Speaker, I shall vote for the resolution without amendment. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. McCoy].

Mr. MCCOY. Mr. Speaker, when one views the history of this question of the treatment of our passports by Russia it is a matter of astonishment that the situation should have been allowed to remain unchanged through all these years.

Where to place the blame for the long delay in bringing the matter to a climax one can not clearly determine, perhaps, and

It is not necessary that we should. The question is not who is to blame for what has happened, but who will be to blame if the present intolerable condition is allowed to continue, and that blame will fall in part on this House if we do not act now.

As is natural, there is considerable discussion as to whether Russia is right in the construction of the treaty upon which it bases its action. For one I am not concerned to discuss the legal proposition at this time, but content myself with saying that if that construction is a proper one it affords a conclusive reason why we should now ask for the abrogation of our treaty with Russia.

I am willing to look upon this question as a Jewish question, or largely a Jewish question, and that we should base our action on that ground.

There are many Jews in Essex County, N. J., of which county the district that I have the honor to represent is a part. I count many of them as my friends. I know that they are an orderly, law-abiding, peace-loving people, and most useful citizens, and I believe that this people has everywhere exhibited those traits.

So if Russians in any negotiations that may follow upon what I believe will be the action of this Congress shall insist that this is a Jewish question with them, I hope this country will take up the issue on that basis and that we shall have no treaty unless all American citizens bearing passports shall be admitted into Russia as freely as any American citizen is so admitted. [Applause.]

Mr. FERRIS. Mr. Speaker and gentlemen, the resolution under consideration provides for the cancellation of the passport treaty relations with Russia, and it is my belief that it should have been done long ago. We have for 80 years been under solemn treaty relations with Russia to allow the citizens of both countries to travel and sojourn in either of the two countries. For the last 30 years the Russian Government has been constantly breaking that treaty and shamefully abusing a portion of our Jewish American citizens. For 30 years, I say, since the massacres in 1882 and thereafter, they have placed some feigned construction on the existing treaty, which construction has excluded our Jewish Americans from their country, even though they were full American citizens holding American passports.

Now, this does not happen to be solely a Jewish question. It is a question of American citizenship. When a Jew becomes an American citizen he ceases to be a Jew and at once becomes an American of Jewish religious faith. It is also true that he is usually a good American. I am sure good Americans are entitled to the same protection at our hands, of whatsoever creed or faith. It should be so; it is so. I hope it may never be otherwise.

It has been well suggested here that we should not treat lightly the relationship between two great countries, but while I am not in favor of treating the relation lightly, I am opposed to sitting supinely by and allowing for a longer period of time than the 30 years just preceding us of massacres and outrages upon our people. The time for protest, waiting, and delay has passed; it is now time for action.

I rejoice that it befell the lot of a Democratic House to right this tardy wrong. I regret that a wrong so patent should have been neglected by the Republican Party so long. They have been in full control of the Government in every branch for 16 years and in full control most of the time for 40 years, and yet up until this good day no action has been taken.

I think it will be admitted the treaty is now and has been in full force and full effect all these years. Again I am sure that the outrages committed on our citizens and on our Jewish citizens and Catholics will bring an admission that the treaty has been broken by Russia practically all of the time for the last 30 years. We shall wait in amazement to see with what grace the Jewish people will meet the Republican Party for refusing to act so long. We shall all stand in amazement and bewilderment together to observe the excuses and apologies that will be heard from the stump and in the campaign books of the Republican Party. They can not lay it onto the State Department for it has been without power to act. They can not lay it onto the President for he is without power to act. It is simply another case of their inactivity, when they should be active, silent when they should speak, a simple case of withholding justice when the entire subject is pregnant with justice and right.

It has been suggested that it might bring strained relations between two powerful countries. I do not believe it. I would much prefer to believe that it will prevent strained relations, for the prolonged unfairness and boldness of the Russian Government will sooner or later bring grief to them and this word of warning will but steer them clear of the rocks that will ad-

minister to them their undoing. It is merely a stitch in time and as the adage runs it will save nine.

It would be unfair and an element of weakness in our contention if we were not willing to debate the effect of what we do in this body. I meet the issue squarely and feel free to predict that wholesome results will follow.

In the first place, when the Russian Government realizes our action in discontinuing our treaty relations with them it is my opinion that they will abandon their race hatred and treat every citizen that enters their borders from the American Government as an American citizen whether he be Jew or gentile.

Again, it is my belief that as soon as this Government has blazed the way Germany, England, and all the powers will make similar demands of them until Russia will have to accede to their demands as well as our own. I say I am proud to see this sisterhood of States lead in this, as she does in everything else. The good we accomplish on this day will not, in my judgment, be confined to America and to Russia, but will benefit their attitude toward every nation where Jewish people reside.

I might, and we all might together, dwell in eulogy of and concerning these most successful, most peaceable, most useful, and most delightful people. History is replete with their achievements, but this is not their fight. I might, with rapture and delight, one by one, call the roll of their great men and their great achievements, but it would be but the applause and patriotic feeling one American has for another. We might all in unison and in accord tell of our affection for a people who have done so much for this Union and the upbuilding of this Republic, but it would be self-praise, for they are our people; our own true Americans.

Let this resolution pass, not in the future but now. Let it now become the law of the land, though tardy it be. Let it pass and the passport of an American citizen will be a badge of protection and honor, whether it be on Jew or Gentile. We may, of the Gentile faith, differ with them in religion, but we agree with them in all else. They may differ with us in religion, but they agree with us and love us in all things else. The work of the fathers in molding our Constitution said there should be no class distinctions in our religious belief, and who is here who does not thank the God of the universe that it is so? No one would repeal it if they could. No one could if they would.

The very hope of the Republic is that every American citizen shall look alike in the courthouse, in the congresses, and wherever an American citizen may tread. The emblem of American citizenship is dear to me. I would not allow it to be tarnished by one ignoble deed.

Russia is clearly wrong in her contention that she will not admit our Jewish Americans. This resolution corrects that wrong. There is no chance to make a mistake. Let us pass it by one unanimous vote that will put the question to rest as long as the tide of time shall stand.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. GOLDFOGLE]. [Applause.]

Mr. GOLDFOGLE. Mr. Speaker, the brief time yielded to me will not permit of an extended discussion of the subject under consideration. America has for the last 40 years tolerated Russia's offensive and insulting conduct toward our citizens. Russia has turned our passports aside with scorn; treated them with contempt; humiliated our citizens and unwarrantably made inquisitions into their religious belief when they presented American passports to her for visé. She has based her refusal upon the ground that the holders of the passports were Jews.

During this debate some one suggested a doubt on that subject. I state that of my knowledge to the House. I know it from the large experience I have had, having frequently been sought to obtain for those who desired to visit Russia a visé of their passports. I know it from interviews I have had with two Russian ambassadors to this country, and a former Russian consul general at New York.

From time to time applications were made to the Russian authorities to honor the passports of American citizens—reputable, law-abiding American citizens—but they happening to be Jews the passports were discredited and dishonored. Such conduct on Russia's part is not alone an affront to the citizen who bears our passport but constitutes an insult to the American Nation that issues the passport. [Applause.]

How much longer shall America stand by and allow itself to be temporized with by the Government of Russia? Russia has sorely tried our patience, and we have reached a point where we must cry a halt to maintain our national honor and make good our national boast that all our citizens are equal before the law, and that they shall have equal protection of our Government whether abroad or at home.

It can not be said that this is the first time Russia has been threatened with abrogation of the treaty. I urged it in 1909 and incorporated a provision for it in the resolution I then introduced. The treaty should have been abrogated then.

But Congress deemed it best to pass that part of my resolution which called upon the President to renew negotiations to secure the removal by Russia of her unjust and bigoted restrictions, or else new definite treaty stipulations under which no misconstruction as to the rights of American citizens to have the right to travel and sojourn in Russia could arise. Indeed, before the introduction of that resolution Russia had received warning from our Government that the time would come when, unless Russia altered her course and changed her attitude toward our citizens of Jewish faith, serious steps would have to be taken which might cause a severance of treaty relations in order to uphold American honor and vindicate American citizenship.

Mr. Speaker, in 1904 a resolution was passed by this House calling on the President to take steps to secure from Russia the honoring of our passports uniformly and secure equal treatment for our citizens seeking entrance to her territory. I introduced that resolution. It was conveyed to the Government of the Czar by our ambassador at St. Petersburg. In the able communication which conveyed the resolution the ambassador, among other things, said:

The resolution voices not only the feelings of the American people, but a principle that lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live one with us—

And mark you the language—

and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.

These were courageous words; these words truly voiced the sentiment of all America; these were prophetic words, and the prophecy is about to be made good.

Diplomatic negotiations long ago begun, and from time to time renewed, to obtain from Russia equal treatment for our citizens have proven unavailing. Repeatedly during almost a half century we interceded with Russia to have her recede from her false and unwarranted construction of the treaty. We have pleaded with her; we have implored her; we have demanded of her the performance of her treaty stipulations. She has treated our passports as so much worthless paper. She has unheeded our intercessions and denied our appeals. To our demands she has turned a deaf ear.

Her frequent promises for better treatment of our citizens have been broken as often as they have been made.

Mr. Speaker, the consciousness of the American people on this important question is aroused. We can no longer permit Russia to continue her insolent course nor bid us defiance. The hour is at hand when America, to vindicate her honor, when, to maintain the integrity of its citizenship and uphold her national dignity and her national self-respect, must take decided action, and that action is found provided in the resolution now before the House—the abrogation of the treaty now and at once. [Applause.]

On the opening day of this Congress, April 4, 1911, there was introduced in this House by both Mr. HARRISON and myself a joint resolution to abrogate the treaty. Other similar resolutions were then introduced, among them that of the chairman of the Foreign Affairs Committee. I have no pride of authorship. It matters not whose resolution was first introduced or how similar one may be to the other. Enough it is that a purpose of deep concern to American freemen is to be served. With heart intensely enlisted in the cause I look to the aim to be attained and the object to be achieved.

Mr. Speaker, the first article of the treaty of 1832 provides:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

It could not have been in the contemplation of our country when we made the treaty in 1832 that any of our law-observing citizens might be denied entrance into Russia because of their religion.

Neither the then President nor James Buchanan, our St. Petersburg representative, who negotiated the treaty, would have entertained for a moment the idea that the language employed in the treaty would permit Russia to discriminate on religious ground between our citizens seeking entrance to her territory for travel or sojourn. It was utterly repugnant to their sense of right and their conception of American equality.

Nor is it at all likely that Russia entertained in 1832 the idea which is now professed by her that she may discriminate between our citizens on religious ground. She no more entertained that idea then than she possibly could have conceived that we ever would discriminate against any of her subjects seeking to travel and sojourn within our land. Both nations entered into the treaty doubtless assuming that, so far at least as travel and sojourn are concerned, the privileges, the rights, and immunities should be perfectly reciprocal.

With change of conditions, however, and the enforcement of proscriptive policies adopted by Russia, she later undertook to interpret the treaty to mean that she could admit whom she pleased of American citizens, exclude whom she liked, and following out her proscriptive policy to exclude particularly the Jews and in some instances priests and missionaries of other faiths, though they be provided with our passports.

The clause of the treaty to which attention has been called admits of no such narrow, technical, restricted interpretation as Russia places upon it.

In 1881 our then Secretary of State, James G. Blaine, in his letter of instructions to our minister at St. Petersburg, said:

It may be necessary at some future time to discuss the question it involves, but just now I am concerned with a different class of cases, namely, those of American citizens visiting Russia for private business or for pleasure and travel and duly provided with the passports of this Government authenticating their national character and their consequent right to all the specific guaranties of our treaty.

And again:

Upon a case arising, this Government would hold that the treaty conferred specific rights on all American citizens in the matter of the disposition of their personal property, irrespective of any condition save those which the article itself expressly creates; that their actual presence when necessary to protect or assert their interests, is absolutely guaranteed whenever and for whatever time it may be needful; and that this international engagement supersedes any municipal rule or regulation which might interfere with the free action of such individuals.

And further on:

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign States for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their origin or creed. So that they abide by the laws at home or abroad, it must give them due protection and expect like protection for them. Any unfriendly or discriminatory act against them on the part of a foreign power with which we are at peace would call for our earnest remonstrance, whether a treaty existed or not. The friendliness of our relations with foreign nations is emphasized by the treaties we have concluded with them. We have been moved to enter into international compacts by considerations of mutual benefit and reciprocity, by the same considerations, in short, which have animated the Russian Government from the time of the noble and tolerant declarations of the Empress Catherine in 1784 to those of the ukase of 1860. We have looked to the spirit rather than to the letter of those engagements, and believe that they should be interpreted in the broadest way, and it is therefore a source of unfeigned regret to us when a government to which we are allied by so many historical ties as to that of Russia shows a disposition in its dealings with us to take advantages of technicalities, to appeal to the rigid letter and not to the reciprocal motive of its international engagements, in justification of the expulsion from its territories of peaceable American citizens resorting thither under the good faith of treaties and accused of no wrongdoing or of no violation of the commercial code of the land, but of the simple adherence to the faith of their fathers.

In the diplomatic correspondence that for years passed between the two Governments the United States protested and insisted that she could not acquiesce in Russia's interpretation.

With Russia's severe proscriptive treatment of her Jewish subjects within her own territory we, of course, can not interfere. We seek not to intermeddle with her internal affairs. But we do imperatively ask that she observe the obligations of the treaty; that she receive our citizens presenting American passports, regardless of their religion or creed.

Russia's treatment of the Jews in her land unfortunately and sadly presents a painful story. It is a story of religious hate, of race prejudice, of bitter persecution, and of grievous intolerance. Within Russian domain the Jew has been the subject of oppressive laws; has been subjected to unequal burdens; has been the victim of harsh brutality, and suffered inhumanities that have at times shocked mankind. Russia's treatment of the Jew, whose only offense has been loyalty to conscience and fidelity to faith, has stained the pages of her history and has shamed the civilization of the age.

But, sir, we are not considering Russia's treatment of the Jew within her Empire, but as Americans we will not tolerate her offensive conduct to our citizens, whether they be Jew or Gentile. We are most deeply concerned with the manner in which she treats them, native or naturalized, when they seek entrance to her domain. We can not without a surrendering of principles fail to take such decided action as may secure for our citizens, without distinction of creed, a decent respect for our passports, which is the certificate of honorable citizenship.

It is needless to prolong the discussion with citations of individual instances with which I am acquainted where Russia has over and over again refused to honor passports issued to

most highly reputable and much respected citizens of Jewish faith. Cases are numerous. On occasions heretofore when I occupied the floor in previous Congresses I called attention to some of them. I think the Members of this House clearly understand that Russian consular officers will not, as a general rule, visé the passport of a Jew, nor will the passport be honored until the holder of it, whoever he may be, answers inquiries as to his religion. That answer is imperatively insisted upon before the Russian authorities will grant a visé in any case.

Let it be clearly borne in mind that the restrictions Russia imposes apply equally to the native and the naturalized citizens. I have known of cases of American citizens of Russian birth whose wish was to return to their native land to visit the sickbed of a parent to minister to his need or to comfort him even in his or her dying hour; to revisit scenes of early childhood, going there on errands of kindness or of charity or to renew friendships of old; to reverentially go to the grave of a departed parent or a departed child and there breathe a silent prayer; and yet when the passport of that citizen was offered for visé, though the reason for the contemplated journey to Russia was stated to the Russian consular officer, the visé was withheld and the passport regarded as so much worthless paper. Surely, to most of our citizens who have met with Russia's refusal on the presentation of their passports, it must be as astonishing as it is sorely humiliating to be advised by a circular of our American Department of State that though an American citizen, but formerly having been a subject of Russia, on returning to that country he places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

And this, Mr. Speaker, in face of the statute of this country that recognizes the doctrine of expatriation and holds out a guaranty of protection to every naturalized citizen.

The United States Revised Statutes provide:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

True, Russia denies the right of expatriation, and insists that her subject who has become a naturalized American citizen will still be regarded by Russia as subject to her jurisdiction should he ever again enter her territory, and be amenable to the severe penalties of her law after having left the Empire without her consent.

Such a claim of subjection is so utterly inconsistent with our fundamental principles of government, so utterly inconsistent with the statutory declaration to which I have called attention, so completely at war with every principle of American equality, that we can not afford, with any self-respect, to continue in operation a treaty upon which Russia insists placing an interpretation which sets at defiance our Government's demand for equal treatment of our citizens.

Every diplomatic agency that has been so far employed has failed to secure the correction of the grievance. It is regrettable that commercial considerations have weighed in the hesitation of administrations to take steps to abrogate the treaty. If we desire to preserve our national dignity, we can not afford to allow these commercial considerations to stand in the way. Human rights and the adherence to the fundamental principles upon which our Government rests are of far greater importance than mere commercial gain that may result from treaty relations with Russia. After all, the commercial interests with that country are comparatively small compared with our other foreign trade.

I refrain, however, from discussing that phase of the question. The twelfth article of the treaty reserves unto each Government the right and the privilege to terminate the treaty on giving unto the other one year's notice. When the treaty

was made each nation must have contemplated that conditions might at some time arise which would make it advisable to terminate the treaty through the simple means of giving notice to arrest its operation. We have many precedents for terminating treaties by notice and through means of congressional action. It is unnecessary to cite them again. They have been sufficiently referred to. I quote, however, from section 384 of Butler's work on the treaty-making power of the United States. There it is said:

SEC. 384. Abrogation of treaties, various methods.—In the cases cited which have involved treaty stipulations and Federal statutes, treaties have either been, or have not been, carried into effect by subsequent legislation of Congress; or statutes subsequently passed in conflict with treaties have been held to be constitutional, and to have superseded or modified the treaty, although in many instances clearly in violation of the stipulations therein contained. There are other instances, however, in which the court has held that the treaty is not superseded or modified, but is clearly abrogated and ceases to bind either nation or the citizens and inhabitants thereof. Treaties which expressly so provide may expire by limitation of time, determined by the treaty itself; they may also be abrogated, so far as the United States is concerned by congressional action in several different methods.

First. Either by a formal resolution or act of both Houses of Congress, approved by the President, or, in case of his refusal to approve it, passed over his veto by two-thirds of both Houses, in which case it becomes the latest expression of the legislative department of the Government and therefore the supreme law of the land, and the executive department is bound to carry out the wishes of the legislature in express terms.

Second. By legislation, not abrogating the treaty in terms, but terminating the relations existing thereunder, or rendering them impossible of continuance, by enacting legislation hostile thereto or conflicting therewith, and which may supersede the treaty as to the special stipulations affected, or, in effect, abrogate it altogether.

Third. By legislation which, while it does not directly in terms abrogate the treaty, either in whole or in part, or by direct words suspend the operation of any of the provisions, so conflicts therewith that the doctrine of repeal by implication applies thereto as it would to statutory provisions similarly affected, it having been held by the Supreme Court that when a statute can not be rationally construed without repealing conflicting clauses of a previously existing treaty, the treaty must fall and the statute must remain as the latest expression of the legislative will.

The instances given in the footnotes hereto, in which these various methods of abrogating treaties in whole or in part have been adopted, are only a few instances, but they illustrate the practical application of each rule.

The effect of the abrogation of a treaty on private rights created or affected by the treaty is a matter of judicial determination.

SEC. 385. Direct abrogation by congressional action: Congress has on more than one occasion exerted its legislative power to abrogate treaties and terminate the relations established thereby. Several instances are given in the notes to this section, one of the earliest cases being in 1800, when the treaties with France were abrogated on account of the unfriendly treatment of our merchant vessels by that power. In 1883, after the payment of the Halifax award, already referred to in this chapter, Congress, by resolution, directed the abrogation of those clauses of the treaty of Washington of 1871 with Great Britain which related to fisheries and exportation and importation of fish products. In this case there was an undoubted right to abrogate the treaties, as no permanent relations or vested interests were involved or affected.

It has been the proud boast of America that we accord to our people the fullest measure of civil and religious liberty. Civil and religious liberty has been the great ideal of our country. It has been the chief corner stone of the Republic. In the exercise of civil and religious liberty our country has flourished and prospered; through its means we strengthened the ties of our common citizenship, banished prejudice, and instilled in the minds of our people in every section of our land the highest aspirations and noblest ambitions. Civil and religious liberty, which was consecrated by the suffering and martyrdom of our Revolutionary fathers, has ever been guarded jealously throughout our Nation's history and our Nation's trials. It has been the great factor that has served to uplift humanity and bring enlightenment and a better understanding of the brotherhood of man to all the people of America.

If we desire to remain true to the teachings of civil and religious liberty, and stand up for the guaranties which the Constitution of the land and the enactments of our Congress and the traditions of the Republic hold out to our citizens, we must take decided action. What avail all our protests and protestations in diplomatic correspondence and all dissents expressed in polite diplomatic terms if our Government remains supine and not take action which the resolution before us contemplates in vindication of our citizenship?

I trust, therefore, Mr. Speaker, that the pending resolution will receive the unanimous vote of this House. [Applause.]

MR. SULZER. Mr. Speaker, I would ask the gentleman from Iowa [Mr. KENDALL] to use some of his time.

MR. KENDALL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

MR. MANN. Mr. Speaker, we are all of us influenced more or less by personal sentiment and personal consideration. Probably few on the floor of the House have supposed what I have always believed, that any success which may have come to me was largely because of the Jewish blood that flows in my veins. My grandfather was Mordecai Abraham, and I take after that branch of the family. [Applause.] I have always

felt in my heart and mind not only the warmest sympathy but the profoundest admiration for the Jewish people and the Jewish race. [Applause.] Whatever form this resolution in the end may take, I shall vote for it.

I wish to call to the attention of the House something in the resolution which seems to me is entirely separate from the proposition which is really involved. This resolution provides that the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion.

And again:

That the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

I am not prepared to lay it down as a fundamental proposition that we shall assert that American citizens must under all conditions, as a proposition of itself, obtain treatment abroad which we are not willing to concede as a fundamental proposition to foreign citizens coming to this country, and I am not prepared to say that the United States is willing to make no discrimination because of race, either in the admission of citizenship or of foreign citizens to our shores. I maintain that our country has the right, and that it will exercise that right, to keep from our shores citizens of the Far East on account of race, whether they be Chinese, or perhaps people from East India, or perhaps even from Japan.

Only a few months ago that side of the House and many Members on this side of this House were insisting not only upon the right, but the exercise of the right, to prohibit the coming in of Japanese citizens on account of race. In my judgment the time is not far distant when much of China may have been divided between other powers of the world, and perhaps those Chinese citizens may have been declared to be citizens of France or of Germany or of Great Britain or other European powers. I care not what nation they may be citizens of; I am opposed to laying down the fundamental proposition that we can not forbid their entrance to our shores, and I would not, if possible, so stultify myself as to declare that we assert a fundamental proposition when it is in our favor, but are unwilling to stand by it when it is in favor of the other fellow.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. For a very short question. I have not limited the time of debate, and I desire to occupy the time allotted to me.

Mr. GOLDFOGLE. Does the gentleman from Illinois dissent from the views expressed by Secretary Blaine when he said—

Mr. MANN. Oh, you might as well ask me if my grandfather was a monkey. I will not discuss the question.

Mr. GOLDFOGLE. No; I am asking the gentleman if he dissents from the views of that great international lawyer and great leader of his party, James G. Blaine?

Mr. MANN. The gentleman ought to have the courage of courtesy at least.

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. MANN. I think, Mr. Speaker, the recitals in this resolution ought to be stricken out. I do not think it is within our province to declare that Russia has violated the treaty. I think it is proper for us to say that, in our opinion, from the standpoint of the United States the treaty has been violated, and then to provide that it shall be abrogated under the terms of the treaty.

It was a wise provision in the Constitution—put there by our fathers—which did not confide to this House jurisdiction over foreign affairs, and the wisdom of the fathers was never more exemplified than on this day, when gentlemen rise in their seats with written speeches, from the chairman of the committee down, declaring many things which, if we had the real power, might quickly provoke war.

Here is a body which in ordinary times desires the peace of the world. We have undertaken to say in this country that we will endeavor to provide for universal peace, and yet the expressions which have been made by gentlemen on this floor to-day, if uttered in another parliament against the United States, might bring about such a resentment as would provoke war. In our dealings with foreign countries we should be at least respectful. We have the right to abrogate the treaty.

I think we ought to exercise the right and pass the resolution in this House, here at least, in the hope that with the expression of opinion by this body of the position it takes on this subject, Russia will see fit to yield to our contention, but with the firm determination that if Russia does not yield, we will not yield our honor.

Gentlemen, however, have talked here as though the passage of this resolution would permit American Jews to go to Russia. Not at all. The passage of this resolution will not admit Jew or Gentile into the realms of Russia. They go there now under the protection of a treaty. We may abrogate the treaty, but that does not admit anybody into Russia.

Mr. KENDALL. And it does not exclude anybody, either. The gentleman will concede that.

Mr. MURRAY. What will be the practical effect, in the opinion of the gentleman from Illinois, of the passage of the resolution?

Mr. MANN. If the resolution passes and the treaty is abrogated and Russia so chooses, she may shut out all American citizens.

Mr. MURRAY. And whether she shall choose or not—

Mr. MANN. Mr. Speaker, I do not yield.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. We can assert our right with the rifle and the cannon and overcome Russia if we desire.

It means when you enter upon a course you can not back down from it. If we say we are determined that American citizens shall go into Russia, we can only enforce that demand by conquering at the end of a war. We can assert our honor, we can protect our integrity and our reputation as liberty-loving citizens, proud of our honor, by abrogating the treaty; but that has no further effect in the world, in adding to the rights of our citizens. I hope at least that this resolution will be amended, if the recitals are to remain in it, by asserting our right, when we choose, to exclude foreigners from our shores on account of race; and I hope gentlemen are willing to concede that we only declare that in our opinion, from our standpoint, Russia has violated the treaty and therefore we abrogate it. [Applause.]

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

Mr. SULZER. I yield to the gentleman from New York [Mr. HARRISON]. [Applause.]

Mr. HARRISON of New York. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is in accord with all the rest of us in desiring this resolution to pass, but he has confused the issue in the minds of some gentlemen upon this floor. He asserts that he would amend this resolution so that there should be in it an express declaration of the right of the United States, if it so desires, to exclude people because of their race. We have the right to exclude from the United States any race of people whom we wish to exclude unless treaty rights interfere, and it will not strengthen that right to declare it in this resolution. But Russia can not claim to have any right to exclude any Americans, least of all on account of religion or race. The gentleman from Illinois forgets that when a Jew becomes an American citizen he becomes an American, and is no longer of any race other than any of the rest of us. [Applause.] When he gets to a Russian port, he gets there as an American citizen and not as a Jew. We have a treaty with Russia which calls upon her to admit us all alike into the ports of that Empire. Under that treaty we are entitled, whatever our religious beliefs may be, to enter Russia because we are Americans. Russia can not admit some Americans and exclude others; she must admit us all or exclude us all. But the gentleman from Illinois [Mr. MANN] seems to cast some shadow upon our position in this matter by reference to the peoples of the Orient. He argues that the Chinese do not enjoy the right to come into our country. The gentleman must remember that the Chinese are excluded from this country by the express stipulations of a treaty with China, and that, on the contrary, Americans are admitted to Russia by the express stipulations of a treaty.

Mr. KAHN and Mr. GREEN of Iowa arose.

Mr. HARRISON of New York. I have only a few minutes, and I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HARRISON of New York. The Chinese are excluded by treaty provisions, and the people of America are admitted to Russia by treaty rights. But, even so, we do not exclude Chinese who wish to travel and sojourn in this country, and that is all that our citizens want in Russia. That is precisely the right given us by this treaty. However, no gentleman who has ever studied this chapter of our history can doubt for a moment that Russia has again and again violated that treaty by denying the right of American citizens to enter her country on account of religious discrimination; and the American people, in the assertion of the American principle of religious equality, have for the past 30 years demanded that this discrimination cease and have made that demand in vain. We have too long entrusted to diplomatic channels the assertion of our national rights. The time has come, if the treaty under which these exclusions are practiced gives to Russia any technical argument

in behalf of that exclusion, to destroy that treaty and take away from Russia any excuse for her actions.

Americans need not be afraid to abrogate this treaty. They have abrogated many treaties in the past. We abrogated, in behalf of property rights, a treaty that we had with France, treaties that we had with Belgium, a treaty with Chile, treaties that we had with other countries, and I place upon a higher plane than any property rights the assertion of the principle of religious equality between all American citizens. [Applause.] If Americans in the past have not hesitated to denounce treaties on account of property disqualifications, shall they now hesitate to abrogate this treaty in the assertion to Russia that the most fundamental of all American principles must be maintained? [Applause.]

Mr. SMALL. Mr. Speaker, I favor the abrogation of the treaty of 1832 between Russia and the United States, or of any other existing treaty between the two countries, because Russia has violated a fundamental doctrine of this Republic. We believe that life, liberty, and the pursuit of happiness is the inalienable right of every citizen, and we guarantee the enjoyment of these rights in every section of our country. We recognize the right of every man to entertain such religious belief as may be dictated by his own conscience, and that no discrimination should be practiced against any citizen or alien on account of his religious belief.

At the same time we insist that every other country with whom we entertain amicable relations by treaty shall accord the same treatment to every American citizen within their borders. Because Russia has discriminated against American citizens on account of their religious belief, and has not accorded due recognition to passports issued by our Government, and has not permitted American citizens to sojourn and reside in that country under the terms of the treaty, as we construe the same, I believe we should denounce this treaty in the most positive manner.

However, I do not concede that the present resolution seeking to accomplish that end is appropriately or courteously phrased. Every Government assumes the right to manage its own internal affairs free from external control. While we may contend that under a proper construction of the existing treaty the rights of citizens of our country have been violated, we must concede that the Government of Russia makes a contrary contention. Without regard to which Government is right in its construction of the treaty, I would not be in favor of entertaining treaty relation with any government which denied a basic right to any American citizen.

The language of the resolution is undiplomatic and discourteous. No matter how great the provocation may be, we should preserve our dignity and express our intention in the language which one nation usually employs in its official intercourse with another. In this resolution we directly charge that the Government of Russia has deliberately violated the treaty in question. I believe this particular language to be unnecessarily offensive. What we wish is not to offend Russia, but by subsequent negotiations to obtain a recognition of the rights of our citizens while sojourning in Russia such as we accord to Russian subjects while sojourning in the United States. It would be the height of folly to abrogate this treaty in such a manner as to wound and offend the sensibilities of those intrusted with the government of Russia, and thereby handicap our future efforts to secure a recognition of the rights which have been ignored.

I believe the resolution should in simple and dignified language give notice of our intention to abrogate this treaty within the year limited by its terms. While I shall vote for the resolution in its present form, yet I sincerely hope, in the interest of international amity and for the success of future negotiations, that it will be substantially amended before it shall be put upon its passage.

Mr. BYRNS of Tennessee. Mr. Speaker, in the short time at my disposal I can do little more than express my hearty sympathy with the purpose and object of this resolution and register the hope that it will pass unamended and by the unanimous vote of the House. This great Nation can not, either with national honor or dignity, permit any other nation on earth to discriminate unjustly for or against any class of American citizens. The individual who has the right to claim citizenship under our flag is entitled to its protection and to all the privileges which it guarantees to a citizen of our Republic. Russia has no more right to discriminate against the American citizen of Jewish faith than she has to discriminate against the American citizen of any other religious faith or belief. Hence I say, Mr. Speaker, that this resolution involves not only the question of whether this Government is going to insist upon her citizens being accorded just and fair treatment by the other nations of the earth, but it also carries with it a question

of national honor. The refusal of the Russian Government to recognize American passports issued to citizens who profess Jewish faith is nothing more nor less than an insult to the nationality of citizens of the United States. Hence I repeat, we are confronted to-day, not with a Jewish question, but with an American question of the first magnitude.

The treaty made in 1832 between the United States and Russia provides that the citizens of the respective States—

shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

The terms of this treaty are broad enough to apply to every American citizen, of whatever creed or to whatever race he may belong. Russia has no right, either legally or morally, to give it one construction as applied to the American citizen of Jewish faith and another construction as applied to the American citizen of another faith. All must be treated alike. If not, then this Government should promptly abrogate the treaty. We can do no less if we wish to maintain our national honor.

It has been said that we should not act hastily. Mr. Speaker, for more than 40 years our Government has been attempting to correct this discrimination through diplomatic channels. Yet to-day Russia shows no greater inclination to do justice in the matter than she showed at the beginning of the negotiations. Congress should act, and act now, and thus declare to Russia and to the world its firm intention to protect the law-abiding American citizen, no matter what may be his creed. On April 21, 1911, I introduced a resolution similar to the one reported by the gentleman from New York, the distinguished chairman of the Committee on Foreign Affairs, and I congratulate him and his committee on the fact that they have so promptly reported his resolution and brought the question before the House. Only recently in my own city a prominent Jewish citizen, who has been in this country for many years and by honest effort has become one of our prominent citizens, possessing the confidence and esteem of all, desired to visit the scenes of his childhood, but could not do so.

Another citizen, also respected and esteemed by all who know him, desired to return to Russia for a visit to his aged parents whom he had not seen for many years. Although a full-fledged American citizen and armed with an American passport, he was compelled to stop at the border and send for his aged parents to come across and see him. I say that such a condition of affairs is a reflection upon our Government and upon the nationality of our citizens.

The Jews are among our best citizens. They are energetic, thrifty, law-abiding, patriotic, and liberty loving. They are devoted to our institutions. As loyal citizens of our Republic they are entitled to its protection and support in the same manner and degree that it is given to other American citizens. Let us pass this resolution, thereby doing what we can to secure to the American citizen of Jewish faith a long-delayed justice, adding a new meaning and value to an American passport and a new dignity to the exalted privilege of being an American citizen.

The SPEAKER. The gentleman's time has expired.

Mr. CURLEY. Mr. Speaker, for over a generation, by a vacillating policy, the United States Government has demanded of the Russian Empire the faithful observance of the plain terms of the treaty between the nations, as negotiated by the convention of St. Petersburg in 1832, and in answer the Russian Government has with brazen and cynical disregard violated the diplomatic usage of civilized nations.

The treaty between the nations provides that every American citizen shall have the right to reside or sojourn in all parts of Russia, just as the subjects of the domain of Czar Nicholas enjoy the equal right and privilege in all parts of the United States.

America to-day, as this Nation has ever done, lives up to the full measure and the faithful observance of the terms of the treaty of Buchanan and Nesselrode, but Russia excludes, except where special permission may be given, a very large element of the citizens of this country.

And during all these more than 30 years the policy of the Russian monarchy has been to deceive this country, and with empty platitudes promise to determine the question by means of a commission or the pressing of legislation before the Duma. The insincerity of such promise has been at all times so patent as to form little less than a flagrant and continued insult to the intelligence of the American people.

When Russia refuses to recognize American passports issued to citizens of the Jewish faith because of the long and dreary years of religious intolerance that have made the land of the

Czar a disgrace to the civilization of the age, not only is the dignity and honor of American citizenship grievously affronted, but a wanton insult is paid the American flag.

Russia's policy of state has been a continual and brazen denial of the rights of this country under the existing treaty, combined at home with a shameless story of rapine and savagery, of death and unspeakable barbarity and suffering. The bestiality of the Russian Crown has repelled the civilized nations, and the rule of fire and sword and brutal assassination has appalled the world.

Either the rights of every American citizen, regardless of race, creed, color, or condition, should be recognized by Russia as other countries of the civilized world recognize them or the Russian Government held up to the light of civilization as a nation with a fraudulent policy of state and determined to break its treaties at will.

President Taft has already assured a committee of representative Jewish citizens that the State Department is wholly unable to persuade the Russian nation to withdraw from its untenable position upon the question of granting or denying the treaty rights of American citizens, and, with this confession of helplessness and hopelessness, nothing remains but to abrogate the Russian treaty as a means of respect at least to the citizenship of the United States.

The mocking procrastination of the Russian Government, marshaled by the bigotry of the tyrant Empire and the stagnant Russian bureaucracy, leaves the American Nation with no course open, if it is to retain its self-respect, but to abrogate our treaty with Russia.

The argument that has been issued from certain Republican sources that the State Department should first take the initiative and Congress should then support the present Chief Executive is as dust in the balance when one considers the honor and dignity of this Nation and the pressing demand of the hour.

Every resource of diplomacy has been exhausted by this country, and the time has come to pass when we can no longer maintain treaty relations with a foreign power which discriminates against American citizens upon religious grounds. The protection of its citizens is to-day and has ever been the first axiom of American Government.

It has remained for Mr. Marshall, the distinguished American advocate and eminent constitutional lawyer, to give to the world a most ringing message upon this question, and one which every American with the red blood of courage in his veins should read with utmost care.

Mr. Marshall says:

For more than 30 years the declared policy of the Russian Government has been the same. Its discrimination against our citizens has been persistently and constantly avowed and acted upon. Men of every class have suffered the same ignominy and contumely. No man within the hearing of my voice who professes to be a Jew, however eloquent in true Americanism his life has been, can venture within the walls which Russia has erected against the outside world, even though accredited by a passport from our Government, without having his credentials figuratively torn into shreds and cast defiantly into his face.

As a Jew he might look down upon his persecutors with pity and contempt and suffer in silence, as his ancestors did for centuries. But he is now more than a Jew, he is also an American citizen; and the hand that smites him inflicts a stain on his citizenship. It is not the Jew who is insulted, it is the American people. And the finding of a proper remedy against this degradation is not a Jewish but an American question.

Congress has the sole power to abrogate the treaties of this Nation, and I assure you, my friends, that in this crucial hour the responsibility is ours. If this country is to be true to its best estate, if it is to safeguard its immortal Constitution, then it must at all hazards regard the welfare and the safety of its native citizens not one bit less than it does the welfare and the safety of its naturalized citizens.

The duty of the hour is manifest. There must be no equivocation or surrender to the hollow protest of the representatives of American and Russian tradesmen. The United States must act, and act bravely and without delay, for the protection of its own citizenship and the welfare and happiness of hundreds of thousands of our fellow Americans.

The whole world looks to America, to the sons of this peerless Republic, to take the initial step that shall break down the walls of the Czar and the autocracy of State, for Great Britain, France, Germany, and Austria, with similar insult paid to their citizens of the Jewish faith, are as silent in the hour of their contumely as the tomb of the Capulets.

This country suffers not from the military and dynastic aggrandizement that at times paralyzes the government of the monarchies of Europe; it is a free and resolute Republic, and its national strength depends upon its courage and its character in defending American citizenship throughout the world.

As Jefferson so well defined the international policy of the United States when in letters to Jay and Maury he declared:

It is an obligation of every Government to yield protection to its citizens as the consideration of their obedience.

The first foundations of the social compact would be broken up, were we definitely to refuse to its members the protection of their persons and property while in their lawful pursuits.

The persons and property of our citizens are entitled to the protection of our Government in all places where they may lawfully go.

The laws of this Nation leave absolutely no alternative in this question, for the Revised Statutes of the United States in sections 1999, 2000, and 2001 declare:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and

Whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and

Whereas it is claimed that such American citizens, with their descendants, are subjects of foreign States, owing allegiance to the governments thereof; and

Whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed:

Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States, which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

Sec. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

Sec. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government, it shall be the duty of the President forthwith to demand of that Government the reason of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper, to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

And the purpose of the law is as plain as the sunlight of the morning—no discrimination must be shown and no distinction tolerated among our fellow citizens or we are false to the oath we bear as the Representatives of the Sixty-second Congress.

The brutality of a great monarchy to our citizens must summarily end. If Russia desires to stand for the rouble as against the man, she must stand for it alone.

If Russia desires another century of rapine and savagery of the most desperate revolutionist party the world has ever known, if her tyranny of her subjects is to continue a stench in the nostrils of the world, that is her affair; but the American people must not for one moment allow the lust of the gold of empire and shallow appeals not to disturb the current of mercantile affairs to prevail for one moment, nor the slightest deviation of this country from the path of duty and of right for the protection of every class of citizens upon our shores.

As the late James G. Blaine most well and truly said:

We do not submit any suggestions touching the laws and customs of the Russian Empire except where those laws and customs conflict with and destroy the rights of American citizens as secured by treaty obligations.

Let us give to the world a ringing message for justice; let there be no rest upon our part until the rights of every citizen of these United States, no matter how humble his circumstance, is recognized by the Russian Empire in the same manner that they are recognized by the other nations of the earth.

Let there be no backward step in the path of human progress. Let there be no further menace to the full power of civilization exacted by this Republic for every one of its people and from every nation of the earth.

Let us demand once and for all time to come the full integrity of American citizenship.

Let the seal of this country's approval upon American passports carry with it the full measure of this country's defense, and stand no longer as the amusement of diplomatic sycophants.

This Nation has the power to speak to Russia with authority. Its voice must be heard in behalf of over 2,000,000 American citizens of the Jewish faith now living in this country.

This question can not be settled until the American Nation changes its entire international policy relative to the Russian monarchy and protects its citizens as well.

In storm and stress the system of representative government for which the fathers of the land made every sacrifice of blood and treasure has endured. Let the flag of this country and the Constitution which protects it spread its divine fold over and about the oppressed of every land—the downtrodden and the suffering overburdened by the yoke of monarchy, despotism, and the injustice of the rule of kings.

Let us reveal to the world once again that the corner stone laid by the fathers of this Republic has been liberty, justice, and equality for all men before the law and held together by the cement of a wise patriotism which shall endure forever for the protection and well-being of our people. [Applause.]

[Mr. COX of Ohio addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I did not intend to participate in this debate, but the gentleman from Illinois [Mr. MANN] has made the statement that we exclude the orientals on account of race, and so I deem it my duty to reply to that assertion. I represent on this floor a community in which there are more orientals than in any other city in the United States, and I am quite familiar with exclusion legislation. The people of the Orient are not excluded on account of race. Chinese merchants, Chinese students, Chinese who desire to travel for pleasure are allowed to come into this country without limitation. [Applause.] The laborers of the Orient—the so-called coolie class—are excluded from this country because American labor can not compete with the cheap labor of the Orient. [Applause.] That is the ground upon which the oriental laborer or coolie is excluded. The question of race has nothing to do with it. Japan has agreed with us that she will exclude her laborers from this country, and therefore she does not give them permits to come. But her merchants, her students, and her travelers come here freely and constantly. China agreed by treaty that we might exclude her laborers from coming to our shores, and, in consonance with that treaty, the Congress of the United States passed a law prohibiting the coming to this country of Chinese laborers. But in no law that has been enacted by the Congress of the United States has there been any attempt to limit the coming into the United States of merchants, students, travelers, or professional people from the Orient. Therefore my friend from Illinois [Mr. MANN] was entirely in error when he said that we have adopted the principle that we have the right to exclude people from our shores on account of their race. [Applause.]

But the question of the recognition of a passport, such as our Government issues to its citizens who desire to travel abroad, is not involved in our Asiatic exclusion laws. The coolies who are now excluded under these laws were wont to come here and settle and compete with American labor. They were really Asiatic immigrants. They worked for wages so low that the American laborer and mechanic was unable to compete with them, and it was upon the demand of the working people of this country that Congress finally passed the exclusion laws against the oriental coolies.

The refusal of Russia to honor American passports is an entirely different matter. The passport itself indicates that its possessor does not intend to emigrate to another country. On the contrary, its purpose is to secure safe conduct for the citizen of the United States, in whose name it is issued, during the brief period this citizen desires to sojourn in any foreign land. The life of the passport is only two years, and under congressional enactment, if its holder be a naturalized citizen who should reside continuously for two years in the foreign country whose allegiance he had foresworn at the time of his naturalization, he promptly forfeits his American citizenship. He can no longer claim the protection of this Government. Russia is one of the few countries in the civilized world which still demands a passport from the visitor to her territory. She and Turkey and one or two of the Balkan states are the only European countries that insist upon the inspection of the passport the moment the traveler crosses the border.

Russia sets up a religious test as to whether she will admit American citizens to travel or sojourn within her confines. That is in direct violation of the treaty of 1832. She excludes not alone American citizens of the Jewish faith but also Roman Catholic priests and Protestant ministers, especially missionaries. The religion of Russia is Greek Catholic. The Czar is the spiritual head of the church; he is the "Little Father" of his subjects in their spiritual relationship to his Government. And when his ministers set up the claim that our Government also "excludes undesirables" they endeavor to confuse the issue. I do not recall that our Government has ever denied admission to a traveler from a foreign land who came to our shores with a passport from his home government.

It is inconceivable that any Jew would want to emigrate from this land of freedom and opportunity, where he can worship the God of his fathers without fear of persecution, where he enjoys all the privileges of American citizenship and receives the full protection of the laws of the land, to make his future home in Russia.

Michael Davitt, in his "Within the Pale," has painted the picture of the life of the Russian Jew in the dominion of the Czar most admirably. He says:

He is under the obligations of citizenship, military and otherwise, without its privileges or full protection. Special taxes are imposed upon him. He is confined by law within a kind of economic concentration camp. The legal difficulties put in the way of the full exercise of his industrial capacities are both the source of his poverty and of his oppression. He can not own land within the Pale or work it, but he must live. * * * His faith is assailed by almost every form of human temptation, including the terrorism of such periodical crimes as those perpetrated a few weeks ago (the Kishineff massacres). And the very fidelity which enables him to resist both the powers of proselytism and of persecution only adds one more prejudiced ground to the many which appeal against him to the religious side of an autocratic régime which decrees that an invulnerable heterodoxy is one of the worst of crimes in Russia. * * * In every Royal School or Gymnasium to which a Jewish youth is admitted the number must never exceed 10 per cent of the whole attendance—in some schools not 5 per cent.

The Russian Jew is a comparatively recent immigrant to these shores. The first influx came in the early eighties, after the promulgation in Russia of the drastic and inhuman laws of May 3, 1882, commonly referred to in contemporaneous history as the "May laws." Nearly a decade later, in 1891, occurred a series of outrages and massacres that caused another great migration to the United States. Later "pograms," as the massacres are termed, and especially the massacres at Kishineff on April 19 and 20, 1903, drove still other thousands to this land of freedom. Does anyone seriously believe that these unfortunates want to return to that land of terror for the purpose of permanent settlement there? Of course not. The desire of the Russian Jew to revisit the land of his birth is altogether a matter of sentiment. In all likelihood his parents are buried in the little cemetery of his native village. He longs to breathe a silent prayer over the graves of his beloved father and mother before he, too, passes to the great beyond. He may have relatives there, too old to take up the burden of life in the New World, and he wants to provide for their comfort in their declining years. He usually makes contributions to the local charities, and those who were the playmates of his youth and who have not met with the success that has come to him are kindly remembered with gifts of money, generously bestowed, without ostentation, and in such a manner as to spare the recipient the humiliation of accepting charity. Having accomplished these or similar purposes, he spends a few weeks in travel and gladly returns to the United States, a better citizen of his adopted country than ever before.

Mr. Speaker, at this juncture it may not be amiss to state a few facts of history to show the important part played by the Jew in the discovery of the American continent, for I believe that few of my countrymen are conversant with these facts.

In the east gallery of the Senate wing of the Nation's Capitol there is a painting which depicts the "Recall of Columbus." Dismissed from the Spanish court without having accomplished his purpose, the great navigator had reached the Bridge of Pines on his way to France, when he was overtaken by the royal courier with orders for his return. After the unsatisfactory termination of his audience with Ferdinand and Isabella at Santa Fe, the King's chancellor, Luis de Santangel, pleaded with the Queen to recall Columbus. He and his kinsman, Gabriel Sanchez, were zealous patrons of the great Genoese explorer, and they were largely instrumental in having him summoned back. There is now but little doubt that Santangel supplied the funds out of his own pocket for the expedition. In his original account books, extending from 1491 to 1493, preserved in the *Archivo de Indias* in Seville, Santangel is credited with an item of 1,140,000 maravedis, which were given by him to the Bishop of Avila, who subsequently became the Archbishop of Granada, for Columbus's expedition. In another account book is an entry to show that this sum was later on repaid to Santangel for "money which he advanced to equip the caravels ordered by their Majesties for the expedition to the Indies, and to pay Christopher Columbus, the admiral of that fleet." Columbus, in grateful remembrance of the man who had furnished the funds for the voyage, wrote a letter to Santangel from near the Azores or Canaries on February 15, 1493, detailing the result of this first expedition. And this Luis de Santangel was a converted Jew.

Nor was he the only one of the Jewish faith who was identified with the expedition. The complete list of those who accompanied the admiral on his first voyage has been lost, but among the names that have come down to us is that of Luis de Torres. He was also a converted Jew, or Marano, and, being familiar with the Hebrew, Chaldaic, and Arabic languages, was selected to act as interpreter between Columbus and the monarchs of India. For Columbus to the day of his death was ignorant of the fact that he had discovered a new world, and believed only that he had discovered a new route to India. It was this Luis

de Torres who was sent by Columbus into the interior of Cuba on an exploring expedition, and who first saw tobacco used by the Indians.

The ship physician, Maestre Bernal, and the surgeon, Marco, were likewise of Jewish ancestry. The latter had undergone public penance in October, 1490, at Valencia, at the same time that Solomon Adret and Isabel, his wife, were burned in an auto-da-fé.

As the years rolled on and settlers began to populate the shores of America the first Jewish colonists arrived at New Amsterdam in the year 1654, 257 years ago. They had to give assurances "that the poor among them shall not become a burden to the company nor to the community, but be supported by their own nation." And to this day the Jews of New York generously take care of the poor among them.

At the outbreak of the American Revolution there were several thousand Jews in the Colonies. They contributed liberally toward the cause of independence. Among the signers of the bills of credit for the Continental Congress in 1776 were Benjamin Levy, of Philadelphia, and Benjamin Jacobs, of New York. Samuel Lyon, of New York, performed a similar service in 1779. Isaac Moses, of Philadelphia, was a contributor to the Colonial Treasury to the extent of \$15,000, while Herman Levy, of the same city, repeatedly advanced large sums for the support of the Continental Army in the field.

Manuel Mordecai Noah, of South Carolina, served on the staffs of Gens. Washington and Marion as an officer of the Army and gave \$100,000 for the cause of the colonists. Mordecai Sheftall, of Savannah, Ga., was another prominent Jew of that epoch who rendered most valiant services to the struggling patriots. Charleston, S. C., at that period had among its inhabitants 600 Jews, and it is a historic fact that there was not a single Tory among them.

But the man who contributed more than any of his coreligionists, probably more than any other single individual in the Colonies, during the struggle for independence, was Haym Salomon, "a little Jew broker" of Philadelphia. He was the friend of many of the Revolutionary heroes. Dr. Madison C. Peters, a non-Jewish divine of New York City, has told the story of this patriotic citizen in an interesting little volume entitled "Haym Salomon, the Financier of the American Revolution."

Mr. Speaker, one word in conclusion. I can remember the first great influx of Russian Jews to this country in 1882-83. A large number came to the Pacific coast. Many of these were colonized upon agricultural lands and have become thrifty farmers. Others settled in our cities and have prospered. They are devoted to the land of their adoption. They have shown themselves ready, if need be, to die for their country. When President McKinley issued his call for volunteers at the outbreak of the Spanish-American War there was a ready response from every section of these United States. Among the regiments that were mustered into the volunteer service was the First California Volunteer Infantry. The records of that organization disclose the fact that there were 109 Jews on the roster of the regiment, and the first American to lay down his life in defense of Old Glory in the distant Philippines was Sergt. Maurice Justh, of the First California Volunteer Infantry—the son of a Russian Jew.

Mr. SULZER. I yield to the gentleman from Virginia [Mr. Flood].

[Mr. FLOOD of Virginia addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I now yield to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Speaker, the questions at issue, in this vastly important matter, as to whether or not we shall to-day take such congressional action as will abrogate and cancel the existing treaty between the United States and Russia, are fundamentally questions of patriotism and self-respect, both individually and nationally.

Let us examine briefly the facts about treaties and the words of the treaty itself as justification for the conclusion that the pending resolution declaring this treaty's abrogation should be unanimously approved by Congress.

In the first place, there is no plainer truth than that a mutual agreement or reciprocal treaty between nations, as between individuals, should be sacredly regarded and in good faith strictly carried out in its every provision. If a great nation is to maintain its high standing and integrity among the righteous and proud nations of the world it should, in common decency, keep to the spirit of the agreement entered into with other nations, or, as a penalty for violations of its pledges, sacrifice its honor in the eyes of other nations, especially when the other contracting party to the treaty acts entirely in good

faith, as the United States has in the case with the present treaty with Russia, negotiated in 1832, or 79 years ago on the 18th day of this present month.

Reference to the first article of this treaty leaves no doubt that it was the intention of Russia, both in the letter and spirit, to guarantee to all American citizens (in the words of the treaty)—

the right to sojourn and reside in all parts of Russia in order to attend to their affairs, and that they shall enjoy the same security and protection as natives of the country wherein they reside—

And so forth.

As has been so ably stated by the author of the pending resolution, the distinguished gentleman from New York [Mr. SULZER], it has been held by Mr. Justice Field, of the United States Supreme Court, that it is the—

general principle of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intent of the parties to equality and reciprocity between them—

And so forth.

Since there is the highest authority, based both on the opinion of Justice Field and on common sense, that the construction of the language of the treaty, as quoted, shall be liberally construed, so as to carry out the apparent intent of the contracting parties, Russia has clearly, as a rule, by the refusal of its consuls to visé the passports of certain classes of naturalized or native citizens of this country, particularly those of the Jewish faith, been guilty of discrimination against these citizens in having excluded them from her territory, and in thus denying to them the rights specifically granted in the treaty to inhabitants of the respective States to mutually have liberty to enter and sojourn in the ports and places of her territory in order to attend to their affairs and to enjoy to that effect "the same security and protection as natives of the country wherein they reside." She has therefore not only literally and grossly violated the word and spirit of her agreement for over 40 years, but she has done so flagrantly, despite the earnest protests of our diplomatic and other agencies during this time. In other words, Russia has trifled with our national honor and defied us in having so long trampled under foot the principles so dear to every citizen of our Republic, which hold that all men are born equal and, in the language of the fourteenth and fifteenth amendments to the Constitution, to the effect that there shall be no discrimination against any citizen because of race, color, or previous condition of servitude.

Into our Government and free institutions are firmly interwoven these bulwarks of human liberty and inalienable rights, and we should not, as a matter of diplomacy or as a principle of right, allow Russia or any other country to violate with impunity any treaty involving the sacred rights of our Nation and its citizens.

As has been said, this is not a Jewish question, but an American question, that has already brought out most able but fruitless efforts in constant endeavors to honorably settle it on the part of our Presidents, from Cleveland to Taft, and notably of our ambassadors to Russia, from Cassius Clay to Andrew D. White and our present ambassador to that court.

Jews who have been largely persecuted and discriminated against by Russia simply because of their race and religion are not alone the victims of the unjustified Russian interpretation of our treaty relations, but Roman Catholic priests and Baptist and Presbyterian ministers have also been treated with such indignity as to cause them and all true American citizens to blush with shame and join in the demand to merge their claims for protection under our flag with the national outcry against such affronts to the integrity of our citizenship, both individually and collectively.

To be an American citizen, either native or naturalized, should and does mean a proud privilege, and in order to put ourselves on record as the representatives of the true sentiment of the grand old Democratic Party in this country, and of practically the whole country, we should, with one accord, to-day vote solidly as unflinchingly supporting the Jeffersonian sublime doctrine of equality under the law, as the underlying basis of all that is glorious in our history, and that the preservation of our institutions require that we maintain this principle inviolate.

The discrimination by any foreign country against any class of citizen, especially such worthy classes as are represented by Baptists and Presbyterian ministers and our best Jewish population, is offensive and unbearable to us, and this feeling is emphasized by the fact that the reason for the discrimination on Russia's part is one based on race and religion, this fact being known from a personal knowledge of nearly every Member of this House, whose attention must have been called to instances of this kind, where Russian authorities have persistently refused admission not only to naturalized American Jews, born

in Russia, but also to native Jews of the highest possible standing and responsibility.

In conclusion, Mr. Speaker, I most earnestly support the pending resolution for the abrogation of the existing treaty between the United States and Russia, on the grounds that I have already mentioned, and in doing so, desire to reaffirm the undying proposition that the Government of the United States declares as a fundamental principle, that all men are equal before the law, regardless of race or religion, and that it makes no distinction, based either on religion or the birthplace of its citizens, and that it will not allow such distinctions to be made by any foreign power.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. GUDGER].

[Mr. GUDGER addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, In supporting the resolution now before us for consideration it is meet and proper that we understand just what it means. When men are associated together, no matter how few or how many, there must be some law for the orderliness of their association. For ages the great problem of mankind has been to discover the best way of securing laws governing this association. Governments of almost every conceivable form have been tried, and the relation that one man bears to another man and to the great group constituting the nation is always fixed by the laws of that nation of which the individual is a component part. When these groups of men in different parts of the world organize governments the status of an individual can not be fixed by his government in the society of another government. The only way that this relationship can be fixed is by treaties with other nations for the purpose of establishing the status of its citizens. These treaties are, or at least should be, as binding upon the one as upon the other; in fact, if they are not as binding upon one as upon the other, then the treaty is a nullity.

Our Government entered into a treaty with Russia in 1832 for the purpose of establishing the status of our citizens when in Russia and the status of Russian citizens when in our country. This treaty was negotiated by one of the greatest diplomats of our Nation, a man whom our people honored with the Presidency in after years, James Buchanan. This treaty bore all the obligations of a contract on the part of Russia and also on the part of the United States, to keep inviolate all of its terms. The words of this treaty, bearing upon the status of the citizens of the two nations, are as follows:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

From the foregoing it will be observed that the citizens of Russia have the right to enter into, sojourn, and reside in all parts of the United States, and it will also be observed that the citizens of the United States have the right to enter into, sojourn, and reside in all parts of Russia.

The latter, as yet, has never charged the United States with having broken its part of this contract, for this treaty is in all essentials a contract, but let us now turn to the conduct of Russia, under the terms of this treaty, and see whether or not she has kept her part of the agreement. When a citizen of the United States desires to travel or sojourn in Russia, he makes application to the Secretary of State for a passport, which, upon being presented to the proper representative of the Russian Government, is viséed by said representative, and then the party to whom the passport was issued is entitled to travel or sojourn in Russian territory and is entitled to the protection of the Russian Government. Whenever the holder of a passport presents the same to the representative of the Russian Government, he is asked to fill out a blank, as follows:

Name _____ Where born _____ Religion _____ Business or tourist _____ Have you been a citizen or subject of any other country _____

Signature _____

New York _____

It will be observed that the third blank calls for his religious belief. In this country we make no discrimination whatever as to the religion of any of our citizens, but Russia does not recognize this fact, and immediately upon the applicant designating his religious belief as that of Jew, his passport is not viséed, and he is refused admission into Russian territory.

Nothing can represent the operation of this arbitrary act of Russia better than a concrete example. The Hon. Harry

Cutler, of Providence, R. I., member of the house of representatives of his State, desiring to go to Russia this year, after having resided in this country about 27 years, was refused admission into Russian territory. It appears that Mr. Cutler, when about 9 years of age, came to America. Just a little personal history of Mr. Cutler will show the attitude of Russia toward these citizens of ours. Mr. Cutler, in speaking of the massacres of 1882, says:

My father was a merchant in the city of Elizabethgrad, and was in partners with a Christian friend. His partner came to us on the night of the massacre, and our Christian neighbors offered to hide us in the cellar upon the fields—not in their house, but in the cellar upon the fields—and our friend had placed Christian emblems upon the doors and windows of his home, such as crucifixes and ikons and pictures of the Madonna, to mislead the rabble and the Cossacks. My father armed himself, kissed us good-by, and went to defend his place of business. That was the last I have ever seen of my father. Naturally, subsequently followed the emigration to this country.

Mr. Cutler was not naturalized until after he was 21 years of age, and during all this time never returned to his native land; but this year, desiring to return, he was asked his religion, and upon refusing to answer his passport was not viséed.

This is only one of many such cases that might be cited. This is not a Russian-Jewish question, for no matter where the applicant was born, even under the folds of the Stars and Stripes, in our own land, just as soon as he announces his faith to be that of the great Jewish race his passport becomes as waste paper in his hands, so far as protection is concerned in the territory of the Czar.

But, sir, Russia discriminates against certain of our citizens. When a citizen of the United States desires to travel or sojourn in Russia, he is always asked his religious faith. Such a distinction is not known or tolerated in this country. When the passport of the United States is issued to a citizen of the United States, that of itself ought to be sufficient guarantee of the character of the bearer, and no nation ever ought to ask, or be permitted to ask, his religion when preparing to travel in another country, much less be refused admission on religious grounds.

In course of time many Russians have come to America; children have been born to these immigrants; if they are of the Jewish faith they may never return to the land of their father's birth on either business or pleasure, yet no one, by any process of reasoning, could find any ground for such a distinction. If this continues, and it has been going on since the early sixties, and continues to this hour, and Russia sees fit to refuse a citizen of the United States because he is a Jew, and can do this arbitrarily and we calmly submit to such a violation of the treaty, how long will it be, if some advantage is thought possible because of such discrimination, until the passport of some American will be refused because the holder thereof is a banker or a merchant or a lawyer, and what will prevent the final rejection of all American citizens, no matter who they are or what their belief or occupation?

If the treaty by any interpretation gives to Russia the right to discriminate on account of religious belief, then the treaty is in direct contravention of the very spirit of American institutions and should be abrogated; if, on the other hand, it does not give such right to Russia and she persists in violating the treaty by such discriminations, then by all means abrogate the treaty, just as any man or set of men would abrogate any contract when one of the contracting parties violates its terms.

Mr. SULZER. Mr. Speaker, I yield one minute to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I shall vote for this resolution without the elimination or the addition of one word. I am not frightened by the specter raised by the gentleman from Illinois [Mr. MANN] that if we should abrogate this treaty Russia might close her doors to us. I believe that this Republic is great enough and strong enough and powerful enough, while seeking amity with every nation on earth, to get along without any of them; and if Russia proceeds to shut us out, we can live without Russia. It is not desirable for us to live upon terms of amity with any nation on earth, if they are terms of dishonor. We have no better class of citizens within the domain of this great Republic than the American Jews. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. DONOHUE].

[Mr. DONOHUE addressed the House. See Appendix.]

Mr. KENDALL. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CALDER].

Mr. CALDER. Mr. Speaker, in the beginning it was ordained that this country should be the haven of the oppressed of all the world, and so when our fathers adopted the Constitution of the United States, which is the fundamental law of the land, it was determined then that in this country freedom of religion would

be guaranteed to every one of our citizens. We have passed through 135 years of our history, and with every year we have shown increased solicitude as to the rights of our people in this connection.

It was my privilege on the opening day of the first session of this Congress to introduce a joint resolution in the House of Representatives directing the President of the United States to abrogate the treaty entered into with Russia on December 18, 1832, unless Russia immediately complied with her agreement.

The pending resolution is on the same lines as the one introduced by me.

In the discussion this afternoon a question was raised by the gentleman from Massachusetts [Mr. McCALL] and the gentleman from Minnesota [Mr. NYE] as to whether we were proceeding with undue haste in this matter and whether our Government had called this question properly to the attention of the Russian Government. I have in my hand a report of the hearings held before the Committee on Foreign Relations at the last Congress on this very subject and note the reference there to the fact that on April 30, 1902, a resolution was passed by the House of Representatives requesting the Secretary of State to inform the House whether American citizens of the Jewish faith holding passports issued by this Government are barred or excluded from entering the territory of the Empire of Russia. On April 24, 1904, the House of Representatives also passed a resolution, introduced by my colleague, Mr. GOLDFOGLE, that the President be requested to renew negotiations with the Governments of countries where discrimination is made against American citizens on the ground of religious faith or belief. Again, on March 4, 1909, the President of the United States signed a resolution, passed by both Houses of Congress, relative to this same subject. It seems to me, therefore, with all of these acts of Congress, sufficient notice has been given to the Empire of Russia that we are in earnest in the matter.

Article 1 of our treaty of commerce and navigation with Russia, made in 1832, reads as follows:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Russia has not, however, granted the reciprocal rights that article calls for. Treaties should be liberally construed, as said by Mr. Justice Field in *Geofroy v. Riggs* (133 U. S., 271) in the following words:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

Russia excludes American Jews—all American Jews, irrespective of their nativity. She does not confine her exclusion to American Jews who were born in Russia. She excludes American Jews wherever born. The State Department grants them passports, but the Russian officials will not visé them, and consequently they can not enter Russia.

The attention of the House has already been called to the case of Louis J. Horowitz. I have known Mr. Horowitz for a number of years. He is president of the Thompson-Starret Co., the corporation which built the Union Station in Washington and is at present constructing the new Municipal Building in New York City. His case was referred to in a letter dated June 17, 1908, addressed by Judge Sulzberger to Senator Root, then Secretary of State. It appears in this letter that—

On March 30, 1908, being about to go to England on business, he determined to visit his birthplace in Russia and at the same time to go to St. Petersburg for the purpose of investigating various matters connected with the proposed contract between the Russian Government and his company regarding the construction of a passenger depot. Having sailed for England on March 31, 1908, in a hurry, he requested the company's local manager at Washington to secure his passport and mail it to him. His representative learned that there were difficulties and therefore retained Messrs. Penfield & Penfield to attend to the securing and validating of the passport.

On April 1, 1908, Judge Penfield presented the passport at the Russian Embassy at Washington, and was asked whether Mr. Horowitz was a Jew, replied in the affirmative, and the visé was refused.

In consequence of this refusal Mr. Horowitz returned home without visiting Russia.

We do not think that the ambassador's subsequent departure for Russia is at all relevant; nor would his previous departure have been taken. The embassy was, in Mr. Horowitz's case, consistently violating the treaty of 1832, as it had done for decades, certainly since 1866.

The first discrimination that Russia made against the American Jews occurred in 1867. Our Government then protested and

has continued to protest ever since. This House has repeatedly passed resolutions calling for information as to the treatment of American Jews in Russia and, latterly, requesting or directing that negotiations be had to terminate the treaty.

Nothing has been accomplished, despite the earnest efforts that have been made, including those of the present administration. We are still tied to a treaty that is obnoxious to our fundamental principles. As has been repeatedly said, it is a fundamental principle of this Nation that the rights of its citizens shall not be impaired, at home or abroad, on the ground of religious belief. All treaties should be concluded for the equal protection of all classes of American citizens, without regard to religious belief. In the hope that the termination of this treaty will lead to a new treaty which will be admitted by Russia to prescribe that all Americans shall be admitted to travel, sojourn, and reside in that country without regard to religious belief, the treaty should be terminated.

The treaty should also be terminated, in order that we shall prove ourselves true to our cardinal principles of religious toleration and equal rights of American citizens without regard to their religious belief. So long as we remain tied to a treaty that the other party construes to permit it to discriminate against Americans on the ground of their religious belief we are not faithful, but faithless, to those cardinal principles.

Russia has so construed the treaty that by internal laws she can exclude any American, as she does exclude American Protestant missionaries and American Catholic clergymen. Her own internal laws will determine in the future, as they practically determine now, what classes of American citizens may have their passports viséed and travel or reside there, but unless she desires to take the position of a nation wholly uncivilized, the travel that is now permitted will probably continue to be permitted.

So far as commercial relations are concerned, the maximum clause of the Payne tariff law, which can be imposed upon Russia's imports into this country, amounting to about \$10,000,000, is a more effective weapon than any obligation that could be imposed upon Russia by a treaty, one of the obligations of which she has by misconstruction relieved herself of for so many years.

Because American citizenship must be respected and because we intend to stand for our principle of religious toleration and the rights of American citizens, without regard to their religious belief, the treaty should be terminated and the resolution accordingly should be adopted.

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, this great American House of Representatives nobly, intelligently, and patriotically will respond to this great question of American citizenship, as it has always done, when questions of national honor, integrity, and the protection of its citizens have been at stake. No greater honor can be claimed by any man than that he is an American citizen. It is our solemn and sworn duty, as representatives of the people, to protect the citizens of our country in the enjoyment of their rights of citizenship, at home or abroad. Those citizenship rights of many of our countrymen have been unjustly assailed by Russia, resulting in this resolution. I expect to vote for the passage of same, as I expect to do my full duty as a Member of this House in every instance where the honor of my fellow citizens is at issue. In voting for this resolution my only regret is that I did not have an opportunity to do so years ago. We have waited too long without taking this contemplated action. As representatives of American citizens it is our duty to give more consideration to the rights of one citizen than to all of Russia. Of course it matters not as to our action here when we find that American citizens have been insulted by the Government of Russia, whether they be Jews or Gentiles, rich or poor, great or strong. The only question is: Are they American citizens. Among our citizens that have been insulted by Russia, and that calls for this action by this House, are my neighbors, my friends, and of as good as there is in the political, social, and business life of the great city of St. Louis which I in part represent in this House. They are of that same high character and standing all over the land.

Mr. Speaker, I voice not only my own judgment in this matter, but I speak the wishes of the people of my district regardless of religion or race. On the 10th of this month there was held in my city a great mass meeting of its citizens to protest against the action of Russia on this passport question. Elias Michael, the chairman of that meeting, and one of the most splendid citizens that St. Louis has ever had, has sent me in reference to this meeting the following telegram:

Hon. L. C. DYER,
Member of Congress, Washington, D. C.

Great mass meeting here yesterday to protest against Russia arbitrarily construing the treaty with the United States was attended by citizens of all shades or religious thought. Many unable to obtain

admission and had to be turned away. The meeting was addressed by Rev. E. Duckworth, of the Episcopal Church; George S. Johns, editor of the Post-Dispatch; and Rabbi Leon Harrison, of Temple Israel. Will you please convey to the House Foreign Affairs Committee the sentiments there expressed for Russia either to conform to the treaty or that it be abrogated. Papers containing full particulars mailed to you this evening.

ELIAS MICHAEL.

From the daily press of my city I find that this great meeting was addressed by distinguished men in various walks of life. Among others, an address was made by Rev. Dr. Edmund Duckworth, rector of the Church of the Redeemer. He said, in part, as follows:

This is not a Jewish question. This is not a Russian question. It is question of humanity. The termination of the Russian treaty on her refusal to obey the terms of her contract with the United States will mean the end of her atrocities toward the Jews now within her borders. When we obtain the former, the latter must follow and the day is not far removed. The atrocities of Russia is an ugly corner in our modern civilization.

The central idea of this Government is equality—equality before the law. This is the dominant thought of this Republic. If this fails, our very life fails. The emblem of our national life knows no Jew, no Gentile. It does not know men as Methodists or Baptists or Roman Catholics. It only knows American citizens, and it knows him as an American citizen wherever he may be, whether in Russia or Africa or England. The treaty has been in existence for nearly 75 years, and by its terms every American citizen is entitled to live in Russia and to engage in business there. And yet for half of that time our Hebrew citizens have been denied that right. Let us insist that our treaty with Russia be observed with equal respect for Gentiles and Jews.

If she will not grant this righteous demand, then there is no option but to terminate the treaty.

The St. Louis Post-Dispatch, on December 11, made reference to this meeting in the following editorial:

THE AMERICAN QUESTION.

In his address at the Temple Israel protest meeting, Rabbi Harrison said the enforcement of our rights in the Russian treaty had a profound interest for Jews beyond its immediate effect, because it might lead to the bringing of American public opinion and governmental influence effectually to bear against Russian persecution of the Jews. That is true. The influence of the American people should always be exerted strongly for humanity.

But our present submission to Russia's insolent treaty-breaking discrimination against Jewish citizens has a far-reaching effect in the opposite direction. When we accept this discrimination on account of race and religion we permit Russia to instill into our treaty, our Constitution, our laws, her own religious intolerances and race hatreds. We tacitly approve the savage medievalism, the bitter persecution, and the brutal outrages which disgrace Russia and shock the civilized world. We accept the engrafting of the barbaric policies of inhuman despotism on our democracy.

More than this, Russia's course is an attack on a fundamental American principle. Equality of rights is guaranteed by the Constitution to every American citizen. It recognizes no distinctions of race or religions.

Shall we permit Russia to read into our treaty citizenship distinctions nowhere recognized in our Constitution, laws, or treaties? Shall we permit Russia to enforce a discrimination in American citizenship obnoxious to her principles and institutions? This is the American question.

If one treaty may be violated with impunity, all treaties are subject to violation. If one American citizen may safely be discriminated against, all are liable to discrimination.

We have wasted half a century in polite and ineffectual protest. We should now enforce our rights. We should make Russia understand that the price of American friendship and treaty relations is fidelity to treaty obligations and justice to American citizens. If Russia will not pay this just price we should abrogate the Russian treaties.

Through our action in the Russian matter we should make it clear to all nations, that whatever their religious bigotries, race prejudices, and class injustices, they can not inflict them upon us; they can not, on account of race or religion, discriminate and put the badge of inferiority or the brand of dishonor on any American citizen.

These statements fairly express the public opinion of my constituents upon this question.

The distinguished gentleman from Massachusetts [Mr. McCALL] a few moments ago in his address in this House stated that the United States Government can afford to submit to arbitration the question whether Russia has violated her contract with us. But, Mr. Speaker, you can not arbitrate when there is nothing to arbitrate. Let me insert here an editorial from the St. Louis Globe-Democrat of the 10th instant as a full and complete answer to the statement of the gentleman from Massachusetts. The editorial is as follows:

ABROGATING A TREATY.

Andrew D. White, in speaking at the Carnegie Hall meeting in New York, called to demand the abrogation of the Buchanan treaty with Russia, in the interest of our Jewish fellow citizens, gave some new illustrations of the operation of the purely scholastic mind. There are now in this country about 2,000,000 Jews who, having become naturalized, are entitled to all of the protection, and all of the immunities American citizenship can confer upon any class of men. Russia has long been denying the validity of their passports as American citizens, when presented by them on returning there. It is not for us to inquire the validity of the Russian reasons for this course of action. The action in itself constitutes a violation of existing treaty arrangements. These men are entitled to the protection of the United States. The Government owes it to itself, more than to them, to see to it that the treaty rights of any class of its citizens, in any part of the world where they are protected by treaty shall not be violated with impunity.

The logic of the situation is a demand for the abrogation of the existing treaty, Russia having long persisted in its systematic violation as affecting the Jews. But Mr. White insisted that the entire question shall be submitted to the arbitration of The Hague tribunal. Does he

mean that The Hague tribunal shall be called to pass upon the validity of the Russian reasons for failure to recognize the passports of American citizens under its treaty obligations with us? It is entirely within the range of possibility that arbitrators might decide that this class of citizens not being within the purview of the treaty at the time Russia entered into it, Russia is now warranted in making a new interpretation of it to suit her own convenience in meeting new situations. After such an arbitration we would be just where we are now—confronted with the necessity of abrogating a treaty which discriminates against a large class of our citizens. We could do nothing else after such a decision. On the other hand, should arbitration result in affirming the right of our Jewish fellow citizens abroad to have their American passports recognized in Russia, Russia could do nothing more than she can do now, if so disposed, in giving these passports full effect and recognition under the plain terms of the treaty.

In all probability Russia will not, under the circumstances, seriously object to the abrogation of the treaty. Her long disregard of it indicates an indifference. Mr. White sought to avoid war. There is no possibility of war between the United States and Russia from such a cause, and the abrogation of a useless treaty may lead to the adoption of one which will be workable. The Carnegie Hall meeting voted down arbitration, of course. Here at least is one case in which there is nothing to arbitrate.

Mr. Speaker, no further evidence is needed as to the wish and desire of the people of my district that I should vote to abrogate this treaty, but I have received many prayerful petitions, letters, and telegrams from Jewish citizens of my district, American citizens in every sense of the word, calling my attention to special instances where they and their friends have been ignominiously and disgracefully treated and insulted. I can mention only a few of these petitioners, but among them that come to my mind now are the following:

B. Frank, grand master of the Progressive Order of the West, an organization composed of thousands of our good citizenship; also, Lodge 62, Independent Western Star Order; Lodges 88, 93, 87, and 165, Independent Order B'rith Abraham; Lodge 228, Independent Order B'rith Sholom; and Lodges 46 and 378, Order of B'rith Abraham; all of which have large and representative membership in my district.

So, Mr. Speaker, responding to my own judgment and sense of justice and right, I take my stand in favor of the immediate abrogation of this treaty of 1832 with Russia, and in doing so I voice the unanimous wish of all that is good, righteous, and patriotic in the great twelfth district of Missouri. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GREGG].

Mr. GREGG of Pennsylvania. Mr. Speaker, this morning I presented to this House five different memorials from the citizens of Greensburg, Latrobe, Mount Pleasant, Jeannette, and Irwin, all located within the bounds of Westmoreland County, one of the counties of my district. These memorials were signed by men of all creeds and beliefs, and embraced the names of those most interested in the welfare of their various communities. These memorials requested the United States Congress to abrogate the treaty of 1832 with Russia. The signatures of these memorials numbered in the hundreds. In this morning's mail I received a letter from one of the most prominent Hebrews in my town, a tradesman, a man distinguished for his honor and integrity, who was refused a passport to Russia by the Russian Government. This letter is as follows:

GREENSBURG, PA., December 12, 1911.

HON. CURTIS H. GREGG,
Washington, D. C.

DEAR SIR: I note in the daily papers that there will be a hearing before Congressman SULZER, chairman of the House Committee on Foreign Affairs. I take the liberty to inform you of some of my experiences.

Acting under instructions given to me by the Department of State in their letters dated February 24 and March 3, 1909, I forwarded on March 20, 1909, to the Russian minister of the interior (1) my certificate of naturalization, issued to me by the court of Westmoreland County—the same was authenticated at Harrisburg under the seal of the State of Pennsylvania and further authenticated at Washington under the seal of the Department of State; (2) a petition written in the Russian language to the Russian minister of the interior asking to be permitted to enter Russia as an American citizen. An English translation of the petition was forwarded to the Department of State. All of this was in vain. After five months—about August 24, 1909—I received an answer from the Russian department of the interior, dated July 27, 1909, No. 17732, stating that if I returned to Russia I would be subject to their criminal code, part 1, section 325.

If you think that this information may be of any use to the investigation you are respectfully requested to hand same to the proper department.

Very respectfully,

I. KAHANOWITZ.

This man is a citizen of the United States; his passport was duly issued, authenticated and was in accordance with the treaty with Russia, and should have been recognized without discrimination. The Jewish people know that he was refused because he was a Jew, and that act was in contravention to the treaty of 1832. As has been well said upon the floor of this House, this is not a Jewish question. This is an American question and involves great principles. It affects the rights of all American citizens. The uncontradicted testimony taken before the House Committee on Foreign Affairs establishes the fact beyond all question that the action of Russia in refusing a passport duly

issued by this Government was not confined to one particular class. Russia has violated the treaty and should be told in no uncertain terms that the people and the Congress of the United States will not under any circumstances stand for such action. In conclusion let me say that the refusal of the Russian Government to honor passports of the Government of the United States is an insult to every American citizen, and I know this insult will be resented by the greatest representative body in the world—the American House of Representatives. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Speaker, I shall vote for the passage of this resolution as a protest against the humiliating and outrageous treatment by Russia of American citizens with the sincere hope that it will result in redressing these great wrongs.

We certainly have been a most forbearing people in our tolerance of the injustices that have been heaped upon us by Russia.

Discrimination against one class or several classes of our citizens is a wrong and an affront to our entire citizenship.

It is humiliating for a people so free and so broad as ours on the question of race and religion to have a treaty agreement with a country which permits that country to maintain consular agents in our own midst with the power to interrogate American citizens as to their religious beliefs and to refuse to honor passports because of those beliefs. A distinguished and able Catholic prelate, Bishop Hoban, of the district I have the honor to represent, was refused admission to Russia because of his expressed belief.

Diplomacy, through years of patient effort, has failed to stop this harassing and ignominious treatment, and our dignity and pride compel the radical action of abrogating treaty relations with Russia rather than longer suffer her bigoted and unprogressive discrimination.

As to the Jews, they need no defense or eulogy from us. The world's history tells the story of their wonderful progress and achievements. As Americans, they occupy a place of dignity, usefulness, and splendid citizenship. [Applause.]

[Mr. LOBECK addressed the House. See Appendix.]

[Mr. MORGAN addressed the House. See Appendix.]

Mr. KENDALL. Mr. Speaker, I yield two minutes to the gentleman from Maine [Mr. HINDS].

Mr. HINDS. Mr. Speaker, I shall vote for the resolution to abrogate this treaty, because it seems to me that in no other way within our reach can we impress upon Russia the fact that this country is in earnest in the representations which have been made to her so long. It does not seem to me that by doing this we necessarily or even probably run into any danger of war. If the Jewish citizens of this country were so numerous and so many of them desired to return to Russia that their going back to that country might disturb her labor market or economic and business conditions, she might then go to extreme lengths. But I know many of the Jewish citizens in my own home. I know that they are peacefully, happily, and prosperously established in the United States, and will not go back to Russia to reside permanently. They will only go back for errands, called there by relationship or by some business incidental to their former residence. Many of them came away driven by conditions of despotism; they have by industry and wisdom won their places in the confidence and esteem of our community, and they do not care to live again in Russia. Therefore, it seems to me, when the officials of Russia find out that this country is really in earnest they will come around speedily to a reasonable treaty in conformity with the traditions of the United States. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, Russia has violated her treaty with the United States by refusing to honor passports issued by this country to citizens of the United States to travel in Russia. A treaty is a solemn agreement between two countries and is mutual. The treaty of 1832 between the United States and Russia provides, as to the citizens of each country, that—

The inhabitants of their respective states shall mutually have liberty to enter the ports, places, and rivers of the territories of each party. Wherever foreign commerce is permitted they shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their respective affairs, and they shall enjoy to that extent the same security and protection as natives of the country wherein they reside.

Russia refuses to permit American citizens of the Jewish race to visit Russia. This is a clear, palpable, and outrageous violation of the treaty of 1832 between this country and Russia. The fact that a citizen of the United States is a Jew is the reason Russia gives for violating a part of the treaty of 1832. The treaty must stand as a whole, and if Russia will not live up to every part of the treaty, including the right given to American citizens to travel in Russia, then the treaty should be abro-

gated and the matter ended. I shall vote for the resolution without amendment. It should receive the unanimous vote of this House.

The Hebrew race from the days of Abraham to this time have been most prominent in the history of the world. Millions of Jews are citizens of the United States. They are entitled to every right and consideration from foreign countries having treaty obligations with the United States that other citizens of this country have.

South Carolina, I believe, was the first of the American colonies to grant full, civil, and political rights to the Jews. I would be recreant to my obligations as a citizen of the United States and a Representative from the great Commonwealth of South Carolina if I did not insist that the treaty of 1832 between the United States and Russia should be respected by Russia or the treaty abrogated. I shall vote for the pending resolution. The chairman of the Committee on Foreign Affairs, the Hon. WILLIAM SULZER, is entitled to the highest credit for his zealous, able, and patriotic efforts in support of the resolution.

Mr. SULZER. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. PATTEN].

[Mr. PATTEN of New York addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, Russia's treatment of her Jewish subjects has attracted attention and aroused indignation throughout the civilized world.

So long, however, as her barbarities are confined to her own dominions, and practiced upon her own subjects, however revolting they may be to the sentiment of the Christian world, they constitute no breach of the international law. She is in a position to decline, and has declined, to receive from us even a memorial against those horrid practices.

The pogrom with its attendant horrors, is a domestic institution which no nation has been disposed to treat as a *casus belli*. But in her attitude of hostility to the members of the Jewish race, Russia does not stop at the oppression of her own subjects. She imposes contumelious restrictions upon members of that race seeking admission into her dominions. The Jew is the one stranger she will not admit within her gates, even when bearing the passport of another country, and clothed with the rights of entry afforded by the stipulations of a solemn treaty which includes him within the benefits of its provisions. Vainly has the public opinion of this country, expressed in various forms, sought to induce a change in the Russian attitude toward American citizens of the Jewish race. Protest after protest, remonstrance after remonstrance, has been forwarded to St. Petersburg, insisting that all classes of American citizens must be treated alike, so long as they come within the benefits of existing treaties. To no purpose. Impervious to remonstrance, deaf to reason, the authorities of the Russian Government have pursued their stolid way, fortifying themselves in their attitude by an interpretation of the treaty terms which is an insult to common reason. At last we have come to the parting of the ways. The period of protest and remonstrance has expired. The time of definite and positive action has arrived.

The purpose of the pending resolution is to terminate the treaty negotiated in 1832, between Russia and the United States. This treaty provided, along with other things, for reciprocal rights of entry, travel and sojourn, on the part of the subjects of the contracting sovereignties. From the time that this compact was ratified until 1865, no controversy arose between the two countries over the interpretation of the terms. This was doubtless due to the fact that during this period, Russia's attitude toward her Jewish subjects was continuously favorable. Subsequent however to 1865 that attitude began to change, finally culminating in one of exceeding and unreasonable hostility. Coincident with this change of attitude, Russia began to read into the treaty ideas that were never entertained by the representatives of the two countries that negotiated it, and which are at variance with the fundamental rights of expatriation, and religious freedom.

This country has written into its statute law that the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, and that all naturalized citizens of the United States while in foreign countries, are entitled to, and shall receive from this Government, the same protection of persons and property which is accorded to native-born citizens.

Russia however has never admitted the right of expatriation on the part of its subjects, but has constantly maintained that a Russian subject who becomes a citizen of another country without the consent of the Russian Government, is deemed to

have "committed an offense for which he is liable to arrest and punishment, if he returns without having previously obtained the permission of the Russian Government."

One view is the view of despotism, the view of a country which has never realized that the citizen has any inherent and inalienable rights; the other is the view of a country which is the sturdiest champion, and the most conspicuous exponent of these rights.

That portion of the treaty which determines the reciprocal rights of intercourse of the citizens of the signatory countries, is in the following terms:

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of the respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever commerce is permitted. They shall be at liberty to sojourn, and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy to that effect, the same security and protection as natives of the countries wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force touching commerce.

This language is so clear, explicit, and unambiguous, that it is difficult to see how any question could ever arise as to its meaning. But in the practical operation of the treaty, Russian subjects holding the passports of their officials, are freely admitted into this country, while Jewish citizens of the United States, whether native born, or Russian born, are not admitted into the Russian Empire on an American passport. This is an intolerable condition of affairs, and in plain violation of the treaty stipulations.

For years our ministers to Russia and various Secretaries of State, have protested with indignation against the utterly unwarranted interpretation which Russia has placed upon Article I of the treaty of 1832.

As far back as 1881 Mr. Blaine, then Secretary of State, penned a vehement and masterly dispatch on this subject. Subsequently Russia's conduct became even more objectionable, for her representatives on American soil undertook to inquire into the religious beliefs of American citizens bearing the passports of the United States, and if the bearers of these passports were ascertained to be Jews, to refuse to give them their visés. A notable instance of this character, was the case of Mr. Lewis J. Horowitz, who came to this country from Russia when he was 15, and for over 18 years has been a citizen of the United States. He is a vice president of the corporation which built the great Union Station at Washington, and is the virtual head of its business department. Understanding that the Russian Government proposed to build a new station at St. Petersburg to rival the one at Washington, he determined to visit his native country, and if possible, to secure some portion of the contract for the proposed station.

He obtained his American passport, and it was presented at the Russian Embassy in Washington, to secure the necessary visé, or approval. Upon ascertainment that Mr. Horowitz was a Jew, the visé was denied. Many other cases equally flagrant, and equally objectionable, might be cited.

This inquiry into religious belief practiced in other cases, before that of Mr. Horowitz, was made the subject of pointed objection on the part of Secretaries Bayard, and Olney, and of our minister to Russia, Mr. Clifton R. Breckenridge. The Russian Government was informed in distinct terms that her course in subjecting to a religious inquisition American citizens, whatever their race, when bearing American passports, and asking to have the same viséed, was one not to be tolerated by the genius of our institutions, and that the continuance of such a course, after our views had been clearly and considerably made known, might trench upon the just limits of consideration, and lead to the withdrawal of the exequaturs of such consuls as continued this practice.

It has been well said that it is the distinctive mission of the United States to stand for certain fundamental doctrines among mankind, and in particular for the principle of freedom of religious belief. The first amendment to the Constitution provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

It is intolerable that in this country where the widest measure of religious freedom has been secured by fundamental guaranties, so that no religious test can ever be required as a qualification for any office, or public trust under the United States, the representative of a foreign despotism, should deny to an American citizen, rights solemnly guaranteed by treaty stipulations, placing this denial solely on the ground that the applicant holds to the traditions of his fathers, and avows the Jewish faith. Russia has pursued her course in this matter unshaken by the protests of diplomacy.

Our Jewish compatriots do not rest their complaint upon the ground of race, or faith, but upon their rights as American

citizens, and justly so. The Constitution knows neither Jew, nor Gentile, but casts the full mantle of its protection about every man who is entitled to say: I am an American citizen. The language of the treaty is sweeping and comprehensive. There is no reservation as to race, or faith. It provides that the inhabitants of the respective States shall mutually have the liberty to enter any portion of the territory of each party, whenever commerce is permitted, and to sojourn, and reside in all parts whatsoever of said territory, in order to attend to their affairs. The right of entry is not only given in the broadest possible terms, but it is a mutual right. The same right that a citizen of Russia, whether Slav, or Tartar, enjoys to enter the territory of the United States, under the authority of a Russian passport, is conferred upon a citizen of America, seeking admission to Russia. Without regard to race, he is entitled to enter that country when he bears an American passport. If this be not true, then there is no mutuality. It is a reproach to this Republic that we have so long passively acquiesced in the Russian interpretation of this treaty, and allowed the citizens of the United States to be put into two classes, one within, and the other without, the benefits, and provisions of the compact of 1832. Are our guaranties of equal rights under the laws, a sham and a mockery? Is there one law for Jew, and one for Gentile?

It is appropriate that a Democratic House should pass this resolution, for the Democratic Party has at all times concerned itself to maintain, and enforce the fundamental, and constitutional rights of the citizen, without regard to creed or race.

The platform of this party declares that:

We demand that all over the world a duly authenticated passport, issued by the Government of the United States to an American citizen, shall be proof of the fact that he is an American citizen, and shall entitle him to the treatment due him as such.

We pledge ourselves to insist upon the just and lawful protection of our citizens at home, and abroad, and to use all proper methods to secure for them whether native-born, or naturalized, and without distinction of race, or creed, the equal protection of law, and the enjoyment of all rights, and privileges open to them under our treaties.

Russia insists that the treaty of 1832 means that "American Jews shall have such rights only in Russia as are accorded by that Government to its own citizens of that faith." Even if the terms of the treaty were ambiguous, it is inconceivable that this Government would ever consent to an interpretation of its language which would deny to one class of our citizens rights freely accorded to others, who rest their claim to the privileges conferred by the treaty, solely on the fact that they are American citizens.

Apparently the Russian Government holds to the view that it can unilaterally annul this compact, and in the full enjoyment of its benefits on their part, deny to a portion of our citizens the reciprocal rights which the plain terms of the instrument affords. It is time for this Government to impress upon the Emperor of all the Russias, the fundamental fact that "the Jewish citizens of this country, under our Constitution, laws, treaties, and actual practice, are the equals of all other citizens," and enjoy the fullest protection of our laws—that our treaties are the supreme law of the land, and are made for the benefit of all the people, Jew and Gentile alike.

A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest, and the honor of the government which are parties to it. (112 U. S., 598.)

Russia insists upon the right to make an exception to her general treatment of the beneficiaries of the treaty of 1832, upon the ground of her domestic policy toward a portion of her citizens. "But there is no rule of interpretation applicable to treaties, or for that matter to private contracts, which authorizes either of the parties, to make exceptions by construction, where the parties have not thought proper to make them." (8 Wharton, 464, 488, 489. 12 Peters, 722.)

It may be true as stated elsewhere, that "Russia is free to govern her native Jews, by exceptional laws, to pen them within certain defined territories, and prevent them from entering numerous professions, from becoming landowners, and having access to schools." These acts evince a narrow, intolerant and unwholesome spirit, productive of certain mischief, and internal disorder, but they are within the rights of the Russian Government, and are matters of domestic regulations. As to such a policy, we may reserve our opinions, or even give expression to them in emphatic form, but we have no right to object. The shoe does not pinch us. But this country will never admit the right of Russia, or of any other nation, to limit the treaty rights of our citizens, the more especially when the asserted right of limitation rests upon a narrow, and distorted view of the language of the treaty under consideration.

It is a general principle of construction with respect to treaties, that they shall be liberally construed, so as to carry

out the apparent intention of the parties to secure equality, and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial, or restricted sense impressed upon them by local law, unless such restricted sense is clearly intended.

It has been held by this court, that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it, and the other favorable to them, the latter is to be preferred. (*Geofroy v. Riggs*, 133 U. S., 271.)

Apply these principles to article 1 of the treaty of 1832. "There is no exception, express or implied in the first, or any other article of the treaty. Its terms are of universal application. They include not some, but all of the inhabitants of the high contracting parties. They give the liberty to sojourn and reside within the territories of the respective nations, not to some but to all of their citizens. There is no distinction of race, or color, or creed or sex. No discrimination is contemplated, or permitted. All Russians are to be admitted here. All Americans are to be admitted there."

This country would stand aghast if Russia insisted upon the right to exclude Presbyterians, Catholics, Methodists, or the members of any other religious denomination, from entry into her dominions. Our indignation would find speedy and emphatic vent, should that country undertake to say that the citizens of California would be admitted into her territory, while the citizens of New York would be excluded. Such action would be treated almost as a just *casus belli*. Yet her right to insist upon such a discrimination would be no more absurd than her present contention, nay could be equally as well defended.

In a large sense this discrimination practiced upon our Jewish fellow citizens, is not a Jewish, but an American question. It is an affront to American citizenship, on the part of a nation which apparently does not hesitate to break its compacts, and flout its obligations. Treaties, declares Chancellor Kent, should be kept with the most scrupulous good faith. They are solemn engagements entered into between contracting nations to advance their mutual interests, secure peace, promote amity, remove friction, and avoid war. These results are not obtained, when one nation insists upon an interpretation of a treaty which nullifies its universal effect, and renders the privileges which are enjoyed by the favored beneficiaries, a matter of grace, and not of right. Such a course does not promote amity. It begets friction and provokes irritation. I agree with the proposition that from the standpoint of the Nation's honor, the refusal to admit an ambassador of this country, would be no greater wrong, than the refusal to honor the Nation's passport given to one of its humblest citizens. The very basis of the treaty of 1832 is that the citizens of the respective States, shall mutually have liberty to enter the territories of each party, and sojourn in all parts whatsoever of said territories, in order to attend to their affairs.

Language means nothing if this language can be construed to mean that the citizens of one faith in a country which knows no distinctions of faith shall have permission to enter the territory of Russia, while, other citizens holding a different faith, shall by reason of that faith be excluded. And if the language used is clear, and the rights conferred are manifest, how much greater the affront to this country is the refusal of Russia to honor our passports! What action then should we take? Protest. We have protested, lo these many years.

Great mass meetings have adopted resolutions of the most vigorous and pointed character. All the political parties have deemed the situation of sufficient importance to treat of it in their national platforms. Candidates for high offices, have committed themselves unreservedly to the movement to induce Russia to recognize her obligations under the treaty. As late as 1908 President Taft declared that our national prestige must be used not only for the benefit of the world at large, but for the benefit of our own citizenship; and that as we gain in international prestige, we ought to assert our insistence that our passports certifying our citizenship, shall secure to every man without regard to creed or race, the same treatment, and the same equality of opportunity, in every nation of the globe. But President Taft thus far has failed to secure this equality, and apparently has been content to pursue the methods of tedious and ineffective diplomacy.

Abrogate this treaty. No other course is consistent with our self-respect, or our duty to all the citizens of the Republic. Does this course mean war? Not at all. The abrogation of a commercial treaty is not a sufficient *casus belli*. But will this action injure our trade with Russia? Possibly, for a time. But we can not afford to put dollars before men. A great principle is at stake, and nations like individuals must tread the

path that honor indicates. It is not imperative that our people should visit Russia, and in the absence of treaties, our relations with that country will be governed by the familiar principles of international law. Our action in abrogating this treaty, will bring a moral pressure upon Russia that it will be difficult for her to withstand. It will evince our unshaken purpose to insist upon equality of treatment for our citizens, and establish the sincerity of our declarations that our laws are for the equal benefit of all the people, without regard to race or creed. There is to-day a liberal movement in progress in Russia that seeks to bring her domestic policies into harmony with modern progressive thought. This country is the great exemplar of that thought. Even Russia can not withstand the pressure of universal public opinion, and undoubtedly she occupies a position of undesirable isolation in her present attitude toward her Jewish subjects. Speaking for myself, I have no question that Russia values the friendship of this country, and the good opinion of the world, far too much to insist upon her present attitude, when she finds that the United States is in earnest at last, and resolved at all hazard of commercial loss, to insist that every citizen of the United States "shall be put upon a basis of equality," and receive all the benefits plainly intended to be provided by the treaty of 1832.

The world is steadily advancing toward a "higher justice, and a more enlightened public opinion." The force of such a public opinion will in time be felt even in Russia, and compel a change of attitude toward her Jewish subjects. When that time arrives, she will freely accord without a treaty, the right of entry which we now demand for our citizens by virtue of our treaty rights. But we are not content to wait for the slow processes of time to leaven the public thought of Russia, and effect a change in her attitude toward a situation in which we are not dependents on her favor. Our action will hasten the day of coming of that change of attitude. If the treaty of 1832 is of so little value to Russia that she prefers to relinquish its benefits, rather than honor American passports in the hands of Jewish citizens, surely the benefits of that treaty are of even less consequence to this country. As matters stand, Russia gains all and surrenders nothing, while the United States waives her insistence upon equality of treatment for American citizens, and receives in return a mess of pottage. Too long have we tamely acquiesced in a policy of discrimination which affixes an unmerited stigma upon the members of a race which has contributed in abundant measure to the prosperity and the glory of this Nation. The financier of the American Revolution was a Jew. Many Jews fought in the ranks of the armies of the Revolution, rendering gallant and effective service. A Jew was a distinguished member of Gen. Washington's staff, and made a princely contribution to the cause of the colonists. I call these things to mind lest we forget the debt we owe to members of that race. American citizenship is a goal for the struggling, and oppressed in all lands, and a prize worthy to be attained by the way of bitter travail, but it will cease to be a sacred thing, if it has one value for the Jew, and another and larger value for the Christian. The Jew has a just pride of race, and well may he glory in his antecedents, and the achievements of his people in every field of human endeavor, but our fellow citizens of that faith, have a still greater pride in their American citizenship. The action of Russia in dishonoring American passports in their hands, touches them in the latter respect. They feel that this country has not attained the ideal standard which should prevail in this land of liberty and equality, or thrilled to a sense of its high responsibility, when it fails to maintain the integrity of American citizenship, even at the cost of dis severed relationship with a mighty power. This country will never be "respected by mankind, beloved of its sons, and the asylum of the poor and oppressed of all lands, and religions," so long as it is merely content to blazon under the "Eagle's folded wings," the declaration: Equality of justice and right for every citizen of the Republic. A promise requires fulfillment. When occasion arises this declaration must be translated into achievement, otherwise the most comforting assurance of aid, will be as sounding brass and a tinkling cymbal. The action of Russia though directed at the Jewish citizens of this Republic, is not an insult to the Jew. It is an insult to American citizenship, and as such this country should resent it.

The Jew does not ask to be admitted to Russia as a Jew, but "panoplied with the armor and shield of American citizenship," he seeks admission as a matter of right. Should we fail to assert ourselves on his demand, and neither secure for him equality of treatment, nor abrogate a treaty which has failed to accomplish its manifest purpose, we render ourselves a well-deserved mark for the finger of scorn. Our Jewish brethren ask neither grace, nor favor, but justice, that justice "for which all places are a temple, and all seasons summer."

Mr. SULZER. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. AUSTIN].

Mr. KENDALL. Mr. Speaker, I also yield one minute to the gentleman from Tennessee. [Applause.]

Mr. AUSTIN. Mr. Speaker, all Americans look alike to me, and I am going to vote for this resolution. It is a gratifying fact, too, that while we have partisan politics in this House, when it comes to the question of maintaining American citizenship and American rights abroad this House is a unit for the American citizen, regardless of his race, religion, or original nationality.

We are a world power. I hope we are strong enough to maintain the rights of the American citizen until every nation on the face of the earth will respect and honor an American passport, whether presented in Russia, China, or any other country. Our Hebrew citizen is law-abiding; he is industrious; he is patriotic; and well does it become the American Congress to stand as a unit for sustaining the just cause of the American Hebrew citizen in Russia or wherever the sun shines.

We have waited too long; we have submitted too long to the violation of our treaty rights on the part of Russia. I am here to congratulate the able chairman of the Committee on Foreign Affairs [Mr. SULZER, of New York] and the other members for bringing this matter to the prompt attention of Congress, and I hope there will not be a dissenting vote on either side of the Chamber. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. TUTTLE].

Mr. TUTTLE. Mr. Speaker, I accept this remarkable unanimity of sentiment as expressing the judgment of patriotic Americans that there must be strict adherence to the letter and spirit of solemn treaty obligations, whether it be on the part of Russia or any other nation on earth. Russia's treatment of the Hebrew citizens of the United States has been resentful, brutal, and of long standing, but it is not because of nationality that we protest, but because the offense violates the rights and privileges of American citizenship. It is not the protest of visitors and tourists, but the protest of a serious people demanding every right of business and pleasure guaranteed by mutual treaty obligation.

I am not enamored of the play of professional nationality, and yet the occasion seems a proper one to pay tribute to the conspicuous characteristics of our Jewish fellow citizens. The world knows of their struggles, their thrift, their strength of character, and their achievements. No other nationality maintains such extensive and splendid benevolences. As a people they care for their own, and seldom, if ever, do you hear of a Jew becoming a public burden. Their leaders are conspicuous in the world of business and finance, and the world of art and literature has felt the touch of their genius. I am speaking of the Hebrew as I meet him and know him in my own activities.

It has been asserted that business is vitally interested in maintaining the present treaty relations with Russia, but it may also be asserted that large business interests have been adversely affected by the abuses that are complained of. I may cite the protest of one large manufacturing concern in my own district, the American Saw Mill Machinery Co., at Hackettstown, N. J., doing a large export trade, made to me before this complaint reached its present acute stage. Under date of June 26, 1911, the president of that company wrote:

The manager of our export department, Mr. H. H. Hirschfeld, whose headquarters is at our office, 50 Church Street, New York City, will sail for Europe on the 29th of July. It was his purpose to go to St. Petersburg and several other points in Russia in the interest of our company, but because of the refusal of the Russian consul to visé his passports it will be impossible for him to make this business trip for us. You can see, therefore, that it is not only a matter between the Russian Government and the Jewish people, but it is a direct invasion of our commercial rights, and it seems to us that the time has come when our Government should have sufficient backbone to go at this thing in the proper way and bring Russia to terms.

The answer of the Russian Government will be, perhaps, a protest against the language of this resolution, and the answer to that is that for 40 years we have depended upon the polite language of diplomacy to have the rights of our citizens respected without results. This resolution may not be polite, but it is understandable, and that is the present tendency of diplomacy. There are many characteristics of the Jewish people which excite our admiration and arouse our sympathies, and while these developments of character arouse admiration and interest our protest is on broader and impersonal grounds. We have not in haste and anger created a situation that threatens the friendly relations that have existed and ought to exist between the two nations. We have simply but emphatically said that a condition of unfair and unfriendly discrimination exists, winked at if not fostered by official Russia, that defies solemn treaty pact, and this can no longer be tolerated. We

recognize neither Jew nor Gentile; we ignore religious beliefs and demand for all the full rights of American citizenship.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. DUPRE].

Mr. DUPRE. Mr. Speaker, there appears to be such unanimity of sentiment on this measure that it is likely no record vote will be had thereon. I therefore avail myself of the brief time accorded me to express in this affirmative manner my hearty support of the pending resolution.

I am not a jingo, and try not to be a demagogue. I have no more desire to hear the American eagle scream than to listen to the growl of the Russian bear, but even at the risk of helping to make yellow journals a deeper ocher and of arousing the resentment of the Romanoff bureaucrats I am of opinion that the resolution introduced into this House by the chairman of the Committee on Foreign Affairs abrogating the treaty of 1832 between Russia and the United States should pass. That treaty unquestionably granted to American citizens the right of peaceable sojourn in the Empire of Russia and vice versa. That it has been openly, wantonly, and repeatedly violated is a matter beyond dispute. The hearings before the committee make ample proof of that fact and show that the violation is of long standing. The instances personally cited by the gentleman from New York [Mr. GOLDFOGLE] as to his own experience with a Russian ambassador and with a Russian consul general at New York are specific examples of the small respect with which American passports are regarded by the representatives of the Czar. Patience has ceased to be a virtue. Representation after representation has been made to the Russian Government on this subject. We have exhausted every friendly means of having our rights respected and upheld. But one recourse remains, namely, the complete abrogation of the treaty of 1832, and I shall vote accordingly.

I do not find it necessary to extend these remarks by any eulogy of the American Jew. He has earned for himself a high place in American civilization. The important phase presented by this matter is that every citizen of this great country, without regard to religion, should have the protection of the Government, so that any man admitted to citizenship in the United States may boast of same in the simple and yet proud manner of the Roman of old when he said, "Civis Romanus sum."

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Ohio [Mr. FRANCIS].

Mr. FRANCIS. Mr. Speaker, I certainly feel indebted to Mr. SULZER and the House for the short time allotted to me, so that I may express my approval of this bill. The committee has spared no pains to make this bill to fit the exact situation now existing between our country and Russia, and I therefore urge that it be passed by this House as nearly unanimous as possible and without amendment, so that Russia may know in no uncertain language the true American sentiment on this question. [Applause.]

Mr. Speaker, resolving the question before us into its most simplified form, let us inquire, Are our Israelitish American citizens discriminated against by the Russian Government in violation of the treaty of 1832; and if so, what good reason is there for our Government tolerating such treatment, which amounts to the greatest hardships to them and is an insult to the dignity of our Nation?

These are the people who trace their lineage not alone in America and Europe but around the world and in antiquity, back to Abraham. "They are God's chosen people," the sons of the fulfillment of prophecy who shall finally be gathered at Jerusalem.

What relation do these people bear to our Government? If they are citizens, and especially good citizens, working as we work, building as we build, in all our institutions and in the forward march of American progress, then they should be protected at home and abroad and their passports should be honored in every country on earth, and if they should not be equally protected with every other citizen, then the strong arm of the American Government should reach to their assistance and forbearance must cease to be a national virtue.

Our treaty with Russia is not subject to be performed at its pleasure and to satisfy its whims, so that in part it will be applied only to those who bear a certain brand of religion agreeable to the Czar's liking, but should apply to the Jew and Gentile alike and without discrimination.

There are few persons in our country who know what a passport means to one traveling in the Czar's realm. No subject of a foreign country exists there without a passport. When taken from him he is not alive in a civil sense, every personal privilege before possessed by him is suspended. He can appeal to no one. If the official who bears the uniform of the Russian Government has a whim to satisfy, he may be sent westward to

the civilized nations bounding the Atlantic, but more often will he be sent eastward to that gulf of oblivion from which no traveler scarcely ever returns—the penal colony of Siberia. This is and has been the fate of the Jew by reason of his faith, a faith guaranteed to him by our Constitution.

Can our Nation, which boasts its world power and of being the mistress of the seas, maintain its dignity and allow this barrier longer to exist in violation of our treaty rights and against a particular denomination who have chosen the Stars and Stripes as their protection and have made a home where they can worship God according to the dictates of their own consciences?

These people have not brought a burden to our country; theirs is the lowest percentage of pauperism and the lowest percentage of criminality and among the highest in literature and thrift. These people stand in the forefront in every civilized nation of the earth in science, letters, literature, law, music, and art. They stand at the forefront in our legislative halls, in our judicial and executive departments of government. They stand in the forefront of the business and commercial world; they represent the civilian and citizen of whom we have a right to be proud, and represent of our population near 2,000,000 souls. They were found fighting for our independence on the battle fields of the Revolution, fighting for our flag in the War of 1812, of the Mexican and Civil Wars, and of the Spanish-American War. Their patriotism will be noted when I show that the first volunteer in that war was a Jew. And after our Navy entered Manila Bay and with one blast wiped the Spanish Armada off the face of the seas, and when our Army attacked Manila the first man to fall in the attack was a Jew, Sergt. Maurice Justh. There went to the front in this struggle to take the fortunes of war, from my own district, Capt. William Freudenberger, of Steubenville, Ohio. In this war there was that distinguished official who enlisted from the city of Wheeling, W. Va., in my immediate vicinity, and was known for his loyalty, Col. Horkhelmer, a Jew.

So it can not be on account of lack of patriotism or of loyalty to our institutions that these people are not accorded equal protection under this treaty.

The principle which reverberated throughout the 13 American Colonies, and from a mere spark was kindled into a raging flame of revolution against Great Britain, began with the Jewish people.

One Thomas Payne, who possessed that high sense of justice which afterwards made him the champion of equal civil rights and religious liberty in America, however much we may disagree with his religious views, when scarcely out of his teens was chosen excise collector in the city of London. It was his duty to collect this tax from the Israelitish people, and to do so he was obliged to take from the counters of their stores and sell their goods, wares, and merchandise. These people there had no citizenship nor civil rights under the English law.

Payne, smarting under his unpleasant task, wrote an article and had it published in a leading journal of the day, pointing out the injustice of taxing these persons without according to them representation. This cost him his job and would have cost him his liberty had he not fled to America. But here he could and did hurl back at the English Government the same principle which was imposed upon the Colonies, and taxation without representation became the slogan which resulted in our liberties.

It is true the Jew has aided human existence, enlarged the scope of living, its worth, its pleasures, and its splendor. Let us recount a few of their great men and their achievements at home and abroad.

In this country, William Cohen, of New York, and Myer Sulzberger, of Philadelphia, might head the list of the many masters of law in this country, while Judah P. Benjamin's name is inscribed in the race of honor both here and in England. England has her Benjamin Disraeli, premier of Great Britain in his time, while in Denmark Dr. Edward Brandes has recently been appointed minister of finance, and in Holland E. E. Van Raalte is minister of justice. But let us come home, and here we find that venerable patriot, Mr. Oscar Straus, who once filled the office of Secretary of Commerce and Labor and whose work was of the highest efficiency.

When we pass to the realm of music, out of its many composers and musicians we need only to mention the names of Mendelssohn and Rubenstein.

In medical research we find Robert Koch; through the inquiry of F. Cohn the tubercle bacillus was discovered; and Cesar Lombroso discovered the etiology of "pellagra" and has for the last 50 years been the greatest European expert on insanity.

These are just a meager few of the great multitude of Israelitish people who have stood preeminent as benefactors of hu-

manity and have left to posterity their works for the good of mankind.

And yet another might be named who raised and maintained the dignity of American popular journalism and at his death bequeathed an endowment to be used in support of a school of journalism; I refer to the late lamented Joseph Pulitzer, of the New York World.

But let us refer to a living example of this people whose patriotism, philanthropy, and great worth in our National Capital and country has endeared him to all the people. I name Simon Wolf, of this city.

The high object of our Government should be the universal brotherhood of man, and not the doctrine of hate, and all citizens should have equal protection under its laws at home and abroad. There is one flag for Jew and Gentile alike, and it should not be said that there is one flag for the Gentile and none for the Jew.

We must not forget that there was a time in this Government "that tried men's souls," and also tried their purses. We must not forget the day when Haymen Soloman, that noted Jew champion of the Revolution, contributed the sum of \$565,000 to the cause of liberty, not a dollar of which was ever returned to him by this Government, and he died and left his family in comparative penury. He stood shoulder to shoulder with Robert Morris and made the success of the American arms possible. And that great monument at Bunker Hill, which commemorates the beginning of that struggle, was financed by a Gentile and Jew—Amos Lawrence and Judah Turo.

Amos and Judah, venerated names,
Patriarch and prophet, press their equal claims;
Like generous coursers running neck and neck,
Each aids the work by giving it a check.
Christian and Jew, they carry out one plan,
For, though of different faiths, each is in heart a man.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. WILSON].

Mr. WILSON of New York. Mr. Speaker, after listening to the arguments in favor of this resolution, and none against it, I am more than ever convinced that the position taken by me some ten years ago on this question was correct, and therefore I shall vote for this resolution.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Speaker, the resolution we are to vote upon, having for its object the abrogation of the treaty of 1832 between the United States and Russia, should be passed without delay. I believe that although the discrimination which has been shown by the Russian Government in refusing to recognize American passports has, in fact, affected only certain classes of Americans, in particular the Jews and missionary clergy, yet it indirectly affects every American citizen, be he Jew, Pole, Bohemian, Slavonian, Greek, Armenian, Dane, Norwegian, French, Swede, English, Italian, German, Scotch, Irish, or of any other birth or descent.

This protest against the Russian treaty commenced about 40 years ago, and every Secretary of State since Blaine has officially protested to the Russian Government that American citizens should be accorded the same rights in Russia under the treaty as are accorded to Russian citizens traveling in this country. It has been insisted by the Russian Government that American passports in Russia should be governed by the law of Russia, and there is considerable discrimination resulting from this interpretation. This discrimination is a violation of the treaty. If it is within the treaty, then the treaty itself is unconstitutional, because it violates one of the paramount inalienable rights guaranteed to all American citizens under the Declaration of Independence and the Constitution—that all men are free and equal. I firmly maintain that this Government has the right to place such a construction on this treaty, which is only fair and reasonable as contrasted with the harsh and undemocratic interpretation placed upon it by the Russian Government.

The Russian Government has received sufficient notice of the attitude of this country upon its actions in connection with this treaty, and it has had plenty of opportunity to accede to these demands and carry out with impartiality the letter and spirit of this international contract.

It will be recalled that one of the causes of the War of 1812, was the fact that England insisted on kidnaping our sailors, claiming that they were subjects of her Government because they were born under the British flag. It was a flagrant violation of the treaty then existing between us, but our Government demonstrated at that time that it was not to be trifled with.

Why should the United States, to-day, when it is among the most powerful nations of the world from every viewpoint, re-

sources, military strength, and wealth, submit to these actions of the Russian Government any longer? We certainly have been fair to its citizens and accorded them every privilege they could wish or desire. We are entitled to reciprocally the same privileges as long as we are American citizens, whether we be Jews or Gentiles, clergymen or laymen. It is one of the fundamental rights which every American citizen should enjoy under the republican form of government, and the Government, acting through one of its three branches, legislative, executive, or judicial, should see that it is adhered to. This country is too great to continue to permit any country to disregard passports of any of our citizens in times of peace. It not only invites a continuance of these practices by Russia but holds open to the entire world a right to disregard our treaties, and offers for an excuse this precedent we are now setting in tolerating the violations of this particular agreement which are being carried on daily, and this very minute.

Patriotism is one of the highest ideals of American citizenship, and it is on such an occasion as this when a class of our citizens is being subjected to an unwarranted treatment at the hands of another Government that the Nation in its entirety should give its unanimous support to the protection of those offended, and that each citizen should be inspired with patriotic devotion to the Stars and Stripes and the desire to see the principles of a free government carried out to the very letter.

The resolution reads as follows:

Joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia.

Resolved, That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

The only objection I can make is that it is not worded strongly enough. But I shall not oppose it merely on account of form; it is the results that are sought which interest us most. But let our intentions and our wishes be expressed plainly without hesitancy and fear.

While, as I said before, it is a question affecting all of our citizens, yet the Jews in particular are protesting against the treatment they receive in Russia. The protest is a justifiable one, and one which should be commended. There are other classes of our citizens who have been subjected to this discrimination, but it is the Jews who have brought about this marked agitation for the abrogation of this treaty, and it is very gratifying that they are so persistent in insisting that their rights be held inviolate. It is their duty to protest against a flagrant violation such as this is, and they have done it; they deserve every bit of credit for their activity in bringing it to the attention of this branch of the legislature of the Federal Government. During the past few months I have been receiving many petitions from Jewish societies and organizations appealing to Congress for relief, which I placed before the Committee on Foreign Affairs. They knew that their rights had been infringed upon; that they are entitled to redress; and if they had not gone after it in the way they did the matter would have been passed without any notice whatever. It is a mark of their caliber of Americanism. We should foster such a spirit whenever the opportunity presents itself to bring closer the bonds of diverse religions and blood toward one common goal of the maintenance of the principle of equality for all.

The Jews are one of the best classes of citizens we have. Thrifty, methodical, and of regular habits, they have demonstrated their value to our country; they have entered into the commercial world here without a foundation and to-day occupy an important place in many great enterprises. As upright, honest, and conscientious people they stand high. All these things are in line with the whole idea of this Government and should be fostered. We can have no better opportunity to do it than by passing this resolution.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SULZER] for yielding time to me in order that I may discuss, briefly, the pending resolution. I shall not, however, enter into a detailed discussion of the passport question, but

I desire to express my hearty and sincere sympathy with the purpose and object of this resolution and express the hope that it will pass without opposition. For 40 years Russia has offered offensive and insulting conduct toward citizens of the United States of Jewish faith. Such conduct this Nation can not either with dignity or national honor permit. We should allow no nation on earth to discriminate against an American citizen because of race or religion. The individual, whether native or foreign born, who lives under our flag is entitled to its protection and should be denied none of the privileges which it guarantees to an American citizen either at home or abroad. The conduct of the Russian Government toward our citizens of Jewish faith is intolerable and unjustifiable. It is an insult to each and every American citizen regardless of his religious belief, and national honor demands immediate action. Many of my good friends are Jewish people, and I have always had in my heart the warmest sympathy and the profoundest admiration for the Jewish race. They are honest, industrious, progressive, law-abiding, liberty-loving, patriotic people devoted to our institutions, and are entitled to and must have all the rights accorded other American citizens. This question is not a Jewish question alone. It is an American question and involves the entire citizenship of the United States. Not only has Russia discriminated against Jewish citizens, but Catholic priests, Presbyterian divines, and Baptist missionaries have been excluded. For years the United States Government through our State Department has put forth every possible effort to come to some agreement with the Russian Government whereby this discrimination may cease, but up to this time all efforts have been fruitless. We have petitioned and our petitions have fallen on deaf ears. We have protested, but our protests have been ignored. We have remonstrated, but our remonstrances have been treated in silence. Russia has continually and persistently refused us a hearing, and now the time has come for action. The American Government must waste no more time in petitions, in protests, or remonstrances, but issue our ultimatum at once through the passage of this resolution, and serve notice on the Russian Government that at the end of one year the treaty of 1832 will be abrogated. This action will be indorsed by the American people and will be a complete fulfillment of our platform pledge adopted at Denver, when we declared:

We pledge ourselves to insist upon the just and lawful protection of citizens at home and abroad and to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of law and the enjoyment of all rights and privileges open to them under our treaties; and if, under existing conditions, the right to travel and sojourn is denied to American citizens, or recognition is withheld from American passports on the ground of race or creed, we favor prompt negotiations with the Governments of such countries to secure the removal of these unjust discriminations. We demand that all over the world a duly authorized passport, issued by the Government of the United States to an American citizen, shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

Mr. Speaker, I am one of those who believe platform pledges should be carried out to the letter, and I would be ashamed of the party to which I claim allegiance if this Democratic House did not pass the pending resolution, thereby redeeming a promise made to the people in our national platform. A glance at the treaty of 1832 will satisfy anyone that our rights have been ignored, and that a great injustice has been done to certain of our citizens. The treaty referred to contains the following stipulations:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Mr. Speaker, for 40 years the Russian Government lived up to this provision, but during the past 40 years it has been willfully, persistently, and defiantly violated. During all these years Russia has refused to honor passports issued by our Government when presented by a Jew, and in some cases when presented by a Catholic priest, Presbyterian divine, or Baptist missionary, and such refusal is not only a violation of the provisions of the treaty, but is a direct insult to the American Government.

Mr. Speaker, I insist that every citizen owing and acknowledging allegiance to the United States is entitled to its protection, here or elsewhere, regardless of whether he be a Jew or a Gentile, Protestant or Catholic. I heard it intimated that the passage of this resolution might bring about strained relations between the two Governments. This I do not concede. I believe our action to-day will awaken the Russian Government to a sense of duty, and at the end of one year a new treaty

will be agreed to which will be respected by both Governments. The question has been asked, if we abrogate this treaty, what will be our relations with Russia? In reply I would say that neither commercial nor diplomatic relations are dependent upon the existence of a treaty between them. If this treaty is abrogated we will occupy the same position with Russia that we did prior to 1832. It has been well stated by another that a liberal treaty tends to foster commercial relations between two countries, and an illiberal treaty to interfere with them. But no one can doubt that if we have anything to sell which Russia wants she will buy from us; and if she has anything to sell which we are willing to buy she will sell it to us. Compared to our vast commerce of imports and exports, those with Russia are comparatively insignificant. The total imports are about \$18,000,000, and the exports about \$17,000,000. These figures, of course, do not represent profits. They merely represent the aggregate of purchase and sales. The profits in all probability would not exceed 10 per cent of the aggregate amount, which would be about \$3,500,000. But the question involved is a much greater one than any business question. The question is whether we propose to be true to one of the great principles of this Government, or whether we are to barter it away for a mess of pottage? Are we to place the dollar above the man? Are we to consent to a stigma being placed on American citizenship, if only we can make a few dollars out of it, or are we to say to the world that every citizen of honest character and good report shall receive equal treatment at the hands of foreign nations, and that an insult to one class is an insult to all?

Mr. Speaker, I am not asking the passage of this resolution for the relief of the Jew, because he is a Jew, but I am asking it because he is entitled, as an American citizen, to all the rights, privileges, and protection belonging to each and every citizen owing allegiance to our Government and our flag. The Jewish people comprise a large part of our enormous population and have contributed much to our growth and development. Their intelligence, integrity, and ability have been demonstrated in the various fields of activity. Their contributions to art, science, music, literature, and statesmanship have attracted the attention and won the admiration of all our people. They are devoted to our country, loyal to our flag, and deserve equal treatment with every other American citizen the world over. Let us abrogate the treaty and show to the Russian Government that an insult to the American Jew is an insult to all the American people.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. STONE].

Mr. STONE. Mr. Speaker, it is apparent that the sentiment of the House is overwhelmingly in favor of the abrogation of the treaty which this country entered into with Russia in 1832. This evident preponderance of sentiment in favor of the termination of the treaty makes it improbable that a roll call will be demanded upon the passage of the pending resolution. In order that no question can be raised hereafter as to my position, I take this opportunity to state that the pending resolution has my hearty and sincere support.

It is to be regretted that this course has become necessary, but it has been demonstrated that milder means availeth naught. Congress in 1882, 1883, 1884, 1886, 1892, 1894, 1897, 1902, 1904, 1908, and 1909 passed resolutions protesting against the policy of the Russian Government to discriminate against our Jewish fellow citizens in the acceptance of passports, but these resolutions failed to accomplish their purpose. Evarts, Blaine, Bayard, Olney, Hay, Root, and Knox—an illustrious succession of Secretaries of State—have exerted their skill in diplomacy but without success. After 40 years of protest and diplomatic effort Russia still violates her compact continuously and defiantly.

The time for halfway measures has passed. Delay can no longer be excused. Dilatory tactics will serve merely to intensify the belief now entertained by Russia that our declarations and demands are not serious and sincere. If we are to secure for all American citizens, regardless of the religious faith they profess, the fundamental rights guaranteed by the Federal Constitution, there should be prompt and positive action. The passage of this resolution will announce our refusal to sanction in our international relations a discrimination between our citizens expressly discountenanced by our organic law, and will make clear our intention to square our policies with our principles.

In the success of this cause the interests of all Americans who love right and justice are identical. It is not a Jewish question but an American question. Its solution will give to the title "American citizen" a higher and a nobler place, and the bright rainbow which spans our future will then bear its message of hope and promise to all humanity.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. CONRY].

[Mr. CONRY addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GALLAGHER].

[Mr. GALLAGHER addressed the House. See Appendix.]

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I have very much hoped that diplomatic negotiations or some friendly arrangement would before now have settled this passport question.

Unfortunately, as it appears to-day, but two courses are open to us—either placidly to submit to Russia's disregard or denial of our rights under the treaty of 1832 or else to adopt this resolution calling for the abrogation of the treaty itself.

Of the two courses, I much prefer the latter, and therefore I shall vote for this resolution.

I confess that I have some misgivings as to the situation which may arise if the treaty shall be abrogated, and yet, I still cling to the presentment that Russia will find some way of yielding to our requirements when once she realizes our earnestness. If, however, Russia shall fail to meet our views, in that event we must not turn back now that we have once put our hand to the plow.

Some of you gentlemen, if I may judge from your speeches, gaily and enthusiastically have welcomed this opportunity to snap your fingers in the face of a European nation. Others of you have reluctantly come to the conclusion that we are faced by a situation which has been trifled with too long and that national self-respect requires us firmly, but as courteously as possible, to take a position from which we shall not recede. I feel that those of you who meet this situation with sober, regretful earnestness are by far the more likely steadfastly to adhere to the path which we to-day shall mark out.

Mr. KENDALL. Mr. Speaker, I am inclined to believe that the important issue before the House this afternoon is not the particular phraseology of the resolution which we are considering. The vital and consequential thing is, What action shall the House take as respects the Russian treaty? Shall we profit by the experience of 40 long and weary years? Shall we learn the lesson that those years ought to have imparted to us, or shall we continue the dreary diplomatic bickering and controversy in which we have so long been engaged?

I do not care what this resolution may recite as our opinion with reference to the Russian construction of this treaty. I do not care if we say, "In our humble judgment Russia is wrong and we are right," so long as we announce our determination to take definite and decisive action to revoke this treaty. That is the important thing that is before this House this afternoon. There is no danger of war. The gentleman from Illinois [Mr. MANN], I think, is unduly solicitous lest some remark uttered on this floor may provoke that great power to resentment. We are here as American citizens, asserting rights that are fundamental to us under our Constitution, and we are not to be deterred from that expression by the apprehension of unfortunate consequences. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. This is a serious matter. It is of great national as well as international importance.

For many years Russia has been a great friend to the United States, a fact which is appreciated by all Americans. But for the fact that the friendliest relations have so long existed between these two nations, this country would not have so long tolerated the treatment some of our citizens have been subjected to in Russia.

The very principle upon which this Government was founded was that of "religious liberty." To every American citizen under our Constitution and laws is guaranteed the right to follow the dictates of his own conscience as to his religious belief.

That Russia has continually violated the terms of the treaty of 1832 there is no doubt.

The report of the Committee on Foreign Affairs shows that the committee has gone into the matter carefully and ably. That report shows that Russia has violated her treaty with this country. The committee report also recommends the adoption of the Sulzer resolution, which provides for the termination of that treaty.

Mainly Russia has discriminated against many of our citizens and disregarded our passports because of the religious belief of those citizens. If we permit such discriminations, wherein does the declaration of religious liberty benefit our citizens?

The point here is not that there has been discriminations against Jews, but discriminations against American citizens whose religion happened to be that of the Hebrews. If a power cared to do so, they could make the same point on any other sect, creed, or faith. It should no longer be tolerated by our country. If these insults to our national honor and dignity are overlooked and these gross discriminations continue, then Russia or some other power would no doubt discriminate against our citizens because they were Methodist, Baptist, Catholic, or members of some other denomination. The fact that a man has the proper credentials of this country, traveling with the official passport of the United States of America, should entitle him to that treatment and consideration which is guaranteed to all our citizens. An insult or discrimination against one of our citizens, whether for religious reasons or for other causes, so long as that citizen, acting as an American should deport himself, is a discrimination not against the man but against our country.

Our citizens of the Jewish faith, as much as citizens of any other faith, have patiently hoped that through the diplomatic representatives of Russia and our country terms could be agreed upon whereby this evil of long standing could be remedied. Russia has made no concessions. This country has been patient in the matter until patience has ceased to be a virtue.

If we are to maintain our national honor and self-respect, we must now act, for it seems that all pleading has been useless.

It is my opinion that Russia will wake up to the gravity of the situation, and I hope that through the termination of this treaty a new one will be agreed upon by which better and more friendly relations will continue between the two countries. But regardless of what may or may not happen as the result of the termination of this treaty, it is my opinion that the time is here when our national honor demands, in justice to our citizens, whom the Government should at all times protect, the termination of this treaty. I hope the resolution will pass and to that end I shall vote for its passage. [Applause.]

Mr. SULZER. Mr. Speaker, I now yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, when the limit for debate on this resolution was fixed and the time allotted I was in my committee room assisting in the preparation of the Army appropriation bill. Upon learning that this resolution was under consideration I came to the Chamber, but have been unable to secure time in which to discuss it. I am therefore indebted to the courtesy of my friend, the distinguished gentleman from New York [Mr. SULZER], for this permission to thus express briefly my sentiments on the Russian passport question.

Among my own people my views on this subject are already well known. My interest in the matter antedates my membership in this body, and ever since I have been a Member of this House it has been for me a subject of constant study and attention. What we shall do here to-day will be easily accomplished, for we are all of one accord so far as the merits of the case are concerned. It has been more difficult for some of us who have given the question some thought to refrain thus far from urging action of this kind.

And yet we were aware that the President and the State Department were bending their every effort toward the proper settlement of the question through diplomatic negotiations. We have continued to hope that these efforts would be successful, with the usual result of hope long deferred. So we come to-day to voice the long-pent-up feelings of the American people. There is no division among us. Party lines have disappeared, so that when this resolution passes it will not be the work of a party, but of a great people. We may differ as to the wording of the resolution, but not as to its merits. To me it seems that we should use the firm and positive, but dignified and polite, language properly adapted to diplomatic relations. We gain nothing for ourselves and lose much in the estimation of others by employing in speech or resolution the language of the braggart and the bully. Bear baiting may commend itself to some as an exciting pastime, but it does not readily lend itself to the solution of international difficulties. I shall favor for this resolution that language which will in a dignified, respectful manner, as befits a great and serious matter, most forcefully embody the thought we all have in mind. After all, our contest here concerns only the question of phraseology. We all agree that too long we have submitted to this indignity.

To all the many good things said here to-day concerning the Jewish people I heartily subscribe. Too little rather than too much has been said of their unique history and their great deeds as recorded in the annals of all nations and

climes. The part they have already played in our own brief history is an enviable one, and the end is not yet. But this is not a Jewish question. It is an American question. We are not seeking to confer a favor upon the Jew or upon the adherent of any faith or religion. We are simply taking a stand for American citizenship and declaring by our action here to-day that, so far as this House is concerned, all citizens of this great Nation, pledged in its organic law to the doctrine of religious liberty, shall be accorded equal rights by all other nations, regardless of their religion. We trust that what we shall do here to-day may aid in bringing this to pass.

The SPEAKER. The time of the gentleman has expired. All the time has expired.

Mr. OLMSTED. Mr. Speaker, I ask for the reading of the amendment which I formerly sent to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk read as follows:

On page 1, line 12, after the word "religion," strike out all of lines 12 and 13, and lines 1, 2, and 3, on page 2, and insert in lieu thereof the following—

Mr. OLMSTED. Mr. Speaker, one moment. After a conference with the gentleman from North Carolina, and in view of a suggestion he has made, I would like to change that amendment to what I send up now.

The SPEAKER. Does the amendment which the gentleman now sends up take the place of what the Clerk has read?

Mr. OLMSTED. It is to follow what the Clerk has read and to that extent take the place of the original amendment I sent up.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Insert in lieu thereof the following:

"That the Government of Russia, by refusing, on account of race or religion, to honor American passports duly issued to American citizens, has so construed the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832."

Mr. OLMSTED. That is all.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Just one moment, Mr. Speaker.

Mr. KENDALL. Mr. Speaker—

The SPEAKER. The debate is closed.

Mr. OLMSTED. Strike out, also, line 4, on page 2. That is to be stricken out. Just one word, Mr. Speaker.

Mr. SULZER. Mr. Speaker, I make the point of order that no debate is in order.

The SPEAKER. Debate is closed.

Mr. OLMSTED. General debate; yes; but—

The SPEAKER. There is not any such thing as debate under the five-minute rule in the House.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to address the House for four minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent to address the House for four minutes. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Speaker, this resolution as it now reads contains this language:

That the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

It then proceeds:

That the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832.

My amendment means simply this: Instead of saying that Russia has violated the treaty agreement of 1832, it says, referring to what the resolution already declares, that we will not be a party to any treaty that is so construed as to discriminate against American citizens on account of race or religion. My amendment declares that the Government of Russia, in refusing to honor passports issued to Jewish citizens, has so construed the treaty, and therefore we vote to abrogate it. [Cries of "Vote!"]

It omits the charge of violation of the treaty—a charge which, whether just or unjust, is unnecessary, and would simply tend to make rougher the pathway of diplomatic negotiation by which it is greatly to be hoped some honorable and satisfactory adjustment may yet be reached. The treaty of 1832 is a treaty of commerce and navigation. It is satisfactory and important, except as construed by Russia in the matter of passports. We can not agree to that construction, and rather than do so will give up every commercial advantage under the treaty and abro-

gate it entirely. But if within the period of notice an amicable settlement can be reached, whereby the rights of all our citizens can be protected and assured, surely it is greatly to be desired. If not, then by the operation of this resolution the treaty will be annulled. My amendment, while not quite so harsh in terms, accomplishes that result and notifies Russia that this Government will not tolerate discrimination against any of her citizens on account of race or religion.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 119, noes 114.

Mr. SULZER. Mr. Speaker, I call for the yeas and nays.

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

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Pennsylvania. Those in favor of the amendment will, as their names are called, answer "aye," and those opposed will answer "no."

Mr. O'SHAUNESSY. Mr. Speaker, I ask to have the amendment read.

The SPEAKER. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. LONGWORTH. Mr. Speaker, I understood the clerk to read "lines 12 and 13." There is no line 13.

Mr. OLMSTED. Mr. Speaker, there seems to be so much misunderstanding that I ask unanimous consent to have the entire resolution read as it would read with the amendment.

The SPEAKER. The Chair calls the attention of the gentleman from Pennsylvania to the suggestion of the gentleman from Ohio [Mr. LONGWORTH] that there is no such thing as line 13 on page 1.

Mr. OLMSTED. There are two prints of the bill. One has a line 13 and the other has not. I ask unanimous consent to have the resolution read as it will read if this amendment is adopted.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to have the resolution read with the amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution as it would read if amended.

The Clerk read as follows:

That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia, by refusing, on account of race or religion, to honor American passports duly issued to American citizens, has so construed the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

The SPEAKER. The Clerk will call the roll, and those in favor of the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] will, when their names are called, answer aye, and those opposed will answer no.

The question was taken; and there were—yeas 115, nays 183, answered "present" 1, not voting 89, as follows:

YEAS—115.

Ainey	Danforth	Lawley	McKinley
Alexander	Davidson	Helgesen	McKinney
Anderson, Minn.	De Forest	Henry, Conn.	Madden
Anthony	Dodds	Higgins	Malby
Barchfeld	Dwight	Hill	Martin, S. Dak.
Bartholdt	Dyer	Hinds	Matthews
Bates	Evans	Howell	Moon, Pa.
Bowman	Farr	Howland	Moore, Pa.
Brantley	Fordney	Hubbard	Morrison
Burke, S. Dak.	Foss	Humphrey, Wash.	Morse, Wis.
Butler	Foster, Vt.	Jackson	Needham
Calder	French	Kennedy	Nelson
Campbell	Gardner, Mass.	Kinkaid, Nebr.	Norris
Cannon	Gardner, N. J.	Knowland	Nye
Catlin	Green, Iowa	Kopp	Padgett
Claypool	Greene, Mass.	Lafcan	Page
Cooper	Gregg, Tex.	La Follette	Patton, Pa.
Copley	Griest	Langham	Payne
Crago	Harris	Longworth	Pickett
Crumpacker	Hartman	McCall	Porter
Dalzell	Haugen	McKenzie	Prince

Prouty	Smith, Saml. W.	Taylor, Ohio	White
Rees	Spcer	Tilson	Wilder
Reyburn	Sterling	Towner	Willis
Rodenberg	Sulloway	Utter	Wilson, Ill.
Saunders	Sweet	Voistead	Wood, N. J.
Slomp	Switzer	Vreeland	Woods, Iowa
Sloan	Talcott, N. Y.	Wedemeyer	Young, Kans.
Small	Taylor, Colo.	Weeks	

NAYS—183.

Adair	Dies	Jacoway	Pray
Aiken, S. C.	Difenderfer	James	Raker
Akin, N. Y.	Dixon, Ind.	Johnson, S. C.	Rauch
Allen	Donohoe	Jones	Redfield
Anderson, Ohio	Doughton	Kahn	Reilly
Ansberry	Dupre	Kendall	Roberts, Mass.
Ashbrook	Edwards	Kindred	Roberts, Nev.
Austin	Ellerbe	Kinhead, N. J.	Robinson
Ayres	Faison	Kitchin	Roddenbery
Barnhart	Ferris	Konig	Rothermel
Bartlett	Finley	Konop	Rubey
Bathrick	Fitzgerald	Korbly	Rucker, Mo.
Beall, Tex.	Flood, Va.	Lafferty	Russell
Berger	Floyd, Ark.	Lamb	Scully
Blackmon	Foster, Ill.	Lee, Ga.	Shackleford
Boehne	Fowler	Lee, Pa.	Sharp
Booher	Francis	Lever	Sheppard
Brown	Gallagher	Levy	Sherwood
Browning	Garrett	Lindbergh	Sisson
Buchanan	George	Linthicum	Slayden
Bulkley	Glass	Littlepage	Smith, J. M. C.
Burke, Wis.	Godwin, N. C.	Lloyd	Smith, N. Y.
Burnett	Goeke	Lobeck	Smith, Tex.
Byrnes, S. C.	Goldfogle	McCoy	Sparkman
Byrns, Tenn.	Goodwin, Ark.	McHenry	Stack
Callaway	Gray	McKellar	Stanley
Candler	Gregg, Pa.	Macon	Stedman
Cantrill	Gudger	Maguire, Nebr.	Stephens, Nebr.
Carlin	Hamill	Maher	Stephens, Miss.
Carter	Hamilton, W. Va.	Martin, Colo.	Stone
Cary	Hammond	Mays	Sulzer
Clark, Fla.	Hardy	Moon, Tenn.	Taggart
Clayton	Harrison, Miss.	Morgan	Thayer
Collier	Harrison, N. Y.	Moss, Ind.	Thomas
Connell	Hay	Mott	Turnbull
Conry	Helin	Murdock	Tuttle
Cox, Ohio	Helm	Murray	Underhill
Cullop	Hensley	Oldfield	Warburton
Curley	Hobson	Olmsted	Watkins
Daugherty	Holland	O'Shaunessy	Whitacre
Davenport	Houston	Palmer	Wickliffe
Davis, Minn.	Howard	Parran	Wilson, N. Y.
Davis, W. Va.	Hughes, Ga.	Patten, N. Y.	Wilson, Pa.
Dent	Hughes, N. J.	Peters	Witherspoon
Denver	Hull	Post	Young, Tex.
Dickinson	Humphreys, Miss.	Powers	

ANSWERED "PRESENT"—1.

Mann

NOT VOTING—89.

Adamson	Fairchild	Legare	Riordan
Ames	Fields	Lenroot	Rouse
Andrus	Focht	Lewis	Rucker, Colo.
Bell, Ga.	Fornes	Lindsay	Sabath
Bingham	Fuller	Littleton	Sells
Borland	Garner	Loud	Sherley
Bradley	Gillett	McCreary	Simmons
Broussard	Good	McDermott	Sims
Burgess	Gould	McGillcuddy	Steenerson
Burke, Pa.	Graham	McGuire, Okla.	Stephens, Cal.
Burleson	Guernsey	McLaughlin	Stephens, Tex.
Cline	Mamilton, Mich.	McMorran	Stevens, Minn.
Covington	Hamlin	Miller	Talbot, Md.
Cox, Ind.	Hanna	Mondell	Taylor, Ala.
Cravens	Hardwick	Moore, Tex.	Thistlewood
Currier	Hayes	Pepper	Townsend
Dickson, Miss.	Heald	Plumley	Tribble
Doremus	Henry, Tex.	Pou	Underwood
Draper	Hughes, W. Va.	Pujo	Webb
Driscoll, D. A.	Johnson, Ky.	Rainey	Young, Mich.
Driscoll, M. E.	Kent	Randell, Tex.	
Esch	Langley	Ransdell, La.	
Estopinal	Lawrence	Richardson	

So the amendment was lost.

The following additional pairs were announced:

On this vote:

Mr. McDERMOTT with Mr. BURKE of Pennsylvania.

For to-day:

Mr. BELL of Georgia with Mr. AMES.

Until further notice:

Mr. RANDELL of Texas with Mr. HANNA.

Mr. LEWIS with Mr. LANGLEY.

Mr. JOHNSON of Kentucky with Mr. HUGHES of West Virginia.

Mr. HENRY of Texas with Mr. HEALD.

Mr. BROUSSARD with Mr. GILLETT.

Mr. FIELDS with Mr. FULLER.

Mr. COVINGTON with Mr. FOCHT.

Mr. PUJO with Mr. McMORRAN.

Mr. UNDERWOOD with Mr. MANN.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, who was called from the House on account of illness in his family. I voted "aye," and I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. MANN, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

Mr. SULZER. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. MANN. Mr. Speaker, I have an amendment to offer.

The SPEAKER. Ordinarily the motion of the gentleman from New York would be all right, but the Chair understands that the agreement was that after debate was had there should be the right of amendment; that agreement would have all the force of a rule.

Mr. SULZER. But there has been an amendment, and it has been voted down. Do I understand the gentleman from Illinois has an amendment by way of substitute?

Mr. MANN. I have some amendments beside. I do not intend to detain the House a great while.

Mr. SULZER. Mr. Speaker, I will withdraw the motion for the previous question.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 1, line 5, by inserting after the word "religion" the following:

"Reserving, however, the right at all times of refusing citizenship on account of race."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend page 1, line 12, by inserting after the word "religion" the following:

"Still insisting, however, upon the right by treaty and law to exclude from American shores citizens of other countries on the ground of race."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Speaker, I offer as a substitute for the resolution the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the Government of Russia has, in the judgment of the United States, violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, by making a discrimination between citizens of the United States, which the United States itself does not make, and that in the judgment of the Congress the said treaty ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia."

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 67, noes 186.

So the amendment in the nature of a substitute was rejected.

Mr. FOWLER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the treaty on page 2, in line 3, after the word "thirty-two," by inserting the word "by."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MARTIN of South Dakota. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend line 12, page 1, by inserting after the word "that" the words "we believe."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The question was taken, and the joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the joint resolution.

Mr. SULZER. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 301, nays 1, not voting 87, as follows:

YEAS—301.

Adair	Dupre	Kinkead, N. J.	Reilly
Aiken, S. C.	Dwight	Kitchin	Reyburn
Ainey	Dyer	Knowland	Roberts, Mass.
Akin, N. Y.	Edwards	Konig	Roberts, Nev.
Alexander	Ellerbe	Konop	Robinson
Allen	Evans	Kopp	Roddenbery
Anderson, Minn.	Faison	Korbly	Rodenberg
Anderson, Ohio	Farr	Lafferty	Rothermel
Ansberry	Ferris	La Follette	Rubey
Anthony	Finley	Lamb	Rucker, Mo.
Ashbrook	Fitzgerald	Langham	Russell
Austin	Flood, Va.	Lee, Ga.	Saunders
Ayres	Floyd, Ark.	Lee, Pa.	Scully
Barchfeld	Foster, Ill.	Lever	Shackelford
Barnhart	Fowler	Levy	Sharp
Bartholdt	Francis	Lewis	Sheppard
Bartlett	French	Lindbergh	Sherwood
Bates	Gallagher	Linthicum	Sisson
Bathrick	Gardner, Mass.	Littlepage	Slayden
Beall, Tex.	Gardner, N. J.	Lloyd	Slemp
Berger	Garner	Lobeck	Sloan
Blackmon	Garrett	Longworth	Small
Boehne	George	McCoy	Smith, J. M. C.
Booher	Glass	McDermott	Smith, Saml. W.
Bowman	Godwin, N. C.	McGillcuddy	Smith, N. Y.
Brantley	Goetze	McKellar	Smith, Tex.
Brown	Goldfogle	McKenzie	Sparkman
Browning	Good	McKinley	Speer
Buchanan	Goodwin, Ark.	Macon	Stack
Bulkley	Gray	Madden	Stanley
Burke, Pa.	Green, Iowa	Maguire, Nebr.	Stedman
Burke, Wis.	Greene, Mass.	Maher	Stephens, Cal.
Burnett	Gregg, Pa.	Mann	Stephens, Miss.
Butler	Griegst	Martin, Colo.	Stephens, Nebr.
Byrnes, S. C.	Gudger	Martin, S. Dak.	Sterling
Byrns, Tenn.	Hamill	Mathews	Stone
Calder	Hamilton, W. Va.	Mays	Sulloway
Callaway	Hammond	Moore, Pa.	Sulzer
Campbell	Hardy	Morgan	Sweet
Candler	Harris	Morrison	Switzer
Cannon	Harrison, Miss.	Morse, Wis.	Taggart
Cantrill	Harrison, N. Y.	Moss, Ind.	Talcott, N. Y.
Carlin	Hartman	Mott	Taylor, Colo.
Carter	Haugen	Murdock	Taylor, Ohio.
Cary	Hawley	Murray	Thayer
Catlin	Hay	Needham	Thistlewood
Clark, Fla.	Heflin	Nelson	Thomas
Claypool	Helgesen	Norris	Tilson
Clayton	Helm	Nye	Towner
Collier	Henry, Conn.	Oldfield	Turnbull
Connell	Hensley	Olmsted	Tuttle
Conry	Higgins	O'Shaunessy	Underhill
Cooper	Hill	Padgett	Utter
Copley	Hinds	Page	Volstead
Cox, Ohio	Hobson	Parran	Vreeland
Crago	Holland	Patten, N. Y.	Warburton
Cullop	Houston	Patton, Pa.	Watkins
Curley	Howard	Peters	Wedemeyer
Dalzell	Howell	Pickett	Weeks
Danforth	Howland	Porter	Whitacre
Daugherty	Hubbard	Post	White
Davenport	Hughes, Ga.	Pray	Wickliffe
Davidson	Hughes, N. J.	Prince	Wilder
Davis, Minn.	Hull	Prouty	Willis
Davis, W. Va.	Humphrey, Wash.	Raker	Wilson, Ill.
De Forest	Humphreys, Miss.	Randell, Tex.	Wilson, N. Y.
Dent	Jacoway	Rauch	Wilson, Pa.
Denver	James	Redfield	Witherspoon
Dickinson	Johnson, S. C.	Rees	Wood, N. J.
Dies	Jones		Woods, Iowa
Difenderfer	Kahn		Young, Kans.
Dixon, Ind.	Kendall		Young, Tex.
Dodds	Kennedy		The Speaker
Donohoe	Kindred		
Doughton	Kinkaid, Nebr.		

NAYS—1.

Malby

NOT VOTING—87.

Adamson	Estopinal	Johnson, Ky.	Rainey
Ames	Fairchild	Kent	Ransdell, La.
Andrus	Fields	Lafean	Richardson
Bell, Ga.	Focht	Langley	Riordan
Bingham	Fordney	Lawrence	Rouse
Borland	Fornes	Legare	Rucker, Colo.
Bradley	Foss	Lenroot	Sabath
Broussard	Foster, Vt.	Lindsay	Sells
Burgess	Fuller	Littleton	Sherley
Burleson	Gillett	Loud	Simmons
Cline	Gould	McCall	Sims
Covington	Graham	McCreary	Steenerson
Cox, Ind.	Guernsey	McGuire, Okla.	Stephens, Tex.
Cravens	Hamilton, Mich.	McLaughlin	Stevens, Minn.
Crumpacker	Hamlin	McMorrin	Talbot, Md.
Currier	Hanna	Miller	Taylor, Ala.
Dickson, Miss.	Hardwick	Mondell	Townsend
Doremus	Hayes	Moore, Tex.	Tribble
Draper	Heald	Pepper	Underwood
Driscoll, D. A.	Henry, Tex.	Piumley	Webb
Driscoll, M. E.	Hughes, W. Va.	Pou	Young, Mich.
Esch	Jackson	Pujo	

So the joint resolution was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. BURGESS with Mr. FOSS.

Until further notice:

Mr. POU with Mr. PLUMLEY.

Mr. WEBB with Mr. YOUNG of Michigan.

Mr. RUCKER of Colorado with Mr. SELLS.

Mr. BURLISON with Mr. FORDNEY.

Mr. PARRAN. Mr. Speaker, I rise to inquire if the gentleman from Maryland, Mr. TALBOTT, voted on this proposition?

The SPEAKER. He did not vote.

Mr. PARRAN. I desire to say I have a general pair with the gentleman from Maryland and we had an understanding to-day that that pair would not be binding on this vote because he stated to me he would vote "aye" if he were present, and therefore I took the liberty of voting.

The SPEAKER. Did the gentleman himself vote?

Mr. PARRAN. I voted "aye."

Mr. MANN. Mr. Speaker, I had a general pair with the gentleman from Alabama, Mr. UNDERWOOD, who was called out of the House this afternoon on account of illness in his family. As he and I would both vote "aye," I leave my vote stand "aye," having already voted.

The result of the vote was announced as above recorded.

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS (S. DOC. NO. 149).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith copies of the laws enacted at the first session of the Second Philippine Legislature and certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, December 13, 1911.

The SPEAKER. Ordered to be printed and referred to the Committee on Insular Affairs.

MALAMBO FIRE CLAIMS (S. DOC. NO. 148).

The SPEAKER. The Chair also lays before the House another message from the President.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a letter addressed to me by the Secretary of War, dated December 9, 1911, with the accompanying papers, in reference to the Malambo fire claims. This letter is self-explanatory and the facts regarding these claims are fully set forth in Senate Document No. 858, Sixty-first Congress, third session.

I renew the recommendation contained in my message to the Congress dated March 3, 1911, that an appropriation of \$53,000 be made to settle these claims.

WM. H. TAFT.

THE WHITE HOUSE, December 13, 1911.

The SPEAKER. Ordered to be printed and referred to the Committee on Appropriations.

Mr. MANN. Mr. Speaker, is that the proper reference? Are these for the payment of claims? Does this go to the Committee on Appropriations?

The SPEAKER. The message recommended an appropriation.

Mr. MANN. But the Committee on Appropriations has no jurisdiction—

The SPEAKER. Well, the Chair will refer it to the Committee on Interstate and Foreign Commerce—

Mr. MANN. No; that certainly would not have. I am not sure whether it ought to go to the Committee on Claims or the Committee on Insular Affairs.

The SPEAKER. The Clerk will read the message again.

The Clerk reread the message.

The SPEAKER. The accompanying letter that is supposed to be with this message is not with it. The letter and papers were sent to the Senate, so the Chair has no personal information as to what there is in this matter. Now, if any gentleman has a suggestion to make—

Mr. SULZER. Mr. Speaker, I suggest this matter be referred to the Committee on Insular Affairs.

The SPEAKER. No; clearly the Committee on Insular Affairs has nothing to do with this subject.

Mr. FINLEY. Mr. Speaker, I suggest if the matter has been legislated and the amount is fixed by existing law that it would go to the Committee on Appropriations; otherwise I think it would go to the Committee on Claims.

The SPEAKER. Well, the Chair will refer it to the Committee on Claims and if it turns out on investigation that is not proper we will change it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 21.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 21, they stand adjourned until 12 o'clock meridian on Wednesday, January 3, 1912.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1081) to provide for punishment for larceny of public property from the workhouse and the reformatory of the District of Columbia.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. No. 1081. An act providing for the punishment of persons in possession of stolen property in the District of Columbia, having stolen the same in any other State or Territory.

CONTRIBUTIONS OF THE HEBREW RACE TO HUMAN ADVANCEMENT.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in the RECORD a speech delivered by Mr. MORRIS SHEPPARD on the contributions of the Hebrew race to human advancement.

The SPEAKER. The gentleman from New York asks leave to extend his remarks by printing a speech by Mr. SHEPPARD of Texas. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Mr. Speaker, by leave now granted I present, for the purpose of having it printed in the RECORD, the able, eloquent, and masterful address delivered by the Hon. MORRIS SHEPPARD, of Texas, before the Young Men and Women's Culture Society of the Temple Rodeph Sholom, of New York City. It is a highly interesting production and forms a valuable contribution to the literature of this country.

AN ADDRESS DELIVERED BEFORE THE YOUNG MEN AND WOMEN'S CULTURE SOCIETY OF TEMPLE RODEPH SHOLOM, NEW YORK CITY, APRIL 25, 1906.

(By Hon. MORRIS SHEPPARD, Member of Congress from Texas.)

* * * "To me the speech was a labor of love. I have been passionately interested for years in the subject on which I spoke. One of my life's dearest hopes is to see the breaking of the day when the entire world will recognize its indebtedness to the Jewish people and abandon all the prejudices of the past." (Extract from letter of Mr. SHEPPARD to the Culture Society.)

CONTRIBUTIONS OF THE HEBREW PEOPLE TO HUMAN ADVANCEMENT.

I am to speak on this occasion of the contributions of the Judaic people to human advancement. It is a subject of especial interest and inspiration not only to the Hebraic young men and women who compose the society before which I have the honor now to appear, but also to every friend of truth and justice regardless of religion and nationality. Although of another belief and creed, I approach the subject of Judaic achievement with an appreciation of its immensity and sublimity, a consciousness of my incapacity properly to portray it, and with emotions of reverence and wonder. Although of another belief and creed, I address you not as an alien or as a stranger, but as a brother, friend, and fellow-countryman whose life is interlinked with yours in a changeless allegiance to the American flag—a flag representing the justice and the law which descended from God through your progenitors multiplied centuries ago—the flag emblemizing the first government since the destruction of the Jewish nation by the Romans under which your people exercised complete and permanent prerogatives of citizenship. I address you as compatriots who form a fundamental element in the development of American institutions and the growth of American ideals. Your ancestors were among the first to join the pilgrimage which sought upon these shores a refuge from intolerance and tyranny. In the life of the Colonies, in the progress of the Revolution, in the formation and advancement of the Republic they have been of such conspicuous service as to transmit to you the true blood royal of American citizenship. Among the peoples of the American Republic a kinship arises from the fact that a common desire to escape oppression and to establish religious and civil liberty led them to this virgin hemisphere. In this fellowship you have an especial right to share, because the difficulties from which your fathers fled infinitely surpassed in severity and duration the miseries of all other peoples combined.

When the American Republic was established in 1789, it is doubtful whether in any other country the Jewish people were admitted to unrestricted citizenship. During the 1,700 years that had elapsed since

the close of their independent national existence and the final dispersion they had been the objects of oppression and plunder. In France, although the constituent assembly had in 1791 decided to admit them to citizenship, and although the Sanhedrin summoned by Napoleon had proclaimed the abolition of all discrimination, it was not until the revocation of the oath more judaico in 1839 that they secured complete political and civil privileges. In the Netherlands, although they had enjoyed important concessions and extensive rights since the sixteenth century, they were not entirely disenthralled until 1815. In Austria, although partly emancipated by the toleration edict of Joseph II in 1785, they did not become citizens without restriction until 1867. In Germany they did not attain full citizenship until the adoption of the constitution of 1849, nor in Italy until the collapse of the temporal power of the Pope in 1870. Not until 1848 were they clothed with unqualified citizenship in Greece, Sweden, Denmark, and other European states. Not until 1860 did they reach complete equality in England, nor until 1867 in Hungary. In eastern Europe, notably in Russia and Roumania, they are still subjected to murderous prejudices and barbarous limitations. Thus it is hardly to be conceived that with all its modern enlightenment the world is yet sufficiently advanced to appreciate and to acknowledge its indebtedness to a people to whom during the greater part of history it has given darkness in exchange for light, the fagot and the scourge of persecution in exchange for the torch and scepter of knowledge.

It is neither necessary to the development of the subject nor possible within the limits of this address to trace the history of the Jewish people in detail. The history of the Jews is the history of the world in the largest sense. Of no other people can this be said. Every nation in existence when Abraham founded Israel has perished. No other people of that age remains. Succeeding cycles have witnessed the rise of empires that cyerran the earth, but these empires and their peoples have departed. Languages, religions, customs, nations, races, wars have thronged the centuries and with the centuries vanished. Yet to-day the Hebrew people form an important part of almost every nation in the world and have an identity as distinct as when Moses legislated and Samuel taught over 3,000 years ago. Not only are they a prominent element in almost every modern nation, but they have also figured eminently in the life of almost every nation of the past. In the great movements of history they have formed notable and frequently commanding features. And yet they have never exceeded in numbers the smallest proportion, perhaps not more than 1 per cent, of the world's population. In addition to this they have been continuously ostracized and outraged beyond all belief. What gave such vitality, such influence, such cosmopolitanism, to the Jewish people? The answer involves an inquiry into the cause, the character, and the extent of their contributions to human advancement.

The primary contribution of the Hebraic people to the elevation of mankind was Abraham's proclamation of the one, the living, personal, and omnipotent God. Wonderful and fundamental as have been the material and political changes that have swept through the 4,000 years of subsequent history, this conception has never been questioned by the highest and purest thought nor shaken by pagan or infidel philosophy. To-day civilization acknowledges and adopts it. The significance of this conception was due to its purely spiritual character. Abraham, the founder of the Hebrew nation, was born in an age of kings and idols. Government was despotic and religion was material. Amid such surroundings he lifted the standard of the spirit and taught the idea of a spiritual God. He supported this conception with a faith unquestioning and sublime, a faith that was necessarily as spiritual as the invisible God in whom it was reposed. In this teaching was the germ of human liberty. The God of the spirit was the only rightful king. The spiritual fatherhood of God led inevitably to the spiritual brotherhood of man. It was but a short step from spiritual to political equality. Under the leadership of Moses the religion of the spirit was given expression in the laws and customs of Israel. The Mosaic system contained a moral and legal code which is to-day the basis of enlightened civilization and government, a code which entered largely into the code of Theodosius, the laws of Charlemagne, of Ina, and of Alfred. This system ordained and taught the elevation of woman, the love of home, the sanctity of property and life, the observance of the Sabbath, charity, fraternity, representative government, systematic education, contempt for luxury and extravagance, equal rights, and rigid justice. The prophets and sages who followed Moses elaborated these principles, teaching the beauty of truth and nature, the glory of righteousness, the disastrous consequences of sin, the vanity of riches and material power, the supremacy of the spirit, the value of knowledge, universal progress, and universal peace. The schools founded by Samuel were the most ancient prototypes of the universities and public schools of modern times. As was said by Leroy-Beaulieu, the Jewish children "learned to read in the rolls of Torah before the Latin alphabet was fixed, long before Cyril and Methodus had given an alphabet to the Slavs, before Runic inscriptions were known to the Germanic races of the north." Agriculture was the chief occupation, love of home and liberty and knowledge the chief characteristic, spiritual development the chief aspiration of the Jewish people, a people whose principles and fortunes were embalmied in a literature which in the form of the old Bible is to-day universally revered as an immemorial repository of divine inspiration and of the deepest philosophy and wisdom. This high degree of spiritual and political advancement was attained hundreds of centuries before the advent of classic antiquity. Thus the Jews, beside whom "the oldest of old European nations are youthful," were the pioneers of history, literature, monotheistic religion, spirituality, and liberty. Thus the faith of Abraham was the fountain of human happiness, the foundation of human right. Thus the nation he established became the world's first self-governing commonwealth, a commonwealth which embodied the highest religious and civic ideals six centuries before Greece knew an alphabet and more than a thousand years before the Latins founded Rome.

In many of the upward movements of the world, the reformations, awakenings, revolutions, the Hebrew commonwealth has figured as a model and a light. Especially is this true with reference to the American Revolution. The Colonial governments of New England, the home of the written Constitution, were constructed on Mosaic lines, the criminal codes being taken almost bodily from the Pentateuch. As Mr. Straus so happily puts it, "Through the windows of the Puritan churches of New England the New West looked back to the Old East." From pulpit and platform throughout the Colonies the Hebrew nation was lauded as the ideal republic. Arguments in behalf of independence and against all the doctrines of despotism were freely drawn from Judaic history and teaching. One of the most dramatic passages in Patrick Henry's immortal speech on American liberty—"Gentlemen may cry peace, peace, but there is no peace"—came almost literally from the sixth chapter of Jeremiah. When on the day of the declaration of Amer-

ican independence the Continental Congress appointed Franklin, Adams, and Jefferson to prepare a seal for the United States, they selected for a device a representation of Moses watching the Red Sea as it enveloped Pharaoh, beneath the picture appearing the words, "Resistance to tyrants is obedience to God." The example of the Hebrew government was undoubtedly one of the chief sources of the sentiment which inspired the American Revolution and made possible the formation of the United States. Indeed, the American Republic, in the spirit underlying its institutions, resembles the Israelitish commonwealth more closely than does any other nation in history.

We have seen that the intellect and the soul were the dominant elements in the original Hebraic character, and that spiritual devotion to a spiritual God was reflected in a commonwealth whose chief pillars were liberty and learning. These characteristics made the Jewish people essentially the messengers and disciples of the spirit and enabled them to attain a mental and spiritual development which contemporary peoples could neither understand nor approach. It is true that certain philosophers and priests of other nations may have conceived the idea of one God before they knew of the Jewish teaching. But they did not permit this idea to reach and to uplift the debased and ignorant masses. So extensive was the culture and so universal the faith of the Hebrew people that every Jew, whatever his position or occupation, was a custodian and a disseminator of Hebraic principles. To the worship of the spirit he added a loyalty to the Hebraic laws and customs in which it found institutional expression. This devotion to the spirit and the law gave an identity and vitality to the Hebraic people which enabled them to survive captivities, devastations, national subversion, and ages of agony and massacre. The consciousness of the indestructibility of the spirit made them superior to the tortures of the flesh. It made them gentle in peace and terrible in war. Their subjection was the most difficult task the legions of Rome ever attempted, it being necessary for the Roman Empire to employ against them, small as they were in numbers, greater forces than against any other people. It is the philosophy of the spirit and the culture inseparable from it that explain the immeasurable influence of the Jews on human progress.

When the Phenicians, who were the immediate neighbors of the Jews and of the same Semitic origin, became the colonizers, navigators, and commercial intermediaries of the ancient world, the Israelitish tribes of Asher, Zebulun and Dan were their companions and emulators. These early mariners and traders established colonies throughout the known world. Although the life of the main body of the Hebrew people had been agricultural and domestic for many centuries, still as wars multiplied, as Palestine became more and more the battle ground of the nations, and as captivities befell them, they began migrations to these Semitic colonies, especially to the settlements of their own bold tribesmen. A hundred years before the final destruction of Jerusalem Jewish communities were flourishing in almost every country. It is probable that with the Phenicians they preceded the Hellenes themselves in Greece. The Jews founded colonies in Gaul in the days of the Roman Republic. They settled on the northern shores of the Black and Caspian Seas centuries before the Christian era and more than a thousand years before the Slavic clans laid the first foundations of Russia. They were so far in advance of the peoples by whom they were surrounded in religion and culture that they encountered prejudice and hostility from the beginning. The idolatrous masses, lost in the abysses of ignorance and bigotry and superstition, could not grasp the sublime conception of a single deity. Thus the Hebrew people became the object of unreasoning hatred and unjust discrimination. They faltered not, however, in a sincere endeavor to advance the welfare of the countries in which they resided. They established schools for the study of religion and philosophy and law. At Alexandria the Hellenist Jews took a prominent part in the intellectual movement which made that city the successor of Athens as the world capital of literature and thought and culture. They assisted in the revelation of Greek philosophy to the Roman world through the Neo-Platonic school, one of whose foremost representatives was the Jewish thinker, Philo. Grammarian, rhetorician, musician, mathematician, scientist, litterateur, philosopher, patriot, he was at once accomplished and profound. So familiar was he with Platonic thought that Suidas speaks of Philo as platonizing and Plato as philonizing. He was intensely loyal to his people, and announced that the mission of the Jews was to teach a flawless conception of God and God's justice and to serve as the priests and prophets of humanity.

We are now in position to observe that, when the Jewish nation was finally destroyed in the year 70 A. D. and the Jewish people were dispersed throughout the world, they readily found homes and friends among their compatriots who had already established communities in almost every country. We are in position to note that their superior culture and spirituality aroused everywhere the enmity of peoples of different training, customs, and beliefs. As the barbarian invasions submerged civilization and the world sank into the shadows of the Middle Ages, this enmity assumed the form of the severest legal restriction and the most violent persecution. The hostile attitude of mankind as well as the spiritual character of his belief and his devotion to the laws of Israel isolated the Jew, concentrated his life and aspiration within himself, and intensified the unity of the Jewish people. Thus the Jewish people, though scattered over the earth, remained in constant touch and preserved a wonderful uniformity in spiritual and intellectual development. The pressure of circumstance drove them to commerce and finance. Confiscation perpetually menaced their possessions, and the only property they could safely own was that which could most easily be removed. The superb mental equipment resulting from centuries of study soon gave them the mastery as traders and financiers. Thus the people who for more than 20 centuries had been anchored to the soil, and had developed the highest standards of morality, religion, and philosophy, whose prophets had taught the disregard of riches—a people composed of students, thinkers, metaphysicians, and agriculturists—became by a curious turn of fortune the chief cosmopolitans of the world and the principal representatives of its most material forces. Thus the spiritual and the material were combined in the Hebrew people who had now become not only the custodians of lofty standards of conduct and faith, and of the highest intellectual culture, but also the guardians and sponsors of economic progress. In both capacities they have been of the very greatest service to mankind.

During the Middle Ages, when Europe was engulfed in unlettered darkness, when violence and tyranny were predominant and the masses were strangers both to liberty and to knowledge, the Jewish people, despite unutterable difficulties, maintained a continuous spiritual, intellectual, and economic development, and preserved from extinction the highest elements of civilization. They established great schools, many of which attracted Christian clergymen and many of which became the foundations of Christian universities. Notable among the Hebrew schools were those at Cordova, Toledo, and Granada, in Spain; at Beaucaire, Lunel, and Narbonne, in France; at Mantua, Genoa, and Rome, in Italy; at Pumbaditia, Sura, and Bagdad, in the East. With

reference to Jewish influence in the East we may here recall the assertion of Schleiden, a scholar of great prominence and ability, to the effect that what was best in the Koran was derived from the Jews. In illustration of the loftiness of the Hebraic character let it be said that the teachers of these innumerable schools, attended in many instances by thousands of pupils from points both far and near, rarely accepted fees, but on the other hand frequently supported their pupils. Furthermore, these teachers were generally proficient in some commercial avocation. Civilization owes an infinite debt to the proficiency of the Jews in the study of languages. Having spread throughout the world at an early period, having maintained constant communication among widely separated settlements, they became familiar with every tongue.

In the darkest period of the Middle Ages there were few Jews, however poor or humble, who did not understand at least two languages, and many knew from five to seven. Their intense devotion to the spiritual ideals of Jewish life and thought led them critically to study and faithfully to preserve the original Hebrew in which their ancient philosophers and prophets had spoken. It was Juda Ben Koreish who demonstrated that Hebrew, Arabic, and Chaldean were of the same linguistic origin. The original Hebrew script had no definite vowel signs and was so difficult to read that it began to fall into disuse. The invention of a system of vowel symbols by the Assyrian Jews about 550 A. D. revitalized the Hebrew language, and all subsequent study of the original Hebrew text of the Old Bible has been based on the text arranged in accordance with this system. The Jews alone knew the oriental languages, the ancient Greek, and the western tongues at the same time. They were the founders of philology, one of the most important branches of science—a study that has thrown a flood of light on primitive history. The Septuagint, the original Greek translation of the Old Testament, was the work of Alexandrian Jews. This was the version used by Christ and the Apostles. The Jews translated Aristotle and the other Greek philosophers into Latin and thus introduced the culture of Greece into the western world. Many of the most celebrated scholastics, notably Albertus Magnus and St. Thomas Aquinas, studied Aristotle and doubtless the other Greek philosophers in Latin versions based on the Hebrew translations. The original Hebrew text of the Old Bible was one of the most significant and necessary factors in the Reformation. It is probable that Martin Luther obtained the chief inspiration of the Reformation from the study of the Hebrew Bible under Nicholas de Lyra, one of the closest students of Jewish literature. When the peoples of Europe had advanced sufficiently to appreciate the higher phases of existence, the Jews laid before them the intellectual and spiritual treasures of all the past. The Renaissance and the Reformation, two of the most beneficent eras in human history, followed. But for the translations of the Jews and the influence of their teachings the awakening of humanity might have been delayed for centuries. It is not surprising that the present century should number the Jewish scholars Benfey, Ollendorf, Breal, and Oppert among its most noted philologists. In poetry and philosophy the Jews continued through the gloomy ages to make a marvelous advancement, which culminated as to the first in Gebirol and Halevi in the eleventh, and as to the second in Maimonides in the twelfth century. Gebirol was a leader of independent thought. His principal work, *The Source of Life*, was copied in many languages and influenced the learning of the time in no small degree. Of Halevi, Schleiden has said that he was not surpassed by Milton. Heine, who 800 years afterwards succeeded to the fadeless purple of Halevi's genius, cried in ecstasy:

Ah! he was the greatest poet,
Torch and starlight to his age,
Beacon light unto his people,
Such a mighty and a wondrous
Pillar of poetic fire,
Led the caravan of sorrow
Of his people Israel
Through the desert of their exile.

Halevi believed that God had scattered Israel through the world to proclaim the gospel of the spirit and that the long agony of the ages was a splendid martyrdom. Maimonides, the Jewish Aristotle, was the greatest philosopher of the twelfth century, and among the greatest of all time. Of his "Guide of the Erring" Scaliger has said that it could not be praised too highly. His writings were the basis of scholastic philosophy and the chief reliance of Spinoza. In medicine and natural science, which were not dissociated until after the seventeenth century, the Jews were unrivaled. Until the advent of Europe's earliest medical schools, Salerno and Montpellier, in the establishment of which they were mainly instrumental, the Jews were practically the only physicians in Europe. It was a most remarkable fact that princes who robbed, nobles who murdered, and popes who excommunicated the Jews and even forbade them to practice medicine, would have no other than Jewish physicians. The Jews were prominent in early exploration and astronomy. About the year 800 Tabari discovered the refraction of light and made the first Arabic translation of Ptolemaeus. In the twelfth century John of Savilla wrote an arithmetic, in which for the first time appeared the use of decimal fractions, and they were probably original with him. In the thirteenth century the book *Sohar* taught "the revolution of the earth about its axis as the cause of night and day long before Copernicus." The astronomical tables of Alphonse X, so long the practical guide of astronomers, were compiled under the direction of the Jewish Ben Sid about the middle of the thirteenth century. It was at this time that Hakoben divided the stars into the 48 star pictures. Ribeyra de Santos has said: "We owe to the Jews, more than to anybody, our first knowledge of philosophy, of botany, of medicine, of astronomy, of cosmography, as well as the elements of grammar and of the sacred languages, as well as nearly all studies of biblical literature." The Jews were among the first to take advantage of the printing press. They fostered all the more important industries, preserving the art of silk culture, of dyeing, and of weaving. In commerce and finance they laid the foundations of modern political economy. In diplomacy and statesmanship they frequently rose by sheer ability to commanding spheres. The discovery of America was largely due to their assistance. The Jews Santangel and Sanchez supplied Columbus with the necessary funds, relieving Isabella, who had already done so much to make the project a success and without whose cooperation it would have failed long before, of the necessity of pawning her jewels. (In a recent speech in Congress the speaker repeated in good faith the popular error that Isabella had pawned her jewels to defray the cost of the expedition of Columbus. The part really played by Isabella, however, was sufficiently fundamental to justify the position the speaker was then assuming.)

The maps used by Columbus were made by Cresques, a celebrated Jewish astronomer and geographer, whose inventions alone made it possible for such a voyage to be undertaken. Bernal, the ship physician, and Marco, the surgeon, who accompanied the little fleet, were Jews.

It was a Jew, Rodrigo de Triano, who was the first of that immortal company to see land, and it was a Jew, Luis de Torres, an accomplished linguist, who in the capacity of interpreter went ashore to meet, as Columbus supposed, the Grand Kahn of India, and who had the distinction of being the first of that memorable expedition to tread American soil. There was a dramatic significance in the part played by the Jews in the discovery of America. The decree expelling the Jews from Spain and the authorization of the project of Columbus were signed by Ferdinand and Isabella on the same day. And as the fragile squadron of Columbus, challenging the distance and the deep, began the bravest journey that sea or shore had ever known a vessel passed laden with Jewish exiles who were leaving their homes in Spain forever. Little did these expatriated sufferers dream that at the very moment when earth's injustice seemed severest their brethren with Columbus were about to unlock the gates of another world, where the Jewish people were destined to realize in perfect peace and freedom their proudest ambitions and purest ideals.

By this time the malevolence of mankind toward the Jews had assumed a diabolic aspect. Edicts of expulsion were registered against them in almost all countries, and in those where there was no official expatriation they were loaded with restrictions. Confiscation and death perpetually threatened them. They had no rights which men or governments respected, not even the rights of life and property. They could not call their own the homes and other belongings they had acquired; these were deemed also the possessions of noble, bishop, king, and lord. They could be taxed without limit. They were serfs and outcasts. They were the objects of insult and persecution. As a rule, they were excluded from military and political service, although when opportunity offered they demonstrated a wonderful capacity for both. Frequently they were massacred by hundreds and by thousands. The engine of the Inquisition was turned in merciless fury against them. In certain places in England, Italy, Poland, France, Moravia, Austria, Spain, they were exterminated; in Strasburg, Mayence, and Troyes many were burned. They were blamed and punished for many of the great panics, famines, and epidemics. In many cities they were confined in ghetto walls and locked and barred at night like criminals. In 1648 persecutions began in Russia, which have continued with accumulating horror until the present time. Thus the world with one hand accepted the torch of progress from the Jew and with the other savagely assaulted him. The causes of this treatment, though originally religious, were finally economic and political. As long as this hostility was purely religious it did not assume so pronounced and general a form of physical barbarity. As mankind ascended from mediæval gloom into higher spheres and a more complex civilization large classes became traders and financiers. They found the Jews their forerunners and their superiors and they invoked the enmity of governments and peoples for assistance in a competition in which they would have been otherwise at a disadvantage. It was a favorite habit with states and principalities to reimburse exhausted treasuries by extortion from the Jews through both threats and deeds of violence, confiscation, and expulsion. Thus it was not Jewish greed for the gold of others that excited so much hostility, as has long been popularly supposed, and as Shakespeare intimates in his erroneous portrayal of Shylock, but the greed of others for the gold of the Jews.

The excellence of the Jew in the vocations most immediately connected with money was literally forced by the fact that all other avenues were practically closed and the fact that money was the only weapon with which he could maintain even a precarious security of property and life. The political character of these persecutions was due to the desire of rulers to divert popular attention from their own despotism and misgovernment. This was largely the case with the recent massacres in Russia, the only country with the single exception of Roumania that has not yet abolished the mediæval restrictions and outgrown the mediæval attitude with reference to the Jews. The cause of the common people of Russia is equally the cause of the Christian, the Jew, and of believers of all other sects and creeds. It is the cause of universal liberty. The recent massacres were evidently plotted by a corrupt and pitiless autocracy in order to blind the people to the real sources of the nation's misery, to keep the Russian masses divided and oppressed, and thus to strengthen the autocracy's tottering power. If it be said that they were apparently religious let it be remembered that the Russian church is inseparably united with autocratic government. These massacres would shame mediæval assassins and they will inevitably evoke the anger of civilization and the chastisement of God.

The fact that despite such difficulties the Jewish people remained throughout the dark centuries the chief conservators of learning and made such mighty contributions to civilization is a remarkable tribute to their spiritual vitality. Nor is it surprising that in later times, as oppressions and persecutions multiplied, as the ghetto and the pale developed, millions lost the outer semblance of culture and surrendered to distressing conditions. We have seen that not till within the last 125 years have they obtained complete freedom of citizenship and association in the nations outside of Russia and Roumania, and that in these two countries they still suffer unendurable oppression. The rapidity with which they have entered the highest life of every country in which they have been emancipated and restored, the influence which they have exercised on the world's recent progress, demonstrates how imperishable is their hereditary and fundamental culture. They contributed through Spinoza and Moses Mendelssohn and Heine—Heine, who easily takes rank with Goethe and Schiller, to the development of German idealism, the chief ornament of modern thought and literature. They were prominent in the political and philosophical upheavals of the eighteenth and nineteenth centuries. In war they have been no less conspicuous. Soul and Massena, the Jewish marshals of Napoleon, recalled on hundreds of historic fields the military genius of David and Judas Maccabeus. Without the assistance of Haym Solomon, of Philadelphia, who gave \$600,000 to the American cause and rendered other forms of service, it is doubtful whether Robert Morris could successfully have financed the American revolution. Manuel Noah and Isaac Franks were colonels on the staff of Washington and served with distinction throughout the Revolution. Maj. Nones rose from the ranks under Pulaski to head a legion under De Kalb. Judah Touro, of New Orleans, was of material aid to Andrew Jackson in the defense of that city.

In the Mexican War Gen. David de Leon made so splendid a record that he was twice thanked by Congress, and Lieut. Seeligson was praised by Gen. Taylor for valorous conduct at Monterey. At his death in 1862 Commodore Phillips Levy was the highest ranking officer in the American Navy, and the following is written on his tomb at Cypress Hills: "He was the father of the law for the abolition of the barbarous practice of corporal punishment in the United States Navy." In the Civil War the Jews served on both sides with marked gallantry and credit. Frederick Kneffler enlisted as a private in the Seventy-ninth Indiana Volunteer Infantry, rose rapidly to the rank of brigadier general, and was made brevet major general for bravery at Chickamauga.

In the Spanish-American War there were over 4,000 Jewish soldiers. Of these Sergt. Justh was the first man to die in the attack on Manila. According to Roosevelt himself the Jews among his Rough Riders were of the bravest of that celebrated band, one becoming a Lieutenant. They were in the Astor Battery, and 15 went down with the *Maine*. They took part in every engagement, and the quality of their service is shown by the number of Jewish names on the lists of the wounded and the dead.

Never have the versatility and value of the Hebraic genius been more brilliantly demonstrated than in the last 100 years. In politics we find Lasalle breathing the German social democracy into existence and rivaling Bismarck. We find Lasker, the author-statesman, inaugurating the German Liberal Party and leading it in the Reichstag. We find Bamberger, the economist-historian, assisting in the formation of modern Germany. We find Mannheim, president of the Austrian Diet, and Treier, the speaker of the Danish House of Commons. In Turkey we find Pasha, a vice admiral of the imperial navy, and his brother the first dragoman of the imperial palace. In Italy we find Maugeronato among the foremost senators and lawyers; Luzzatti, a conspicuous member of various cabinets; Wollemborg, Victor Emanuel's first minister of finance; Artom, an illustrious diplomat, the friend and counselor of Cavour. In France we find Benavrides one of the highest magistrates; Cremieux, a famous minister and legislator; Fould, four times a minister of finance under Louis Napoleon; See, a champion of woman's education. In England we find Disraeli rising from the humblest surroundings to become for 25 years one of the most powerful figures in the world, and Lord Herschel twice lord high chancellor under Gladstone. In the United States we find Judah P. Benjamin declining a Supreme Justiceship on account of his immense private practice, representing Louisiana with rare ability in the Federal Senate, serving in the cabinet of the Confederacy, and after the failure of the southern cause reaching England with shattered fortune at the age of 51 to become a leader of the English bar and to write a work on the law of sales that ranks as permanent authority. Benjamin once appeared against Webster in the United States Supreme Court. Webster occupied 3 hours. Then came Benjamin, physically small and insignificant, who spoke in a thin, low voice for 20 minutes, when the Chief Justice whispered to one of his colleagues: "Great heavens, that little man has stated Webster out of court in 20 minutes."

We find ISADOR RAYNER, a worthy successor of Benjamin, in the present United States Senate. In the National House of Representatives we find our own incomparable Mr. GOLDFOGLE, MEYER, LITAUER, and KAHN. We find Franklin Moses chief justice of the Supreme Court of California, and Newburger, Cohen, Leventritt, Greenbaum, Steckler, and others on the bench in New York.

In other avenues we find the modern Jew preeminent. In poetry we may point to Drachmann, whom competent critics have ranked with Tennyson and Byron; in fiction to Auerbach, to Bernstein, and to Zangwill; in dramatic literature to Klein, Millaud, Halevy, Schliesinger, Von Wellen, Rosenfeld, Belasco, and Martha Morton; in dramatic art to Soppenthal—the idol of Vienna—to Barnay, Abraham, Rachel, and to Bernhardt, the "queen of attitude"; in song to Calvé, Lehmann, and Marcella; in music to Mendelssohn—grandson of the great philosopher, Moses Mendelssohn—Meyerbeer, Strauss, the Damrosches, Rubinstein, and Hoffman; in painting to Israels, Solomon J. Solomon, Ulmann, Meyerheim, Lazarus, and Ben Austrian; in sculpture to Ezekiel and Antokalski; in writers of history to Edersheim, Herzberg, Rowanin, and Geiger; in political economy to Ricardo, Marx, Lasalle, and de Bloch; in criminology to Max Nordau; in mathematics to Sylvester, who, with Cayley, founded modern higher algebra; in exploration to Emin Pasha; in astronomy to the Herschels, to Goldschmidt, who discovered 14 asteroids and thousands of new stars, and to Beer, who has been called the first cartographer of the moon; in medicine to Koller, discoverer of cocaine, to Virchow and Koch, the renowned specialists in tuberculosis; in botany to Cohn and Pringsheim, who are among the first botanists of Germany; in finance to the Rothschilds, who perfected modern finance and popularized national loans; to Poliakoff and Pereres, the great Russian and French railway owners; in journalism to Pulitzer, to Rosewater, and Ochs; in diplomacy to Oscar Straus and Solomon Hirsch; in charity to Montefiore, to Baron and Baroness de Hirsch, Schiff, Nathan Straus, and Mrs. Esther Hermann. It may be seen from this all too brief enumeration how few of these great names are connected with finance. The Jewish people retain in all its original vigor the spirituality of old Israel. They are still devoted to the things of the spirit, and scholarship, philosophy, art—in fact, all intellectual studies—are still their favorite and fundamental form of energy. Let it be said to civilization's shame that of the 11,000,000 Jews in the world more than half this number are still subjected in Russia and Roumania to the infamous restrictions and oppressions of the dark ages.

In this brief and necessarily incomplete discussion I have tried to outline the principal contributions of the Jewish people to human advancement. A complete description of their achievements would involve a review of the history of almost every important nation both of the present and the past and of the world itself. They have been patriots in the countries of their exile and adoption and cosmopolitans in almost every age. In the great transition periods, the movements for human elevation, they have played fundamental parts. They have been the messengers of an idealism from which have flowered purity in religion, loftiness in morals, equality in society, and majesty in law. In philosophy, science, literature, finance, in general culture, in domestic virtue, in patriotism and philanthropy they have been world pioneers, world counselors. In the preservation of their identity, vitality, and refinement through centuries of cruelty and oppression they have established an example which will give new strength and hope to inhumanity's victims everywhere. Recalling their marvelous record, a record fairly glittering with blessings for mankind, it seems unthinkable that death and torture and exclusion should have been their fortune through so many ages and that to-day they suffer the most ferocious and inexorable discriminations in eastern Europe. This last condition is the foulest stain on our civilization, the darkest indictment of our time. If Protestants were wronged in eastern Europe as are the Jews—and I, a Protestant, make the assertion—protests would be thundered from the leading powers and peoples of the earth, protests which unheeded would be reinforced with battleships. How proud the heritage of the Jewish young men and women! How inspiring the task which confronts them! With what purity and culture must they fill their souls and lives in order to keep unfurled and spotless the banners of the spirit! With what courage must they defend the principles of equality and justice; with what devotion must they take up the cause of their bleeding brethren of the Russian and Roumanian captivities! May they continue to promote with every energy the welfare of the respective nations of their allegiance, to spread the teachings and ideals of intellectual and political freedom,

of fraternity among republics and empires as well as men, and thus bring nearer to humanity the realization of Isaiah's dream of universal peace.

NEW YORK HARBOR DEVELOPMENT.

Mr. HAMILL. Mr. Speaker, if unanimous consent is in order I would like to have the permission of the House to insert in the Record a very able article on the subject of New York Harbor development delivered by Mr. John C. Payne, the engineer of the New Jersey riparian commission.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print in the Record a paper by Mr. John C. Payne.

Mr. MANN. Mr. Speaker, I have no objection to having the paper presented to the Committee on Rivers and Harbors, but I object to lumbering up the Record with anything relating to rivers and harbors.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes) the House adjourned to meet to-morrow, Thursday, December 14, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Nymph*, Charles Hardy, master (H. Doc. No. 294); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Nantasket*, Asa Higgins, master (H. Doc. No. 300); to the Committee on Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Hope*, John Gould, master (H. Doc. No. 293); to the Committee on Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessels brig *Fanny* and brig *Hope*, John Gould, master (H. Doc. No. 292); to the Committee on Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel ship *William Penn*, James Josiah, master (H. Doc. No. 291); to the Committee on Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel sloop *Nancy*, William Hackett, master (H. Doc. No. 297); to the Committee on Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Success*, James Stone, master (H. Doc. No. 295); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Dolphin*, Samuel Topliff, master (H. Doc. No. 296); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Vandeput*, George Fitzhugh, master (H. Doc. No. 299); to the Committee on Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Nancy*, John Lawson, master (H. Doc. No. 298); to the Committee on Claims and ordered to be printed.

11. A letter from the Attorney General of the United States, transmitting statement of expenditures for the United States Court of Customs Appeals for the year ended June 30, 1911 (H. Doc. No. 301); to the Committee on Expenditures in the Department of Justice and ordered to be printed.

12. A letter from the Secretary of State, transmitting a report of the delegation of the United States to the General As-

sembly of the International Institute of Agriculture (H. Doc. No. 303); to the Committee on Agriculture and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a letter from the Secretary of Commerce and Labor submitting deficiency estimate of appropriations required by the Department of Commerce and Labor for the fiscal year ending June 30, 1912 (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a letter from the Secretary of War submitting supplemental estimate of an appropriation required by the War Department for the fiscal year ending June 30, 1913, for the Coast Artillery Reserves of the Organized Militia (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting deficiency estimate of an appropriation required for the Alaska service for the current fiscal year (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting copy of a letter from the Secretary of the Interior submitting an urgent deficiency estimate for an appropriation for the Land Office for the current fiscal year (H. Doc. No. 307); to the Committee on Appropriations and ordered to be printed.

17. A letter from the Secretary of the Treasury, submitting urgent deficiency estimate of appropriations required by the Treasury Department for the current fiscal year (H. Doc. No. 308); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Surgeon General submitting an additional estimate for an appropriation for the Public Health and Marine-Hospital Service for the current fiscal year (H. Doc. No. 309); to the Committee on Appropriations and ordered to be printed.

19. A letter from the Secretary of the Interior, submitting a deficiency appropriation for repairs of buildings, Interior Department (H. Doc. No. 302); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15330) granting an increase of pension to Hans Garseg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15377) for the relief of Mary Jones Smith, daughter of Johnathan L. Jones, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15398) granting an increase of pension to Hayse Butler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 45) affecting the town sites of Timber Lake and Dupree, S. Dak.; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 4112) authorizing the Secretary of the Interior to approve allotments to Joseph Ellis, jr., and Lydia Irene Simmons; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 252) authorizing the cancellation of the allotment of Peter Rousseau; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CLINE: A bill (H. R. 15612) for the purchase of a site and the erection thereon of a public building at Kendallville, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON: A bill (H. R. 15613) authorizing the construction of a post-office building at Fordyce, Dallas County, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 15614) to regulate the payment of salaries of post-office clerks and letter carriers in the City Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Pennsylvania: A bill (H. R. 15615) to make competent as evidence in civil and criminal cases the proved or admitted signature or handwriting of persons; to the Committee on the Judiciary.

Also, a bill (H. R. 15616) to make competent as witnesses persons convicted of crime; to the Committee on the Judiciary.

By Mr. HANNA: A bill (H. R. 15617) providing for the purchase of a suitable site and for the erection of a public building thereon at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15618) to define the words "refuse or neglect" as used in subdivision 8 of section 38 of the tariff act of 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 15619) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

By Mr. ROTHERMEL: A bill (H. R. 15620) to amend section 4764 of the Revised Statutes, relating to the payment of pensions; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 15621) to provide for acquisition, by purchase or condemnation, of lands at Cape Henry, Va., for the purpose of fortification and coast defense; to the Committee on Appropriations.

By Mr. PRINCE: A bill (H. R. 15622) for the erection of a post-office building at Rushville, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. REILLY: A bill (H. R. 15623) to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

By Mr. PADGETT: A bill (H. R. 15624) to provide for the disposal of the present Federal building site at Pulaski, Tenn., and for the purchase of a new site for such building; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 15625) to settle the land-suit controversy in the eastern judicial district, Oklahoma; to the Committee on Indian Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15626) to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation; to the Committee on the District of Columbia.

By Mr. BLACKMON: Joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes; to the Committee on Military Affairs.

By Mr. PAGE: Resolution (H. Res. 337) requesting the Secretary of the Treasury to furnish information concerning the findings of employees assigned to investigate methods of auditing, accounting, etc.; to the Committee on Expenditures in the Treasury Department.

By Mr. REILLY: Memorial from the General Assembly of Connecticut, requesting Congress to propose an amendment to the Constitution providing for the election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HIGGINS: Memorial from the General Assembly of Connecticut, requesting Congress to propose an amendment to the Constitution providing for the election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15627) granting an increase of pension to Thomas McCullough; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 15628) granting a pension to Louisa J. Honaker; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 15629) granting a pension to Rosette M. J. Fischer; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 15630) granting a pension to Adelia Converse; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 15631) granting an increase of pension to John B. Clark; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 15632) granting an increase of pension to Richard Le Graff; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 15633) for the relief of Mary McCullough; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 15634) granting an increase of pension to Worcester H. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15635) granting an increase of pension to Thomas D. Orr; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 15636) granting a pension to Leon C. Gray; to the Committee on Pensions.

By Mr. COX of Ohio: A bill (H. R. 15637) for the relief of the estate of James Lloyd, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15638) to remove the charge of desertion against Lewis Copp; to the Committee on Military Affairs.

Also, a bill (H. R. 15639) granting a pension to Mrs. William H. Earley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15640) granting a pension to Lucinda Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15641) granting a pension to Charles F. Pandorf; to the Committee on Pensions.

Also, a bill (H. R. 15642) granting a pension to Hettie H. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15643) granting an increase of pension to Daniel Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15644) granting an increase of pension to James M. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15645) granting an increase of pension to Charles P. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15646) granting an increase of pension to George Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15647) granting an increase of pension to William Boore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15648) granting an increase of pension to Peter Cummings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15649) granting an increase of pension to Frank J. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15650) granting an increase of pension to Silenus A. Simons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15651) granting an increase of pension to Andrew J. Burleigh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15652) granting an increase of pension to L. D. Brusman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15653) granting an increase of pension to John W. A. Gillespie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15654) granting an increase of pension to John Sipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15655) granting an increase of pension to William W. Wolf; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 15656) granting a pension to Lora Sims; to the Committee on Pensions.

Also, a bill (H. R. 15657) granting an increase of pension to Sarah J. Bird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15658) granting an increase of pension to Hugh L. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15659) granting an increase of pension to Daniel W. Hickman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15660) granting an extension of letters patent to John E. Putman; to the Committee on Patents.

By Mr. DAVIDSON: A bill (H. R. 15661) granting a pension to Harriet E. Cantwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15662) granting an increase of pension to Joel L. Stewart; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 15663) granting a pension to Thomas J. Boord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15664) granting a pension to James Davis, alias Robert J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15665) granting an increase of pension to James H. Fountain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15666) granting an increase of pension to James E. Crim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15667) granting an increase of pension to J. N. Conely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15668) granting an increase of pension to Barnwell Olmstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15669) granting an increase of pension to E. B. Silcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15670) granting an increase of pension to Oliver C. Stringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15671) granting an increase of pension to R. S. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15672) granting an increase of pension to John L. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15673) granting an increase of pension to B. A. McNemar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15674) for the relief of Henry Foust; to the Committee on War Claims.

Also, a bill (H. R. 15675) providing for the relief of the heirs of Nathan Reger; to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 15676) granting a pension to Charles A. Means; to the Committee on Pensions.

Also, a bill (H. R. 15677) granting a pension to Elizabeth Broadhead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15678) granting an increase of pension to Robert McGill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15679) granting an increase of pension to Sarah E. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15680) granting a pension to George D. Wellons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15681) granting an increase of pension to Frederick Kuhlbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15682) granting an increase of pension to Mahlon Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15683) granting an increase of pension to Philip W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15684) granting an increase of pension to Thomas R. Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15685) granting an increase of pension to Robert Blaine; to the Committee on Pensions.

Also, a bill (H. R. 15686) granting an increase of pension to William Arbuckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15687) granting an increase of pension to Henry Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15688) granting an increase of pension to Emeline Everhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15689) granting an increase of pension to Griffin Strady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15690) granting an increase of pension to Joseph H. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15691) granting an increase of pension to Abner S. Kellenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to Jacob F. Pancake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15693) granting an increase of pension to Norval G. Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15694) granting an increase of pension to Robert L. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15695) granting an increase of pension to Leroy M. Manis; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 15696) granting an increase of pension to Stephen N. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15697) granting a pension to Phaon F. Gerhard; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 15698) granting an increase of pension to Samuel P. Hartman; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 15699) granting a pension to J. J. Newton; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 15700) granting an increase of pension to William A. McHaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15701) granting an increase of pension to Jonathan J. Boyer; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15702) granting a pension to Catherine Milan; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 15703) granting an increase of pension to Stephen D. Taber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15704) granting an increase of pension to Daniel Wilson; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 15705) granting an increase of pension to Benjamin Blackburn; to the Committee on Pensions.

Also, a bill (H. R. 15706) granting an increase of pension to Samuel Hawkins; to the Committee on Pensions.

Also, a bill (H. R. 15707) granting an increase of pension to Peter S. Engart; to the Committee on Pensions.

Also, a bill (H. R. 15708) granting an increase of pension to Jennings Smith; to the Committee on Pensions.

Also, a bill (H. R. 15709) granting an increase of pension to Charles Settler; to the Committee on Pensions.

Also, a bill (H. R. 15710) granting an increase of pension to Isaac Van Dorn; to the Committee on Pensions.

Also, a bill (H. R. 15711) granting an increase of pension to Elbert Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15712) granting an increase of pension to Elizabeth La Flesh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15713) granting an increase of pension to Sylvanus J. Haviland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15714) granting an increase of pension to Ephriam V. Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting an increase of pension to James Batchelor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15716) granting an increase of pension to Daniel G. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15717) granting an increase of pension to James K. P. Barrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15718) granting an increase of pension to Marvin R. Brown; to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 15719) granting an increase of pension to Jesse Everts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15720) to validate and extend letters patent No. 793064 to Sarah Goodrich, as executrix of the estate of James E. Goodrich, deceased; to the Committee on Patents.

By Mr. HUGHES of West Virginia: A bill (H. R. 15721) granting an increase of pension to Charles E. Fry; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15722) granting a pension to John B. Buckley; to the Committee on Pensions.

Also, a bill (H. R. 15723) granting a pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to Louis C. Lame; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15725) granting an increase of pension to William T. Prescott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15726) granting an increase of pension to Freeman Burly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15727) granting an increase of pension to Edward H. Dackendorff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15728) granting an increase of pension to Jacob Ripley; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15729) granting an increase of pension to Caroline Barbée; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 15730) granting an increase of pension to Robert Buckner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15731) granting an increase of pension to Reuben S. Manning; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 15732) granting a pension to John Dardis; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 15733) granting an increase of pension to Lewis G. Murray; to the Committee on Pensions.

Also, a bill (H. R. 15734) granting an increase of pension to Edward Kraemer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15735) granting an increase of pension to Henry E. Pettit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15736) granting an increase of pension to Zachariah W. Kidd; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 15737) for the relief of Frederic William Scott; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 15738) granting an increase of pension to Cornelius Shields; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 15739) to correct the military record of John Berger; to the Committee on Military Affairs.

Also, a bill (H. R. 15740) granting an increase of pension to Thomas Edwards; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 15741) to remove the charge of desertion from the record of Octave Moussette; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 15742) granting an increase of pension to Josiah Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15743) granting a pension to Wilson J. Zerby; to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 15744) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse; to the Committee on the Public Lands.

By Mr. MALBY: A bill (H. R. 15745) granting an increase of pension to Robert R. Cook; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 15746) for the relief of George W. Kiger; to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 15747) granting an increase of pension to George E. Kirkpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15748) granting an increase of pension to Thomas Overstreet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15749) granting an increase of pension to William Ramsay; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15750) for the relief of Mary J. Sullivan, formerly Mary J. Hooper; to the Committee on War Claims.

By Mr. PALMER: A bill (H. R. 15751) for the relief of William J. Williams; to the Committee on Military Affairs.

By Mr. PARRAN: A bill (H. R. 15752) for the relief of Mrs. Thomas S. Farral; to the Committee on War Claims.

Also, a bill (H. R. 15753) granting an increase of pension to John T. Stansbury; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 15754) granting an increase of pension to Peter Pifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15755) granting a pension to Ellen J. Lanning; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 15756) for the relief of John Daniel; to the Committee on Claims.

Also, a bill (H. R. 15757) for the relief of William W. Stewart; to the Committee on Claims.

Also, a bill (H. R. 15758) granting a pension to Pierce O'Connell; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 15759) granting an increase of pension to Samuel H. Law; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 15760) granting a pension to Albert Moore; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 15761) granting an increase of pension to Charles Held; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15762) to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 15763) granting a pension to Francis A. Blinston; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15764) to execute the findings of the Court of Claims in the case of Sylvannus Cobble; to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 15765) granting an increase of pension to Evelyn Barnette; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 15766) granting a pension to Mary P. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15767) to correct the military record of John W. Mercer; to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 15768) granting a pension to Nancy Gallagher; to the Committee on Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 15769) granting an increase of pension to Henry Lavine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15770) granting a pension to Albert Pepin; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 15771) granting an increase of pension to Joshua Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15772) granting an increase of pension to William H. Dayton; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 15773) for the relief of Charles E. H. Braley; to the Committee on Military Affairs.

PETITIONS, ETC.

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

By the SPEAKER: Memorial of Local No. 239, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of several citizens of Pennsylvania, urging reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of the German-American Alliance of the State of Connecticut, urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of numerous homesteaders of Tipton, N. Mex., in favor of reducing the time of the homesteader's residence (in making final proof) from five to three years, etc.; to the Committee on the Public Lands.

Also, petition of certain business men of St. Clair and Sullivan, Mo., protesting against a further extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of C. H. Rosebrough and 20 other Spanish War veterans, favoring the enactment of the Pepper militia bill; to the Committee on Military Affairs.

Also, petition of G. W. Saulers and other merchants of Kirkersville, Ohio, in opposition to parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, papers to accompany private pension bill for the relief of Thomas McCullough; to the Committee on Invalid Pensions.

By Mr. AYRES: Memorial of American Group Société des Architectes, in relation to Lincoln national memorial; to the Committee on the Library.

Also, memorial of Collegiate Zionist League, of New York, in relation to Russian passports; to the Committee on Foreign Affairs.

Also, memorial of citizens of Missouri, in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. BOOHER: Memorials of Congregation Shaare Sholom, of St. Joseph, Mo.; Lodge No. 179, Order B'rith Abraham; and Lodge No. 315, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. BOWMAN: Petitions of S. Reese, of Plymouth; White Haven Silk Co., of White Haven; B. F. Conner, Frank G. Dartz, T. B. Harris, F. M. Kirby & Co., J. K. Weitzenkorn, and the Wilkes-Barre Automobile Club, all of Wilkes-Barre, Pa., in favor of Lincoln memorial road; to the Committee on Appropriations.

By Mr. BURLESON: Resolutions, petitions, etc., of the Alliance Retail Grocers' Association, Alliance, Ohio; Retail Grocers' Association, Salem, Ohio; the Denver Retail Grocers' Association, Denver, Colo.; Cincinnati Retail Grocers' Association, Cincinnati, Ohio; Retail Merchants' Association of Durant, Okla.; Hayward Retail Dealers' Association, Hayward, Wis.; Retail Grocers' Association, Cleveland, Ohio; Columbus Retail Grocers' Association, Columbus, Ohio; Hamilton Retail Grocers' Association, Hamilton, Ohio; Retail Merchants' Protective Association, Lebanon, Pa.; Retail Merchants' Protective Association, Scranton, Pa.; Retail Grocers' Association, St. Paul, Minn.; the Chicago Grocers and Butchers' Association, Chicago, Ill.; Watertown Retail Grocers' Association, Watertown, Wis.; Glass Bottle Blowers' Association, Branch No. 52, 273 Ainslie Street, Brooklyn, N. Y.; Fortnightly Club, New Brighton, Pa.; Switchmen's Union, Lodge No. 79, Chicago, Ill.; Switchmen's Union, Lodge No. 15, Covington, Ky.; Branch No. 47, G. B. B. A. of United States and Canada, Sheffield, Pa.; Brotherhood of Locomotive Firemen and Enginemen, Lodge No. 483, Crookston, Minn.; Switchmen's Union, Lodge No. 24, Mandan, N. Dak.; Fort Worth Cotton Oil Co., Fort Worth, Tex.; Beacon Light Club, Goshen, Ind.; Switchmen's Union, Lodge No. 217, R. Y. Estes, secretary, 410 Choctaw Avenue, Chickasha, Okla.; Switchmen's Union, Lodge No. 58, W. J. Sweeney, secretary, 1141 Richmond Street, Chicago, Ill.; Switchmen's Union, Lodge No. 57, W. W. Zimmerman, Sandusky, Ohio; Amalgamated Association of Clothing Cutters and Trimmers of New York, E. Kaufman, business agent, 41-43 University Place, New York, N. Y.; International Association of Machinists, Beardstown Lodge, No. 498, George Preston, general secretary, McGill Building, Washington, D. C.; Locomotive Firemen and Enginemen, Pikes Peak Lodge, No. 218, L. L. Crawford, secretary, 9 South Sixteenth Street, Colorado Springs, Colo.; York Local, No. 5, National Print Cutters' Association, Fred H. Vorhees, secretary, 23 Dewey Street, West York, Pa.; and Switchmen's Union, Lodge No. 5, Harry J. Haverly, 1527 South Sixteenth Street, Omaha, Nebr., urging Congress to pass the bill to repeal the 10-cent tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, resolutions, petitions, letters, etc., of Consumers' League of Western Pennsylvania, Pittsburgh, Pa.; Local Union No. 848, Painters, Decorators, and Paperhangers of America, New York, N. Y.; Current Topics Club, Lancaster, Mass.; Hull House Woman's Club, 1430 Astor Place, Chicago, Ill.; Coventry Woman's Club, Washington, R. I.; Lake Seamen's Union, Milwaukee, Wis.; Every Saturday Club, 725 Piedmont Avenue, Atlanta, Ga.; William Shakespeare Club, Marinette, Wis.; the Woman's Club, Butler, Pa.; Waterbury Central Labor Union, Waterbury, Conn.; Local No. 166, United Brewery Workmen, Providence, R. I.; the Woman's Educational and Industrial Union, Rochester, N. Y.; Glass Bottle Blowers' Association of United States and Canada, Brooklyn, N. Y.; and Beacon Light Club, Goshen, Ind., urging Congress to investigate the diseases communicated to human beings through the contamination of dairy products, etc.; to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting a pension to Rosette M. J. Fischer; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3300, granting a pension to Oscar Arnold; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill to increase the pension of Richard Le Graff; to the Committee on Invalid Pensions.

By Mr. CALDER: Memorial of Collegiate Zionist League, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Massachusetts Association of Union Volunteer Officers of Civil War, in favor of officers' retired-list bill; to the Committee on Invalid Pensions.

By Mr. CLINE: Papers to accompany House bill 11488, granting a pension to Wilson Decker; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Leon C. Gray; to the Committee on Pensions.

Also, resolution of Journeymen Barbers' Union, No. 14, of Fort Wayne, Ind., favoring Federal inspection of dairy products; to the Committee on Agriculture.

By Mr. COLLIER: Resolutions of the people of Mississippi, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. COX of Ohio: Resolution of Carpenters' Local Union, No. 637, of Hamilton, Ohio, favoring the repeal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. CURLEY: Memorial of Warren Lodge, No. 378, Independent Order B'rith Abraham, and of Lodge No. 34, Independent Order United Hebrews, of Boston, Mass., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. DANFORTH: Memorials of Lodge No. 781, Order B'rith Abraham, and of Unity Camp, No. 12790, Modern Woodmen of America, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of Keystone Manufacturing Co., of Buffalo, and the Rochester Stamping Co., of Rochester, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of certain citizens of Clinton, Mo., against the passage of the bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DRAPER: Petitions of citizens of Berlin, N. Y., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of Herbert L. Tucker and other citizens of Norwich, N. Y., praying for the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany House bill 15006; to the Committee on Invalid Pensions.

By Mr. FOWLER: Papers to accompany bills for the relief of Jonathan J. Boyer and William A. McHaney; to the Committee on Invalid Pensions.

By Mr. FORNES: Papers to accompany a bill for the relief of J. J. Newton; to the Committee on Invalid Pensions.

Also, memorial of Jewish Young Men's League, of New York City, urging abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Groupe Americain Société des Architectes, in approval of site selected for Lincoln memorial; to the Committee on the Library.

By Mr. FULLER: Petition of National Federation of Retail Merchants and of the Trans-Mississippi Congress in opposition to proposed establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Stephens-Adamson Manufacturing Co., of Aurora, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Josiah Hardy, of Waterman, Ill., opposed to passage of Senate bill 18, for the incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

Also, petition of Julia C. Lathrop, Hull House, Chicago, Ill., favoring the passage of the Esch phosphorus bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. James G. Butler, of Oswego, Ill., favoring the adoption of the Sulzer resolution to abrogate the treaty of 1832 with Russia; to the Committee on Foreign Affairs.

Also, petition of Amos D. Curran, of Bristol, Ill., in favor of the passage of the Sulloway bill; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Papers to accompany House bill 8916; to the Committee on Pensions.

By Mr. GREGG of Pennsylvania: Petitions of numerous citizens of Pennsylvania, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HAMILI: Memorial of Temple Emanuel and Hebrew Institute of Union, of town of Union, N. J., and of Linath Hazedek, praying for the abrogation of the Russia treaty; to the Committee on Foreign Affairs.

By Mr. HOUSTON: Petition of citizens of Manchester, Tenn., protesting against a further extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of sundry citizens of Ridgefield Park, N. J., in favor of arbitration treaties between the United States and Great Britain and France; to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Memorial of Seventh-day Adventist Church of Whatcom, Wash., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of Fifth Regiment of Infantry, of Hayward, Cal., in favor of militia pay bill; to the Committee on Military Affairs.

Also, petitions of Board of Trade and McLaren, Goode & Co., of San Francisco, Cal., for amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. KONOP: Letters and petitions of citizens of Wisconsin, in favor of the Lincoln memorial road; to the Committee on Appropriations.

Also, letters and petitions of citizens of Wisconsin, asking reduction in postage on first-class mail matter from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petition of James Sorensen and others, of Gillett, Wis., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Appleton Retail Grocers' Association and other citizens of Appleton, Wis., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LAMB: Petition of W. E. Woodcock, jr., of Dumbarton, Va., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Brotherly Aid Association of Brooklyn, N. Y., favoring abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. McCOY: Memorial of Lodge No. 233, Independent Order B'rith Sholom, favoring the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. McKELLAR: Papers to accompany House bill 15447; to the Committee on War Claims.

By Mr. McKINNEY: Memorial of Aledo (Ill.) Seventh-day Adventist Church, in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Roumanian Workingmen's Benefit Association and of Lodge No. 193, Independent Western Star Order, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. MOTT: Petition of Société des Architectes Diplômes par le Gouvernement Français, regarding the Lincoln memorial; to the Committee on the Library.

Also, petition of the New York State Prohibition Party executive committee, in favor of an interstate liquor law; to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Resolutions of the Wichita Retail Grocers' Association, for a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Seventh-day Adventist Church of Wellington, Kans., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: Papers in support of House bills 14424 and 14428; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: Memorial of the Clearfield (Pa.) Seventh-day Adventist Church, protecting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of James W. McLean, in relation to the post office at Seattle, Wash., and urging an investigation of the conduct of the postmaster thereof; to the Committee on the Post Office and Post Roads.

Also, memorial of Automobile Club of Southern California, urging the building of good roads into the Yosemite National Park in California, and to permit automobiles to enter the Yosemite National Park; to the Committee on Agriculture.

Also, memorial of Mr. Atkinson, in relation to the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, memorial of the Anti-Imperialist League of Boston, urging the early passage of a resolution granting the Filipinos independence; to the Committee on Insular Affairs.

Also, memorial of the National League of Medical Freedom, urging the President to modify his order relating to the health board of the Canal Zone; to the Committee on Insular Affairs.

By Mr. REDFIELD: Petition of Temple Emanuel, of Brooklyn, N. Y., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Groupe Américain Société des Architectes, in approval of proposed site for Lincoln memorial; to the Committee on the Library.

By Mr. ROBERTS of Nevada: Memorial of Eastern Nevada Wool Growers' Association, protesting against any reduction in the tariff on wool; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Resolution of the Valverde Presbyterian Church, of Denver, Colo., relative to the shipment of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: Memorial of Seventh-day Adventist Church, of Lockport, N. Y., opposing House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Papers to accompany bill granting pension to Francis A. Blinston; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Keystone Manufacturing Co., of Buffalo, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of National Academy of Design, of New York, relative to Lincoln memorial; to the Committee on the Library.

Also, memorials of Lodge No. 143, Independent Order Free Sons of Judah, and the Cantors' Association of America, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of numerous business associations of Kansas City, St. Joseph, and St. Louis, Mo., relative to regulation of interstate commerce in prison-made goods; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Central Turn Verein, of Chicago, Ill., and the Deutscher Kriegerbund von Nord Amerika, urging investigation of administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Andrew Bracken, of New Haven, Conn., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TUTTLE: Petitions of numerous citizens of Butler, Dover, Phillipsburg, Washington, Blairstown, and Summit, N. J., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of numerous citizens of Owego and Watkins, N. Y., and of John James and others, of Cameron Mills, N. Y., in favor of the reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Keystone Manufacturing Co., of Buffalo, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolutions of Groupe Américain Société des Architectes Diplômes par le Gouvernement Français, recommending placing of Lincoln memorial on the Potomac Park site at the western end of the Mall, in the city of Washington; to the Committee on the Library.

By Mr. WILSON of New York: Memorial of Groupe Américain Société des Architectes, of New York City, favoring the proposed site for the Lincoln memorial at Washington; to the Committee on the Library.

SENATE.

THURSDAY, December 14, 1911.

The Senate met at 2 o'clock p. m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

NOBEL PEACE PRIZE (S. DOC. NO. 156).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting certain information relative to the distribution of the Nobel peace prize for the year 1912 and inclosing a circular issued by the Nobel committee of the Norwegian Parliament on the subject, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.